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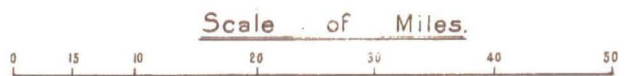
AN
ADMINISTRATIVE AND POLITICAL
HISTORY
OF THE
MASAI RESERVE.

LONDON:
PRINTED BY WATERLOW & SONS LIMITED, LONDON WALL.



THE MASAI RESERVE

Scale, 1:1,000,000.
or 16 Miles = 1.014 Inches.



GERMAN EAST AFRICA

KILIMANJARO

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With the exception of Chapter II., the matter contained in this Administrative and Political Record of the Masai has been drawn from official papers. Chapter II. has been compiled from early reports and various published books, and assistance in enlarging and in checking detail for this chapter has been obtained from Mr. Ainsworth, who has personal knowledge of the early history of administrative contact with the tribe.

The maps which have been distributed where necessary throughout the text have occasioned considerable difficulty, as a large part of the Masai Reserve is unsurveyed. The more general maps must be regarded only as illustrative, and it is probable that much of the detail is inaccurate. The boundary of the Masai Reserve still awaits demarcation, and the line purporting to show its position is therefore tentative.

A mass of inconsistency in the spelling of tribal and geographical names permeates the official records, and the spelling adopted here, selected as that most constantly employed, makes no pretension to phonological or linguistic accuracy.

G. R. SANDFORD.

NAIROBI,

October 29th, 1918.

PREFATORY NOTE.

THE administration of the Masai tribe has always been one of the most interesting native problems of the East Africa Protectorate. The Masai occupy a reserve nine million acres in extent, which is at present fully stocked up; if water facilities were improved, not only could the number of cattle be very materially increased, but the reserve could also hold cattle of a better quality bred from imported stock. The potential value of the Masai Reserve as a home for cattle is enormous.

The lessons of the past may help us to solve the problems of the future. With this end in view, Sir Charles Bowering, when administering the Protectorate, instructed Mr. G. R. Sandford to prepare a short History of the administration of the tribe up to date.

The result of Mr. Sandford's researches is the very valuable compilation to which I am glad to be able to attach this foreword. The particulars have been drawn from official records, and the historical portion of the work may be accepted as an authentic summary of past events. Conditions as they existed in October, 1918, together with the steps that were being taken to deal with them, are accurately portrayed, while illustrative maps, compiled by Mr. Sandford himself, are distributed where necessary throughout the text.

The volume forms a valuable addition to the records of the Protectorate.

EDWARD NORTHEY.

GOVERNMENT HOUSE, MOMBASA,

August 31st, 1919.

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AN ADMINISTRATIVE AND POLITICAL HISTORY OF THE MASAI RESERVE.

CHAPTER I.

THE CHARACTERISTICS AND TRIBAL ORGANIZATION OF THE MASAI.

Peculiar policy necessary in dealing with the Masai—Why this peculiar policy is necessary—The tribal formation of the Masai—Social system of the pastoral section—"L-Ayok"—"Muran"—The effect of the military organization—The medicine-men—The Laibon—The Masai as a stockman—Employment of the Muran—Masai conservatism respecting cattle—Councils of Elders—Crime in the Masai Reserve—Divisions—Masai Council—The Tribal Divisions—Purko—Loita—L'Otayok—Salei—Siria—Il Damat—Kakonyukye—L'Odo Kilani—Nguruman—Matapatu—Sighirari of the Engidongi—Il Dala Lekutuk—Kapatuei—Sighirari of Laitokitok—Wandorobo—Il-Kunono—Recapitulation.

WITH a view to the better understanding of the steps which have already been taken and of the policy which has in the past been pursued in dealing with the Masai situated within the limits of the East Africa Protectorate, it appears desirable, in the first instance, to recapitulate concisely the facts which have at various times been recorded on the subject of their tribal characteristics and peculiar organization, attributes which have rendered it impracticable to carry out in their case the policies which have been adopted in dealing with the majority of other tribes in the Protectorate. These policies, established and maintained for the most part by the senior administrative officers in each Province, have undoubtedly not been uniform, but they have to a large extent achieved the result which is noticed in the majority of the native administered areas to-day, of developing the native inhabitants of the Province into useful agricultural labourers fit for residential work on European farms and available for duty on works of public utility, and they have also, by maintaining the system of self-government recognised by each tribe, produced within the reserves, a type of native so well under control that the demands of the military authorities, large though they were, for natives to serve as porters in German East Africa were met from these Provinces without disturbance of any kind, in spite of the fact that compulsion had to be resorted to and that the work was unpopular, and, furthermore, they have so developed the system of native administration that the majority of the porters so recruited were obtained by the native authorities themselves without the aid or intervention of the European administrative officers. The Masai were among the first tribes which came into contact with the administration but their conservatism has been so great, and their subservience to antiquated tribal custom and tradition has been so powerful that it has proved impossible as yet materially to alter and renovate their ideas.

Peculiar policy necessary in dealing with the Masai.

The Masai are a Nilotic people, closely allied to the Nandi and Lumbwa and to the Suk and Turkana. In common with those other four tribes, they possess a form of military organization which obliges all the male population between the ages of about seventeen and thirty to submit to a special discipline and to constitute a warrior class. It is, however, impracticable for the purpose of policy to compare the Masai with either the Suk or the Turkana, which tribes have only recently come into touch with the Administration, and a comparison with the Nandi and Lumbwa, Buret and Sotik, discloses a position markedly unfavourable to the Masai. Though none of these former tribes has definitely

Why this peculiar policy is necessary.

discarded their old formations, adversities of various descriptions have introduced the necessity of undertaking manual labour in portions of each reserve and a succession of punitive expeditions or displays of force, the last of which occurred some ten years ago, has brought home to them a conception of the power of the Government, a realization which has tended towards a more progressive attitude owing to the diminution which it caused in their minds of the influence held by their medicine-men. No punitive expedition has ever been undertaken against the Masai, an omission which was very largely due to the authority and sagacity of Lenana, the chief medicine-man at the time when the European Government was first encountered, who survived long enough to keep his people in check until such a degree of administration had been effected as to render the despatch of a punitive expedition a measure that would only be resorted to in the last extremity. Further, the Masai now thoroughly realize how vulnerable they are if ever they come into armed conflict with the Government. Their enormous, immobile herds would immediately be lost and a sufficient degree of punishment could quickly be attained. For this reason, it is extremely improbable that they will, of their own initiative, so far forget what they consider to be their best interests as to cause a serious disturbance. The escape from punitive expeditions, however, has undoubtedly been a factor in the perpetuation in their original form of the Masai ideas and traditions.

The tribal formation of the Masai.

As will be seen in Chapter II., the Masai tribe originally consisted of both pastoral and agricultural sections, of which the latter was almost annihilated by the former and survives at present only in one or two scattered localities, mainly in areas reserved for other tribes. A small section of these agriculturalists, the Nguruman, is to be found at the north end of Lake Natron, but that is the only trace of them in the present Masai Reserve, and these people now show a tendency to assume the habits and customs of the pastoralists. The problem presented in the administration of the Masai is therefore almost exclusively concerned with the pastoral section. According to the social system of this section, the male sex is divided into boys, warriors and elders. The first stage continues until circumcision, which may be performed approximately between the ages of thirteen and seventeen. These boys are called "L-Ayok." After circumcision, they become warriors, or "Muran," those who have been circumcised at about the same time being said to belong to the same age. The "Muran" remain on the fighting strength of the tribe for periods varying from seven to fourteen years, during which period they constitute a standing army. They are divided into Companies, or "Sirits," which live in separate villages, or "Manyattas," some of these containing as many as six or seven hundred fighting men. With few exceptions, the "Muran" of the present day perform no work of any kind. In days gone by, they were expected to carry out raids and preserve the armed prestige of the tribe, but the introduction of the "Pax Britannica" has deprived them of such employment, and they, having found no alternative occupation, are content to remain in idleness and to live in the state of free love with immature girls which tradition prescribed as the duty of the warrior in the days of tribal warfare.

Social system of the pastoral section.
"L-Ayok."
"Muran."

The effect of the military organization.

This military organization of the Masai made them, in the past, a most effective body for destructive military operations, and explains not only the predominant position which they acquired in East Africa, but also the respect which they inspired and the extent to which their customs were imitated by other tribes. On the other hand, it probably also is the reason why they never founded any state or polity analogous to the Kingdoms of Uganda and Unyoro. The centre of political gravity was not with the elders or chiefs, but with a republic of young men, governed by ideas of military comradeship and desirous only of military glory. Retirement from this band of warriors as a chief was honourable, but seems to have been regarded as a removal to an inferior sphere of activity. The chiefs arranged the details of the raids which the warriors wished to undertake, but their power of compelling them to do anything which they did not wish was very slight.*

* Sir Charles Eliot, November, 1904, Introduction to "The Masai: Language and Folklore," by A. C. Hollis.

An important factor in the tribal system of the Masai is the presence of medicine-men whose duties are in general connected with the divination of future events, with the administration of drugs, and with the practice of witchcraft. There appear to be three grades of medicine-men, whose spheres of influence are divided into these three categories, but, for practical purposes, it is only necessary to consider the position of the first grade, represented by the person of the Laibon, or "Ol-oiboni," who is the Chief Medicine-Man of the tribe. The history of the Laibons is recorded in Mr. Hollis' book on the Masai, pp. 324-330, and it is unnecessary to enter into it here, but it may be mentioned that Mbatian, who died about 1890, and Lenana, his son and successor, acquired such great influence over all sections of the Masai that the position of Laibon came to be regarded by certain of the European officers who had not carefully investigated the facts of the case, as synonymous with that of a paramount chief. It does not appear, however, that the Laibons have ever attempted to assume a position resembling that of kings of native tribes, and the appointment by Government of Lenana, and, at his death, of his son Seggi, to the office of Paramount Chief of the Masai was, in fact, the result of a misunderstanding of the normal state of affairs which steps have now been taken to rectify.

The prowess displayed by the pastoral Masai "Muran" in raids on surrounding tribes combined with their ceaseless activity in following this pursuit made their name dreaded throughout East Africa and hindered for many years the passage of caravans by the direct route from Uganda to the Coast. When eventually Europeans penetrated the highlands of British East Africa, they found the Masai with their flocks and herds scattered over a wide area. The story of how they were eventually concentrated in one reserve is told in Chapter III., but it is necessary to draw attention here to the effect which this concentration, combined with the introduction of veterinary skill and the cessation of raiding by and against them, had on the Masai. In 1904, before any administrative limit had been placed on the movements of the tribe, it was estimated that the Masai possessed 50,000 head of cattle. In 1911, 80,000 head were said to be in the Northern Reserve alone, and this estimate was subsequently increased to 200,000 when the mobs which were attempting to move south had been more thoroughly examined. 50,000 head of cattle moved south in 1911, but in the final move from Laikipia in 1912 and 1913, nearly 200,000 head were counted. By March 1914, all the Masai herds being located in one reserve, the total estimate for the tribe had leaped up to 600,000 and the number of cattle in the possession of the Masai is now supposed to be in the neighbourhood of three-quarters of a million. These latter figures are the estimates of Mr. R. W. Hemsted, who has been the Officer-in-Charge of the Masai Reserve for more than five years, and, in spite of the objection taken by the Masai on superstitious grounds to the counting of their stock, they must be taken to be substantially accurate. It is scarcely reasonable to suppose that the earlier figures, particularly the first two mentioned, are in any way so exact, but, after allowances have been made for this, it is obvious that an enormous increase in stock has taken place. In addition to this cattle, the Masai are said to possess something over two million sheep and ten thousand donkeys. The stock-carrying capacity of the 14,600 square miles included within the borders of the Masai Reserve, is limited to a certain extent by the aversion shown by the natives to grazing cattle in areas which from past experience they believe to be infected by disease, and, in parts of the Reserve, land which appears to be admirably suited for stock remains untenanted on that account, no attempt having been made to utilize veterinary skill and treatment in rendering their cattle immune from the disease. With the exception of these areas, the Reserve may fairly be said to be stocked to its fullest capacity, and the Masai, who number all told about 43,000 souls, possess capital to an average amount of rather more than £110 per head. They are thus, in all probability, the richest uncivilised tribe in the world. It is not surprising, therefore, considering their conception of manual labour as degrading, the limitations of their personal requirements and their immense wealth in livestock, to find that they are unwilling to work for wages as do the members of other tribes. Their national diet is meat and milk, both of which they have in plenty, and they can procure any other food or commodity they desire by sale or barter of stock.

Employment
of the
"Muran."

More particularly does this argument apply to the "Muran" who are of the ages at which the members of agricultural tribes are expected to work. No suitable employment has as yet been found for them as a body, though a small number have been known to reside as herds on the farms of sympathetic European stock-owners who are willing to pay a high wage for a modicum of service and who will not insist on their performance of any uncongenial labour. A very few also have proved efficient in the Police Force and K.A.R., while numbers of them, employed in the capacity of native levies have frequently proved of assistance in punitive expeditions against other tribes,* but for the majority, all attempts to find a suitable form of employment have failed, and they continue to lead their idle life in the Reserve, where their attitude is one of conceited conservatism combined with opulent apathy. The discipline formerly necessary to their existence as a fighting race is rapidly falling into disuse, and the good qualities they once possessed are fast deteriorating. Many of them have confessed to a feeling of boredom with their idle life but few have had the moral courage to change it for one of labour. This manner of existence is having a disastrous effect both physically and mentally on the Masai as a tribe, and it is stated that the average height of the "Muran" has decreased by three or four inches during the last fifteen years.

Masai
conservatism
respecting
cattle.

It has been said that the Masai Reserve is already, with certain reservations, stocked to its fullest capacity. Mr. Hemsted has estimated the natural increase in cattle at 15 per cent. or approximately 100,000 per head per annum. It follows therefore, that a similar number must be disposed of or perish annually; but this is an argument which does not appeal to the Masai. They have not only shown a marked reluctance to sell their stock, but they have made no serious attempt to accept the assistance of science in improving the grazing conditions of their country, and, being satisfied as a result of the few experiments they have made that the class of stock they possess—a small, degenerate, in-bred animal—is best suited to withstand the arduous conditions prevailing in the Reserve, they are unwilling to permit a cross-breeding with pure-bred or grade stock which might materially increase the value of their herds in the world's markets, and which would, by the introduction of fresh blood, obviate the ill-effects of in-breeding which has been rendered necessary by the cessation of raids. The wealth of the Masai, therefore, is turned to no good purpose; their style of living does not change; they are still content to live in low buildings constructed of poles, grass and mud, in conditions of filth that defy description; and, although an improvement has been noticeable in recent years, they have shown no great desire to utilize their wealth in the purchase of imported articles and in the improvement of their diet.

Councils of
Elders.

Another aspect of the character of the Masai "Muran" which deserves consideration is the disregard which they evince for the authority of their own native administration as represented by the Councils of Elders. These Councils exist according to native custom, but have never been in the past, nor are they now, efficient to enforce the decisions they may give in respect of the young warriors. It may be said that serious crime in the Masai Reserve is rare, and that there are not more than three or four cases on record, since European administration was established, when the attitude of the "Muran" gave cause for anxiety and in no one of these cases did a disturbance of such magnitude occur as to render necessary a recourse to armed force to quell it. Politically, the Masai have remained loyal to the British Government since they first encountered it, and except for isolated instances where certain sections attempted to help the allied cause and to increase their herds by the despatch of raiding expeditions against German territory, their conduct throughout the trying period when the war in East Africa was on their borders was exemplary. Nevertheless, a catalogue of the misdeeds of the Masai will show a not inconsiderable number of instances

Crime in the
Masai
Reserve.

* The Masai have rendered assistance in the capacity of native levies on the following occasions:—

- | | |
|--|---|
| (1) Nandi Expedition, 1899. 40 Muran. | (6) Kabwaren Patrol, 1904. 100 Masai and Nandi. |
| (2) Nandi Expedition, 1900. 400 Muran. | (7) Sotik Expedition, 1905. 400 Muran. |
| (3) Maruka Patrol, 1902. 300 Muran. | (8) Kisi Patrol, 1905. |
| (4) Teta Operations, 1902-03. 300 Muran. | (9) Nandi Expedition, 1905-06. 600 Muran. |
| (5) Iriani Patrol. 490 Muran. | (10) Present Turkana operations. |

Reports on the work of these levies have on the whole been highly satisfactory, except in the present Turkana operations where it is doubtful if the pastoral Masai have been used, and in the Kabwaren patrol, where it was found that the Masai spearmen were of little use against the Nandi in forest country.

where unarmed natives of the neighbouring tribes, whose duty or pleasure took them into the Masai Reserve, have been wantonly murdered, and the catalogue also includes numerous instances of thefts of stock from neighbouring farms and territories. An investigation of the record of each of these cases will show that in a small number only of incidents has the perpetrator of the crime been brought to book. The probability that the commission of a stock-theft or a murder can be performed by a Masai of the "Muran" class without the knowledge of his associates is so slight that it has been found necessary to accept the principle that the responsibility for the surrender of criminals traced to any particular area rests on all the members of the section inhabiting that area. This system is in vogue throughout all the native districts of the Protectorate and is generally employed with a fair measure of success, but a similar success does not attend its application to the Masai Reserve, and this reserve is, in fact, the area to which the great majority of impositions of fines under the Collective Punishments Ordinance, 1909, have been applied, the refusal of the Masai to assist in tracing the criminal rendering it necessary to utilize the provisions of the Ordinance to effect the punishment of the whole section involved. The blooding of a spear by the murder of an unprotected wanderer or the theft of stock guarded perhaps by children is a survival of the traditions which necessitated the "Muran" to prove their manhood during the period in the standing army or the "L-Ayok" to prove their worth before circumcision. Such acts may not be regarded at the present day as valiant, but it seems that the criminal's associates have not yet come to look on them as reprehensible, and the Masai, on account of their wealth, do not possess the same dread of a collective fine as is felt by certain of the poorer tribes. Under any circumstances, the "Muran" offer no assistance in the tracking down of the criminal and the elders, though professing detective zeal, are powerless to intervene. The attitude of the section involved in such cases is one of surprise and listlessness—they never know anything—and the collective fine which may ensue has not hitherto had the result of discouraging the adoption of such an attitude.

It will generally be found that fines of this nature have been levied on Companies ^{Divisions.} or "Sirits" of different clans, and, sometimes, on all the members of a clan or division. There is no case on record in which a collective punishment has been imposed on the Masai tribe as a whole. It is therefore necessary to refer shortly to the divisions into which the Masai, who are all of one tribe, are divided by their traditions and customs, and to note also the divisions into which they are divided in practice for the purposes of the administration of the reserve. A description of the traditional divisions of the Masai people is given in Mr. Hollis' Book on the Masai, pp. 260 and 261, but the names which are now in use to denote the divisions of the tribe within the reserve do not exclusively follow either the genealogical or the geographical divisions which are there set out. The Officer-in-Charge of the Masai reserve is endeavouring to confine the members of each division to certain areas set apart for them as locations, and this step will have the effect of reconciling the name given to a division with the locality in which it is found, thus tending to perpetuate a convenient form of nomenclature.

Whatever may have been the original system on which these divisions were formed, it appears that there is a really marked clan feeling between them, and several incidents are recorded which disclose the presence of mutual distrust and strained relationship between the divisions, while interference by one division with another is keenly resented. These divisions form the basis of the tribal organisation of the Masai as it exists to-day and each division has its own Council of Elders. In the recently constituted "Masai Council," one elder, or more, ^{Masai Council.} has been chosen to represent each division and the Council so formed has been accepted as representative of the whole tribe. It will thus be seen that the division system presents an admirable method of dealing with the tribe, closely allied to the location system employed in other Native Reserves in the Protectorate, and has enabled unrest or crime to be so localized as to limit the liability for offences committed to certain definite sections of the Masai. Nevertheless, there is not sufficient difference in the behaviour or customs of the members of each

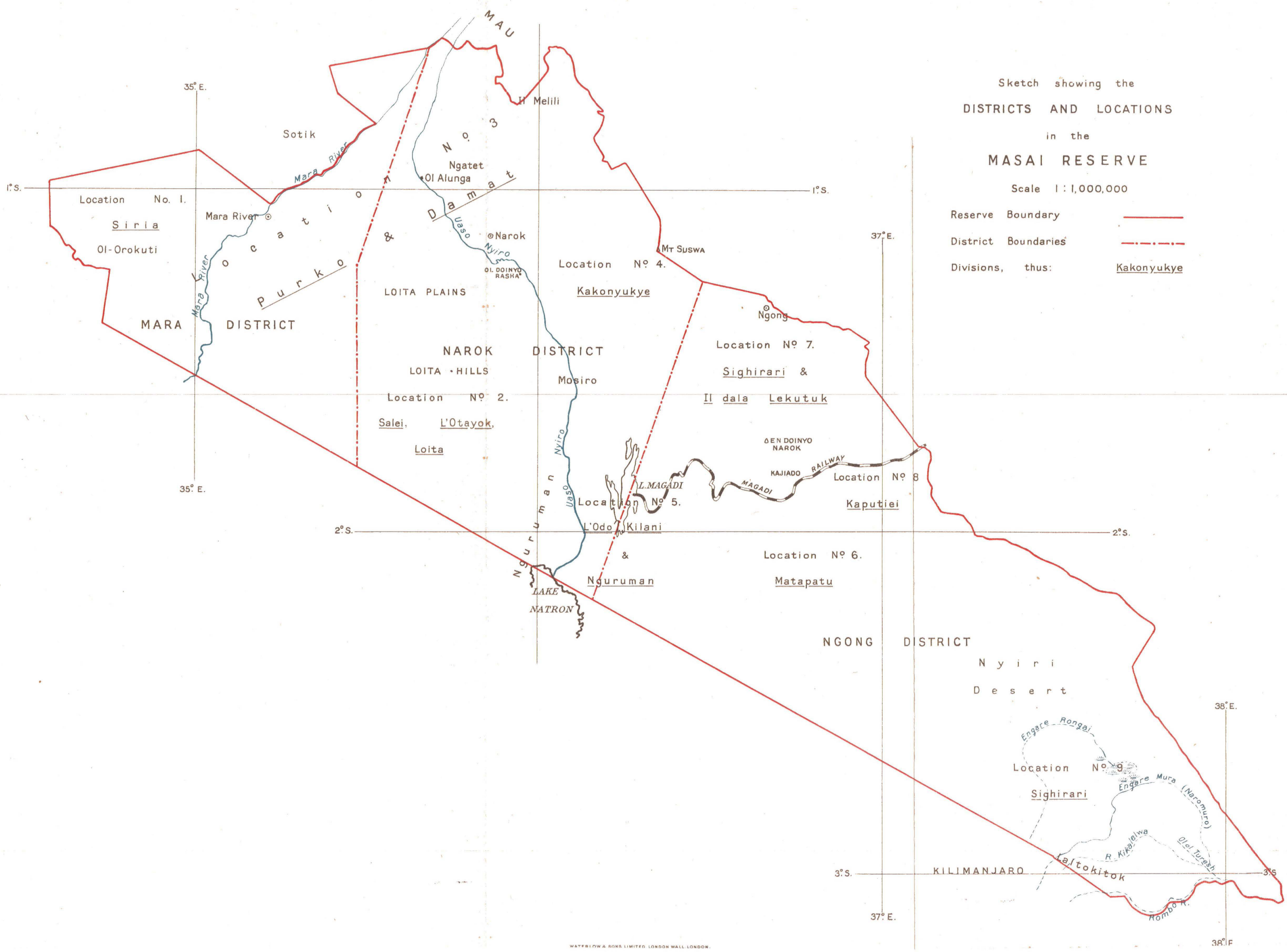
division to necessitate or render advisable a departure on their behalf from the general policy to be pursued in dealing with the tribe as a whole.

- The Tribal Divisions of the Masai as they are recognised for the purposes of the administration of the tribe are as follows :—
- Purko.** The Purko is the largest and most important division. They number about 16,500 and of these some 10,000 came from Laikipia. There are rather more than 2,000 Muran, who inhabit five large villages. The names of the "Sirits" are Il Kisaruni, Il Merisho, L'Aimer, Il Mejuali and Il Pelyani. In 1916, the Kisaruni Purko Muran decided to divide, and while one part retained the name of Kisaruni, the other adopted the name of "Il Kidemmi." In 1917, the Purko were estimated to possess 375,000 head of cattle, 1,000,000 sheep and 5,200 donkeys. They live in the country known as Ngatet and in Ol-Orokuti.
- Loita.** The population of the Loita Division is about 5,000 of whom some 700 are Muran. This division formerly lived near Ngong but when Sendeu, their medicine-man quarrelled with Lenana, they moved into German territory returning subsequently to the Loita Hills where they now are. The Muran "Sirits" are known as Il Paragwo and Il Kisaruni. The Loita are estimated to possess 80,000 head of cattle, 225,000 sheep and 750 donkeys.
- L'Otayok.** A small division known as the L'Otayak inhabits the same region as the Loita. They number about 800 of whom 60 are Muran. They are said to possess 1,000 head of cattle, 18,000 sheep and 100 donkeys. A small number of L'Otayok also live in German East Africa.
- Salei.** The members of the Salei Division generally inhabit the Loita Country and they recognize Sendeu as their Laibon. Their population is assessed at 600 of whom about 50 are Muran. They possess 6,000 head of cattle, 15,000 sheep and 100 donkeys. A small portion of the Salei have amalgamated with the L'Odo Kilani.
- Siria.** The Siria Division also recognizes Sendeu as Laibon. They inhabit the Ol-Orokuti country, number about 1,200 of whom 80 are Muran, and possess 12,000 head of cattle, 25,000 sheep and 50 donkeys.
- Il Damat.** The Il Damat form one location with Purko by whom they were vanquished some years ago. They are to be found on the Loita Plains and number 900 in all of whom 65 are Muran. They are estimated to possess 8,000 head of cattle, 20,000 sheep and 100 donkeys (see p. 37).
- Kakonyukye.** The members of the Kakonyukye Division number 3,500, of whom 350 are Muran, and possess 50,000 head of cattle, 200,000 sheep and 2,000 donkeys. They inhabit the country known as Il Melili and Mosiro, and the neighbourhood of Mount Suswa. The "Sirits" of the Muran are named Il Mejuali, Il Paragwo and Il Kidemmi.
- L'Odo Kilani.** The L'Odo Kilani Division inhabits the country near the German border south of Lake Magadi. The population numbers 1,200 of whom 80 are Muran, and they possess 10,000 head of cattle, 30,000 sheep and 150 donkeys. The Muran are divided into two "Sirits" both known as Il Kidemmi.
- Nguruman.** The Nguruman form a survival of the old agricultural Masai, but they have discontinued agriculture and now live in the same manner as the pastoralists. They inhabit the country near the mouth of the Uaso Nyiro River. They number 400, of whom 40 are Muran, and possess 1,000 head of cattle, 10,000 sheep and 50 donkeys.
- Matapatu.** The Matapatu number 2,400, possess 40,000 head of cattle, 175,000 sheep and 500 donkeys. Their Muran number 160 and are divided into three "Sirits" named Il Kiluso, Il Tetiain and Seure, and they inhabit the country between Kajiado and the German border.

Sketch showing the
 DISTRICTS AND LOCATIONS
 in the
 MASAI RESERVE

Scale 1 : 1,000,000

- Reserve Boundary ———
- District Boundaries - - - - -
- Divisions, thus: Kakonyukye



The Sighirari of the Engidongi inhabit the country in the neighbourhood of the Ngong Hills and En Doinyo Narok. To this division belong the medicine-men of the L'Aiser Gilata of whom Seggi is now the chief. The Division is estimated to possess a population of 1,900 of whom 120 are Muran, 28,000 head of cattle, 80,000 sheep and 300 donkeys. Sighirari of the Engidongi.

The Il Dala Lekutuk came from Laikipia in 1912 and are sometimes known as the Nyeri Masai. They have a considerable admixture of Kikuyu blood in them. They inhabit generally the neighbourhood of En Doinyo Narok and their population is estimated at 700, including some 75 Muran. They are said to possess 6,000 head of cattle, 20,000 sheep and 75 donkeys. Their Muran are divided into two "Sirits" named Il Tareto and Seure. Il Dala Lekutuk.

The Kaputiei are to be found in the neighbourhood of the Nyiri Desert. Their population is estimated at 2,600 including 175 Muran, and their possessions at 30,000 head of cattle, 100,000 sheep and 400 donkeys. Their Muran are divided into four "Sirits" whose names are Il Mokesen, Il Mejuali, Il Kidemmi and Il Sogon. Kaputiei.

The Sighirari of Laitokitok inhabit the country to the north of Kilimanjaro, which country is watered by the Engaré Rongai, Kikalelwa, Naromuro, Ol ol Turesh and Rombo streams. The population of this division is estimated to number about 2,800 of whom 180 are Muran. These are divided into two "Sirits," named Il Kituli and Il Mejuali. The live-stock possessions are said to number 60,000 head of cattle, 175,000 sheep and 500 donkeys. Sighirari of Laitokitok.

In addition to the Masai, there are considerable numbers of Wandorobo ("Il Torobo") living in the Masai Reserve. Their numbers are probably not less than three or four thousand, and many of them possess considerable herds of cattle, and live the life of ordinary Masai, from whom it is difficult to distinguish them. They may be conveniently divided into two classes, namely, those who live in the bush and forest, and those who possess cattle. The former possess little or no live-stock, and subsist almost entirely upon wild animals and honey, while the latter live in villages and subsist only to a very limited extent on game. Wandorobo.

The former are to be found mainly in the neighbourhood of the Mau, but small parties of them are also met on the Uaso Nyiro, on the Lower Mara River, along the Sotik border, and in the Trans-Mara region. They live on tree rabbits and the smaller game animals, in rough shelters in the forests, or in the huts in some of the Masai villages.

The latter are to be found on the Uaso Nyiro, in the neighbourhood of Ol Alunga and Ol Doinyo Rasha, on the western bank of the Mara River, and in the Siria country. In all, they probably number about 1,000.

There exists in the reserve, a special tribe of smiths, somewhat similar to the Wandorobo, called Il-Kunono, who make iron weapons, but are treated as inferiors, and are not allowed to marry Masai women. Il-Kunono.

To recapitulate, the Masai are a listless, conservative, slothful people, inadequately governed by Councils of Elders, who admit themselves to be incompetent to deal with the idle body of warriors whose *raison d'être* has now disappeared, but who are still sufficiently insubordinate to render ineffective the counsels of their seniors. They have been concentrated in one area, where they have amassed enormous herds of cattle of a poor quality, and countless sheep. No suitable means of employment has as yet been found for the males of the tribe as a whole, though they are experts in the care of stock, and once possessed fighting qualities of a savage nature, which spread the terror of their name far and wide. They have considerable latent powers of organization, alertness and ability, but these are largely discounted owing to their unreliability: they have always realized that it is in their best interests to be loyal to the British Government, and have never been responsible for any serious disturbance, being too proud to work, and rich enough to disregard fines, they are probably the most backward administered native tribe in the East Africa Protectorate. Recapitulation.

CHAPTER II.

EARLY HISTORY OF THE MASAI.

Origin of the Masai—Pastoral and Agricultural sections—Settlements of 'L-Oikop—Sir Charles Eliot's theory—European influence—Wakwavi—Early history of the Masai—The Masai as a power—Masai raids—Rebmann's visits to Chagga—Dr. Krapf—Dr. Krapf's description—Discovery of the source of the Nile—Dr. Fischer's tour to Naivasha—Mr. Thomson's journey through Masailand—Count Teleki's expedition—Mr. Jackson's journey—Dr. Peters—Masai and modern firearms—Decline of Masai power—A Masai raid—Cattle plague—Small-pox—Relations between Masai and Wakamba—Machakos Station—Ngong—Dagoretti—Relations between Masai and Kikuyu—Mr. George Wilson—Sack of Dagoretti—Trading treaty—Fort Smith—Masai hostile—Meeting at Muthaiga—Uganda Railway survey—Debates in the House of Commons—Position of the Masai in 1895—Removal to Ngong—Protectorate over Uganda—East Africa Protectorate—Kedong Massacre—Mr. Andrew Dick—Lenana's first visit—Sir Arthur Hardinge's report—Sir Charles Eliot's report—Inclusion of Uganda Provinces in East Africa Protectorate—Uganda Railway—Sir Charles Eliot's report, April, 1903—The year 1903-1904—Conclusion.

Origin of the Masai.

Little is known of the early history of the Masai tribe, but it seems to be an established fact that the original home of this people was the country between the north of Lake Rudolf and the Nile, from which area the Masai are said to have moved in a south-easterly direction so long ago that tradition does not recall any incidents of the exodus, nor the reason therefor.

Pastoral and agricultural sections.

It seems, also, that there were two distinct sections of the Masai, distinct in point of habits of life and customs, though not of language or ancestry, between which sections continual war was waged, wars which now form the greater part of the traditional history of the tribe as it is known at the present day to its members. The sections are usually defined as the agricultural and pastoral sections, the former, known as 'L-Oikop, being more or less settled, while the latter was entirely nomadic, and never practised agriculture in any form. Masai tradition does not extend back for more than one hundred years, but the history of that century shows, to the exclusion of all other topics, a conflict between these two sections, which resulted in the practical annihilation of the 'L-Oikop, who have now ceased to exist, with the exception of small settlements found at Nguruman, to the north of Lake Natron, two villages, Great and Little Njemps, to the south of Lake Baringo, possibly the so-called Uasin Gishu Masai, now located near Eldama Ravine, and in Kavirondo country, and certain individual settlements of Masai among neighbouring tribes, where they have assimilated the customs and adopted the language of their protectors, and from whom it is now difficult to distinguish them.

Sir Charles Eliot's theory.

The theory suggested by Sir Charles Eliot, is that the nomad pastoral state cannot be assumed to be primitive or very ancient, and that it is quite probable that there was a large agricultural settlement on the Uasin Gishu plateau, from which the more adventurous of the warriors detached themselves.

European influence.

It is this conflict which made the Masai name what it was and which has rendered so complex the question of the administration of the conquering pastoral section. The victors depended entirely on cattle for their means of subsistence, and were driven to raiding other tribes, in order to amass sufficient herds of cattle. The introduction of the European element, therefore, deprived the Masai of their one pursuit, and had the inevitable result of reducing the Masai from the first to a very low rank of economic importance among East African tribes.

Wakwavi.

The term Wakwavi (Wakuafi of Krapf) is frequently used by the early writers in reference to the Masai, but it appears that this term has, in fact, no connection with the agricultural section, being merely a Swahili nickname borrowed from the Masai Kwavi or Kwapi, meaning places.

"The expansion of the tribe," writes Sir Charles Eliot, "seems to have come to an end about the middle of last century. About 1830, they reached their furthest recorded point in the south, and were driven back by the Wagogo and Wahehe About 1850, the Turkana drove the most westerly branch of the Masai from the west to the south of Lake Rudolf Somewhere about the same period the Masai dwelling on the Uasin Gishu plateau attacked those of Naivasha, and after defeating them were in their turn thoroughly defeated by a combination of Naivasha and allies from Kilima-Njaro. The inhabitants of the Uasin Gishu were scattered to the four winds: those who escaped their brethren were annihilated by the Nandi, and only a few fragmentary remnants survive in Kavirondo, Lumbwa, and the two villages called Great and Little Enjamusi, at the south end of Lake Baringo. Another branch called 'L-Osigella, or Segelli, took refuge in the Nyando valley, but were wiped out by the Nandi and Lumbwa."

Early history
of the Masai.

The same writer says:—"From at least 1850 to the early eighties, the pastoral Masai were a formidable power in East Africa. They successfully asserted themselves against the Arab slave-traders, took tribute from all who passed through their country, and treated other races, whether African or not, with the greatest arrogance." The record of Masai raids is much more complete as it affects the eastern part of their territory than on the west. This is readily understandable on account of the records having been made by Europeans, who obtained their information from the east coast, and not by wanderers from Uganda: but it also appears probable that the Masai found their expeditions eastwards to be more remunerative and less costly than any they might undertake on the west, for it has never been contended that the Nandi and Lumbwa, their western neighbours, were not at any time of their history a match, or more than a match, for the Masai. About 1859, the Masai raided Vanga; in August, 1865, they were in the Galla country near Mtanganyiko: and again, early in 1867, they were raiding on the Tana River, near Wachu; the Gallas would retreat to Ramo in times of war with the Masai as, that place being surrounded by water, it was considered immune from Masai attack. In August, 1876, the Masai were at Ribe, whence all natives fled to Mombasa, while six years later, they again raided the same locality, on this occasion visiting the Mission station, and killing two of the native converts. In 1883, they raided Saadani, on the coast opposite Zanzibar, whence they were repulsed with guns, and these exploits were followed by two raids on the Mission station of the United Methodist Free Churches Mission, at Golbanti, on the Tana River, in the first of which, in March, 1886, two native Christians were killed, and in the second, on May 3rd of the same year, the two resident missionaries, Mr. and Mrs. Houghton, shared the same fate. As late as 1889, the Masai raided within sight of Mombasa Island. The result of these constant raids was that all inhabitants were driven from the more exposed portions of the coast belt, that the Giriama were prevented from keeping large herds, and that Galla settlements on the southern Tana totally disappeared.

The Masai as
a power.

Masai raids.

Probably the first European who made the acquaintance of the Masai, was Mr. Rebmann, the colleague of Dr. Krapf, who visited Chagga country on three occasions; and Dr. Krapf, who himself toured in Ukambani in 1848 and 1849, gives a description of "The Wakuafi and Masai Tribes" in his book "Travels, Researches, and Missionary Labours, &c.," published in 1860. The following extracts are taken from this description as giving the early impressions created by the tribe in the mind of this European traveller.

Rebmann's
visits to
Chagga.
Dr. Krapf.

"The Wakuafi and Masai," writes Dr. Krapf, "who call themselves 'Orloikob,' or 'Loikob,' 'loigob,', that is, possessors of the land,, occupy large plains in the interior of Eastern Africa, which extend from about two degrees north of the Equator to about four degrees south of it. The names 'Wakuafi' and 'Masai' are given them by the tribes of the coast. Their manner of life is nomadic, and where they find water and grass, there they encamp often for months together. They live entirely on milk, butter, honey, and the meat of black cattle, goats and sheep, and on the game which they hunt down: having a great distaste for agriculture, believing that the nourishment

Dr. Krapf's
description.

afforded by cereals enfeebles, and is only suited to the despised tribes of the mountains: while to feed on meat and milk gives strength and courage. When cattle fail them they make raids on the tribes which they know to be in possession of herds. They say that Engai (Heaven) gave them all that exists in the way of cattle, and that no other nation ought to possess any. Wherever there is a herd of cattle, thither it is the call of the Wakuafi and Masai to proceed and seize it. Agreeably with this maxim, they undertake expeditions for hundreds of leagues to attain their object, and make forays into the territories of the Wakamba, the Galla, the Wajagga, and even the Wanika on the sea-coast. They are dreaded as warriors, laying all waste with fire and sword, so that the weaker tribes do not venture to resist them in the open field, but leave them in possession of their herds, and seek only to save themselves by the quickest possible flight.

“The weapons of the Masai and Wakuafi consist of a spear, a large, oblong shield, and a club round and thick at the top, hurling which with the greatest precision, at a distance of from fifty to seventy paces they can dash out the brains of an enemy: and it is this weapon, above all, which strikes terror into the East-Africans, the Suahili with their muskets not excepted. The Wakuafi shelter themselves behind their long shields until they become close enough to the enemy to make good use of their clubs. They conquer or die, death having no terrors for them.

“The two kindred tribes, the Wakuafi and the Masai, hate each other mortally, which is a fortunate circumstance for the weaker African tribes: since, were they united and ruled by one supreme head, there would soon be an end to the existence of the other East-African tribes, who could not possibly resist them, the savage Gallas themselves not excepted: for the latter fly before the Wakuafi and Masai, and, at the most, only prove dangerous enemies to them by stratagem and cunning, but never cope with them in a fair and open field.

“As regards the physical conformation of the Masai and Wakuafi, their forms are tall and slender, with handsome and rather light-complexioned features. From their beauty of form the Masai and Wakuafi slaves, especially the young females, are much sought after by the Arabs and Suahilis of the coast: and they become much attached to their Mohammedan masters, provided always, that the latter do not require from them any kind of labour which is repugnant to their habits, such as tilling the soil and similar occupations.

“The Wakuafi and Masai as pastoral tribes, consider themselves the exclusive possessors of the plains and wildernesses, with their springs and rivers, and they do not attack the inhabitants of the mountains, so long as they confine themselves to their mountains, and refrain from descending into the level country to turn it to agricultural or pastoral purposes. It is said, however, that very recently, they have resolved to take possession of the mountain Kadiaro* to facilitate their freebooting expeditions against the Galla, Wanika, and Suahili, and to exclude these tribes of the coast from access to the interior.”

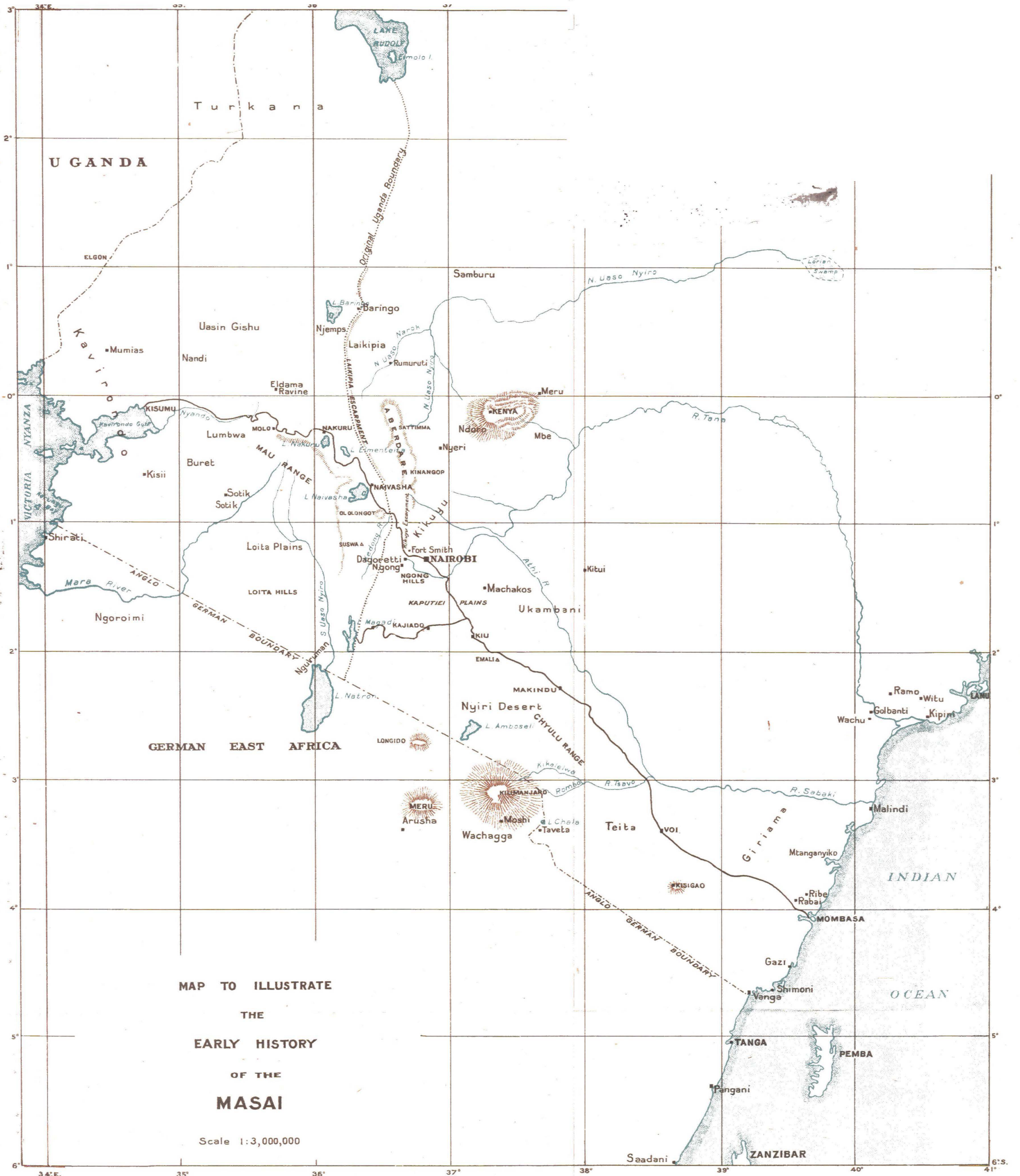
Discovery of
the source of
the Nile.

The Masai first came into prominence in connection with the development of Africa and with geographical discovery by the discovery of the source of the Nile in 1875 and by the interest then aroused in Europe, both in Uganda and in the possibilities of opening up a more direct route from the sea than that one then in use from opposite Zanzibar to the southern end of the Victoria Nyanza. To the opening of this route the most serious difficulty to be overcome was the negotiation of the country occupied by the then formidable and dreaded Masai, of whom practically all that was known was the rumour of their ferocity and prowess in arms. East coast traders had repeatedly crossed Masailand, but no European had attempted the task.

Dr. Fischer's
tour to
Naivasha.

In 1882, a German naturalist, named Dr. G. A. Fischer, was sent out by the Geographical Society of Hamburg to explore the possibilities of this route. He started from Pangani, opposite Zanzibar, with a caravan of 120 natives and porters,

Now better known as Kisigao.



MAP TO ILLUSTRATE
THE
EARLY HISTORY
OF THE
MASAI

Scale 1:3,000,000

and, on reaching the borders of Masailand at Little Aruscha, was attacked by some of the Muran. These were beaten off, and the expedition advanced as far as Lake Naivasha, which was reached on the 11th of May. There the Masai stubbornly opposed his further progress, and after a stay of nearly four weeks in that neighbourhood, he was forced to return to the coast.

About a year later, the feasibility of the route was fully demonstrated by Mr. Joseph Thomson, who was sent out to East Africa for the purpose by the Royal Geographical Society, and the account of whose adventures is given in full in his book ("Through Masai Land." Sampson, Low and Co., 1885).

Mr. Thomson's journey through Masailand.

Mr. Thomson, with his caravan of 140 men, left Mombasa in March, 1883, and travelled by way of the Church Missionary Society's station at Teita to Taveta and the eastern slopes of Kilimanjaro. On attempting to enter the Masai country, he found them so hostile that he was compelled to return to Taveta, where he joined forces with a body of Arab ivory traders. The caravan being now too powerful to fear attack, he proceeded to Ngongo Bagas, being subjected to much annoyance and many indignities by the Masai. Arrived at Naivasha, he found the Masai very troublesome, and had great difficulty in moving, as he desired, towards Kenya over Settima, the highest point in the Aberdare Range. He found the Masai in great force on Laikipia, and further difficulties beset him, his supplies of food and trade goods giving out. He records a terrible epidemic of rinderpest which had recently broken out, decimating the Masai herds and rendering it impossible to procure food. Finally, he was forced to "fly in the middle of the night," and he escaped towards the northern part of Laikipia, arriving at Njemps early in November. From there he proceeded without much difficulty to the Victoria Nyanza, at a place forty-five miles east of the outlet of the Nile. Thomson was thus the first explorer to cross the whole width of the Masai country and reach the Victoria Nyanza from the east.

The third great expedition across Masai country was undertaken by Count Samuel Teleki von Szek, who was accompanied by Lieut. von Hoehnel, and who left Zanzibar in January, 1887. He passed by Kilimanjaro, crossed the Kaputei Plains, reached Ngongo Bagas in August, and moved northwards to Lake Rudolf. This expedition was important, on account of Count Teleki having twice crossed the Masai country without conflict with the natives.

Count Teleki's expedition.

No encounter with the Masai occurred on the occasion of Mr. (now Sir Frederick) Jackson's journey towards the Victoria Nyanza in the autumn of 1889, but Dr. Carl Peters, who followed a route further to the north, met them on Laikipia where an engagement took place, two Somalis and one Swahili being killed from among his followers. An account of this latter journey is given in Mr. P. L. McDermott's book, "British East Africa or Ibea" (Chapman and Hall, 1895), from which the following is a quotation from a narrative related by one of Dr. Peters' Somali followers:—

Mr. Jackson's journey.

Dr. Peters.

"The Masai at this place (Laikipia) had large herds of cattle, goats and sheep, and we carried all the goats and sheep away with us, but had to leave the cattle behind, being too wild to drive. There would be about sixty of us in the caravan at this time. In the confusion at this engagement, nine of the Wa-Kikuyu escaped. These Masai followed our caravan for two days, but our Askari kept them away by firing at long distances. On the third night they came down on us but were repulsed.

"We had another engagement at a later period, and lost one Swahili."

Dr. Peters' methods may not command approval, but it would appear that the Masai, who were accustomed to attack whatsoever caravan they met, received from him a wholesome lesson as to the efficacy of the modern firearm, a lesson which they were ready to remember in their subsequent meetings with European caravans.

Masai and modern firearms.

The year 1890 may be said to mark the commencement of the decline of the power of the Masai. The western portions of Giriama, the lowlands of the Sabaki River, the plains of Ukambani, and the neighbourhood of Mount Kenya were all

Decline of Masai power.

visited in that year. A graphic account of a Masai visitation to the country east of Mount Kenya is given by Commander Dundas, R.N., in the "Scottish Geographical Magazine" of March, 1893. Commander Dundas navigated the Tana River to a point 300 miles from its mouth in the early nineties, and then proceeded overland towards Mount Kenya.

A Masai raid. "On our return," he writes, "through the Mbe country, a most harrowing sight presented itself: what only a few days before were prosperous villages, standing amid fields of grain, were now smoking ruins: bodies of old men, women and children, half-burnt, lay in all directions; here and there might be seen a few solitary individuals, sitting with their heads buried in their hands, hardly noticing the passing caravan, and apparently in the lowest depths of misery and despair. On questioning several of these unhappy beings, I was informed that the Masai had unexpectedly arrived one morning at dawn, spearing and burning all before them, and carrying off some 250 women and large herds of cattle. Only a few of the unfortunate people had escaped by flying to the mountains."

Cattle plague. At the end of 1889, a cattle plague started on the East Coast, opposite Aden, and spread inland. In the spring of 1890 it had not reached the Masai country, but by the autumn of that year it had spread through Masailand and Ukamba and the majority of cattle and buffalo were dead. Simultaneously, the Masai were attacked by small-pox and their numbers considerably reduced. The cattle plague tamed their arrogance and largely deprived them of their means of subsistence and the subsequent disease found them weak and hungry and killed off large numbers. From this date Masai supremacy ceased to exist and, though the terror of their name long outlived their prowess in the coast areas, the tribes surrounding the Masai country were not slow to take their revenge for the oppression and plunder they had suffered in the past, and on the advent of the Company's administrators, the Masai were in a pitiable plight.

Relations between Masai and Wakamba. An extract from Captain (now General Sir F. D.) Lugard's diary is interesting as showing the relations of the Wakamba and the Masai at this transition stage:—"These Wakamba are at constant war with the Masai. They have scouts out along the hills and on the borderland, by day and night, I believe, so that the approach of any Masai is at once known, and they assemble in enormous numbers, almost instantaneously, to fight them. Moreover, every day little parties pass my camp (at Machakos) on their way to loot cattle from the Masai—three or four at a time, perhaps, massing further on (where they put on their war-dress). It is a daily sight, and one sees them going and returning all day long on these expeditions. Altogether, they seem to make it pretty hot for the Masai about here. In turn the Masai loot Wakamba cattle, etc."

Machakos Station. A station was established by the Imperial British East Africa Company at Machakos in 1889, and on being sent on his mission to Uganda Captain Lugard had received instructions to build a station at Ngongo Bagas; this area, however, he found to be a mere waste land, uninhabited except by passing Masai, who were in the habit of grazing their flocks and herds in that neighbourhood during the dry season. As the object of this station was to be the foundation of a centre for the purchase of food for caravans proceeding to Uganda, he decided to build at the southern extremity of Kikuyu, as close as possible to Masailand, so as to get in touch with the tribe, but within the borders of the rich and fertile, food-producing country, and he consequently selected Dagoretti as a suitable site, in October, 1890.

Relations between Masai and Kikuyu. In describing the Kikuyu relations with the Masai at the time of his first visit, Captain Lugard writes:—"These people are at constant war with the Masai, who periodically raid the country in strong war-parties. The Wa-Kikuyu, however, hold their own, unless surprised or attacked in overpowering force. I saw along one of the main roads a series of pits concealed in the rank vegetation by the side of the path, and was told that, in the event of a Masai raid, warriors would conceal themselves in each of these pits, and spear the Masai as they passed!"

Captain Lugard left Dagoretti on November 1st, 1890, having completed the stockade and put together some rough houses for stores and native quarters. He left in charge Mr. George Wilson with some thirty men, and Mr. Wilson, while at Dagoretti, succeeded in getting into touch with the neighbouring Masai and in extending British influence into the Masai country. "This," wrote Captain Lugard, was "the first time that any European had ever succeeded in winning their confidence and friendship." In April, 1891, Mr. Wilson had to evacuate the fort owing to lack of ammunition and it was thereupon burnt down by the Kikuyu, who looted the stores it contained. Having collected thirty men at Machakos, Mr. Wilson returned to Kikuyu, and the Masai, with whom he had made great friends, offered their assistance. He declined it, but they would not be denied and remained close at hand in case he should meet with a reverse.

Mr. George Wilson.

Sack of Dagoretti.

Having recaptured Dagoretti station, he took steps to rebuild the fort and a stipulation was made with the Kikuyu that the Masai, who had been his staunch friends throughout, should have free access to Kikuyu country to trade. This treaty was kept inviolate for seven months.

Trading treaty.

Shortly after this, Mr. Wilson left the service of the Company and Dagoretti station was abandoned, while another station with a strong stockade was erected at Fort Smith.

Fort Smith.

The Masai, who had previously behaved so well, were fired upon by the Company's troops while carrying out a raid against the Kikuyu, and retaliated by the murder of mail-men, finally abandoning their friendly attitude and becoming definitely hostile.

Masai hostile.

The possibilities of travelling to Uganda by the route traversing Masai country had been fully demonstrated by various caravans which had performed the journey but this route had not come into general use in 1892, the longer but safer way through the less hazardous districts of German East Africa being normally used by other than Government caravans. In that year it was suggested that it might be convenient to missionaries and other parties if arrangements could be made for the utilization of the more direct route to Uganda and the Company's representatives were therefore asked to get into touch with the Masai in order to facilitate such journeys. A meeting was held at Muthaiga near Nairobi in 1892 between the Masai and Mr. Ainsworth as the representative of the Company, when certain details respecting this route were amicably settled, the Masai assisting on that occasion by the provision of one hundred donkeys for transport work.

Meeting at Muthaiga.

Though the power of the Masai had largely decreased by the year 1892, it appears that they were still considered a people to be reckoned with, for Major Macdonald, in his report dealing with the construction of a railway from Mombasa to Kikuyu, remarked :—

Uganda Railway survey.

"The most fertile districts of the Company's territory would be in touch with the railway, and the check the line would place on Masai raids would probably considerably extend the areas of cultivation, and enable much valuable and well-watered land now uninhabited to be made use of by the agricultural Wakamba."

In a later paragraph of this report, it is stated :—

"As regards the action of the Masai with respect to the construction of the projected railway, I do not think that they would offer any opposition to it. Cases of thieving would occur, as elsewhere, but of organised or even petty opposition there would probably be none."

In the debates which took place in the House of Commons in regard to the construction of this railway, the opposition to the railway was almost entirely based on objections drawn from the character of the Baganda and Masai, with whom it was feared trouble might ensue. The Masai were at that time estimated to number 100,000 and it was considered that the first effect of the railway would be to put a stop to their raiding and oblige them to adopt peaceful industry.

Debates in the House of Commons.

Position of
the Masai in
1895.

The following extract from Mr. McDermott's book referred to above, indicates the position in which the Masai were to be found after the cattle-plague and small-pox which decimated the tribe and their herds in 1890 and 1891. This extract was written in 1895 and also shows the early attitude of the Masai towards the Company's administration.

"The Masai, who inhabit the country west of Kikuyu and who have won such notoriety for marauding, have latterly fallen upon evil days and have ceased to be the terror they formerly were to the other tribes. The presence of European authority in the country inspired them with awe from the first, and no party, however small, has been molested passing through their country, or obliged to pay the 'hongo' tribute, since the advent of the Company. The moral authority of European occupation has been of itself sufficient to inspire this respect. The steps taken to intercept their raiding routes have restricted their licence in other directions. Lastly, the epidemic which lately swept over the country and destroyed the cattle was a terrible blow to them, and reduced them to the verge of starvation. The Wa-Kikuyu, their old enemies, have seized every opportunity of attacking their kraals, and by force or fraud have made a practice of carrying off their women and children as slaves. Some of these they have retained for themselves, some they have bartered with coast traders, and some with the neighbouring Wakamba. The slave trade thus carried on it has been the object of the persistent efforts of Mr. Ainsworth and Mr. Hall to suppress. Their action has met with marked success, especially in stopping the trade between Kikuyu and Ukambani. It would be impossible at present, and until the Wa-Kikuyu are more completely under control, to prevent the raiding and kidnapping of these people in the Masai country, but the liberation of their captives, when discovered, has lessened the profits of the business and so far discouraged it. Nor has this been the only measure taken with effect by Mr. Hall. Last year a party of the Masai came to him at Fort Smith and begged protection for their people. These were in the forest, in hourly danger of an attack from the Wa-Kikuyu, and Mr. Hall sent to have them brought in. Mr. Hall's men actually found the Wa-Kikuyu assembled at the place ready for the attack—the usual method of which was to kill all the men and carry away the women and children—but a couple of shots dispersed them, and the Masai party, numbering between 400 and 500 souls, were brought in to the Company's station. These people, Mr. Hall stated, belonged to the Matambatu section of the tribe, and owing to a feud raging among the various sections of the Masai and the treacherous attacks of the Wa-Kikuyu, they had suffered heavily, and wished to live under the European Officer's protection. Mr. Hall settled them on some ground near the fort where they could cultivate, and although they were entirely destitute, and it was evident that help from the Company's stores would be needed for some time, these people quite understood that they were to live by their own labour, and gratefully settled down to work. The Wa-Kikuyu in the neighbourhood treated them in a friendly way and supplied them with plenty of food." As Mr. Hall observes, had it not been for the protection thus promptly given them, "these people would now be scattered through the district as slaves to the Wa-Kikuyu, and the men all killed and the fact of their having come here under protection has had a distinctly depressing effect on the slaving propensities of the Wa-Kikuyu!"

Removal to
Ngong.

These Masai resided for some two years near Fort Smith and were then removed to Ngong, where a temporary station was built.

Protectorate
over
Uganda.

In June, 1894, a Protectorate was established over Uganda, and that Protectorate was defined as extending over the whole of the intervening territory from which the Imperial British East Africa Company had withdrawn its effective control. The whole of the country to the west of the western limits of the Company's district of Kikuyu was thus originally included in the Uganda Protectorate, and, in fact, so remained until the 1st of April, 1902. The result of this division was that part of the Masai tribe was to be found on the eastern borders of the Uganda Protectorate, while the Company retained control of the Masai situated east of that line, round the Ngong Hills and on the plains to the south-east.

On the 1st of July, 1895, the remainder of the British sphere between the Zanzibar and Uganda boundaries and the Tana River and German frontier was placed under Her Majesty's protection, and this area, together with those Protectorates which had previously been established on this part of the East Coast, were fused into one administrative whole under the title of the "East Africa Protectorate." The western boundary of the Protectorate in the Masai country was the Kedong River, and while Laikipia was in the East Africa Protectorate, Baringo, Njemps, Nakuru, Elmenteita and Naivasha were situated in Uganda. East Africa Protectorate.

In November, 1895, a large caravan consisting of some 1,400 Swahilis and Kikuyu was cut up by the Masai in the Kedong Valley on its return from Eldama Ravine, to which place it had been sent on Government duty. Nearly all the Swahilis lost their lives but a fair number of the Kikuyu escaped and reported the incident to Mr. Gilkison, the officer in charge of Fort Smith. Mr. Ainsworth, the Sub-Commissioner, left Machakos for Fort Smith and he, together with Mr. (now Sir Frederick) Jackson, who hurried there from Naivasha, conducted an enquiry into the matter, at which it was established that the Swahilis were the aggressors, the headman having taken two girls from a Masai kraal. These had been handed back as a result of representations made by the Masai, but a renewed attempt to capture them had been made the following morning before the caravan started on its journey. This attempt was unsuccessful but a shot was fired in the village which killed a cow, and the Masai attacked the caravan as a retaliatory measure. Kedong massacre.

Mr. Andrew Dick, an English trader who was travelling in the neighbourhood in company with two Frenchmen at the time of the massacre, attacked the Masai and succeeded in capturing them from a number of cattle, but he was killed by the Masai in his retreat up the Kikuyu Escarpment. Mr. Andrew Dick.

As a result of the enquiry into these two incidents it was held that the Masai had been acting under such provocation that no great punishment was necessary. They had lost a considerable number of men in their encounter with Mr. Dick, and the only punishment that it was considered necessary to inflict was the confiscation of the cattle that had been captured from them by Mr. Dick, which cattle were paid to the relatives of the Kikuyu who had lost their lives in the massacre as compensation for the loss sustained.

One important result followed the "Kedong Massacre." Lenana, the Masai Laibon, who had for some time expressed his intention of visiting the Government officer at Fort Smith, had overcome the reluctance shown by his followers, and had actually arrived at that station just before the news of the massacre reached Mr. Gilkison. There he was instructed to stay until an enquiry had been held, but when the result of the enquiry was known he was so impressed with the impartial hearing given to the Masai witnesses, and with the justice of the decision, that he vowed allegiance to the British Government, a vow which he faithfully kept. British justice on this occasion gained the friendship of the most powerful man in the Masai tribe, and rendered his influence warmly loyal to the administration from that day to the day of his death. Lenana's first visit.

The Masai in the East Africa Protectorate were situated in the Province of Ukamba, of which they occupied the southern portion, and inhabited the district known as the Kenia or Kikuyu District. The following extract is taken from Sir Arthur Hardinge's "Report on the Condition and Progress of the East Africa Protectorate from its Establishment to the 20th of July, 1897," and once again describes the fallen position of the Masai at that time:— Sir Arthur Hardinge's report.

"The Masai consist of one entire tribe, the Naivasha or Kinangop Masai, whose King or Chief is Lenana, and of the broken remnants of seven other tribes, the Dogelani, Burko, Ligoradi, Matapatu, Kurukoni, Gilkinuka and Kapte Masai, who, after long terrorizing the whole country have at last been defeated and broken up by the superior force of the Wakamba and Wa-Kikuyu, and, having had their old military organization utterly shattered, have accepted, and to a great

extent are really controlled by the authority of the European district officers. It may seem strange that this race of brave and haughty warriors should have succumbed to tribes so inferior to them in military prowess as the Wakamba and Wa-Kikuyu, but the reason is to be found in the peculiar conditions of their mode of life.

"Once their own flocks and herds were decimated by the great cattle plague of a few years ago, the Masai, a purely pastoral people, were compelled by famine to depend, not partially as before, but exclusively, upon raids, and about half, or perhaps more, of the warriors of a given tribe would be absent for a long period on a foray, leaving the kraal, which with them, owing to the dislike of the whole race for any manual labour, is never stockaded or provided with defensive works of any kind, protected by a few hundred men.

"The Wakamba, and, after the Masai were driven from Ukamba proper into Kikuyu, the Wa-Kikuyu, would be on the watch for these raiding expeditions, and, as soon as one was well on the way, would swoop down on the undefended or only partially defended kraal in overwhelming numbers, and the raiders would return with their spoil only to find their houses in ashes, and the women and children whom they left behind there carried off to be sold as slaves.

"A constant repetition of these tactics, which their necessary dependence, after the famine, upon raids, prevented them from meeting, broke the power and prestige of the Masai, and those in the settled and administered portions of our Protectorate at least, with the single exception of Lenana's tribe, are now a mere feeble fragment of this once redoubtable people.

"They are mostly settled at Ngongo Bagas, a fort seven miles south of the district headquarters of Kikuyu, where they live under the supervision of an English officer.

"Lenana's tribe now have their headquarters at Naivasha, on the Uganda side of the border, Kinangop, their summer quarters, being also under the Uganda administration, and though Lenana himself is said to wish to settle in the East Africa rather than in the Uganda Protectorate (though up till now he and his people have been in the habit of wandering from one to the other), it would probably be most convenient that he should not be encouraged to do so.

"Besides Lenana's, a section of the Naivasha Masai have followed his brother and rival for the Chieftainship, Sendeyo, to the district known as Loita, on the German frontier, and pasture their cattle sometimes on ours, sometimes, but oftener, on the German side of the border. Sendeyo is said to be more hostile to Europeans than Lenana, and his attitude has of late given grounds for thinking that both we and the Germans might have trouble with him. There are also Masai tribes of whom, as yet, we know little or nothing, living at Ndoro, near the base of Mount Kenia.

"A helot tribe, or rather caste, formed out of various conquered and enslaved neighbouring tribes of Bantu race, constitutes the servile class among the Masai, and performs the necessary domestic and manual labour which the latter deem degrading. This race or caste is known as the Elderobbo: their proportion to the Masai in the Province of Ukamba is said to be about 15 to 100. They are generally paid in kind for their labour, and are free to hunt themselves for meat and ivory, but must give half they get to the chief medicine man of the Masai. They are forbidden to marry Masai women, and their kraals are separate from those of their Masai masters. This is the only approach within the Province to any regular system of domestic slavery. Among its other races, such slaves as exist are generally members of a neighbouring free tribe, made prisoners in a raid.

"These raids are, however, fast diminishing, as the authority of our Administration is making itself felt, and Mr. Ainsworth reports to me that, whereas in the years 1892 to 1895 not a month passed without serious troubles in connection with slaving and slave-trading, he has only had to deal in the last twelve months with a few isolated cases, not more than three having occurred in the last quarter.

"The political and military organization of the Masai has been so fully described by the various travellers, notably Mr. Thomson, who have made it their study, that it is unnecessary for me in this report to reproduce the information which writers with far greater knowledge than I can pretend to possess, have already supplied on this subject. There seems, so far, but little hope that this wild people will, as a whole, be weaned from their predatory mode of life, and induced to become peaceful cultivators: though a few of those settled at Ngongo Bagas have recently begun to take to agriculture, under the supervision of the local officials.

"The total number of the Masai in the Kenia district, including the Wanderobbo, is estimated by Mr. Ainsworth at 23,000. Those in our settlement at Ngongo Bagas include 832 'Elmoran' or warriors under 20, commanders or 'Legonans,' and about 4,000 old men, women and children."

In another part of this report Sir Arthur Hardinge writes as follows:—

"Mr. Gilkison, when in charge of Kikuyu, introduced the practice of employing Masai runners to carry the mails, and they have proved, I believe, very satisfactory, covering the 150 miles of the third stage in five days. The average total time taken to transport the mails from Mombasa to the Eldoma Ravine, a distance of 495 miles, is twenty days, or about 24½ miles a day. The weight of each load of mails is 30 lbs."

In a subsequent passage, dealing with the slave-trade, Sir Arthur Hardinge writes:—

"The trade in Ukamba is confined to the district of Kitui, and is chiefly in Masai women and children.

"Its origin is as follows: When the Masai of Mount Meru, near Kenia, were decimated about four years ago by an epidemic of small-pox, following upon a severe cattle plague, which obliged their warriors to go long distances to raid for cattle, and thus leave their kraals almost undefended, the Kikuyu people, their hereditary foes, fell upon them in overwhelming numbers, massacring their old men and carrying off their women and children as slaves. These they are now selling at low rates, having more of them than they want, to local Arab or Swahili middlemen, who, driven by our anti-slavery laws from the coast, can only carry on their trade with safety in inland districts as yet unoccupied by us, and who retail the slaves thus purchased at a profit to the natives throughout eastern Ukamba, these latter people being all themselves free, and therefore requiring to be supplied with such slaves as they may need from other tribes.

"Some of the Masai girls are kept by their Swahili purchasers as concubines, and these, when they have learnt in a year or two enough Swahili to pass in the Swahili dress as coast women, will go down with their masters to the coast, where a few of them (not having borne children) may be secretly sold to other Arabs or Swahilis, but Mr. Sub-Commissioner Ainsworth, who knows Ukamba well, assures me that they nearly all remain in Kitui, and doubts whether fifty of them in a year even leave it."

Referring again to the activities of Sendeyo, Sir Arthur Hardinge wrote:—

"Of late there have been symptoms of unrest among the Masai, which have made it necessary to keep a careful watch on them. Sendeyo, Chief of the Loita division of the race, who wander sometimes in English and sometimes in German territory, has been endeavouring to persuade his brother Lenana, the Chief of the Masai of Naivasha, all of them on our side of the border, to join him in a general movement against the Germans in Kilimanjaro, who recently chastised a local tribe of Masai, the Wa-Arusha, for the murder of two German missionaries.

"In anticipation of trouble in this quarter, I sent reinforcements to Taveta, and the simultaneous arrival of troops from Uganda at Naivasha and at Ngongo Bagas from Machakos seems to have induced Lenana to decline Sendeyo's proposals, which, though primarily directed against the Germans, really aimed at a general rising against all European control."

Sir Charles
Eliot's
report.

In his report on the East Africa Protectorate, dated the 10th of June, 1901, Sir Charles Eliot describes the Masai as "perhaps the most remarkable people in East Africa. . . . The greater number are still warlike nomads, who roam about over the Rift Valley and the plains between Kilima Njaro and Nairobi. . . ."

"The spread of law and order has somewhat curtailed their exploits, but the men are still all warriors by profession. . . ."

"The Masai are found in both German and British territory. When the last Chief, Batyan, died, a dispute arose between his sons, Lenana and Sendeyo, as to the succession, and the tribe was divided. The former is now recognized as Chief of the Masai in the British sphere, and the latter of those in the German. Sendeyo has several times had trouble with the German authorities, but has always been defeated. Fortunately for us, Lenana's familiar spirit advised him that he had better make peace with the white men, because they were invincible, and he has proved our best friend and ally among the natives. In return, he receives £6 13s. 4d. a month, which is a very moderate stipend for a monarch of such considerable powers, both real and imaginary. Though I see no reason to anticipate that Lenana will change his present attitude, I regard the Masai as the most important and dangerous of the tribes with whom we have to deal in East Africa, and I think it will long be necessary to maintain an adequate military force in the districts which they inhabit."

At this date, the Masai in the East Africa Protectorate had been placed in a district of their own, called the Masailand District, whose headquarters were at Nairobi.

Inclusion of
Uganda
Provinces in
East Africa
Protectorate.

By an Order of the Secretary of State for Foreign Affairs, dated the 5th of March, 1902, the Kisumu and Naivasha Provinces of the Uganda Protectorate were included in the East Africa Protectorate, and the Naivasha Masai therefore came under the control of the latter Protectorate.

Uganda
Railway.

The construction of the Uganda Railway was commenced in 1895, and the line reached the Lake in 1901. Throughout the construction period the Masai gave no trouble whatsoever to the workers on the line.

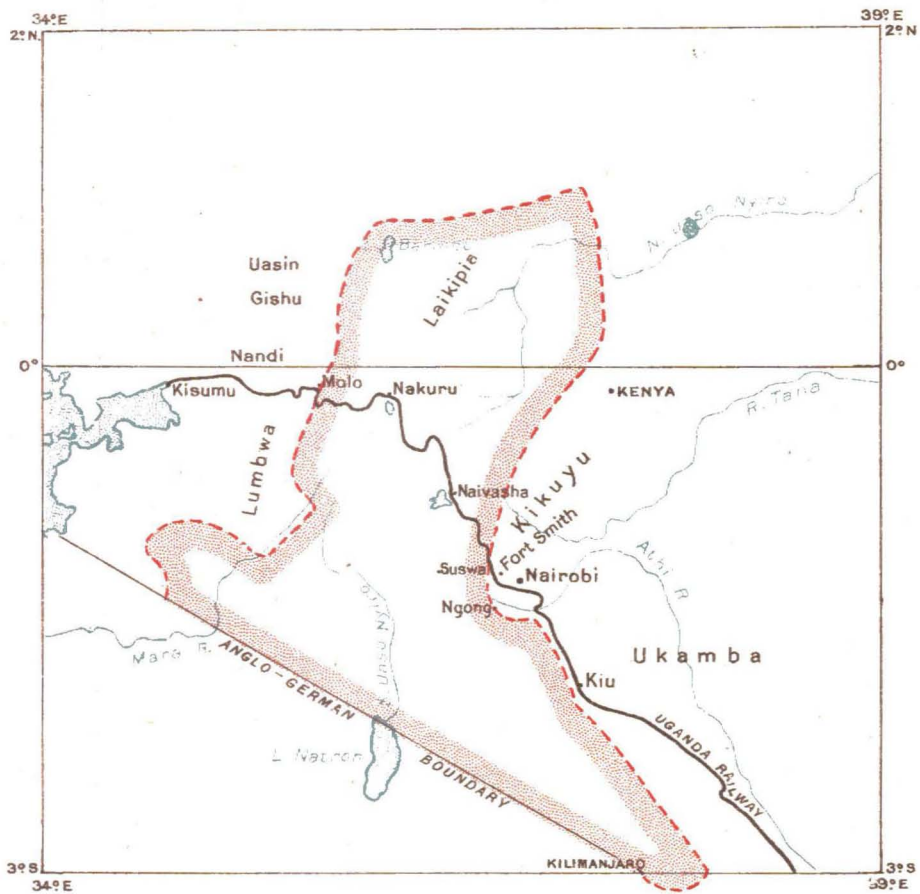
Sir Charles
Eliot's report,
April, 1903.

In his report on the East Africa Protectorate, dated the 18th of April, 1903, Sir Charles Eliot writes:—

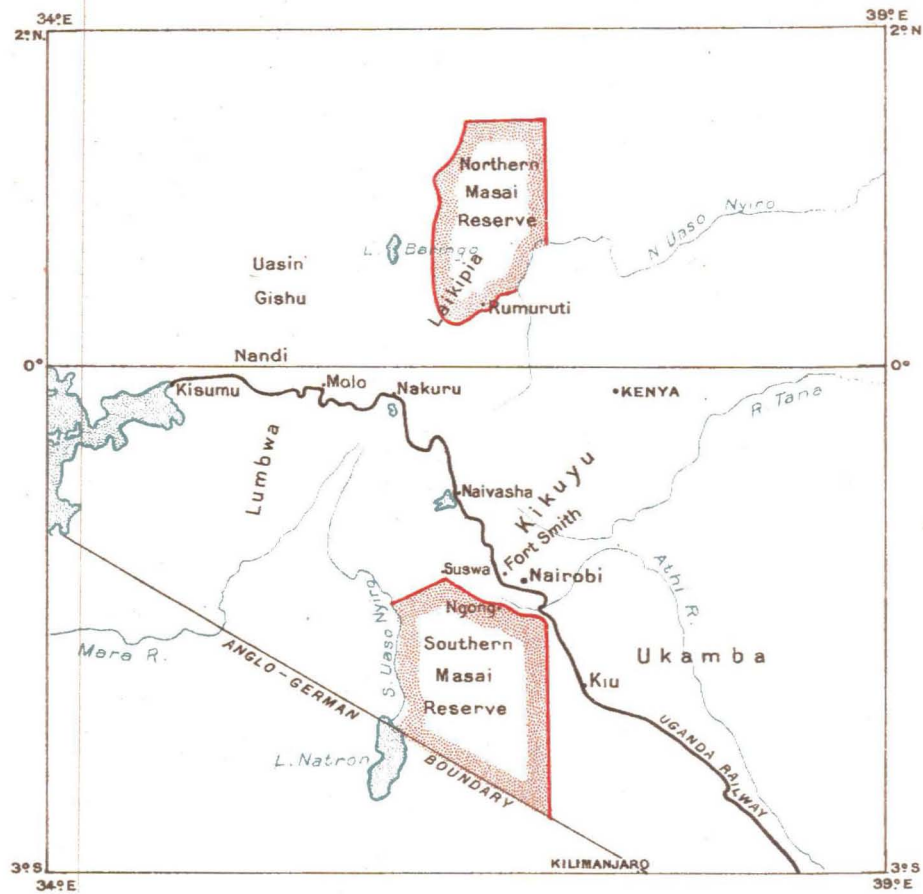
"I agree with those who do not think the Masai are a formidable element in East Africa. It would, of course, be unwise to irritate them, and there is always some danger of misunderstandings in dealing with a people of whose language we are profoundly ignorant. But it appears to me that, even within the last year, the Masai have become more amenable. They have taken to wearing red blankets, and the astonishing exhibitions of nudity, which were common a year ago, are now comparatively rare. Lenana even wears a greatcoat and is one of the judges at the Nairobi cattle show."

Later in his report he writes:—"The troops, which are under the direct management of the Military Department of this Protectorate, form the 3rd Battalion of the King's African Rifles. . . . One company at Nairobi is composed of Masai. There is no doubt of the warlike powers of this tribe under their own system, but military authorities differ as to their qualifications for service in a disciplined army. Colonel Hatch's last report on their capacities is, however, very favourable, and his only criticism on them is that they cannot stand service on the coast. There are many advantages in employing the Masai as soldiers and police, for they are little disposed to cultivate, and if we are effectively to stop their ancient occupation of cattle raiding, we must give them something else to do. In some ways they answer very well: they are extraordinarily active, and have better notions of honour and loyalty than most tribes, but it would clearly be rash to trust too much, to Masai troops and Masai police in Masailand."

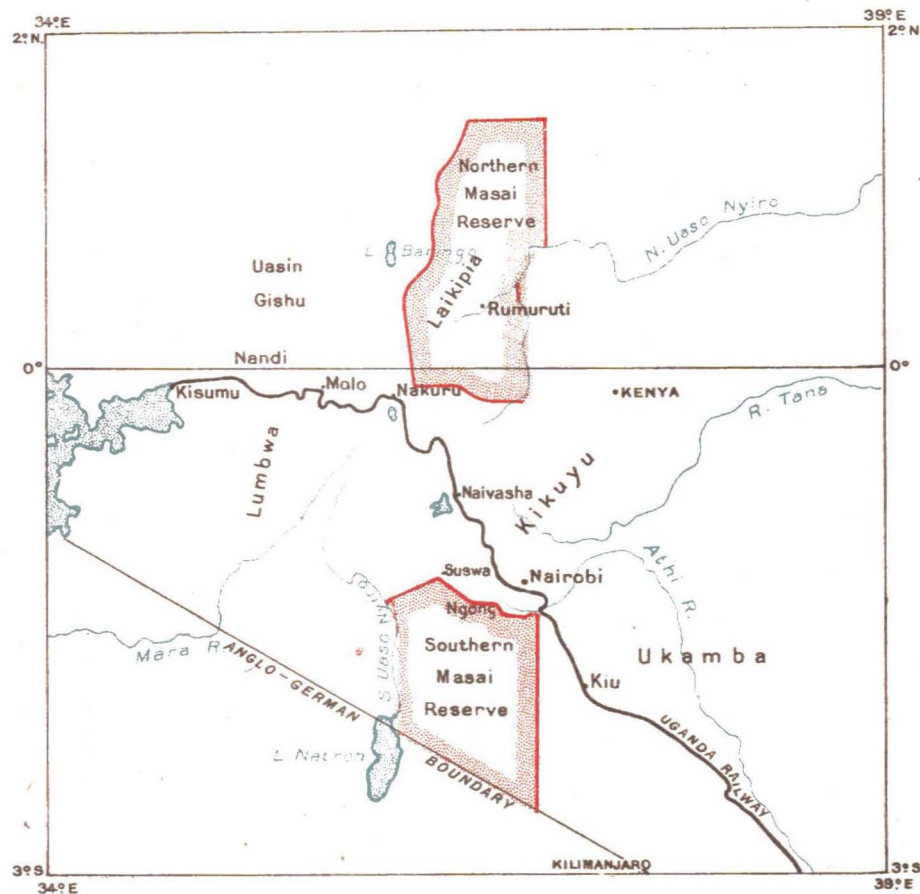
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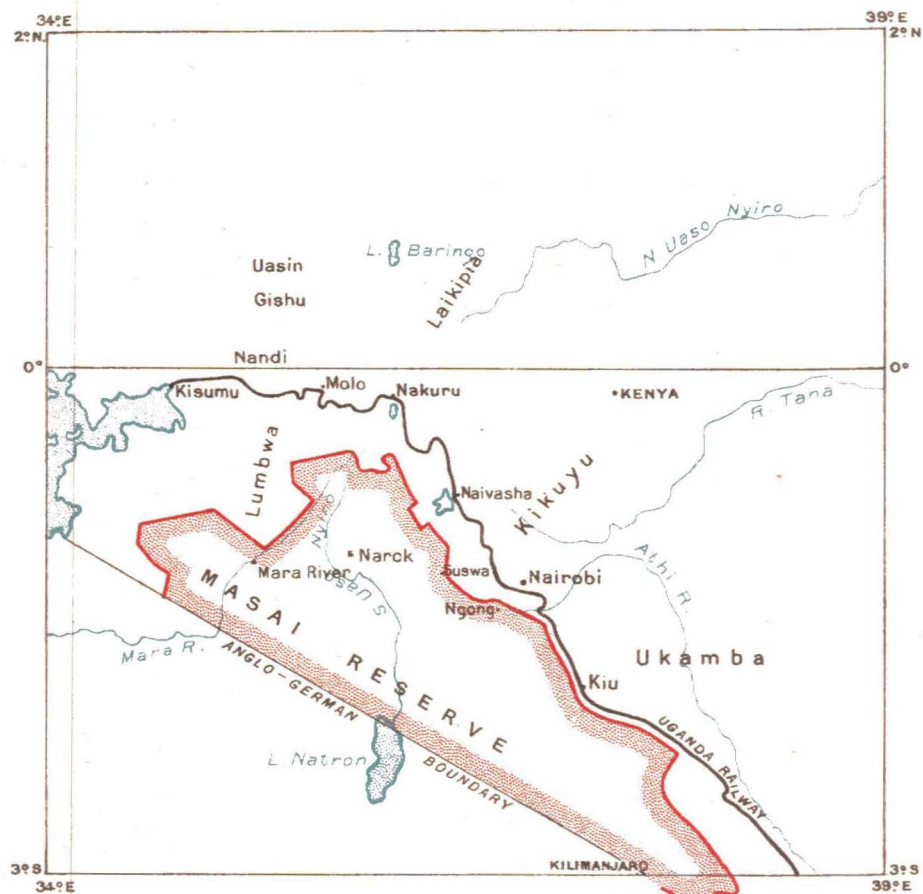
1904.



1906.



1916.



DISTRIBUTION OF THE MASAI IN THE EAST AFRICA PROTECTORATE.

1: 5,000,000.

The following quotations are made from the Protectorate Annual Report The year 1903-1904. for the year 1903-1904 :—

“About the beginning of September last, it was reported that the Masai contemplated a wholesale raid into the Kisiu country; the adoption of prompt measures, however, both in this province” (Ukamba) “and at Naivasha, prevented any carrying out of their intentions. Since that time they have been quiet, with the exception of a party belonging to the Matapatu section, which secretly organized a small expedition some two or three months ago: the kraal concerned was fined, and the ‘leganan,’ or head warrior, is now a fugitive, the raid having been unsuccessful. With the exception of these two incidents, the conduct of this tribe has been satisfactory. . . .”

“Nothing of great political importance has occurred in this district” (Naivasha District, Masailand) “during the year. In the autumn of 1903, the Masai held a large circumcision festival on the plains of Kinopop (or Kinangop). This was attended by several thousand tribesmen, and it was thought by some that the event would be commemorated by the dispatch of a large party to raid Lumbwa, Kisiu, and, possibly, the German territory at the back of Shirati. Though the idea was discredited by those on the spot, it was considered advisable to make a military demonstration in the neighbourhood of Naivasha to discourage any breaches of the peace. At any rate, the ceremonies on Kinopop passed over without incident. Curiously enough, about this time, a large war party of Masai did make a raid on the country east of Shirati, but, owing to warnings sent by us in anticipation of such an event, little damage was done, and the raiders were dispersed by the German troops. Our German neighbours appeared to be under the impression that Sendeo organized this raid, but what ‘el Moran,’ or warriors, formed the war party seems to remain in obscurity. The elders of what may be termed the Naivasha Masai are undoubtedly loyal, and will do their best to discourage raids by the el Moran.

“The executive officials in this district who may be considered to be in the confidence of the tribe, report that the elders discuss the question of raiding quite frankly, and often enquire what is to become of the poorer el Moran, who have no live-stock, and thus cannot marry and settle down as ‘El Moru,’ or Elders, and now raiding is forbidden, do not see how they are to acquire wealth. Numbers of these earn a bare livelihood by herding the property of their richer friends, others serve in the King’s African Rifles and police force, and those in regular Government employ, steadily save enough to start them in married life. It is probable that a partial solution of this problem lies in the formation of a labour bureau, the object of which will be to find suitable employment for the poorer el Moran and ‘laiok,’ or youths, who have not attained the status of warrior.”

As distinct from the Masai Moves, the history of which forms the subject Conclusion, of Chapter III., the early history of the Masai contains little further of interest. The administrative steps which have been taken on their account from time to time have been treated separately in the following chapters, and Masai raids may be said to have ceased after the year 1898, the last year in which they carried out a successful expedition against another tribe in the Protectorate. Their more recent raids against German territory, are referred to in Chapter VII.

CHAPTER III.
HISTORY OF THE MASAI MOVES.

Distribution of the Masai in 1902—Nomadic disposition—Applications by Europeans for land in the Rift Valley—Sir Charles Eliot's memorandum on Native Rights—Unrest among the Masai—Policy to be pursued in dealing with the Masai—Secretary of State's views—Mr. Hobley's reports on Laikipia—Mr. Jackson's memorandum—Resignation of Sir Charles Eliot—Mr. Hobley's investigations regarding Laikipia—Sir Donald Stewart's views—Agreement of 1904—Secretary of State's approval—The Masai Move, 1904—Extension of the boundaries of the Northern Masai Reserve—Further extension of the Reserve—Northern Reserve a Closed District—The further extension of the Northern Reserve—Proposals to extend the Northern Reserve—The Kakonyukye division—Purko on the Loita Plains—The suggested removal from Laikipia—Reports on Loita—Lenana's views—Reports on the Loita Plains—Irrigation of the Loita Plains—E-Unoto Ceremony, 1909—Meeting at Kiserian—The preliminary move—The move suspended—The Meeting of May 30th, 1910—Mr. Collyer's visits to the Loita country—The death of Lenana—The Agreement of 1911—The Masai Move of 1911—Congestion on the Mau—Desire to return north—Masai returned to Laikipia—Underestimation of Masai stock—Report on Extended Southern Masai Reserve—Tours in the Ol-Orokuti—Laikipia compared with the Southern Extension—The Move suspended—Census of the Masai on Laikipia—Tours in Ol-Orokuti—Meeting at Naivasha—Directions to the Masai to move—Arrangements for the Move—Meeting at Naivasha, 21st May, 1912—The "Masai Case"—Allotment of land to Settlers—The Meeting of December 5th, 1912—Completion of the Move—Attitude of the Masai after the Move—Disputes with previous residents—Relations between the Purko and Damat—Relations with the Lumbwa.

Distribution of the Masai in 1902.

In 1902-03, when settlers were first attracted to British East Africa, in considerable numbers, the Masai roamed unmolested on both sides of the Uganda Railway from Molo to Naivasha and on the South side from Nairobi to Kiu. They had, to a large extent, recovered from the effects of the cattle plague of 1890 and 1891 and were fairly wealthy again. It was estimated in 1904 that they possessed, in the Naivasha Province alone, 35,000 cattle and half-a-million sheep and goats. Their total possessions at that time amounted probably to 50,000 cattle and 600,000 sheep and goats.

Nomadic disposition.

The Masai are a nomad race, in so far as they change their residence frequently and without hesitation, and usually spend the cold weather in the valleys and the hot weather in the mountains. For their cattle, also, they are continuously seeking fresh pastures, and a grazing area, once left, remains untouched for a considerable period. A small number of kraals, to which the Masai would return annually, did exist, but these villages were few and far between and frequently uninhabited.

Applications by Europeans for land in the Rift Valley.

The absence of fixed habitations and the periodical migrations of the Masai led to the belief that a considerable portion of Masai country was masterless. In particular was this the case in respect of the Rift Valley, an area admirably suited to stock-raising and European settlement. Applications for those areas which were not continuously occupied by the Masai were accordingly made by Europeans, and the attention of the Government was drawn to the question of how far the country could, with safety and justice, be opened to white settlement, without thereby encroaching on the native grazing rights. As was natural, the land most sought after was that adjacent to the Railway Line, and the advisability of the policy of allowing Masai residence near the Railway on land suitable for Europeans was questioned. It was felt that European settlers, to whom the Railway was a necessity, would not be content to see the Masai, to whom it could be of no use whatever, excluding them from its vicinity.

Sir Charles Eliot's Memorandum on Native Rights.

Considerable discussion took place on this question and Sir Charles Eliot wrote a memorandum on the subject of Native Rights in the Naivasha Province on the 7th of September, 1903 to the following effect:—

"In the discussion on this question two things seem to me to have been confused:—

" 1. The right of the Masai to *inhabit* particular districts.

" 2. Their right to *monopolize* particular districts and keep everybody else out.

"The first right is undoubted, but the second appears to me most questionable. As a matter of expediency it may sometimes be best to make reserves but, as a matter of principle, I cannot admit that wandering tribes have a right to keep other and superior races out of large tracts merely because they have acquired a habit of straggling over far more land than they can utilize.

"The customs of the Masai may be interesting to anthropologists, but morally and economically they seem to me to be all bad, and it is our duty, as it will also be to our advantage, to change them as soon as it is practicable. Tribes closely akin to the Masai on Kilimanjaro and elsewhere are said to cultivate and those in the neighbourhood of Nairobi seem to be settling down. It is much to be desired that the Naivasha Masai should follow the same example, instead of straying about with large herds of inferior cattle and sheep, which are reported to be of little use to the owners and of none at all to anyone else. It is also desirable to break up the tribes as far as possible, and discourage assemblies of warriors, circumcision, ceremonies, etc., which all conduce to raiding.

"With this object it is clearly best, if practicable, to induce them to settle in small villages among Europeans, by whom they might be employed as cattle guards, etc., and I should wish officers to look upon this as the ideal solution of the question. But I quite recognize that the stupidity of the Masai or the brutality of Europeans may render it impossible and therefore we must have a reserve ready if needed. Such a reserve should not be too far off, which would result in the Masai not being under control and I would suggest the Kedong Valley and the country to the south of it as a suitable place. If higher ground is really necessary for their cattle they might have some in the neighbourhood of Kinangop or of the Southern Mau. I never contemplated, as some people seem to have thought, that the Masai should have *all* the land to the south and west of the line in the Rift Valley. That seems to me too much.

"It follows from the above that the question should not be hurried and that we should try to accustom the Masai to Europeans and their ways. Applications for land cannot be delayed indefinitely and if they are not very large should be granted unless the area wanted is either actually occupied by Masai or used by them at regular intervals.

"I should like to have an estimate of:—

" 1. The number of Masai.

" 2. The average number who live in one village.

" 3. The number of sheep and cattle which they possess.

"The Masai should beware of exaggerating their numbers, as they might be called upon to pay more hut tax."

In October 1903, Sir Charles Eliot reported a feeling of serious unrest which had been recently noticed among the Masai, culminating in preparations for a great raid on the south-western part of the Protectorate near the Anglo-German border and he ascribed the cause of this feeling to the E-Unoto ceremony which had just taken place, after which honour required each young warrior to blood his spear. The Masai were informed that they would be very severely punished if any raid took place and Colonel Harrison remained for ten days at Naivasha with 180 troops. In reporting this unrest, Sir Charles alluded to the policy which he considered should be followed in dealing with this tribe. He was strongly opposed to the creation of a native reserve for them if such a step could possibly be avoided as such isolation could only tend to confirm the Masai in their peculiar ideas and customs and he thought that the only sound policy was to break up their present organization.

Unrest among the Masai.

Policy to be pursued in dealing with the Masai.

Secretary of State's views. The Secretary of State for Foreign Affairs expressed himself as generally in agreement with these views, anticipating that contact with other races and with Europeans would gradually result in a change in the customs and organization of the Masai. It was agreed that the settlement of Europeans among the Masai would incline them to abandon their wandering habits and become, at least partially cultivators of the soil or servants of those who were developing the resources of the country. Sir Charles Eliot realized that such a condition of things implied some risk of conflict between the Masai and Europeans and he was prepared, but only as an ultimate resort, to remove the tribesmen from their present homes to a special reserve elsewhere, should experience prove that they could not get on with the settlers.

Mr. Hobley's reports on Laikipia. In December, 1903, and January, 1904, Mr. Hobley made extensive tours through the country, in the neighbourhood of the Rift Valley, accompanied by Masikondi and a few other elders of the tribe, with a view to discovering some division of the eligible grazing land, without detriment to the Masai, while admitting of as many grants to settlers as was feasible. By the middle of February, 1904, he had amassed sufficient information to enable him to assure Sir Charles Eliot that the formulation of an agreement with the Masai on the question of the division of grazing land in the Rift Valley was possible, subject to compensation being paid for grazing rights over certain areas which would have to be given up.

Mr. Jackson's memorandum. While on leave in England, Mr. (now Sir Frederick) Jackson wrote a memorandum on the Masai question, which it may be desirable to quote in extenso. The memorandum was dated the 22nd of February, 1904.

“The Masai will never give us serious trouble, so long as we treat them fairly, and do not deprive them of their best and favourite grazing grounds—*i.e.*, those in the vicinity of Lake Naivasha.

“Apart from the just cause for complaint that such action would give them, it would be a great mistake to push them on one side and away from the close vicinity and control of the Government stations. The further they are away from us, the more trouble they will give us in the matter of raiding.

“Neither the Germans nor ourselves are in touch with the Masai occupying the country on either side of the boundary between Kilimanjaro and the Lake. It is, however, by no means certain that there are any Masai resident in British territory close to the boundary, but no doubt those resident in German territory take refuge across the border after a raid, and when pursued by German troops. The ‘loyal’ Chief Sendeyo of the Loita Masai, left German territory about a year ago, and came to Nairobi with 2,000 followers, including 250 or 300 moran (warriors). The remainder of the clan declined to follow him. Sendeyo, who now lives with his brother Lenana at Nairobi, has no power over, or dealings with, the rest of the clan resident in German territory. A raid, which is said to have taken place last May is, no doubt, the one that Bishop Tucker of Uganda brought to our notice, owing to the raiders having attacked one of the Church Missionary Society’s stations on the south-east shore of the Lake. Several of the raiders were dressed in khaki uniforms, spoke Swahili, and were armed with breech-loading rifles. These facts, for presumably they are facts, point to these men being deserters from the German service, and as Sendeyo left German territory owing to the ill-treatment he met with, it is not unlikely that the remainder of the clan, subjected to similar treatment, bore a grudge against Europeans generally, and attacked the Mission station and settlement with the aid of the deserters. Up to the present, the Masai have never been known to attack Europeans in British territory, and they are not likely to, so long as they are treated fairly.

“The recent unrest was due, as Sir C. Eliot has pointed out, to an unusually large circumcision feast that takes place once in eight years. The ordinary ceremony is an annual one. The increase last year was due to a large number of young men, including many private servants of Europeans, and soldiers and policemen in Government service, postponing the service for one or two years,

and they were all, not unnaturally, keen to distinguish themselves in a raid on an unusually large scale. There was even a considerable amount of open boasting amongst those recently-made 'morans,' that the Government would not, and could not, stop them. This led to greatly exaggerated stories being circulated in the Nairobi bazaar, and these stories were made the most of by those settlers who can see no good in the Masai, and are keenly desirous of appropriating the best of their grazing grounds at Naivasha.

"As a matter of fact, the local authorities were well posted by Lenana at Nairobi, and by Masikondi, the principal Chief at Naivasha, as to what was going on, and there was never at any time justification for the alarmist reports that were circulated.

"The steps that were taken—viz., the temporary display of force at Naivasha by 180 men, under Colonel Harrison, who knows the Masai well—had the desired effect, and prevented the raid taking place. These steps were taken at the suggestion of Lenana.

"It is true that the Chiefs and Elders have little authority over the 'morans,' but they assist us in every way they can, and have given us information of contemplated raids.

"Up to the time I left Mombasa, the large grazing areas applied for in the Naivasha district, were 500 square miles (320,000 acres) by the East Africa Syndicate, 100,000 acres by Lord Delamere, and 32,000 acres each by Messrs. Chamberlain and Flemmer, and I pointed out to Sir C. Eliot that these areas not only embraced the best and most favoured grazing grounds of the Masai between Lakes Nakuru and Naivasha, but also embraced both banks of the only four rivers in the vicinity.

"Within this area, there are at the present moment not less than a quarter of a million sheep. Lord Delamere's application was therefore refused, and he selected another area on the Molo River, to which there were no local objections, as the Masai do not extend so far to the west in the valley. I was also given to understand by Mr. Hollis, the Secretary, that Sir Charles Eliot would not consider any further applications for large areas—including Mr. Chamberlain's application—between Nakuru and Naivasha. To Mr. Flemmer's application for land on the Mbarak River, north of Elmenteita, there were no local objections. This left only the Syndicate's 500 square miles to be considered, and for this purpose Mr. Bagge, the Sub-Commissioner, called a meeting of the Elders, who, after pointing out that the area embraced the pick of their ground, eventually agreed to raise no further objections, provided the remainder might be left to them.

"Shortly after I left, Sir C. Eliot himself visited Naivasha, and informed the Elders that between Naivasha and Nakuru no further grants would be considered. I learn, however, from a letter to Mr. Bagge from Mr. Hobley, who is doing my work as well as Mr. Bagge's, that applications for large areas have been received, amounting to 75 per cent. of the grazing grounds in the valley and on the Kinangop Plateau. These applications now embrace the whole of the Njoro River, the Enderet, the Mbarak, and Kedong, and the greater part of the Gil-Gil and Morendat, and I cannot see how it is possible to allow these grants without very seriously interfering with native interests. To any applications for land north of Nakuru and Elmenteita there are no local objections, as the Masai for many years have not occupied it, but I would strongly urge that no grants—except the Syndicate's—should be made south of a line between the north ends of Nakuru and Elmenteita.

"Our only hope of keeping the Masai under proper control for some years to come, is to keep them near us."

Resignation of Sir Charles Eliot. The policy subsequently adopted by the Secretary of State for Foreign Affairs in dealing with applications for land, which had been received in respect of areas inhabited by the Masai, led to the resignation of Sir Charles Eliot, and hastened the concentration of the Masai within the confines of reserves set apart exclusively for their use, the policy which Sir Charles Eliot had maintained should be resorted to only in the last extremity.

Mr. Hobley's investigations regarding Laikipia. While he was acting Commissioner, Mr. Hobley continued to collect information on the subject of the Masai grazing grounds and came to the conclusion that the Masai were not effectively occupying at any period of the year more than one-fifth of that grazing. He considered, however, that the concentration of the Masai in certain portions of the Rift Valley could only be regarded as a tentative solution of the Masai question, while the final settlement of the problem could be attained by placing the whole of the Masai tribe on the Laikipia highlands. He described Laikipia as an extensive plateau stretching from Loroghi mountain on the north to the Uaso Narok on the south and south-east and bounded on the west by a steep escarpment. Until 1890, this plateau had been inhabited by a powerful branch of the Masai, called the Laikipia, who were in that year attacked and dispersed by the Purko division with the loss of all their cattle. The great cattle plague of 1891 killed off most of the Purko captures and they once more retired south leaving Laikipia practically unoccupied. The western part of the plateau was not so well watered as some of the Rift Valley, but the Masai reported that owing to better distribution and the considerable amount of rainfall the grazing was more dependable than and superior to that of the Rift, and had formerly carried much larger flocks and herds than those possessed by the Masai in 1904. The Masai also expressed themselves as quite satisfied in regard to the water supply on Laikipia and as willing to move from the Rift Valley to the plateau.

Sir Donald Stewart's views. On his arrival in the Protectorate, Sir Donald Stewart gave immediate consideration to the matter and came to the conclusion that the removal of the Masai from the Rift Valley into two reserves was the only real settlement to the question. Masai and Europeans could never live together without endless trouble and friction; the Laikipia lands were well known to the Masai and well suited to them; they were some way removed from the Railway and not tempting to the settlers then in the Protectorate, though it was quite possible, he wrote, that when the Masai had grazed down the grass and got it sweet, envious eyes would be cast on their lands. He, therefore, emphasized the necessity of making these Laikipia lands an absolute native reserve for the Masai and asked that no applications for land by the settlers would be entertained within its limits.

Agreement of 1904. On the 9th of August, 1904, he held a meeting with the Masai Chiefs at Naivasha, at which were present Lenana, Masikondi, Legalishu and other principal chiefs representing the Purko, Kakonyukye, Loita, Damat and L'Otayok sections of the tribe. After explaining the position to them, he asked if it was true that they were agreeable to move to other lands of their own free will and give up the Rift Valley to European settlement. They replied that they were willing to do so under certain conditions, which appeared to be reasonable, and Sir Donald Stewart made a formal agreement with them, embodying their requests. This agreement was translated to and signed by all of them, and the Commissioner also signed, with a proviso that the Secretary of State's approval was necessary before the agreement became valid. Later, he held another meeting with the Masai of the Kaputiei, Matapatu, L'Odo Kilani and Sighirari divisions, at which the same three head chiefs were present. The agreement was read over and explained to them and they asked to sign the paper. The text of this agreement, the "Masai Agreement of 1904," is to be found in Appendix I.

The settlement arrived at was to be enduring "so long as the Masai as a race shall exist." Compensation was stipulated for in respect of a few small plots of cultivation (which would not amount to more than some two thousand rupees in all), and the Commissioner saw no objection to the reservation of a tract of land on Mount Kinangop for the exercise of their religious ceremonies connected with circumcision. The land which had been used in 1903 was situated seven miles

to the north-east of Naivasha, in an open plain without either timber or water, and the land now asked for was some seven miles beyond, situated at the base of the hill Ngorinitu, along which runs a small though perpetual stream, the Nagarangata, and an area of some five square miles was considered sufficient for their requirements. A road area, half a mile broad, would be beaconsed off as a path by which Masai could travel between the areas reserved for the two sections of the tribe and an administrative station would be established on Laikipia.*

Lord Lansdowne conveyed his approval to the Agreement by telegram on the 15th of October, 1904 and by despatch on the 21st of that month, and in his despatch he concurred in the opinion that Masai and Europeans could never live together without friction. The remarkable influx of colonists from South Africa and elsewhere and the rapidly increasing number of applications for permission to settle in the Rift Valley lent force to these considerations. It was clear that the squatting of numerous colonists on the land over which the Masai flocks and herds had hitherto roamed without hindrance and the need of all new-comers to gain access to the principal watering-places must inevitably lead to disputes and probably to disturbances which might easily assume the shape of a bitter and vindictive struggle between the two races. This aspect of the case had come forward prominently owing to the fact that a large number of intending settlers had applied for grants which would practically absorb the best and most favoured grazing grounds of the Masai between Lakes Nakuru and Naivasha.

Secretary of
State's
approval.

The Secretary of State recapitulated the position which had been arrived at with the East Africa Syndicate with whom arrangements were being made in June and July, 1903, for the grant to them of 500 square miles of land in the Naivasha Province, north and east of the Railway. It was not, he said, until the terms with the Syndicate had been finally arranged that he was warned that this grant, to which by that time the Government was committed, would materially curtail the best grazing grounds of the Masai; that the effect of large additional grants in the same vicinity would be to deprive the tribe of the best of their remaining pastures; or that the Masai had, in formal conference, only undertaken to raise no objection to the grant of the Syndicate land on the condition that the remaining grazing grounds were left to them.

He had, therefore, come to the conclusion that it would be advisable at least temporarily to exclude European settlers from the lands which still remained to the Masai in the Rift Valley after the grant of this concession, but he realized that this step was tantamount to the provisional creation of a Masai reserve in the Rift Valley. He, therefore, welcomed the solution of the problem proposed by Sir Donald Stewart in the form of the Agreement of 1904, by which the Masai would move from their old country and thus make it available for European colonization and which would involve the definite and permanent establishment of two reserves for the northern and southern sections of the tribe respectively.

The Secretary of State emphasised the fact that the definite acceptance of the policy of native reserves implied an absolute guarantee that the natives would, so long as they desired it, remain in undisputed and exclusive possession of the areas set aside for their use. In concluding his despatch, he remarked that the scheme submitted appeared to offer every possibility of a satisfactory solution of a difficult problem, and that he was the more glad to be able to express his approval, as it could probably not have been withheld without occasioning much disappointment to the Masai and shaking their confidence in the authorities of the Protectorate.

Steps were at once taken to move the Masai from the Rift Valley to Laikipia and from Nairobi to Ngong. The latter move was undertaken without difficulty, but some pressure had to be put on the Masai, of the Rift Valley, to induce them to leave their grazing grounds for the Northern Reserve. The separation of one

The Masai
Move, 1904.

* On August 9th, 1904, the day on which Sir Donald Stewart met the Masai Chief at Naivasha, he signed the lease to the East Africa Syndicate Limited, the terms of which are alluded to in page 158. Though no reference is made in the Agreement with the Masai it must be presumed that the area so demised was excluded from the lands set apart for the Southern Masai Reserve by the Agreement of 1904.

part of the tribe from the other was regarded with suspicion, it being suspected that the Government were adopting this policy in order that they might the more easily annihilate the tribe by defeating the sections each in turn. Further, almost immediately after the move commenced, it was found that the water supply there was totally inadequate for the requirements of the Masai.

The Masai, in fact, so neglected to carry out the terms of the agreement, as largely to destroy its meaning. Five sections, referred to as the Elburgu, Gekunuki, Loita, Damat and Laitutok undertook to move absolutely to Laikipia. A considerable portion, estimated at about one quarter, of the first-named section remained in the Southern Reserve or in the uninhabited country between the Uaso Nyiro and Mara Rivers. The Kakonyukye (Gekunuki) moved from the neighbourhood of Naivasha to Il Melili and the southern slopes of the Mau. The Loita continued to occupy the Loita Hills and Plains. The Damat made use of the country watered by the Southern Uaso Nyiro and its tributaries and the last named section continued to inhabit the region to the north of Kilimanjaro.

Extension of the boundaries of the Northern Masai Reserve.

The boundaries of the Northern Masai Reserve had been fixed by the Agreement of 1904 as follows :—

On the north, the Loroghi Mountains.

On the west, the Laikipia Escarpment.

On the south, the Lesuswa or Nyam and the Uaso Narok, and

On the east, the Kisima.

A short while before his death, Sir Donald Stewart, realising that the area so enclosed was inadequate, promised an extension of the original boundary, but he died before he had been able to place on record what had occurred at a conference held with the representatives of the Masai and those settlers who had taken up land in the area proposed for this extension. The provisional boundaries agreed upon seem to have been :—

On the east of the Aberdare Range, the Uaso Nyiro.

On the west of the Aberdare Range, the southern boundary was the Equator and the western boundary the crest line of the Osobugo loo-'l-dian and the Laikipia Escarpment.

Further extension of the Reserve.

This extension, however, was insufficient, and Sir James Hayes Sadler, in February, 1906, proposed a further enlargement, making the southern boundary of the reserve the northern boundaries of the East Africa Syndicate land, the eastern boundary the Uaso Nyiro, and the western boundary the crest of the Osobugo loo-'l-dian, as before. Several settlers, who were under the necessity of vacating their land, were compensated by additional grants elsewhere.

Northern Reserve a Closed District.

By a Proclamation, dated the 30th of May, 1906, the Northern Masai Reserve, whose boundaries are therein defined, was declared a closed district.

The further extension of the Northern Reserve.

On April 6, 1906, the Secretary of State signified his concurrence with these proposals. But the Northern Masai were still discontented. Their stock, after the removal from the somewhat foul grounds of the Rift Valley, had increased enormously, and at least once every year they had to break the boundaries of their reserve, both on the East and on the South, the grazing within the reserve allotted to them being insufficient. On the East they were permitted, every dry season, to cross the Uaso Nyiro and pasture their herds and flocks between that river and the Uaso Nanyokye, *i.e.*, over an area of 200 square miles outside their reserve. On the South, they settled on the shores of Lake Ol Bolossat, and Sir James Hayes Sadler asked, on November 23, 1906, that these grazing grounds might be relinquished by the East Africa Syndicate in exchange for land elsewhere, the lands so relinquished to be handed over to the Masai. No agreement, however, was come to with the East Africa Syndicate, and although this area was much used by the Masai, it never actually formed part of their reserve.

In the year 1907 there was a partial failure of rains and the Masai were allowed to break their boundaries eastwards across the Uaso Nyiro, southwards towards Mount Kippiperi, and westwards towards Lake Solai. Their stock was estimated by Mr. Collyer, the District Commissioner Rumuruti, at 70,000 head of cattle, and 1,750,000 sheep and goats, and it was amply demonstrated that, for their large and increasing herds, the grazing to be found in the Northern Reserve would be totally inadequate in a period of severe drought. It was suggested that the time was opportune for inducing the Masai to part with their superfluous cattle, but proposals were also considered for the permanent and final extension of their reserve. On September 23rd, 1908, Sir J. Hayes Sadler forwarded to the Colonial Office a recommendation made by Mr. Bagge, that the 200 square miles east of the Uaso Nyiro should be definitely added to the reserve, but no extension of this nature was made and the subject was dropped, when more detailed consideration was given to the possibility of moving all the Masai from the Northern Reserve.

Proposals to extend the Northern Reserve.

When the move of the Northern Masai was started at the end of 1904, the Provincial Commissioner at Naivasha thought it would be advisable to keep a few Masai near the Government station, in order that Europeans of the Rift Valley might the more easily obtain the services of herdsmen and servants. These Masai, of the Kakonyukye division, were allowed to settle with their cattle on Government land. The rapid increase of the stock belonging to the Purko Masai, on Laikipia, caused an insufficiency of pasturage for the Kakonyukye Masai, who had moved north from the Rift Valley and these latter, therefore, gradually returned to join their friends and relations near Naivasha. They took up their residence on all the unoccupied farms, squatted on the East Africa Syndicate land, grazed over the whole of the Commonage, and became a general nuisance. They were repeatedly warned by Mr. Bagge and others that they must leave Naivasha, but the move was not undertaken until 1910, when they went to the Loita Plains, to the west of the Masai Southern Reserve, afterwards called the extended Southern Reserve, taking with them some 10,000 head of cattle and 30,000 sheep and goats.

The Kakonyukye Division.

In addition to these Kakonyukye Masai, there lived in the Loita Plains about 2,000 Masai, with 20,000 cattle and half a million sheep and goats. Some of these were Sendeu's (Loita) Masai, whilst others were Purko Masai, who, instead of moving to Laikipia in 1904, went South and occupied what was at the time an unexplored region.

Purko on the Loita Plains.

In the year 1908, various suggestions were made with a view to moving the Masai from the Northern Reserve to the area lying between the Mara River and the Southern Uaso Nyiro. This country, like Laikipia, had formerly been occupied by various sections of the Masai, the Loita, L'Otayok and Damat, who had, for the most part, disappeared from the area. The suggestion to move the Masai was undoubtedly made in the interests of European settlers, some of whom had cast envious eyes on the grazing grounds of Laikipia, as Sir Donald Stewart had prophesied when submitting the Masai Agreement of 1904.

The suggested removal from Laikipia.

In the month of December, 1908, Mr. McClure and Captain Monckton, the Assistant District Commissioners of Ngong and Sotik, after extensive tours through the Loita country, submitted reports in which it was stated that the area south of Sotik and between the Uaso Nyiro and the Mara River, comprised some 2,300 square miles, of which 1,300 square miles were waterless. The Masai population numbered approximately 2,270, with 20,000 cattle and 100,000 sheep. The land, as a whole, was unsuitable for European settlement, though several areas might be regarded as good farming land, but these were so disconnected, as to render impossible their proper supervision. Further, permanent streams were so far apart as to preclude the possibility of allotting such farms on a continuous system. The land was generally suited to the requirements of a nomadic and pastoral tribe such as the Masai.

Reports on Loita.

On the 4th of January, 1909, the Governor mentioned the proposal to Lenana, and somewhat to his surprise, found that the Laibon was entirely in favour of it, provided that the settlers left the suggested area, but he doubted whether the

Lenana's views.

water in that country was sufficient for the requirements of the Northern Masai. Lenana's main object in recommending the move was to re-amalgamate the various sections of the tribe, in order to enable him once more to exercise direct control over all his followers. Ever since the removal of the Northern Masai to Laikipia, he had found his authority to be waning. The Rift Valley Masai had been separated more from the Nairobi Masai than Lenana had expected when the Agreement was signed. This separation was, to a large extent due to the fact that the Government had failed to carry out all the conditions of the treaty. The road half-a-mile broad, which was to have been left inalienated between the reserves had been reduced to such an extent that it was practically useless for cattle, and the land on either side had been leased to Europeans. In August, 1908, the movement of cattle between the reserves was altogether prohibited, owing to quarantine regulations, and the Masai of Laikipia were thus, to all intents and purposes, cut off from their Laibon at Ngong. Legalishu, who was present at the meeting, could not be induced to give his opinion on the subject. The Governor stated that the question of the move would not be contemplated by the Government unless it was in accord with the expressed wishes of the Masai, and he refused to comply with Lenana's suggestion that the matter might be settled without delay, for he considered that further investigation was necessary to ascertain whether the suggested area was suitable for the accommodation of the Northern Masai.

Reports on
the Loita
Plains.

As Lenana was so much in favour of the move, and as the reports sent in by Mr. McClure and Captain Monckton, though not enthusiastic, had been sufficiently encouraging, the Governor gave orders for two senior officers to inspect the country, and Messrs. Bagge and Hollis were entrusted with this work. The driest season of the year, March, was chosen in order that the country might be seen at its worst, and an extended tour was made through a part of Mau, Il-Melili, Ngatet and the Loita Plains to the Mara River, thence along the Anglo-German frontier, the Loita Hills and the Southern Uaso Nyiro to Naivasha. The gist of the reports submitted by these officers was that the land and grazing were, on the whole, good, but that there was an insufficiency of water and, much as they would like to see all the Masai concentrated in one reserve, they could not recommend the move until steps had been taken to irrigate the land, and until the settlers who were living in the area had been given farms elsewhere. Mr. Bagge, however, pointed out that the inclusion in the reserve of any of the country known as the Mau Plateau had not been considered, and that it was probable that by engineering works the water supply might be considerably increased. He suggested that an engineer should be sent into the area to report on the prospects of irrigation near the l'Ongaiant River.

Irrigation of
the Loita
Plains.

On Sir J. Hayes Sadler's departure from East Africa, Mr. Jackson instructed Mr. Watts, the Commissioner of Public Works, to visit the Loita Plains, and to report on the possibility of irrigation. At the same time, the settlers in the area which might be allotted to the Masai, were to be approached with a view to ascertaining if they would be prepared to move, should the scheme be carried through on consideration of receiving compensation on Laikipia or in the vicinity, to the extent of their present holdings, plus half as much again. Mr. Watts drew up an elaborate report and showed that by the expenditure of £5,280 the whole of the area could be watered. He also estimated that after deducting 1½ million acres for grazing of game, forest and waste areas, there remained 2½ million acres of good grazing land available for the support of 150,000 cattle and 1,200,000 sheep, reckoning seven acres per cow and one acre per sheep. A sum of £2,000 was inserted in the Estimates for 1910-1911 as a commencement for the irrigation scheme, but was disallowed by the Secretary of State.

E-Unoto
Ceremony.
1910.

In August, 1909, the District Commissioner of the Northern Masai Reserve reported that the Purko warriors wished shortly to proceed to the Kinangop reservation which had been set aside for the E-Unoto ceremonies, and to take some 10,000 cattle with them. The Purko Masai living in the Loita Plains likewise asked, through Lenana, for permission to proceed to Kinangop. Arrangements were made with the East Africa Syndicate, and the Northern Masai were

permitted to take their cattle to the Kinangop Reserve, but, although the Masai living in the Loita Plains were informed that they themselves might go to Kinangop, they were forbidden to take their cattle with them for fear of infecting, with East Coast fever, the stock belonging to the European farmers through whose lands they would have to pass, and of carrying this disease to the Northern Reserve.

By December, the Northern Masai, with 10,000 cattle but unaccompanied by their principal chiefs, Masikondi and Legalishu, had moved to Kinangop, but the ceremonies were commenced prematurely, for Lenana, on hearing that the Southern Purko might not take their cattle with them, withheld his sanction, which is necessary, according to the custom of the tribe, before a start can be made. On January 14th, 1910, he sent orders to Kinangop for the warriors to proceed with their cattle to the Southern Reserve in order to hold the ceremony at Ngong. At the same time he appealed to the Governor and pointed out that, unless his authority were recognized and his instructions obeyed, he feared a disruption between the two sections of the tribe.

On February 2nd, Sir Percy Girouard held a meeting at Nairobi, at which were present Lenana and those elders of the Northern Reserve that were taking part in the ceremony on Kinangop. Lenana made a direct appeal to the Governor, and stated that the condition of affairs which had arisen since the last E-Unoto ceremony, whereby free inter-communication between the two sections of the tribe had become impossible, was gradually but surely disintegrating his authority, a matter of great regret both to himself and to his people. It was, he explained, an unheard of thing that there should be two ceremonies for one section of the tribe, one on Kinangop and the other at Ngong, and, since the Southern Masai were forbidden to take their cattle to Kinangop, he desired the Northern Masai to proceed to Ngong to hold the ceremony there. He further stated that it was his most earnest wish that all the Northern Masai should move from Laikipia and inhabit the proposed extended Southern Reserve. The Governor informed Lenana that he could not sanction the move of all the Masai without consulting Masikondi and Legalishu, but, as regards the ceremony, he was quite willing that it should be held at Ngong if that was Lenana's wish and if he could arrange matters with the people concerned. The Masai elders then proceeded to Lenana's kraal to discuss the matter with him there, with the result that they returned to Kinangop, and, having collected their cattle, proceeded with the warriors to the Southern Reserve. It was, fortunately, unnecessary for the Government actively to intervene in support of the Laibon.

On February 24th, 1910, a second meeting was held at a camp known as Kiserian, close to Lenana's kraal near Ngong, with the Masai. At this meeting there were present, besides Lenana, Masikondi and Legalishu, respectively the senior elder and the spokesman of the senior warriors (who are generally referred to as the two chiefs) of the Northern Masai. These two representatives of the Northern Reserve not only agreed to the suggested move but expressed themselves in favour of it. It was accordingly proposed to carry it out as soon after the rains had commenced as practicable.

Mr. Collyer, the District Commissioner of the Northern Reserve, was appointed Special Commissioner for the move, and, as several Provinces and interests were affected, he was directed to correspond with the Secretary for Native Affairs, who was to arrange the details, and submit recommendations for the displacement of the white settlers from the Southern Uaso Nyiro.

Everything went well. The majority of settlers were public spirited enough to consent to the Masai passing over their farms, and four separate routes were arranged. Special officers were deputed to accompany the mobs of cattle and a survey was commenced on Laikipia for farms to which the settlers from the Southern Uaso Nyiro might proceed.

In April, gastro-enteritis, which for some time past had been prevalent all along the line from Naivasha to Kisumu as well as in the northern Masai Reserve, broke out among the Masai herds in epidemic form. It is possible that this had

something to do with the readiness of the Masai to move, for their methods of quarantine are to quit foul ground and drive their herds on to fresh pastures. Be that as it may, the Masai started towards the middle of April of their own accord, and before the Government was really ready, those from the extreme north of the reserve pressing south, and those on the southern boundaries leaving the reserve by the routes that had been arranged. The drought may have expedited their movements, for no rain had fallen in the Northern Masai Reserve whilst there had been a plentiful quantity on the Loita Plains, on Mau, and near the railway.

The Move
Suspended.

On April 20th, 1910, a telegram was received from the Secretary of State ordering the move to be suspended and before the end of the month, steps had to be taken to send the Masai back to their reserve. The Secretary of State's telegram was followed by a despatch, dated April 22nd, 1910, intimating that, inasmuch as the agreement signed in 1904 was solemn and binding, it could not be cancelled without the clearest proof that the proposed agreement was in accordance with the wishes of the Masai and especially of the northern section. A document must be procured of equal formality with that of 1904 and must be signed by an equally representative body of Masai. Owing to the severe form which the cattle disease had taken, it is probable that the move could not have been undertaken in any case for fear of infecting the stock on European farms and in the Loita Plains, and this was made the excuse for the postponement. But the Masai were neither willing nor, indeed, able to remain in their reserve, for there was very little grazing owing to the drought and the ground was foul; and before many weeks were past, between twenty and thirty thousand cattle had been driven across the Northern Uaso Nyiro. Permission was afterwards granted to the Masai to occupy the 200 square miles between the Rivers Nyiro and Nanyokye.

The
Meeting of
May 30, 1910.

On May 30th another meeting was held at Ngong, and a provisional agreement was entered into between the Governor and the Masai, according to the terms of which the tribesmen, being satisfied that it was to their best interests that the Masai people should inhabit one area, and not be divided into two sections, as must arise under the treaty of 1904, agreed to move from Laikipia to the Loita Plains, when the Governor should notify them. There were present, as representatives of the Masai, Lenana, Masikondi, and Legalishu, Saburi (whose position in the Southern Reserve was analogous to Masikondi's in the Northern Reserve), the heads of clans, *i.e.*, the principal elders, of the Northern Reserve, and the spokesmen of the senior, the junior, and the coming age-groups of warriors. The Governor was supported by Messrs. Holey and Lane, Provincial Commissioners, Mr. Combe, Crown Advocate, Mr. Hollis, Secretary for Native Affairs, and Mr. Collyer, the District Commissioner of the Northern Reserve. The Rev. Dr. Scott was also present as an independent witness. The agreement, which was entered into by the Masai of their own free will, was translated and fully explained to them. There was, however, one dissentient voice, and, during the discussion which preceded the signing of the agreement, Legalishu said he did not consider the new area large enough. The Governor informed the Masai that the move, if it was to take place at all, must be a voluntary one, and he asked Lenana, Masikondi, and Legalishu to depute representatives to visit the country with Mr. Collyer. He further promised the Masai that, if they did not wish to move, they need not do so, and that if they did move, and the area was found to be too small, the country across the Mara River towards Kisii would be included in their territory. Before a final agreement could be entered into, the return of the party that would go and inspect the land would be awaited, and their report considered.

Mr. Collyer's
visit to the
Loita
country.

Mr. Collyer spent two months in the Loita Plains, on Mau, and Ngatet, and in the Il-Melili country. The two men from the Northern Reserve who accompanied the party were both nominated by Legalishu, and, when they returned to Laikipia in August, they reported that the proposed area, was too small, that there was an insufficiency of water, and that the Sotik would steal their cattle. This report was accepted by the chiefs and elders of the northern section, and a large gathering, led by Masikondi and Legalishu, met at Rumuruti, on August 27th, 1910, to

inform Mr. Collyer, the District Commissioner, of their decision. They said that, as their Laibon wished them to move, they were ready to go if the Governor ordered them to do so, but that they did not wish to leave Laikipia. As this was their determination, no attempt was made to influence them, no pressure was put upon them, and the subject was not again broached to them.

On March 7th, 1911, Lenana died. He had been suffering from dysentery for a month, but was getting better, when he suddenly collapsed. The Assistant District Commissioner in charge of the Southern Masai Reserve, Mr. Crewe-Read, was with him a few hours before his death, and discussed various minor questions with him. Lenana did not nominate his successor, as is the custom with the Masai Laibons, for he only realised a short time before he died, that his last hour had come, but, when he felt he was dying, he made the following speech in the presence of numerous witnesses:—

The death of
Lenana.

“ Tell the Government to look after my children and to give them the money which I should have earned if I had been alive. Tell my people to obey the Government as they have done during my life. Tell the Laikipia Masai to move with their cattle to the Loita Plains.”

April 2nd was fixed upon as the date for a meeting with the Masai representatives of both the Northern and Southern Reserves in order to select a successor to Lenana. Masikondi, the senior elder of the Northern Masai, was too unwell to proceed to Ngong, but he delegated his powers to two of the members of his clan. Legalishu, with the other heads of the clans and the spokesmen, of the various age-grades from the Northern and Southern Reserves, were present, and the proceedings were watched on behalf of the Government by Mr. Lane, Provincial Commissioner of Naivasha, Mr. Hollis, Secretary for Native Affairs, and Mr. Crewe-Read. Seggi, Lenana's eldest surviving son, a youth of thirteen years of age, was unanimously chosen as Laibon. Owing to his youth, it was decided to appoint two Regents to assist him in governing his people, one for the Southern and one for the Northern Reserve. Ngarova, a cousin of Lenana, was selected as Regent for the south, and Legalishu for the north. When these ceremonies were completed, Legalishu stated, on behalf of the Northern Masai, that he wished to ask that they might be permitted to move to the extended Southern Reserve. This change of opinion was undoubtedly due partly to the dying wishes of Lenana and partly to a fear of disruption between the two sections of the tribe. On the other representative expressing a like request, the Masai were informed by their Provincial Commissioner that they would have to proceed to Nairobi and approach the Governor personally on the matter.

Sir Percy Girouard held a meeting with the Masai representatives on April 3rd, 1911, in Nairobi. Legalishu, as spokesman of the Northern Masai, again stated that it was their wish to move to the extended Southern Reserve. The Governor repeated that, if the move were to take place, it must be a voluntary one, that the Masai were completely free to accept or reject the proposed arrangement, and that, if they did reject it, the pledges made to them by the Government in 1904, would be scrupulously adhered to. They thereupon replied that it was their own wish that they might be allowed to move. A formal treaty was drafted, and another meeting was held on April 4th. The members of the Executive Council and the Provincial Commissioners were summoned, and, in the presence of all, the Governor asked the Masai whether or not they wished to move to the extended Southern Reserve. The reply was again in the affirmative. Several minor points were then discussed, Legalishu acting as spokesman. The principal matter was the water question. The Masai stated that, if the Government would help to improve the water supply, they themselves would contribute towards the work by the payment of bullocks. They requested that all Europeans should be removed from the area, and that as much as possible of the area known as “ The Promised Land,” which had been applied for by Mr. Powys Cobb, should be given to them. Protection from possible Sotik raids was asked for and granted. Finally, the Masai begged to be allowed to start the move as soon as there was sufficient grass along the routes, and asked that they might not be hurried. They were informed in reply, that the move was contingent on the approval of His

The Agree-
ment of 1911

Majesty the King, and that, if they were permitted to move, they would be allowed to proceed slowly. After this, the treaty was translated and fully explained to them, and the Masai affixed their marks in the presence of the European officers. The treaty was then sent to Rumuruti to ascertain if Masikondi and such of the old men as were too infirm to attend the meeting at Ngong approved of the terms.

The agreement, as drafted, was submitted to the Secretary of State, who approved of its terms, by telegram, on the 29th of May, and by despatch on the 2nd of June, 1911.

The Masai
Move of 1911

The Masai were accordingly informed that the Government had agreed to their moving from the Northern Reserve into an extended Southern Reserve. The move was arranged to proceed along four routes throughout June, July and August. No compulsion of any kind was used, and administrative and veterinary officers were detailed to escort the mobs of cattle across the European farms.

Congestion
on the Mau.

One of the routes, which proceeded by Lake Naivasha, went straight into the extended Southern Reserve, and those Masai who travelled by this route soon reached the Loita Plains. The other three routes converged on the top of the Mau into "The Promised Land." The first Masai to arrive on the plateau went right through to their destination, but the succeeding parties, finding the grazing good, remained, erected their kraals, and decided not to push forward into the plains below. Unfortunately, no precautions were taken to induce them to leave the plateau, and there was consequently a great congestion at the commencement of the heavy rains, which usually fall on the Mau towards the end of August and in September. The roads became impassable, and the people and stock suffered from cold and discomfort. They accordingly returned to the European farms lying between Njoro and Elmenteita Stations on the Uganda Railway.

Desire to
return north.

In consequence of this check, the Secretary for Native Affairs and the Director of Agriculture were sent, on August 21st, to investigate the situation, and they reported that there was nothing to show that the move was other than temporarily checked. It had, however, considerably affected the views of some of the people, and a desire appeared, more particularly on the part of Legalishu, to return to the north.

Masai
returned to
Laikipia.

As it was impossible for the Masai to remain on European farms near the Railway for any length of time, the Governor issued directions for them to be sent back to the southern part of Laikipia, and to the land belonging to the East Africa Syndicate, adjacent to the former Northern Masai Reserve. The carrying out of the necessary arrangements were entrusted to Mr. John Ainsworth, Provincial Commissioner, Kisumu, who met the Masai representatives at Elmenteita and Nakuru early in September. Mr. J. K. Hill placed 150,000 acres of Syndicate land at the disposal of the natives, and the move eastwards into this land was completed by September 16th.

Character of
the Move.

This check was undoubtedly the result of the Masai having proceeded too quickly. They pressed forward even when asked by European farmers (through whose farms they were passing) to hold back, the farmers being desirous of trying to open up a trade with them. No police measures of any kind were adopted, testifying to the voluntary character of the move. It appears that the Masai did not suffer to any extent by the journey, and the losses reported were those which would naturally take place in large movements of stock.

Under-
estimation
of Masai
stock.

The move had brought to light one matter of importance; previous calculations of the number of stock possessed by the Northern Masai had been greatly underestimated, and the probable figure was computed at 200,000 cattle and 2,000,000 sheep, a large increase over the original estimate, made in 1911, of 80,000 cattle and 1,500,000 sheep. That such an error should have been made is accounted for by the superstitious opposition of the Masai to the counting of any of their stock.

A report submitted by the Director of Agriculture at this time stated that the extended Southern Reserve was, more or less, fully stocked, partly owing to the fact that those Masai who had originally occupied the Southern Reserve had broken their boundaries, and driven their flocks and herds into the extended reserve, and partly owing to the arrival of 50,000 cattle and half-a-million sheep from Laikipia. The extended reserve was, however, stated to be capable of holding more stock if necessary, and investigations were immediately made regarding the suitability of the land across the Mara River.

Report on
Extended
Southern
Masai
Reserve.

The tour of investigation was undertaken by the Director of Agriculture and the Director of Public Works, and the report sent in was to the effect that the area available consisted of one million acres of the finest grazing land in the Protectorate, exceedingly well-watered, and superior to the former Northern Reserve. The country was practically uninhabited, owing, it was said, to the fact that some years before the Masai who then occupied the country were decimated by small-pox while, simultaneously, almost all their cattle died from rinderpest. Messrs. J. K. Hill and C. O'N. Chaplin, two prominent settlers, accompanied the Director of Agriculture on his tour, and submitted separate reports, testifying to the excellent quality of the land in question as a grazing area. In view of the eminent desirability of including all the Masai in one reserve, the Governor felt compelled to recommend that this further area should be allotted to the Masai.

Tours in the
Ol-Orokuti.

The position at this point was that an area of 4,500 square miles on Laikipia, of which not more than 1,200 was well-watered, was to be exchanged for 6,500 square miles in the south, of which 1,500 was described as some of the best stock country in British East Africa, and through the remaining 5,000 square miles of which flowed the perennial rivers, the Mara and Uaso Nyiro. It was further stated that the whole of this southern area was free from tsetse fly or other disease-carrying fly.

Laikipia
compared
with the
Southern
Extension.

Meanwhile, on receipt of information respecting the check in the move, the Secretary of State had wired instructions that those natives who had not been provided with suitable accommodation in the south must be immediately provided for in the Northern Reserve. They could not be allowed to remain on private lands without giving rise to future difficulties, and the whole question of an eventual move must be suspended until the suitability and capacity of the new reserve had been thoroughly examined, it had been inspected by representatives of the Northern Masai, and until their full and free assent to the resumption of the move had been obtained. The actual move, if these conditions were fulfilled, must not be made until the Governor had satisfied the Secretary of State that an adequate water supply would be immediately available, and that the preparations for proper supervision of the move were complete.

The Move
suspende^d.

After the check which took place in 1911, and the subsequent withdrawal on to European farms, the Masai returned to the Northern Reserve. Officers were immediately detailed to make a census of the Masai on Laikipia, and the returns showed a population of not more than 4,000 adults, together with 160,600 cattle and 1,068,100 sheep. It was calculated at the same time that there was, in the Southern and extended Southern Reserves, accommodation for 351,000 cattle, and it was therefore decided that the extensions of the Southern Reserve were more than capable of holding all the Masai stock from the north.

Census of
Masai on
Laikipia.

In November, 1911, six elders and a few warriors from the Northern Reserve accompanied Mr. R. W. Hemsted on a tour of inspection of the trans-Mara country. They were shown every part of the Ol-Orokuti (trans-Mara) area, and unanimously expressed the opinion that the country was eminently suitable for the Masai and their cattle.

Tours in the
Ol-Orokuti.

In the same month Legalishu deputed four elders to visit the district, and these elders accompanied by Mr. Hemsted, toured the Ol-Orokuti for fourteen days. Their opinion on the area was not expressed, and they returned nothing but evasive answers, at the same time admitting that the grazing was sufficient and the water supply adequate.

Meeting at
Naivasha.

On the 10th of February, 1912, a meeting was held at Naivasha between the representatives of Masai from the Northern, Southern and extended Southern Reserves and the Secretary for Native Affairs (Mr. Hollis), supported by the Provincial Commissioner, Naivasha and several other administrative officers. There were present Masikondi and Legalishu with some thirty elders of the Northern Reserve, Ngaroya, the Regent of the Southern Reserve, carrying the iron club, as representing the Laibon, Ole Kotikosh and other Purko Masai, who had already moved into the extended Southern Reserve, and Ol le Seti with other Kakonyukye Masai. Legalishu and Masikondi stated that they did not now wish to move and that they believed the country offered to them in exchange for Laikipia was inadequate. Ngaroya said that he was authorised to inform them that it was the Laibon's wish that they should move south and so reunite the tribe, but the northern chiefs declined to carry out this wish of the Laibon. Ole Kotikosh expressed the desire of the rest of the Purko division to be allowed to proceed with the move south, and Ol le Seti stated that most of the Kakonyukye were already in the extended Southern Reserve and that the remainder wished to follow. As a result of this meeting the members of the Purko division who had remained in the north were permitted to move with their cattle, and arrangements for the move were entrusted to the Provincial Commissioner, Naivasha, on the 15th of February. The influence against the move exerted by Legalishu, however, was so great that although several of the Purko wished to proceed they were prevented from doing so, and small success attended a visit to Laikipia carried out by Ngaroya and Ole Kotikosh with a view to using their influence in favour of the move.

Directions to
the Masai
to move.

On the 8th of May, while Sir Percy Girouard was on leave in England, the Secretary of State decided that the Masai should be directed to move to the Southern from the Northern Reserve, but he gave instructions that the lands vacated in the north must not be dealt with in any way until the matter had received his approval.

Arrange-
ments for
the move.

Arrangements for the move were at once put in hand. On the 10th of May, Mr. Bowering, the Acting Governor, proceeded to Naivasha accompanied by Mr. Hollis, Dr. Milne, the Principal Medical Officer, and Mr. Brandt, Acting Chief Veterinary Officer, in order to discuss with Mr. McClellan and the local officials the details of the move. Two routes only were to be used, one *via* Elmenteita and across the Mau by the land known as "The Promised Land," and the other *via* Gilgil and Eburu and across the Mau near Lake Naivasha. A broad track, twenty-five miles long, had been cut through the forest from the western slopes of Mau to the Mara River. Not more than 10,000 cattle were to be allowed to move in the first instance by each route and no further mobs were to follow until the first ones had settled down. Adequate arrangements were made for the supervision of the move and medical and veterinary officers were provided.

Meeting at
Naivasha,
21st May,
1912.

On the 21st of May, a meeting was held at Naivasha when it was explained to the Masai that the Government had decided that the terms of the treaty entered into on April 2nd, 1911, should be kept and that the northern Masai would be required to move. The chiefs offered no opposition, and, indeed, appeared to be relieved that the Government had come to a decision on the matter. Ngaroya, the Regent of the Southern Reserve, expressed his thanks on behalf of the Laibon and stated that it was a great satisfaction to all the Masai to know that they would be brought together again and not be divided into two sections. Legalishu agreed to move with the first batch and to help the others to settle after they had crossed the Mau.

The "Masai
Case."

On the 28th of June, 1912, Mr. A. Morrison addressed the Colonial Office, intimating that he, in company with Mr. A. D. Home and Mr. A. W. Buckland, had been instructed to act for Legalishu in the taking of legal proceedings against the Government on behalf of the Masai. Action was brought in the High Court by Ol le Njogo and others against the Attorney General and others in May, 1913, and the case was dismissed with costs by the Chief Justice. An appeal was made to the Court of Appeal for Eastern Africa in December, 1913, but the appeal was dismissed with costs. Conditional leave to appeal to the Privy Council was

granted, but lapsed owing to the appellants failing to give security for costs. Further details of the proceedings will be found in Appendix 3.

While the move was in progress the question of the allotment of land to settlers who were affected by the removal of the Masai from Laikipia was brought up. The claimants fall into two distinct categories, viz. :—

Allotment
of land to
Settlers.

(1) Those who, in 1904, abandoned their farms, or claims to farms, on Laikipia in order to make room for the Masai who were, in that year, settled in the Northern Reserve; and

(2) Those who had abandoned their farms in the Lemek Valley and in the Southern Uaso Nyiro in connection with the move then progressing.

The original intention in respect of those of the first class was to make grants of land to them elsewhere. These Laikipia settlers were allowed time to make their selections, but, before these selections had been made, the removal of the Masai from Laikipia was mooted and the settlers preferred to wait in the hope of being, after all, able to take up their land on Laikipia as originally intended. The negotiations for the surrender of claims of those settlers who came within the second category were begun in 1909, and were carried out on the basis of a grant of land equal in area to that surrendered in the Southern Reserve, plus fifty per cent., or a sum of money, by way of compensation for improvements, if any. It was understood that no definite promises had been made that the Laikipia lands would be available for exchange, but there was little doubt that it had been taken for granted that this would be the case. Mr. Bowring consequently suggested that, in offering farms to claimants efforts should be made to offer farms approximately equal in value to the land to which the claimants would be entitled on Laikipia, were this land available. At the same time they would be given the alternative of waiting in the hope of being eventually granted land on Laikipia. The Secretary of State considered it desirable, from the public point of view, that no one who was to be compensated in connection with the movement of the Masai should be granted such compensation on Laikipia. He further directed that the claims should be satisfied purely on the basis of area, without reference to the hypothetical value of Laikipia lands. The satisfaction of such claims was to take precedence, within a reasonable limit of time, of any further general allotment of Crown Lands.

On the 23rd of October, 1912, further facts were telegraphed to the Secretary of State regarding the lands on Laikipia. It appears that, on April 7th, 1910, the Commissioner of Lands had informed the Governor that the result of the negotiations with the Masai would be the granting of approximately 200,000 acres on Laikipia. On April the 13th, the Governor had accepted the Commissioner's proposals, and, on that authority, the Land Office had informed the parties concerned that, if they surrendered their land in the Southern Reserve, they would be given areas in the Northern Reserve or its vicinity when the move had been accomplished. Similar promises had been made by the Governor to Major the Hon. R. F. Carnegie and Lady Southesk on the 14th of June, 1910. Sir Henry Belfield was therefore of opinion that the Government was under a legal obligation to fulfil the promise made on the completion of the move. He anticipated the most serious results if land on Laikipia was now refused to claimants. All the Southern Reserve farmers confidently expected to receive one and a half times their previous holdings out of the lands to be vacated by the Masai and the Governor feared that there was no chance of their accepting land elsewhere.

On receipt of this information the Secretary of State concurred in the view that the Government was committed to the grant of lands vacated by the northern Masai to the claimants in question and felt reluctantly compelled to discard the principles which he had previously laid down. He therefore directed that the obligations entered into in 1910 must be discharged, and as the land, if left vacant for any length of time, could only become useless, or at any rate, greatly impoverished, he approved of arrangements being made for the necessary grants, due regard being had to any prior claims which ought to be admitted to lands on Laikipia in view of the fact that the claimants surrendered their holdings there when the Masai were transferred from the Rift Valley in 1904.

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The Meeting
of December
5th, 1912.

On December 5th, 1912, the Governor met the Masai chiefs at Nakuru. The remarks then made by Legalishu and his adherents were evasive, and no attempt was made to express their true feelings in the matter or to disclose their reasons for taking legal proceedings against the Government. The Governor was of opinion that only a minority of the tribal elders, headed by Legalishu and Masikondi, were responsible for this action, ostensibly on behalf of their tribe, and that the personal avidity and ambition of those two men were doubtless contributory causes of their organized opposition to the approved Government policy. Those who opposed the move had no valid ground for their objection as to the unsuitability of the new country to which they were being moved.

Completion
of the move.

On the 9th of April, 1913, Sir Henry Belfield informed the Secretary of State that the Masai move was completed. With the exception of Il Dala Lekutuk division all the Laikipia Masai were located in the extended Reserve, while that division, after remaining for some months on the Uaso Nyiro, moved to the Kaputiei country and settled there. Reports showed that the losses suffered by the Masai on account of the move had been very small. Rinderpest was rife, both in Laikipia and the south, from which many hundreds of beasts died, but the veterinary officers who were in charge of both areas did all that was possible to prevent the spread of the disease. Sheep suffered on one or two occasions, but only a few succumbed. Two drifts were being used, each with an officer in control, and of the thousands of sheep at these drifts not one was lost. The death rate of the Masai themselves, directly attributable to the move, was probably nil. On the whole, the Masai behaved well throughout, and there was very little friction with settlers. Statistics show that the number of Masai moved between the 10th of June, 1912, and the 27th of March, 1913, was 462 warriors, 1,820 other males, 4,031 women and 3,751 children, a total of 10,064 souls, while nearly 200,000 head of cattle and 550,000 sheep were counted. The number of sheep is probably very greatly underestimated. The Secretary of State expressed his appreciation of the manner in which the delicate and difficult task had been performed.

Attitude of
the Masai
after the
move.

On the completion of the move the Purko division evinced a considerable disinclination to cross the Mara River, but no steps were taken to induce them to do so and a large number of Masai, including all the Purko Muran, moved into the trans-Mara region in September, 1913.

The Masai did not, on the whole, settle down contentedly in their new surroundings and they showed a disposition to make the worst of everything. Complaints were incessant that the country was unsuitable for them and for their stock, and every device short of active resistance was employed to obstruct the Administration and to defeat the ends of justice. Information concerning crimes was withheld, and escaped prisoners were assisted and harboured. Chiefs and elders proved anything but helpful and were occasionally almost defiant. The "Masai Case" was undoubtedly responsible for much of this feeling, but it is also probable that the natives resented the closer administration which had been rendered possible by the amalgamation of the two reserves.

This discontented feeling began to disappear some six months after the completion of the move and raids, murders and stock thefts decreased in number. Two years after their arrival the Masai could be described as contented and happy in spite of their dissatisfied disposition.

Disputes
with
previous
residents.

Prior to the arrival of the Masai from Laikipia, the country constituting the extended Southern Reserve had been occupied by members of the Loita, Damat, Kakonyukye and Siria tribal divisions as well as by about one-quarter of the Purko division. These sections had undertaken to move to Laikipia in 1904, but succeeded in evading the terms of their agreement with the Government and, while admitting that they had no claim to the land, occupied the area and came to regard it as their own. By these Masai the arrival of their fellows from Laikipia was resented, while the latter were displeased at finding the best grazing grounds already taken up. A considerable amount of friction ensued, more particularly between the Purko and Il Damat divisions.

Some years previously the Damat division had been almost annihilated by the Purko and many of the survivors had been forced to throw in their lot with their conquerors owing to the loss of all their possessions. In subsequent successful wars waged by the Purko they had received their share of the booty, and had thus come once more to possess large herds of sheep and cattle. They now expressed a desire to rejoin their own tribal division, but the Purko maintained that if they did so they must hand back those possessions which they had acquired as a result of the Purko raids. This question was not settled until April, 1918, when, at the inaugural meeting of the Masai Council, Ole Kataiga, President of the Damat Council, agreed that the Damat should continue as a part of the Purko division.

Relations
between the
Purko and
Damat.

Masai and Lumbwa at first regarded each other with suspicion and dislike. Thefts and counter-thefts were common and precautions had to be taken to preserve peace between the Muran of the two tribes. This ill-feeling nearly came to a head towards the end of 1912, when a party of Masai Muran made a raid on a Lumbwa village and murdered several people, but no actual trouble occurred, and the presence of the Masai on the Lumbwa borders has now ceased to give cause for anxiety, though occasional thefts still occur.

Relations
with the
Lumbwa

CHAPTER IV.

BOUNDARIES OF THE MASAI RESERVE.

The Southern Masai Reserve in 1904—Masailand District—South Masai District—Southern Masai Reserve a Closed District—Boundaries of the Naivasha Province—The Extended Masai Reserve—Eastern Extension—From the Mbagathi to Mount Suswa—From Mount Suswa to Mr. Powys Cobb's land—From Mr. Powys Cobb's land to the Sotik Reserve—In the trans-Mara country—Proclamation of July 23rd, 1912—From the Mbagathi Stream to Mount Suswa—From Mount Suswa to Mr. Powys Cobb's land—The trans-Mara area—The South-Eastern Boundary—The most recent description—The Mau Narok.

The Southern Masai Reserve in 1904.

By the Agreement of 1904, which provided for the removal of the Masai tribes to definite reserves, "the Kaptei, Matapatu, Ndogalani and Sigarari sections" of the tribe agreed to "remove into the territory originally occupied by them, to the south of Donyo Lamuyu (Ngongo) and the Kisearian Stream, and to comprise within the area the Donyo Lamuyu, Ndogalani and Matapatu mountains and the Donyo Narok, and to extend to Sosian on the west.

"In addition, . . . Lenana, as Chief Lybon, and his successors, to be allowed to occupy the land lying in between the Mbagathi and Kisearian streams, from Donyo Lamuyu to the point where both streams meet, with the exception of land already occupied by Mr. Oulton, Mr. McQueen and Mr. Paterson."

Masailand District.

On the 11th of February, 1905, a Proclamation was signed defining the boundaries of the Masailand District of the Ukamba Province, and declaring that that district should be divided into two, namely, the Kikuyu District and the South Masai District.

South Masai District.

The boundaries of the South Masai District were defined as follows:—

The South Masai District shall comprise all the land lying in between the Athi River and the Nairobi stream to a point on the latter, where the Masari enters the Nairobi, and then all land lying to the east and south-east of the Masari, and the line drawn from the point on the same stream opposite the Homestead Farm, to the place where the Fort Smith Road crosses the railway line, thence all land east of the line drawn from the railway crossing to the junction of the Dagoretti Road with the Ngongo Road, thence in a line along the Dagoretti Road to a point east of Kinanjui's village, all land east and south-east of a line from the point near Kinanjui's village to the Mbagathi. All land south of the Mbagathi stream, including Donyo Lamuyu (Ngongo) and to the south as far as the Anglo-German boundary. The boundaries between the Masai District and the Ulu District shall be an imaginary line drawn one mile parallel south and west of the railway line from the Athi River Station to Simba, and then in a direct line to the German frontier, following the Simba River as far as possible.

Dispute with previous resident

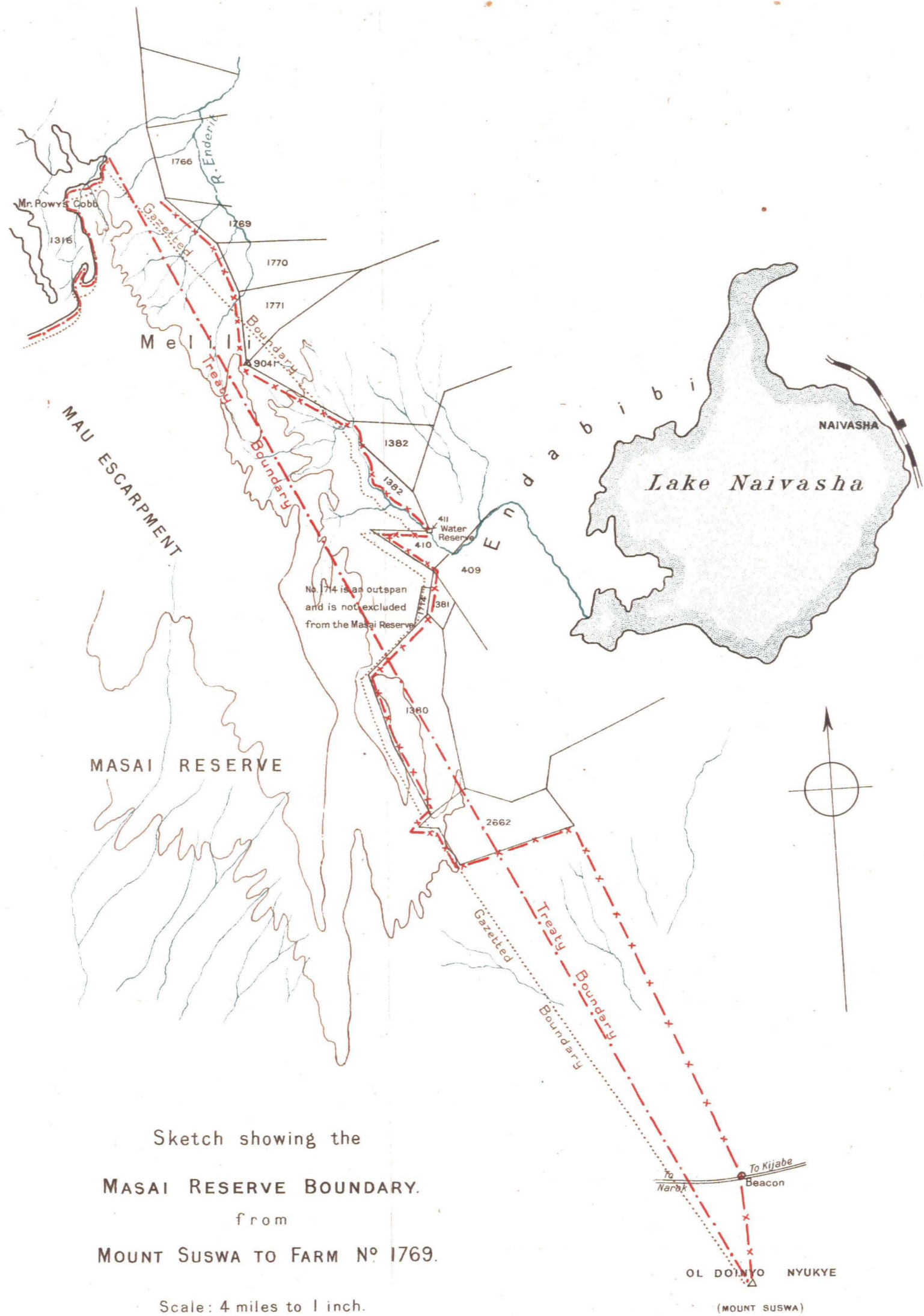
The Kedong Valley, from the edge of the Kikuyu escarpment and railway line to the boundary of the Naivasha Province, shall be in the South Masai District.

(N.B.—Loitokitok and Tsavo Swamp are included in the Teita District. Lake Magadi is in the South Masai District.)

Southern Masai Reserve a Closed District.

The headquarters of the South Masai District shall be for the present Nairobi.

On the 18th of June, 1906, a Proclamation was issued declaring the Southern Masai Reserve to be a closed district under the Outlying Districts Ordinance, and the boundaries were defined as follows:



Sketch showing the
MASAI RESERVE BOUNDARY.
 from
MOUNT SUSWA TO FARM N^o 1769.

Scale: 4 miles to 1 inch.

Approved Boundary: - x - x - x

On the north this reserve is bounded by the Mbagathi stream and by the Athi River to a point on the latter where the railway crosses the river.

The eastern boundary is a line due south, from the Athi River railway bridge to the Anglo-German boundary, thence N.W. along the Anglo-German boundary to the point where it is intersected by the Guaso Nyiro River, thence approximate north along the Guaso Nyiro to a point shown on the map as Sosian, thence in a N.E. direction to the peak of Donyo Nyuki (Suswa), thence in a southern direction to a point where the Mbagathi River rises.

In the description of the boundaries of Naivasha Province, published in the "Official Gazette" of the 1st of January, 1911, the eastern boundary of the Province was stated to be " the Ngare Rongai down stream to its junction with the Tsavo River, thence by a line northerly to the most southerly peak of the Chyulu (or Kyulu) Range, thence by the Chyulu Range to its most northerly point, thence by a straight line north-westerly to Kemali Hill, thence by a line direct to the southerly one-mile zone of the Uganda Railway, thence by the one-mile zone north-westerly to its intersection by portion No. 1219, thence by its southerly boundary north-westerly to the south-west corner, thence by its westerly boundary north-easterly to the Athi River, thence by the Athi River up stream to its junction with the Mbagathi River, thence by the Mbagathi River up stream to the easterly corner of farm No. 1124, thence by the southerly and westerly boundaries of farms Nos. 1124, 193, 192 and 197 to the westerly corner of farm No. 197, thence by a line south-westerly to a beacon near the forest edge, thence by a beacons line in the direction of Mount Suswa (Ol Doinyo Onyokie)."

Boundaries
of Naivasha
Province.

In the Agreement of 1911 the extended Masai Reserve was defined as being approximately bounded as follows:—

The
Extended
Masai
Reserve.

" On the south by the Anglo-German frontier.

" On the west by the Ol-orukoti Range, by the Amala River, otherwise called Eng-are-dabash or Eng-are-e-n-gipai, by the eastern and northern boundaries of the Sotik Native Reserve, and by a line drawn from the most northerly point of the northern boundary of the Sotik Native Reserve to the south-western boundary of the land set aside for Mr. E. Powys Cobb on Mau.

" On the north by the southern and eastern boundaries of the said land set aside for Mr. E. Powys Cobb, and by a straight line drawn from the north-eastern boundary of the said land to the highest point of Mount Suswa, otherwise called Ol Doinyo Onyokie.

" On the east by the Southern Masai Reserve, as defined in the Proclamation dated June 18th, 1906, and published in the ' Official Gazette ' of July 1st, 1906."

In signing this Agreement, Sir Percy Girouard further extended the existing Masai Native Reserve " by an addition of an area of approximately three thousand and one hundred square miles, the approximate boundaries being, on the south the Anglo-German frontier, on the west the eastern boundary of the Southern Masai Reserve, on the north and east by the Uganda Railway zone, from the Athi River to Sultan Hamud Railway Station, thence in a line drawn from the said station to the north-west point of the Chiulu Range, thence along the Chiulu Range to the south-eastern extremity thereof, thence by a straight line to the meeting point of the Eng-are Rongai and the Tsavo Rivers, thence by the Eng-are Rongai River to the Anglo-German frontier."

Eastern
Extension.

No proclamation giving the boundaries of this Reserve in full was published until July, 1912, and before that date, enquiries and investigations had been made on the spot in regard to the physical boundary at certain parts.

In May, 1910, Mr. Hobley had visited the sources of the Mbagathi River, of which there were two, the northern rising near the boundary of farm No. 300 (Peakes, now No. 196) and the southern rising to the west of Ngong station. The

From the
Mbagathi to
Mount Suswa.

last Kikuyu village was observed near the northern source. With a view to demarcating the boundary he ran a line from the corner of farm 301 (now No. 197) to the point where the stock road from Naivasha to Ngong emerged from the forest. He erected a beacon at this point, which was on the south side of the head of the valley marking this source of the Mbagathi. Thence he marked out a line directed on Mount Suswa as far as the top of the escarpment overlooking the Kedong Valley, a distance of some ten miles. It was subsequently found that the continuation of this line over the Kedong Valley towards Mount Suswa passed over the southern part of the southernmost farm in that valley. Mr. Hobley was not accompanied on this journey by any officer of the Masai Reserve.

From Mount
Suswa to
Mr. Powys
Cobb's land.

The straight line from the summit of Mount Suswa to the north-eastern corner of Mr. Powys Cobb's land was found to cross the boundaries of certain farms which had already been allotted to Europeans on the south-west side of Naivasha Lake. The western boundaries of these farms was therefore chosen to be the boundary and a compensating area to the north was included in the Reserve.

From Mr.
Powys Cobb's
land to the
Sotik Reserve.

A slight alteration, beneficial to the Masai, was made by including the southern corner of farm No. 548 among the delimiting points.

In the
Trans-Mara
Country.

In July, 1912, while the Masai move was in progress, it became necessary to publish a Proclamation defining the boundaries of the reserve in order that certain rules might be applied to control the Masai. That part of the boundary situated in the trans-Mara country had not been the subject of investigation by the officers concerned and a boundary which appeared suitable as judged on a map was inserted in the Proclamation, it being understood that such boundaries were provisional only.

Proclamation
of July 23rd,
1912.

In the Proclamation dated the 23rd of July, 1912, the following Schedule was published defining the boundaries of the Masai Reserve :—

Schedule.

Commencing at the summit of Ol Doiyo Onyokie (Mt. Suswa) the boundary follows a straight line north-westerly to the most southerly corner of farm No. 1,380, thence along the generally western boundaries of farms Nos. 1,380, 1,381, 409, 410, 411 (water reserve), 413 and 1,382 to the north-west corner of the latter ;

Thence in a straight line north-westerly to the north-easterly corner of farm No. 1,316 ;

Thence along the eastern and southern boundaries of that farm to its most westerly corner ;

Thence in a straight line westerly to the southern corner of farm No. 548 ;

Thence in a straight line westerly to the north-east corner of the Sotik Native Reserve ;

Thence along the generally eastern boundary of the Sotik Native Reserve ;

Thence down the Amala River (Eng-are Dabash) to a point due west of the summit of Kipleleo ;

Thence in a straight line due west to the Magor River ;

Thence up this river to its source to the south of Gelegele Hill ;

Thence in a straight line to the summit of Gelegele Hill ;

Thence westerly in a straight line for about 22 miles to the summit of Magenji Hill ;

Thence in a straight line due west to the Gwetta River ;

Thence down this river to its junction with the Kuja River ;

Thence southerly in a straight line for about 20 miles to the junction of the Gori and Nathanti Rivers ;

Thence up the Gori River to its junction with the Kasumi River ;

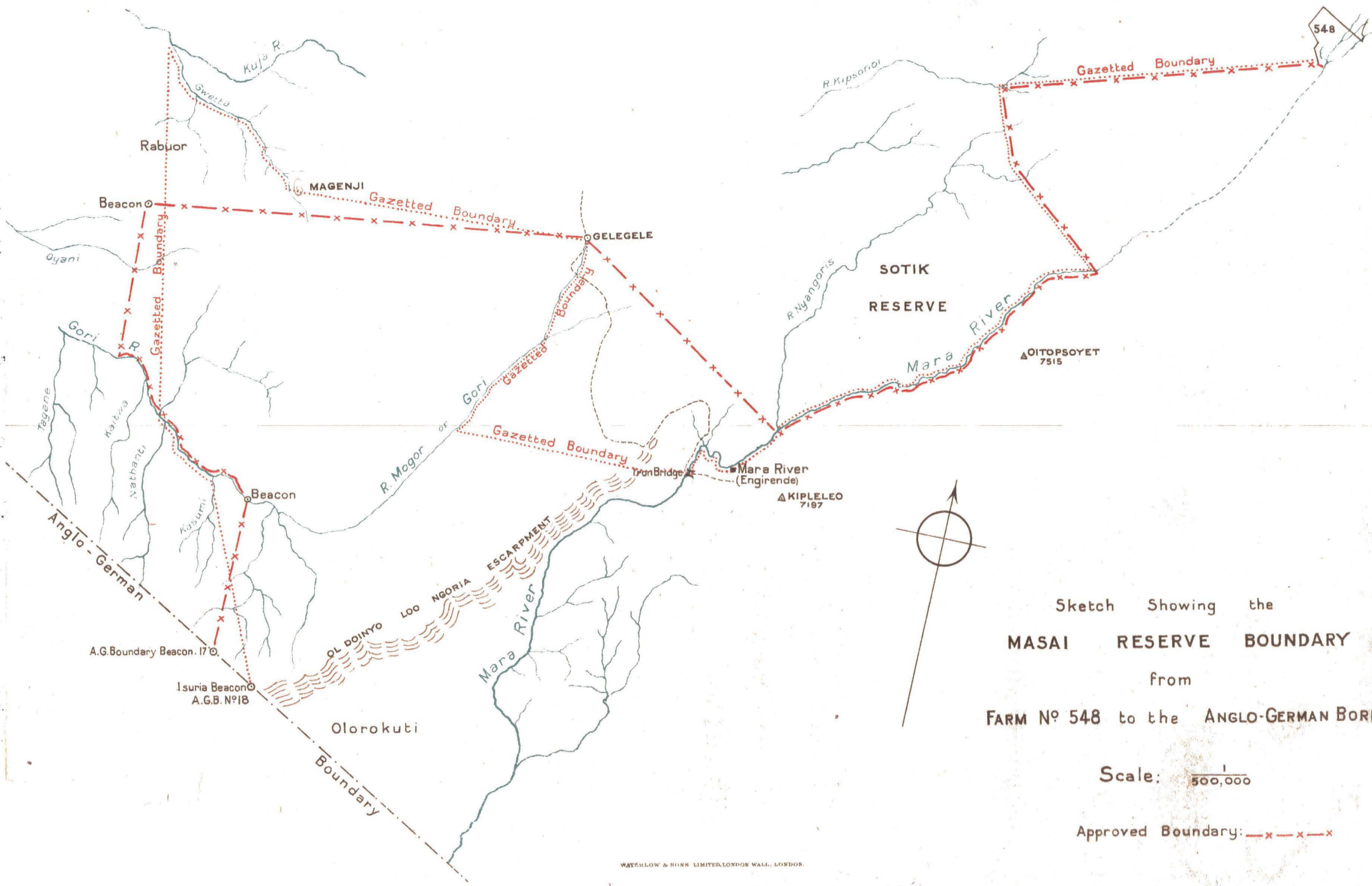
Thence south-easterly in a straight line to Isuria Beacon (No. 18 on the Anglo-German Boundary) ;



Sketch showing the
MASAI RESERVE BOUNDARY
 from
ATHI RIVER TO MOUNT SUSWA.

Scale: 4 miles to 1 inch.

Approved Boundary — x — x —



Sketch Showing the
MASAI RESERVE BOUNDARY
 from
FARM N° 548 to the ANGLO-GERMAN BORDER

Scale: $\frac{1}{500,000}$

Approved Boundary: —x—x—x—

Thence south-easterly along the Anglo-German Boundary to its intersection with the Kikalelwa River (on the slopes of Kilimanjaro) ;

Thence down the Kikalelwa River to its junction with the Tsavo River ;

Thence in a straight line northerly to the most southerly peak of the Chyulu (Kyulu) Range ;

Thence along the summits of the Chyulu Range to its most northerly peak ;

Thence in a straight line north-westerly to the summit of Emali Hill ;

Thence in a straight line to the nearest point of the southerly mile-zone of the Uganda Railway ;

Thence by this mile-zone north-westerly to its intersection by portion No. 1,219 ;

Thence by the southerly boundary of this portion north-westerly to its south-west corner ;

Thence by its westerly boundary to the Kitangela River ;

Thence by the Kitangela River down stream to its intersection by portion No. 337 (Athi Township) Reserve ;

Thence by the westerly boundary of this portion to its intersection by the Athi River ;

Thence up this river to the easterly corner of farm No. 1,124 ;

Thence by the southerly and westerly boundaries of farms Nos. 1,124, 193, 192, 196 and 197 to the westerly corner of the latter ;

Thence in a straight line south-westerly to a beacon near the forest edge ;

Thence along a beacons line in the direction of Ol Doinyo Onyokie to a beacon overlooking the Kedong Valley ;

Thence in a straight line to the south-easterly corner of farm No. 369 ;

Thence in a straight line to the southern corner of farm No. 369 ;

Thence in a straight line to the summit of Ol Doinyo Onyokie, the point of commencement.

There shall be excluded from the above area all land extending for a distance of a quarter of a mile on either side of the Magadi Railway Line, also Lake Magadi, and all land within a quarter of a mile of the said lake.

The boundary thus defined has not yet been altered by publication in the "Official Gazette," but amendments have been made in certain parts and a revised schedule has been drawn up giving what is proposed and what is in fact taken to be the boundary of the reserve.

In April, 1912, it was made apparent that the boundary demarcated by Mr. Hobley near the upper waters of the Mbagathi had the effect of cutting off the Masai from access to the water supply in that stream. This disability was accentuated by the erection of a fence by the Kikuyu under the direction of the Assistant District Commissioner at Dagoretti round the source of the stream on the supposition that it was "Kikuyu water," which fence was responsible for the creation of ill-feeling between the Masai and the Kikuyu. In deference to representations from the Provincial Commissioner, Naivasha, the Provincial Commissioner, Nairobi, agreed to move the fence back to the forest, but it appears that this was not done at the time, and the District Commissioner, Ngong, who examined the area in February, 1913, found the fence in its original position with a gap of one hundred yards, enabling the Masai cattle to pass through. Mr. Hamilton pointed out that the treaties of 1904 and 1911 had made provision for the inclusion in the Masai Reserve of the land between the Mbagathi and the Kiserian Rivers, while the Provincial boundary gazetted on the 1st of January, 1911, had given a different boundary in this part, which boundary had again been demarcated in the description of July 23rd, 1912. But these latter descriptions had made reference to the beacon erected by Mr. Hobley near the forest edge and the inclusion of this beacon as a point on the boundary excluded from the reserve in one case the greater part and in the other case the whole of the Mbagathi Stream.

From the
Mbagathi
River to
Mount
Suswa.

Historical data of the localities occupied by the Masai showed that an equitable continuation of the boundary from the source of the Mbagathi was in a direction approximately due west, while the fence that had been erected in fact ran due south. In order to come to a final settlement of the matter, officers representing both sides were instructed to make investigation on the spot. As a result of this inspection the Governor decided that the boundary as fenced must be altered to conform with that described in the treaties.

From Mount Suswa to Mr. Powys Cobb's land. Certain amendments to the boundary between Mount Suswa and Mr. Powys Cobb's land were necessitated in order to bring the Masai Reserve boundary up to the line of the surveyed farms.

Mr. Powys Cobb's land. No definition has as yet been finally arrived at of the boundary of the Masai Reserve with Mr. Powys Cobb's land as far as the south-eastern corner of farm No. 548.

The Trans-Mara Area. In February, 1913, Mr. Hemsted, accompanied by the District Commissioner, Kisii, examined the trans-Mara area with a view to the more accurate delimitation between the Masai Reserve boundary and the South Kavirondo district. The boundary suggested by these two officers was acceptable to the Provincial Commissioners concerned and was approved by Sir Henry Belfield on the completion of his tour in the reserve. It was, however, decided to postpone the gazetting of this boundary until after the conclusion of the "Masai Case."

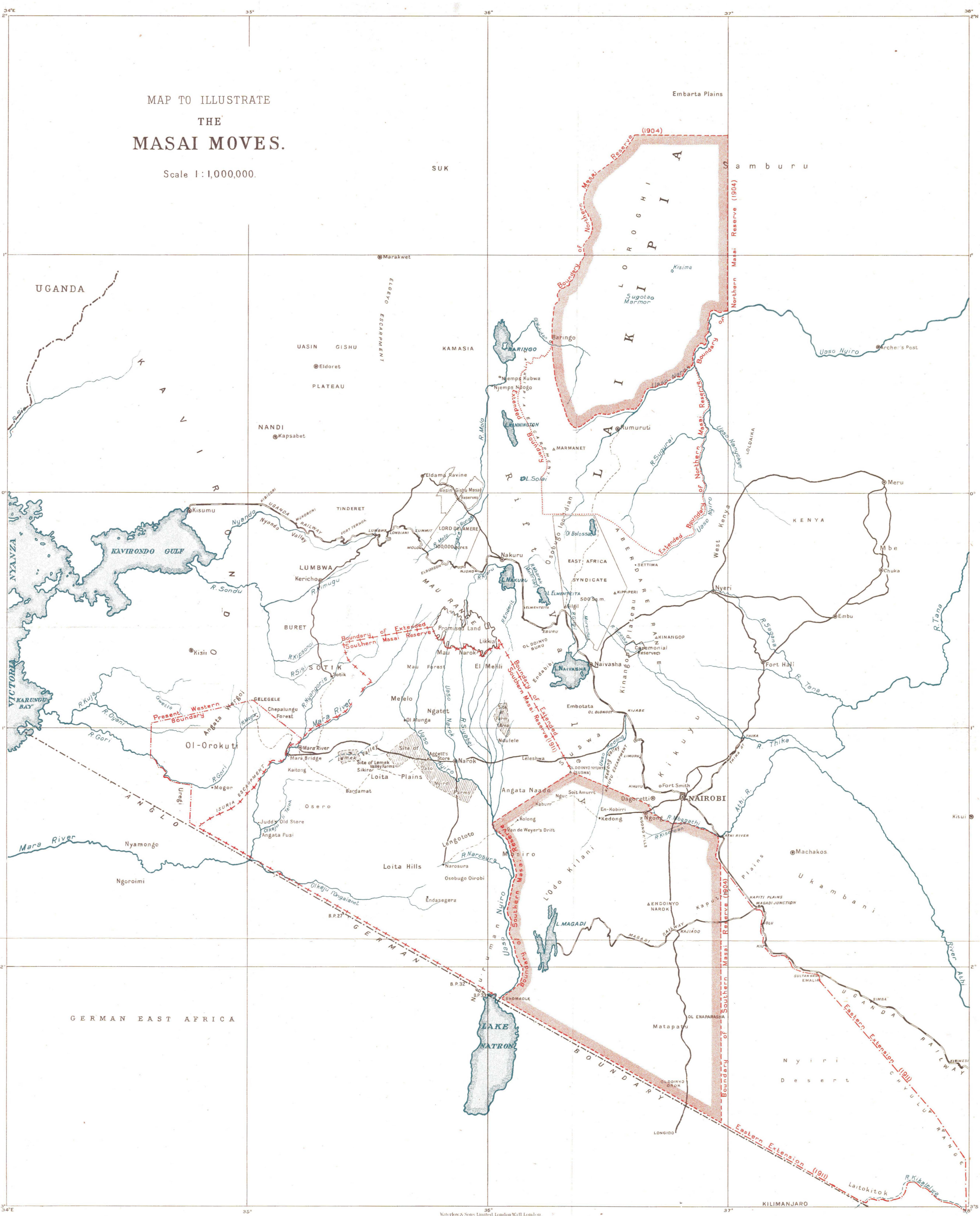
The South-Eastern Boundary. In August, 1914, the District Commissioner, Ngong, suggested the addition to the Masai Reserve of the country between the Kikalelwa and Rombo rivers, formerly included in the Taveta sub-district of the Seyidie Province. This would provide compensation for the area alienated from the reserve by the Magadi Railway zone and the Soda Company's settlement at Kajiado. It would also cause the Masai Reserve and the Southern Game Reserve boundaries to be coterminous on the south-east; the suggested boundary was already demarcated by beacons, and was much more definite and visible than the Kikalelwa River. This additional area provided for the needs of the Laitokitok Masai who had, in fact, used it for grazing their herds for some time. This proposed extension was recommended also by the Provincial Commissioner, Seyidie.

The most recent description. The most recent description of the Masai Reserve boundary was written in March, 1915. This has been approved, but has not yet been gazetted, owing to the difficulty of obtaining the services of a surveyor to demarcate it. The description reads as follows:—

"Commencing at the summit of Ol Doiyo O'Nyukye, thence in a straight line in a northerly direction to a beacon on the Kijabe cart road, thence in a straight line to the most easterly corner of farm No. 2662, thence following its southerly boundary to the south-western boundary of farm No. 1380, thence along the generally western boundaries of farms Nos. 1380, 1381, 409, 410, 411 (water reserve), 413 and 1382, to the north-western corner of the latter, thence in a north-west direction to the southern corner of farm No. 1771, thence by the western boundaries of farms Nos. 1771, 1770 and 1769 to the north-west corner of the latter, thence *by a boundary to be defined hereafter*, to the north-eastern corner of farm No. 548, thence following the eastern boundary of that farm to its most southerly corner, thence in a straight line westerly to the north-eastern corner of the Sotik Native Reserve, thence along the general eastern boundary of the Sotik Native Reserve to the junction of the Amala (Engare Ol Kunono) and Nyangoris rivers, thence in a straight line to the summit of Gelegele Hill, thence in a straight line in a west south-western direction for about 31 miles to a point marked by a beacon on the Engare Rongai river, about five miles south of Ravour Hill, thence in a southerly direction to the Mogor (Gori) River, thence up that river for about 13 miles to a beacon on the south bank, thence in a southerly direction to beacon No. 17 on the Anglo-German border, thence in a south-easterly direction along the border to beacon No. 56, thence in an easterly direction along a line of beacons to the source of the Rombo (Useri) River, thence down this river to the Game Reserve beacon, where the Ngulia and Chyulu Hills (Il Doiyo Loo'l

MAP TO ILLUSTRATE THE MASAI MOVES.

Scale 1:1,000,000.



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Munyonye) approach the river, thence in a northerly direction along the summits of the Chyulu Range, thence in a straight line to the nearest point of the southerly mile zone of the Uganda Railway, thence by this mile-zone north-westerly to its intersection by portion No. 1219, thence by the southerly boundary of this portion north-westerly to its south-west corner, thence by its westerly boundary to the Kitangela River, thence by the Kitangela River down stream to its intersection by portion No. 337 (Athi Township Reserve), thence by the westerly boundary of this portion to its intersection by the Athi River, thence up this river to the easterly corner of farm No. 1124, thence by the southerly and westerly boundaries of farms Nos. 1124, 193, 192, 196 and 197, to the westerly corner of the latter, thence along the western boundary of farm No. 197 northerly to its intersection by the main stream of the Mbagathi River, thence up stream to its source, thence in a straight line to the south-east corner of farm No. 369, thence following its boundary southerly to the southern corner, thence in a straight line to the summit of Ol Doinyo O'Nyukye, the point of commencement."

In 1917 two areas of 30,000 acres and 5,000 acres respectively were surveyed for Mr. Powys Cobb on the Mau Narok, and the Officer in Charge suggested the following boundary, in consultation with the Land Officer, as completing the definition of the Masai Reserve boundary in this part:—

From the north-west corner of farm No. 1769 in a westerly direction to Mr. Powys Cobb's 30,000 acre farm, thence by the eastern, southern and western boundaries of that farm to the Beacon Drwg, thence in a northerly direction to the south-east corner of Lord Delamere's Mau farm, thence following the southern boundaries of that farm to the north-east corner of Mr. Powys Cobb's 5,000 acre farm, thence following the eastern and southern boundaries of that farm to the south-west corner, thence in a straight line to the north-east corner of farm No. 548.

CHAPTER V.

A DESCRIPTION OF THE MASAI RESERVE.

Historical divisions—Administrative divisions—Geographical divisions—General description of the Reserve—Mountains—Rivers—Lakes—The Rift Valley—Eastern portion—The central portion—The western portion.

Historical divisions.

The present Masai Reserve, of which the boundaries have been defined in the preceding chapter, may be divided historically into four sections. The original Southern Masai Reserve has been in Masai occupation from before the time of European administration: the Extended Southern Masai Reserve, that is, roughly the country between the Uaso Nyiro and the Mara River formed the basis of the Agreement of 1911: the trans-Mara or Ol-Orokuti area was added subsequent to the Agreement, not being included within the terms of that treaty, and the eastern portion of the reserve, from the Ngong Hills to Kilimanjoro was added to the Masai territory by Sir Percy Girouard in signing the Agreement of 1911.

Administrative divisions.

For administrative purposes, the reserve is divided into three districts, the boundaries of which, together with the reasons for this partition, are described in Chapter V., Section I.

Geographical divisions.

For a geographical description of the reserve, three divisions may be taken, the Mara River and the Uaso Nyiro being the dividing lines between these sections.

General description of the Reserve.

The Masai Reserve extends approximately from $34^{\circ} 37'$ east longitude to $38^{\circ} 15'$ east longitude, and from $0^{\circ} 34'$ south latitude to $3^{\circ} 10'$ south latitude. It is 288 miles long and 94 miles broad, and contains an area of some 14,600 square miles, or over nine million acres.

The Anglo-German border which, throughout 236 miles of its length forms the southern boundary of the Masai Reserve in British East Africa, divides the localities inhabited by the Masai tribe into two portions of which the larger is in British territory, and does not itself conform to any tribal or social division of the Masai tribe.

Mountains.

The highest point of the reserve is to be found at its northern extremity where the boundary crosses the Mau Range. In that part of the reserve adjoining Mr. Powys Cobb's land, an altitude of 10,000 feet is reached. Little of the rest of the reserve is more than 8,000 feet in height, the most considerable mountains or groups being in the eastern portion, Ol Doiyo Orok, 8,374 feet, an isolated mass, forty miles in circumference, which rises more than 4,000 feet above the surrounding plain, and is situated on the southern borders of the reserve; the Ngong Hills, sixteen miles south-west of Nairobi, which attain an altitude of 8,074 feet: and Ol Doiyo Nyukye, 7,731 feet, a conspicuous extinct volcano, situated to the west of the Kedong Valley: in the central portion, the upper slopes of the Mau Range: the group of rugged mountains, known as the Loita Hills, whose highest point is at an altitude of 8,950 feet: and the mountainous region along which passes the Anglo-German boundary: and in the trans-Mara area, the Isuria Escarpment, and Mount Gelegele, on the borders of the Kisii country. In the south-east of the reserve, the boundary crosses the foothills of Kilimanjaro, but does not ascend that mountain to a height greater than 7,000 feet above sea level.

Rivers.

The only two considerable rivers in the reserve are the Uaso Nyiro, with its tributaries, and the Mara River. The Uaso Nyiro divides the reserve into two parts, running in a southerly direction in the neighbourhood of the 36th degree of east longitude. This river, rising in the Mau Range, and flowing into Lake Natron falls some 8,000 feet in 140 miles, and is fed in the first part of its course

by numerous tributaries, which run in deep valleys from the heights of the Mau. Chief among these are the streams known as Narok, Siyabei, Pusi Lukunyi, Olodari, Penyin and Sosian. At latitude 1° 30' south, the Uaso Nyiro enters a deep gorge and flows sluggishly through swamps and tall grass from that point to Lake Natron, flanked throughout by the Nguruman Escarpment on its right bank. Eight miles from its mouth, it becomes lost in a swamp, but its course is sometimes visible as far as the lake.

The Mara River also rises on the Mau, whence it cataracts down in a south-westerly direction until, a few miles below the Mara Bridge, it too becomes sluggish. After crossing the Anglo-German boundary, this river proceeds due west until it reaches the Victoria Nyanza, seventy miles away.

Other less important rivers are the Gori River, in the trans-Mara country, which rises from Gelegele Hill, and finally flows into the Kuja near Karungu Bay, the temporary river Kikalwa flowing eastwards from Kilimanjaro, and the Namanga flowing from Mount Orok.

There are no permanent lakes of water of any size within the reserve. Perhaps the most interesting feature of the country is found in the soda lake at Magadi, whose deposits are now forming the object of commercial enterprise. Lake Amboseli is a flood of water in the wet season, but dries up during dry weather.

The Rift Valley, which marks the termination of the lava plains of Kaputiei and Athi on the east, crosses the Masai Reserve from north to south from the Kedong Valley to Lake Natron. This valley, the Erythrean or Great Rift Valley, extends through East Africa from the German frontier to Abyssinia, and thence to the Jordan Valley. "This valley," writes Professor Gregory, "has been formed by the subsidence of the block of material that once filled it. At one time, the surface of the volcanic plains to the east of the Rift Valley were continuous with the similar plains to the west. Parallel cracks, hundreds of miles in length, broke across the rocks: the block of material between these cracks sank, leaving walls, in places, so precipitous that the Uganda Railway has had temporarily to use a cable-worked funicular railway for the descent into the valley from the Kikuyu plateau. The walls of the valley, however, are not always precipitous. The lines along which the subsidence occurred cut across ridges, valleys, and basins: and the character of the scarps that now bound the valley varies with the structure of the country on either side of the Rift Valley."*

Dealing more particularly with the geographical divisions into which the reserve is divisible, the eastern portion of the reserve consists initially of an open plain, known as the Nyiri Desert, situated to the west of the Chyulu Hills. This so-called desert is at an altitude of about 4,000 feet, and is covered with bush of a varying density. There is no surface water in it, but the bed of a stream, known as the Sand River, crosses it from west to east, a bed averaging two to three hundred yards broad, from which water can be obtained by digging. One branch of this underground watercourse appears to be the continuation of the Kajiado River.

Further to the south, and at about the same altitude, lies the sometimes swampy country at the foot of Kilimanjaro. This plain consists of muddy sand, impregnated with various salts, which renders difficult the growth of any vegetation. Here and there a few sheets of water are to be found in the wet weather, surrounded by rings of grass, while considerable areas are covered with the white crust of soda and saltpetre. No rivers run from Kilimanjaro on its northern face, and the small streamlets which are occasionally running from the snow line do not proceed further than this plain.

Perhaps the most remarkable feature of the Nyiri Desert and the plains to the south is the quantity of game which exists in those areas, and it must be remembered, in this connection, that that country forms part of the Southern Game Reserve.

Further to the west, the ground falls slightly to an altitude of under 3,800 feet at Lake Amboseli, and then rises to Mount Orok. From this mountain rise

* "The Foundation of British East Africa," Horace Marshall & Son, 1901.

one or two streams which are permanent and which run for some distance from the foot of the hill. The most important are the Namanga and Kidongai, but several other springs are to be found on the mountain itself. The upper portions of Mount Orok, as well as the northern slopes are covered with good grass, suitable for grazing during the wet season, but the Masai usually proceed to the more permanent watering places in the dry seasons.

Following the line of the Longido-Kajiado road northwards, more broken country is encountered, with the Ngorigaishi and Ol Enaparasha Hills on the right forming the western boundaries of the Nyiri plains. This part of the reserve is bare and barren with little grass, and water can only be obtained by digging. The road lies generally at an altitude of between 4,600 and 5,000 feet, and the first permanent water that is to be found is at Besil. There are some perennial springs on the slopes of the Ememparasha and Ngorigaishi Hills. North of Besil the country is covered with grass, and forms excellent grazing grounds comparatively free from trees. To the east lies the broken country of the Baraga Hills, which contains numerous water-holes, some of them permanent, but no permanent rivers. The line of the Magadi Railway is thus reached, north of which lie the Kaputiei Plains, stretching north-eastwards into the Ukamba country. These plains are at an altitude of about 5,300 feet, and are covered with grass, though the ground is somewhat stony.

To the west the ground rises fairly uniformly to the Ngong Hills, Doinyo Lamuyu, and En Doinyo Narok. West of these heights lies the escarpment of lava rock, running north and south, which forms the eastern wall of the Rift Valley, and which is more or less clearly defined from the northern boundary of the Masai Reserve at the Kikuyu Escarpment in a south and south-easterly direction to En Doinyo Narok and the Turoka Ravine, thence south-westerly past Luanji, to the Anglo-German boundary near Boundary Post 37.

East of this escarpment the country is at a much lower level, is barren, rocky and destitute of water. A few isolated hills rise up, but it presents the appearance of a rugged desert and is practically uninhabited. Descending from the escarpment, at a mean altitude of 6,000 feet, the general altitude at the foot is little more than 4,000 while in the neighbourhood of Lake Magadi the country falls to 2,033 feet. To the south of the Lake stands Ol Enturoj, a mass of three or four peaks, of which the highest attains an elevation of 4,051 feet, and to the north there is a series of bluffs and ridges. Near Lake Magadi, and extending eastwards and northwards for some miles, there are the deposits of an old lake. These are associated with volcanic debris and have in places been overflowed by lava.

Northwards, and some fifteen miles west of the Ngong Hills, the country consists of a series of parallel valleys divided by rocky fault scarps, details in the enormous fault movement so definitely marked in the Rift Valley.

West of Lake Magadi the Rift Valley maintains its low altitude, broken only by Udongerio, a hill which flanks the Uaso Nyiro on the east at a height of 3,096 feet, but at the northern extremity of Lake Natron, a few miles north of the boundary, Ol Shombole rises an isolated peak to an altitude of 5,160 feet, 3,000 feet above the swamps of the Uaso Nyiro at its immediate foot.

The country to the east of the Uaso Nyiro, and lying in the Rift Valley, is undoubtedly the poorest portion of the reserve from a pastoral point of view. East of the Nairobi-Longido road, and in the Ingito Hills, the country may be described as fair stock-land, and though water is not plentiful, and though there are in general considerable distances to be crossed between water-holes, a considerable quantity of stock can be maintained on it by utilising the drier areas during the wet season. Statistics show that this area does in fact support about 175,000 head of cattle and nearly 600,000 sheep.

There remains the country situated in the Rift Valley from the Kedong to the Uaso Nyiro. The Kedong River does not itself enter the Masai Reserve as a stream flowing above ground except in the wet weather and it is, therefore,

lost to the Masai as a watering place. Situated at an altitude of 4,600 feet it is flanked on the east by the Kikuyu Escarpment, and on the north-west by Mount Suswa. Water is not procurable during the dry season, but the area is used by the Masai during the rains when most of the available water then runs to waste.

The country between the Kedong Valley and the Uaso Nyiro at Van de Weyer's Drift, is cut up by deep escarpments and studded with ironstone hills, intersected by jagged edged dongas, all of a volcanic nature. The soil is, for the most part, a sandy orange dust. The hill sides are covered with rough thorn bushes and mimosa amongst which a considerable amount of good grass is apparent. The area is practically waterless at most times of the year, but the appearance of watercourses indicates the presence of large bodies of surface water during the rains.

Near the Uaso Nyiro lies the country known as Mosiro, level grass country, which affords permanent grazing for large herds of cattle all the year round on account of the proximity of the river and the consequent regular water supply.

To the east lies the country known as L'Odo Kilani, which is the northern extremity of the barren country round Lake Magadi.

The Uaso Nyiro, which is taken as the dividing line between the eastern and central portions of the Masai Reserve for the purposes of geographical description, flows into a swamp to the north of Lake Natron, which contains the lowest part of the reserve, being no more than 2,027 feet above sea level. The valley is fairly healthy in dry weather, but in the rainy season the inhabitants move westwards to the summit of the escarpment, which rises in a series of abrupt and rocky ridges on the right bank of the river from the Anglo-German boundary as far north as the Narosura River.

West of this escarpment stand the Loita Hills, rugged masses extending over a wide area of country, watered by frequent streams, and of an altitude generally greater than 7,000 feet. These hills form the watershed of the tributaries of the Mara River, the chief of which in these parts is the Olkeju l'Ongaiant, which follows a course nearly parallel to the boundary and which enters the Mara River as it crosses the border. The Loita Hills present good grazing grounds, well supplied with water and grass, but they are too mountainous and rocky in places to be utilised to their full capacity.

North of the Narosura, and before reaching the Loita Plains, the Narosura Plains present grazing areas of the first quality, whose undulating slopes carry heavy crops of grass and are much frequented by Masai cattle. Permanent water is obtainable at regular intervals from the small tributaries of the Narosura.

The Loita Plains are entered at the Engare Ento and, though there is a deficiency of permanent water in this part, the grazing is otherwise good. The extensive areas comprised in the north-eastern portion of the Loita Plains consists of very open and bleak country, swept by cold winds, which send the temperature at night down to well below 40° F. and carrying a short close grass, which is more suitable for sheep than for cattle. The eastern boundary of the Plains is the Uaso Nyiro, which has not at this time entered into its deep ravine. At Van de Weyer's Drift the river is some twenty yards wide, running with a strong current between fairly high banks and of a depth varying at different seasons of the year, but rarely less than two or three feet deep at the drift. North of Narok Station the heights of the Mau rise through thick bush and forest country, well watered, but practically unusable for stock, to the top of the range and it is through this country that the Uaso Nyiro, with its tributaries, fall until they unite near the drift.

West of the Narok lies the main portion of the Loita Plains, a vast area of open grass country, level, or slightly undulating, intersected with small watercourses, which hold water in the deeper cavities and in the neighbourhood of occasional springs at most seasons of the year, and dotted at intervals with copses of bush and scattered clumps of mimosa, a country which possesses magnificent possibilities as a grazing area if a few engineering projects are undertaken to

improve the permanent water supply. The area is well stocked, but there is no doubt that a larger head of cattle could be carried there if such improvements were effected.

- At the north-western extremity of the Loita Plains lies the Lemek Valley, the scene of certain engineering activity in the construction of dams and an area which was considered suitable for European occupation before it was decided to concentrate the Masai from Laikipia in this Extended Southern Masai Reserve. This valley possesses no permanent watercourse but provides excellent grazing during the wet weather when water abounds. To the west stand the Lemek Hills, the highest point of which, Kileleoni (Kipleleo), rises to an altitude of nearly 7,200 feet, while to the north, Ngulot separates the Lemek Valley from the Mara River.

South of the Lemek Range lies the country known as Osero, barren and waterless, while on the west the country descends to the Lorogoti Plain through which flows the Mara River. In the vicinity of Mara Station another forest belt is reached situated on both sides of the river, forming the southern extremity of the Chepalungu Forest which acts as a buffer space between the Masai and Sotik on the right bank of the Mara.

The western portion.

The trans-Mara area of the Masai Reserve may be described as an elevated tableland at an average height of some 6,000 feet with a long central range of hills running up it from south to north and there merging into a still higher plateau of an undulating surface, many of the eminences of which attain an altitude of about 7,000 feet. On the south, this plateau is terminated abruptly along the eastern side by the Isuria Escarpment, leading down almost a thousand feet to the Mara River which flows at its base in a southerly direction. Through this area flows the Gori (Mogor) River, the most important branch of which rises to the west of Gelegele and flows almost directly southwards until it passes the long, flat-topped hill known as Longapone. It then turns west. The area is covered with bush in varying density but one half to two-thirds of the whole is excellent grass land which is all within reach of one branch or the other of the Gori River.

This portion of the reserve was previously occupied by Masai who were practically annihilated by small-pox in 1891, while at the same time their cattle perished in the epidemic of rinderpest.

The northern area consists of rolling hills and valleys, interspersed with well-drained flats and smaller hills, the whole being heavily grassed with luxuriant vegetation and elephant grass. It is fairly well wooded, especially near the outskirts of the Chepalungu Forest, but there are also large tracts destitute of wood or bush. The available water supply is ample for any number of stock.

The western area lies at a lower altitude and has an average rainfall of not less than 50 inches. The grazing is long and rank and there is bush over about one-third of it.

Between the Gori River and the Isuria Escarpment the country consists of clumps of bush with excellent grazing in the other parts. It is rather poorly watered but several streams exist which do not dry up altogether.

The country below the escarpment is fairly well watered and is used by the Masai in the dry season.

CHAPTER VI.
ADMINISTRATION OF THE MASAI RESERVE.

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SECTION 1.—GENERAL.

Mr. Ainsworth's proposals, September, 1911—Mr. Hemsted's proposals, February, 1913—Mr. McClellan's views—Completion of the Masai move—Mr. McClellan's proposals, April, 1913—The Governor's tour—Division of the reserve into districts—Narok Station—Mara Post—Masai Reserve to remain in Naivasha Province—Establishment of Narok Station—The formation of Mara District—Ngong-Narok Inter-District boundary—Administrative establishment, August, 1915—Present authorized establishment—System of Government—The inefficiency of the Native Councils—The Kikuyu element in the Masai Reserve—Masai aversion to manual labour—Work by Kikuyu in the Masai Reserve—Present policy in dealing with Kikuyu emigration—The Paramount Chief—Seggi—Laibons—Function of Paramount Chiefs and Medicine-men—The future of Seggi—The Agreement of 1911—The Masai Council—The report by the Attorney General and Officer-in-Charge—The members of the Masai Council—Inaugural meeting of the Masai Council.

While the Masai move was in progress, Mr. Ainsworth, from Nakuru, submitted proposals for the administration of the extended Southern Masai Reserve on the 28th of September, 1911. Together with these proposals, he framed estimates of annual expenditure to the extent of £9,236, not including the salaries of officers, which figure would be reducible to £2,476 per annum on the completion of the establishment of the Administration in the reserve.

Mr.
Ainsworth's
Proposals,
September,
1911.

Mr. Ainsworth's memorandum dealt with the following subjects :—

BOUNDARIES should be properly defined, prominent marks being erected at various points.

OFFICERS.—There should be an officer in charge, with three Assistants at the central station and one at Ngong. A veterinary officer should be detailed for work in the reserve.

SITES FOR STATIONS were tentatively suggested (1) on the Uaso Nyiro near Smith's farm and (2) at Ngong, while posts were to be established, one in the Ol-Orokuti near the Kopironet River and one at the northern part of Ngatet or Il Melili.

He advocated the appointment of a competent man to advise the officer in charge for at least one year in regard to the stock carrying capacity of the different parts of the reserve.

POLICE requirements would amount to 30 N.C.O.'s and men at the central station, 10 N.C.O.'s and men at Ngong, with a patrol consisting of one European Officer and 25 N.C.O.'s and men.

GAME.—Parts of the reserve were overrun by various kinds of game which, by consuming considerable quantities of the grazing available, were a source of

considerable inconvenience to the Masai. He thought that with certain reservations as to areas and species a scheme might be considered under which concessions could be granted to persons to shoot game, the hides and meat of which could be exported. In the Masai Reserve it was necessary to regard Masai interests as paramount and the game should therefore be thinned out.

DUTIES OF ADMINISTRATIVE OFFICERS.—The most suitable sites having been selected for stations, it would be necessary to obtain details and statistics of population, locality of water, grazing areas, forests, etc., for embodiment in maps. It would be their duty to impress upon the Masai the necessity for observing the boundaries of their reserve and of the European farms.

ADMINISTRATION AND DEVELOPMENT.—The reserve should be sub-divided into districts with delimited boundaries and containing as far as possible both upland and lowland grazing, while sub-districts and locations should also be demarcated to accommodate the various clans. Each such division would be under the direct charge of a headman and a council of elders.

TAXATION should be in relation to property, *i.e.*, in the case of the Masai, to their stock and Mr. Ainsworth suggested a tax of R. 1 per annum per head of female cattle, cents. 50 per annum per head of male cattle and donkeys, and cents. six per head of sheep and goats; but, inasmuch as certain difficulties might be encountered in the assessment for and collection of such a tax, he put forward an alternative proposal for the taxation of land at the rate of R. 1 for five acres of cattle grazing land and cents. 50 for five acres of sheep grazing land. Headmen could be used as assessors and paid a salary based on 5 per cent. of the collection.

DISPOSAL OF REVENUE could take the form in the first instance of meeting the cost of administration, after which half of the remainder might be devoted to the cost of the central Protectorate administration and the remainder set aside to insure against possible famine, an adjustment taking place every three years when half of the accumulated funds might be devoted to carrying out improvement in the water supply and other necessary public works. In addition he considered that the Government should be in a position to call upon the Masai at any time to defray the cost of additional expenditure rendered necessary by them for keeping police or troops to maintain order in or near the reserve.

TRADE was to be encouraged by the establishment of trading centres and by the introduction of imported articles for sale to the Masai.

PASSES to leave the reserve should only be issued under strict regulations and on proof of legitimate business outside. The inhabitants of the reserve should be discouraged from having intercourse with Masai on settlement lands (see below) but the latter should be freely permitted to vacate their settlement lands and return to the reserve.

CONTROL of the reserve should be invested in the officer in charge who would correspond independently with headquarters.

CROWN SETTLEMENT LANDS might become necessary to accommodate Masai who did not wish to reside in the reserve for reasons connected with associations or prejudices, such as a disinclination to move from Laikipia. Mr. Ainsworth advocated the setting aside of an area on Laikipia, to be divided into blocks, on an annual lease by the Crown, and rent to be charged at the rate of Rs. 50 per annum per thousand acres, together with the usual taxes. These charges would remain in operation for five years, after which, a graduated tax would be enforced calculated to discourage permanent residence on these areas. An officer would be stationed at Rumuruti, under the P.C. Naivasha, to supervise this area, to see that no unauthorised person resided there, and to prevent grazing outside the areas.

It might, further, be possible to arrange for a Masai tenancy under European landholders, on terms of mutual protection as regards tenancy, the number of tenants being limited, and graduated forms of taxation being introduced to prevent overstocking.

On August 1st, 1912, Mr. R. W. Hemsted was placed in charge of the Masai Reserve. In February, 1913, he submitted a scheme for the administration of the Reserve. This memorandum dealt with the following points:—

Mr. Hemsted's
Proposals
February,
1913.

STATIONS AND SUB-STATIONS.—The Masai being a tribe of nomadic habits, scattered over a wide area, and concentrated in no particular localities, he considered that effective administration could not be carried on by officers remaining at fixed stations. Constant travelling was necessary, and he advocated the establishment of one central station only, with four or five outposts at each of which a small house could be erected for the visiting officer, with a few huts for his staff. The central station would be situated near the Uaso Nyiro, or on the River Narosura, and would be the headquarters of the officer in charge. In this way, economy and mobility would be combined with efficiency. He suggested the erection of outposts in the Ol-Orokuti near the Anglo-German border, in the Lemek Valley or on the Upper Mara, at Il Melili, at Ngong, and among the Laitokitok, or in the Magadi Railway zone.

STAFF would consist of an officer in charge, a Senior District Commissioner, four Assistant District Commissioners, one Police and one Veterinary officer.

NATIVE ADMINISTRATION.—The tribal system of the Masai rendered direct administration of the clans through their own chiefs particularly suitable. The paramount chief was recognised by the whole tribe, but had tended, under British protection, to deteriorate into a mere figure-head. His duties could be considerably extended. Legalishu, Ngaroya, Masikondi, and Toroni drew pay from the Government, but these men, though intelligent, were conservative and lacking in energy. A few young and energetic men could be included in the ranks of the official headmen, whose numbers should be increased, and Mr. Hemsted suggested the following appointments as sufficient for the needs of the tribe:—

For the Purko clan	1 chief and 3 headmen.
{ Kaputiei	} 1 chief and 3 headmen.
{ L'Odo Kilani	
{ Matapatu	
{ Sighirari	} 1 chief and 1 headman.
{ Loita	
{ Salei	} 1 chief or headman.
{ Kakonyukye	
{ Siria	
{ Il Dala Lekutuk	
{ Il Damat	
{ Laitokitok	
{	

—a total of 15 chiefs and headmen, in addition to the paramount chief, for the supervision of some 37,500 Masai and 13,500 square miles of territory.

The clan divisions mentioned above were, in fact, geographical divisions, overlapping in certain cases, but Mr. Hemsted proposed the demarcation of each division and the restriction of the clans to the use of the areas allotted to them, which would be termed locations. The Masai were, he said, agreeable to such an arrangement, realising that any trouble which might arise could thus be localised.

TAXATION.—While agreeing that the present form of hut tax was unsatisfactory, and inadequate in the case of the Masai, he considered that the difficulties of assessment, the dissatisfaction that might be created, and the probable consequent fluctuations in the revenue were serious objections to the imposition of a cattle tax. He therefore suggested a poll tax of Rs. 15 per head per annum, together with a compulsory subscription of Rs. 15 per head per annum towards a fund for development of, and improvements in the reserve. A revenue of Rs. 90,000 or Rs. 100,000 would thus be assured, and it was difficult to justify a higher tax. In the alternative, he suggested a tax of one to one-and-a-half per cent. on all cattle, irrespective of age or sex.

EDUCATION.—Under the enforced military inactivity, brought about by the Pax Britannica, the Masai were rapidly deteriorating. The continual warfare of former times had developed alertness, powers of concentration, ability for organization, and high intellectual powers. It was necessary to provide a substitute, and he advocated compulsory education. The Masai were not amenable to missionary influence, but he considered that beneficial results would be obtained by the institution of industrial schools, where the better management of stock, the use of the plough, the culture of fodder grasses, and the manufacture of dairy produce might be taught. Such schools would be under Government supervision, and the Masai might be compelled to attend between the ages of eight and twelve.

TRADE.—The Masai being averse to parting with their cattle, trade should be encouraged, and a demand induced, for flour and European articles. Umbrellas, cloth, blankets, tobacco, cooking pots, knives, axes, and other articles were becoming increasingly popular. Itinerant trading, together with the establishment of trading centres, would increase this demand, and it would be beneficial if veterinary restrictions on the movement of stock could be removed.

CONSERVATION OF WATER.—Much could be done to improve the water supply, and the Masai could be instructed to graze their cattle away from the permanent water during the rains.

Mr.
McClellan's
views.

Mr. McClellan, the Provincial Commissioner, Naivasha, agreed in general with Mr. Hemsted's proposals, but considered one central station to be insufficient for the whole area. The decrease in expenditure anticipated by the establishment of one station only would be counterbalanced by the increased cost of travelling.

Completion
of the
Masai move.

The Masai move was completed on the 9th of April, 1913, but further consideration of the question of the administration of the Masai was postponed until after his Excellency, Sir Henry Belfield, had completed his prospective tour in the reserve.

Mr.
McClellan's
Proposals,
April, 1913.

In response to a request from headquarters, Mr. McClellan submitted his proposals on the 24th of April. His memorandum followed the lines of that written by Mr. Ainsworth, of the 28th September, 1911 (*vide supra*), but he considered that the reserve should be under the authority of the Provincial Commissioner, Naivasha. There should be two district stations, one in the extended reserve, west of the Uaso Nyiro, at which should be stationed one District Commissioner and two Assistant District Commissioners, and one at Ngong, with one District Commissioner. The former district would include practically all the Masai who had recently moved from Laikipia.

The place of a stock and grazing expert could, he thought, be efficiently filled by the Masai themselves. He considered that game in the reserve would do but little damage, and would leave the better grazing areas for less occupied parts on the arrival of the cattle from Laikipia.

DISPOSAL OF REVENUE.—Mr. McClellan suggested that 25 per cent. of the taxes should be set aside until a fund of Rs. 250,000 had accumulated, when this sum could be placed on deposit for famine relief, the interest being utilized in the improvement of roads in the reserve. In addition, 10 per cent. of revenue could be deducted for use on works, such as schools, roads, and reservoirs. The surpluses on hand at the end of every year, after all sanctioned works had been paid for, should be paid into the Treasury.

TRADE.—Itinerant Kikuyu selling tobacco in the reserve should be discouraged, but itinerant trading by Indians, Somalis, and others might be allowed on permit.

CROWN SETTLEMENT LANDS.—He considered that the Masai should not be allowed with their stock on settlement lands under any conditions, and residence, except in conjunction with employment on European farms should be disallowed. He did not agree with the proposal to create Crown settlement lands for the Masai outside their reserve area, but he considered that, when the time came, a portion of the reserve might be set apart for the settlement of detribalised natives.

His Excellency proceeded on his tour in the reserve in June, 1913, and while on tour he decided the following points, in consultation with the Provincial Commissioner and District Commissioners :—

The Governor's Tour.

The reserve was to be divided into two districts, one on each side of the Uaso Nyiro River. The inter-district boundary was to be a line commencing at the source of the Saukutiek River on the Mau, running thence in a straight line in a south-westerly direction to the junction of the Rivers Narok and Nyiro, thence following the Uaso Nyiro to the German boundary.

Division of the reserve into districts.

The Ngong District, on the eastern side of this boundary, was to have its headquarters at Ngong, which was to be considered a permanent station. Buildings were required there for a District Commissioner and an Assistant District Commissioner, while the present District Commissioner's house would be converted into an office.

The site for the headquarters station of the trans-Nyiro district was provisionally selected at a point on the north side of the Narok River, within about half a mile of the new Narok River bridge and of the Kijabe waggon track. The buildings to be erected there were to be of a temporary nature only, calculated to last about two years, but they were to be commenced immediately and to consist of quarters for a District Commissioner, an Assistant District Commissioner, and a clerk, and an office and dispensary. It would probably be necessary also to station a veterinary officer there.

Narok Station.

The Mara post was accepted as a station for an Assistant District Commissioner, and permanent buildings were to be erected there for such an officer and his staff as soon as funds became available.

Mara Post.

The Secretary of State approved the proposal that the Masai Reserve should continue to form part of the Naivasha Province, and remain under the jurisdiction of the Provincial Commissioner, but agreed that the officer in charge might correspond direct with headquarters.* The Magadi Railway zone was excluded from the Masai Reserve and incorporated in the Ukamba Province.

Masai Reserve to remain in Naivasha Province.

The officer-in-charge, Mr. Hemsted, established himself at Narok at the end of September, 1913. By November, a temporary office, clerk's hut, dispensary, prison hut, and huts for the police and porters had been erected at that place.

Establishment of Narok Station.

On the 19th of March, 1915, Mr. Hemsted asked approval to the formation of a third district in the Masai Reserve, whose headquarters were to be at Mara River station. The proposed district would include the Ol-Orokuti, or trans-Mara region, the Lemek Valley, and the western portion of the Loita hills and plains, and would comprise a population of about 10,000. An additional District Commissioner would be necessary for the post at Mara River, but the existing arrangement, whereby the Assistant District Commissioner at Mara River administered this area under orders from the District Commissioner at Narok, was unsatisfactory, and the Narok District was too large for administration by one District Commissioner.

The formation of the Mara District.

Mr. Hemsted also suggested an alteration in the inter-district boundaries of the Narok and Ngong districts, so that the former would comprise the eastern Loita plains and hills, the Mau Escarpment, Il Melili, and would extend in an easterly direction as far as the Kedong Valley. The population affected would number about 13,000. An Assistant District Commissioner was necessary at Narok.

Ngong-Narok Inter-District Boundary.

The Ngong district would be reduced by these alterations by some 1,500 square miles, and the District Commissioner at Ngong would then be enabled to devote more attention to the Laitokitok Masai.

His Excellency was not prepared to recommend these alterations at the time, but, after discussion with Mr. Hemsted, on the 21st of August, 1915, he approved proposals that the jurisdiction of the officers at Ngong should extend westerly as far as the Kedong Valley only; that an administrative officer holding powers

* The jurisdiction of the Provincial Commissioner, Naivasha, over the Masai Reserve has become merely nominal.

as a second class magistrate should be posted to Mara River, and that an Assistant District Commissioner should be transferred from Narok to Mara as soon as the military situation permitted; and that, in future, the Mara District should be controlled by a District Commissioner, and that the station should be considered as the headquarters of the area and no longer as a sub-station under Narok. One officer of the Narok District was to be posted continually in the vicinity of Senden's village, near the German border, to attend to intelligence work and administrative matters in that locality, while, in addition to his work as officer in charge of the reserve, Mr. Hemsted would undertake the work of District Commissioner, Narok. His Excellency did not consider it desirable to gazette the suggested districts at that time, but approved the proposal that those administrative areas should be adhered to by the officers in the reserve.

Adminis-
trative
Establish-
ment,
August, 1915.

The establishment of the administrative staff in the Masai Reserve thus sanctioned was:—

At Ngong—One District Commissioner and one Assistant District Commissioner.

At Narok—The Officer-in-Charge and District Commissioner.

At Mara River—One District Commissioner, with the subsequent addition of one Assistant District Commissioner to be transferred from Narok.

Present
Authorised
Establish-
ment

No changes have been made in these arrangements since 1915, except that a District Commissioner has been posted to Narok in addition to the officer-in-charge, and the districts suggested by Mr. Hemsted have been accepted for administrative use though their boundaries have never been gazetted. The authorised establishment of European officials has been slightly augmented and now stands as follows:—

One Officer-in-Charge.

Narok District—One District Commissioner, one Assistant District Commissioner.

Ngong District—One District Commissioner, one Assistant District Commissioner.

Mara District—One District Commissioner.

Unattached—One Assistant District Commissioner.

System of
Government.

The system of administration which has been pursued in dealing with the Masai has been that commonly employed in the case of other native tribes in the Protectorate, namely, the utilization of the tribal system of self-government as sanctioned by native law and custom, supported by the assistance and co-operation of the administrative officers in an advisory capacity, by the help afforded by the courts of law, and by the police where necessary. The proposals made by Mr. Hemsted in 1913 have, in effect, been put into force, and a system of native tribunals was established and recognised under the Native Tribunal Rules of 1913. A list of the tribunals which are so recognized at present is to be found in Appendix 4.

The
inefficiency
of the native
Councils.

It cannot be said that this system of self-government has proved the success it was hoped. Though it might be thought from the past record of successful raids that the tribal organization of the Masai would lend itself in an admirable way to tribal control, it has been found that the Masai are, in fact, incapable of ruling themselves under the changed circumstances that have been brought about by the introduction and establishment of the Pax Britannica. The ignorant, lazy and conceited Muran, are quite out of the control of the elders. Spasmodic efforts are made by the Councils to exert their authority, but their decisions, when they arrive at any, are invariably ignored in cases where the young men are concerned, and the elders freely admit that they are powerless.

Only one Council has attained to any real measure of success and that is the one presided over by Ngaroya at Ngong. This Council is respected by the majority of the members of the tribe, a tribute to Ngaroya's exceptionally strong

character and great reputation as a medicine-man, but even his influence does not extend throughout the Purko and Loita divisions. The Council presided over by Sendeu also possesses a certain measure of authority, but these two present the only instances where respect is given and the respect shown in these cases is due almost entirely to the personalities of the individual presidents and not to the system which they represent.

The population of the Masai Reserve numbers not much more than 40,000 of whom the great majority are Masai, but which also includes a considerable number of pure or half-caste Kikuyu. The indigent lives led by the Masai pastoralists possess considerable attraction for the neighbouring Kikuyu, who being less wealthy, are under the necessity of performing agricultural and manual labour either in their reserves or on alienated lands. For many years, the Kikuyu and Masai have engaged in trade, and their lands being contiguous, they have had ample opportunities for intercourse. To satisfy their ambitions of an idle life, migrations of individuals from Kikuyu to Masai country have been of not infrequent occurrence and the Masai Reserve therefore contains these scattered units, mainly among the divisions known as the Kaputiei and Il Dala Lekutuk.

The Kikuyu element in the Masai Reserve.

The policy of the Government in dealing with the native tribes in the East African Protectorate has been to develop their agricultural instincts and industry and to discourage tendencies towards pastoralism. This policy has been pursued with success among the Kavirondo, Kikuyu and other tribes who, when encountered by the administration were under the necessity of engaging in agriculture and has been introduced with fair results into the system of such pastoral tribes as the Nandi and Lumbwa, but with the Masai it has been a total failure. Though encouragement has always been given, the Masai have shown no inclination to till the soil, and in the only recent cases where gardens have been prepared at the instigation of Masai owners, the labour employed was drawn from the Kikuyu tribe.

Masai aversion to manual labour.

The increased activity in recruiting natives as porters for the Carrier Corps necessitated by the military situation in March and April, 1917, led to the emigration of a number of Kikuyu from their own country into the Masai Reserve, and these emigrants, with a view to escaping enrolment, signed agreements to work as servants for Indians, Somalis and Masai. Colonel Ainsworth, then Military Commissioner for Labour, represented that, while such evasion of their duties was highly reprehensible in regard to the employment with Indians and Somalis, any system which admitted of Kikuyu working for Masai was open to the greatest objections on both administrative and economic grounds. The question of such Kikuyu emigration to the Masai Reserve and elsewhere was discussed in Executive Council in June, 1917, and was referred to the Chairman of the Special Committee appointed to consider the "Resident Natives Bill," but no decision on the matter has yet been reported.

Work by Kikuyu in the Masai Reserve.

In view of the general desirability of discouraging such emigration of Kikuyu natives, the policy has been adopted in the Masai Reserve of prosecuting all Kikuyu living in that reserve who cannot claim by long residence or circumcision rights to have become Masai, and of returning them to their own reserve. This policy applies to the cases of all those Kikuyu who have joined the Masai since the move from Laikipia. Efforts have also been made to register all Kikuyu who may be considered to have become Masai.

Present policy in dealing with Kikuyu emigration.

An important step in the revision of the system of Masai administration was undertaken early in 1918, when for reasons mainly connected with the personality of the holder, the Acting Governor recommended that the office of Paramount Chief of the Masai should be abolished.

The Paramount Chief.

At the time of Lenana's death, in 1911, Seggi was still a boy, and control over the Masai was exercised by the two regents, Ngaroya and Legalishu. When Seggi came of age and assumed the duties assigned to him in his capacity as Paramount Chief, he was given an extended trial but proved himself to be totally unreliable. He lacked energy, physique and moral courage: he was intemperate and untrustworthy: he appeared to regard any administrative function as an

Seggi.

unpleasant duty and to look to the Government to assert for him his position as the Paramount Chief of the tribe without requiring in return any effort or energy on his part. The Sighirari of the Engidongi, of which division he was a member, and which was one of the smallest divisions in the tribe, acknowledged him as their chief, but the Purko, the most important division in the reserve, regarded him with open contempt, while the Loita, Siria and other divisions did not recognise him at all, and he refused to attempt to assert his authority over them. The position was, therefore, that the Government stood alone in recognising Seggi as the Paramount Chief of the Masai, and that, as such, he was of very little use to the administration.

Laibons.

A complication arose in this connection by the practice which had previously been followed of regarding the Chief Laibon or medicine-man of the Masai as the Paramount Chief. Lenana, the father of Seggi, had been the Chief Laibon and his functions as such had been to arrange the rainfall, direct raids, provide medicine in connection with various ceremonies and to undertake other duties of this description. Subordinate to him there had been the medicine-men of the various sections. When, about 1895, the Government began to establish closer relations with the Masai, Lenana had evinced a strong tendency to friendship and had personally been to a great extent responsible for the good feeling which came into existence. The administrative officers at that time, not being fully conversant with the constitution of the tribe, had been inclined to look upon Lenana, not only as the chief medicine-man, but as the Paramount chief also, and as time went on this dual authority came to be generally accepted as in consonance with Masai tradition. Further, in consequence of the absence during his lifetime of adequate Government control over the administration of the tribe, it had been essential to support someone who could keep the Masai in order and to grant him more or less autocratic powers. In fact, however, the tribal organization of the Masai does not provide for such a position as that of paramount chief, and the influence which Lenana had exercised over the tribe had been due solely to his position as the Chief Medicine-man which his astuteness and strength of character had helped him to magnify.

Notwithstanding the fact that the Government officially recognised Lenana as paramount chief, the Agreement of 1904 referred to him as Laibon and not as the paramount chief, while, on the other hand, in the Agreement of 1911, Seggi was styled "Paramount Chief of all the Masai." The phraseology of this latter Agreement is incorrect, and there is no doubt that in the minds of the Masai, Seggi has no authority as Chief elsewhere than among his own division.

Functions of
Paramount
Chiefs and
Medicine-
men.

In making recommendations for the abolition of the office of paramount chief, Mr. Bowring drew attention to the fact that the functions of a paramount chief and of a chief medicine-man were incompatible. As paramount chief, Seggi was expected to endeavour to maintain order and to assist the Government, while as chief medicine-man, his whole trend of thought must of necessity be reactionary and secretive and he, together with all the other medicine-men, must realize that any real progress on the part of the tribe could not fail to undermine their influence.

The future
of Seggi.

Mr. Bowring advocated the continuance of the system of government of each division through its own local elders and local council, under which system Seggi would take his place among his own elders but would not be concerned with the administration of the rest of the tribe. It would be difficult to prevent the perpetuation of the existence of medicine-men if the tribe wished to preserve them, and he thought that a preferable policy would be to instil a desire into their minds for progress and development in which case these survivals of barbarism would eventually disappear. The Masai were a very conservative and unprogressive people, isolated in a vast grazing area, and the task of awakening them to a more enlightened train of thought, onerous as it was, was rendered all the more difficult and ineffective by the unnecessary obstacle which had been placed between the administration and the tribe in the form of a paramount chief, who had no place in the constitution as evolved by native custom and tradition. He was therefore confident that the abolition of that office would offer the Masai better security than the existing system and he was convinced that it was more in accordance with the opinion of the Masai themselves.

Mr. Bowring also drew attention to the fact that the effect of his proposals, if approved, would be to necessitate a revision of that part of the concluding paragraph of the Agreement of 1911 which read "and not to lease or grant any land within the said areas without the sanction of the paramount chief and the representatives of the Masai tribe." He suggested that such sanction should be vested in the headmen of the different divisions, and that the paragraph be amended so as to read "and not to lease or grant without the sanction and approval of the local council of elders having authority in such area." He said that the reserve would then be divided into administrative areas, and that the different local authorities would be appointed in accordance with the wishes of each section.

The provision of the Agreement of 1911, whereby the Governor undertook not to lease or grant any land within the areas reserved for the Masai (except such land as might be required for mining purposes or for any public purpose), without the sanction of the paramount chief and representatives of the Masai tribe, prohibited (*vide* Section 9) the opening of trade centres in the reserve until July, 1914, when the "Masai Case" had been concluded, and, although many such centres were subsequently opened, the inconvenience of obtaining the formal assent of each of the representatives (who were taken to be the signatories to the Agreement) was so great as seriously to retard progress. The difficulties with which the administration was beset because of this Agreement were again brought into prominence during the latter part of 1917, when numerous applications were received for mill sites in the reserve on temporary occupation licences. The establishment of mills being a material factor in assisting development and in reducing the price of native foodstuffs, Mr. Bowring considered that it might be possible to arrange for the introduction of some more effective form of native government in the reserve by which a recognized council of Masai, selected so far as possible by themselves, should be given powers to treat with the Government in all matters arising out of the Agreement, and thus render unnecessary the cumbersome procedure laid down therein.

The Attorney-General and the Officer-in-Charge of the Masai Reserve were accordingly directed to discuss the matter, and they recorded their opinion that such a council could perform the functions of the Masai representatives under the 1911 Agreement. They considered that a formal document in writing, however advisable, was not necessary in every case in which the sanction of the paramount chief and representatives was obtained under the treaty, and that it would be sufficient if full notes of the meeting with the paramount chief and representatives were made, and signed by the Officer-in-Charge. Such a course would not be as effective evidence of sanction as a document acknowledged by the chief and representatives, but, so long as these latter preserved their policy of objecting to putting their thumb-marks to any document, it would be an efficient substitute. The objections to the suggested council under the present conditions were first, that the paramount chief was a person of no importance in the tribe, and was not generally recognised as such, and secondly, that the elders of locations not concerned with the particular location in which the land to be dealt with was situated, would exhibit no interest in the matter, but it was hoped that the effect of having a tribal council of this nature might develop some instinct more national than that shown at the time. The policy of the Officer-in-Charge had been to develop the location system rather than to allow each clan to wander at random in the reserve, and he expressed his intention of shortly asking for the appointment of headmen for the locations. They therefore suggested that these headmen would be sufficiently representative of the Masai tribe for the purposes of the Agreement, if care were taken in their selection, and if the sections of the tribe concerned were consulted in the appointments. It would be necessary for the paramount chief, if his office were to be retained, to attend whenever the headmen sat in council for the purposes of the treaty. In addition to such matters, the council would be useful for the purpose of discussing affairs affecting the tribe as a whole.

On the 14th of February, 1918, the Acting Governor discussed the proposal with the members of Executive Council, who agreed with him as to the desirability of the formation of such an institution and of sub-councils, which would deal with specific matters in specified areas.

In reporting this decision to the Secretary of State, Mr. Bowring remarked that he regarded the word "representatives," as used in the Agreement, to mean the representatives for the time being, and he considered that, if the members of the council were selected with the approval of the respective sections of the tribe represented by them, they might be regarded as the representatives of the Masai for the purposes of the Agreement.

On the 14th of February, Mr. Hemsted submitted for approval a list of Native Councils which it was proposed to recognize for the purposes of the Native Tribunal Rules, and which would exercise the powers of Collective Headmen under the Native Authority Ordinance. The Councils had been chosen in accordance with Masai custom, and consisted of the recognized "Aigwenak," or counsellors of the different circumcised ages of the various tribal divisions, with a few of the more influential elders and Muran added. The presidents had been selected from the "Aigwenak" by the Masai themselves, and were those who had been accustomed to preside at the council meetings.

The members
of the Masai
Council.

These presidents of councils would also form the council which had been proposed by the Acting Governor, and were considered to be sufficiently representative of the Masai tribe, all the principal tribal divisions being represented, and arrangements had been made for the council so constituted to meet at Narok, not less than twice a year, for discussing matters affecting the tribe as a whole, as well as those connected with the Agreement of 1911.

The lists so submitted contained the names of "Aigwenak" of the "Sirits," and it was intended that they should exercise jurisdiction as headmen over their own Muran only. Muran "Aigwenak" were not ordinarily admitted to councils of elders by native custom, but, as the elders did not themselves possess any great measure of control over the Muran, it was thought that the appointment of such leading warriors might tend to improve the situation. These appointments were intended to be purely of a temporary character, as the age of Muran then in power was shortly losing office, its members giving place to the new age, and themselves becoming elders, but, in view of this, it was eventually decided to cancel the suggested appointments, at any rate until the new age had assumed its responsibilities, and chosen its own representatives. A list of the Councils gazetted, and of the headmen appointed to preside over them, is to be found in Appendix 4.

Inaugural
meeting of
the Masai
Council

The inaugural meeting of the Council was held at Narok on the 1st to the 4th of April, 1918. There were present Seggi Ole Lenana, Paramount Chief, Masikondi, Legalishu and Ole Emboke, respectively presidents of the Purko Council for the Narok, Mara, and Narosura areas; Ole Kataiga, Sironga Ole Parsitau, Ole Kashu (sen.) and Nadalla, presidents of the Damat, Kakonyukye, Loita and Siria Councils respectively; Kamagoywa, representing Metiake, president of the Sighirari (Laitokitok) Council; Ole Siranga, representing Ole Monga, president of the Il Dala Lekutuk Council; Ngaroya, president of the Sighirari (Engidongi) Council; Ole Naipenyu, Njeroge Ole Karei and Ololoderio, respectively presidents of the Councils of the L'Odo Kilani, Kaputiei and Matapatu Divisions. The Officer-in-Charge explained to the elders that they had been called as representatives of all the Masai, and that they would form a permanent council for the purpose of discussing the affairs of the tribe as a whole, and the matters arising out of the Agreement; and in order to assist the Government in carrying out its policy. The Masai were expected to rule themselves under the direction of their officers and to help maintain law and order in their own country. The tribal councils, which had been formed in each division according to native custom, were intended to settle local matters dealing with land or property and to punish people for minor offences.

The idea of the Council appealed to the Masai tribe as a whole, and the members of the Council agreed to attend to all matters affecting the tribe, and also to settle cases which the local sub-councils had been unable to decide.

Various matters were discussed at the meeting. The Council recorded their opinion that they were opposed to the location system, as applied to the elders, though they were willing to accept the idea as applied to the Muran. The alienation of certain sites selected for the erection of water mills on temporary occupation licences was agreed to by the Council, who also approved the establishment of any further trading centres at places where the Government considered them advisable. Deputy presidents of sub-councils were elected to represent the president on the Council when the latter should be unable to attend.

In regard to the local administration of the Masai, the Council considered that the "Sirit" system should be continued for the coming age of Muran, as this system made for better control, but agreed that the "Sirts" should be small and that the Muran should not change their "Sirts" after these had once been made up. The coming Muran were to be forbidden to carry on the practice of cohabitation with young girls, and the Council agreed that it would be beneficial for a number of Muran, according to the size of each "Sirit," to go out to work, either as herds, or as askaris. At the same time, they confessed that they could not enforce such a decision unaided and were opposed to the idea of purely manual labour.

SECTION 2.—DISEASES OF ANIMALS.

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(A) GENERAL.

The two most serious stock diseases which are encountered in the Masai reserve are East Coast Fever and Pleuro-pneumonia. A variety of other diseases attack the flocks and herds at various times, but these two are responsible for a higher mortality than any of the others.

That Masai stock should be largely subject to disease is only to be expected, in consideration of the enormous numbers of cattle and sheep located in the reserve, and of the consequent congestion in the grazing areas. Treatment of the diseases has not yet been undertaken in any comprehensive manner, though it has been suggested and approved in the case of some of them. But the necessity for making any treatment attempted universally applicable throughout the reserve, if immunity is to be obtained, has in each case rendered the staff available insufficient to cope with the masses of stock that would require treatment, and but little actual progress has been made. It is readily recognized that the provision of veterinary facilities for Masai stock is among the most important matters now before the administration, but, owing to the impossibility of procuring the necessary increase of personnel, material and funds while war conditions prevail, it is also recognized that this must stand over until the conclusion of hostilities.

At the end of 1917 and the beginning of 1918, the Officer-in-Charge sent in frequent reports of diseases which were affecting stock in the Masai Reserve. He estimated that between May, 1917, and March, 1918, the Masai had lost by disease more than one hundred thousand head of cattle and about one million sheep. East Coast fever, rinderpest, anthrax, pleuro-pneumonia, foot and mouth disease and other ailments were, he said, prevalent in epidemic form in almost all parts of the reserve.

As a number of the diseases affecting Masai cattle and sheep were of an obscure nature, it was decided that careful investigation would be necessary to ascertain their causes and, if possible, to devise methods of prevention and treatment. A branch laboratory is, therefore, now in course of construction near Narok, and it is hoped that it will be possible to carry out research work

Veterinary survey. thereat. The necessity for a veterinary survey of the Masai Reserve has resulted in instructions being issued to a veterinary officer to tour the reserve with a view to obtaining accurate information as to the existence and prevalence of the various stock diseases, and Mr. Dixon has been entrusted with this work.

Unknown diseases. In addition to the better known diseases of animals, numerous ailments have been reported from time to time by the Officer-in-Charge as a result of representations made by the Masai, of which the identity has not as yet been established. Among these is a disease known to the Masai as Oengat, a word derived from the Masai name for a wildebeest. The Masai state that the grass becomes poisoned in the places where the wildebeest have calved, and that any cattle which graze on such places invariably succumb. It may be that this disease is born of superstition, but it is impossible to dismiss the report without investigation, and it is a fact that the Masai avoid the plains during the time these animals are calving.

Game. The eastern portion of the Masai Reserve coincides with the Southern Game Reserve, and the effect of the game on the stock therein has in consequence frequently been a matter of discussion. It is known that certain species of game are constantly or periodically infected with various diseases infectious to cattle, but it is generally thought that the preservation of the game does not materially affect the Masai herds, mainly on account of the fact that the Masai, being expert stockmen, are sufficiently observant and astute to effect a kind of quarantine between their cattle and the game which reduces to a minimum the chances of their utilizing the same grazing grounds.

(B) ANTHRAX.

Outbreaks of Anthrax in the Masai Reserve have been reported from time to time, and in several instances natives have died as a result of handling or eating the carcasses of animals which have succumbed to this disease. An increase in the prevalence of Anthrax was noted early in 1918, when it was stated that from two to three per cent. of the Masai cattle had died from it, but the Officer-in-Charge did not consider that there was anything in the nature of an epidemic and reported that it always appeared to be present in a rather more severe form during periods of drought.

(C) BOVINE PLEURO-PNEUMONIA.

Infection in 1911—Outbreak in Narok and Mara Districts, May, 1916—Outbreak in Ngong, July, 1916—Outbreak at Ngong, December, 1916—Spread of the disease—Masai Reserve proclaimed an infected area—Bechuanaland methods—The Director of Agriculture's views, July, 1917—The Officer-in-Charge's comments—Decision to inoculate all Masai cattle—Inoculation fee prescribed—Mr. Hemsted's views, August, 1917—Captain Bradshaw's visit, August, 1917—Mr. Kennedy's visit, September, 1917—Peculiar symptoms of the disease—Mr. MacDonald's recommendations—Mr. Kearney's report—Establishment of a branch laboratory sanctioned—Restrictions on movement of stock—Site for the branch laboratory—Mr. Hemsted's views, October, 1917—Outbreak of anthrax and rinderpest—Suggested removal of Masai stock from Naivasha area—Reported disappearance of pleuro-pneumonia.

Infection in 1911. During the Masai move from Laikipia, some five villages were infected with pleuro-pneumonia. These were placed in quarantine but a recommendation that any cattle in them likely to carry infection should be slaughtered was not accepted.

Outbreak in Narok and Mara Districts, May, 1916. In May, 1916, an outbreak was reported affecting some twelve or fifteen villages containing about 18,000 head of cattle in the Narok and Mara districts. Quarantine measures were adopted but the disease continued to spread and the Veterinary Department was unable to devote attention to the matter owing to the entire staff being employed on military work. The measures taken by the Officer-in-Charge included the placing in quarantine of the whole of the Masai Reserve west of Mount Suswa and a discontinuance of the issue of permits to move stock.

Outbreak in Ngong, July, 1916. In July, 1916, the disease appeared at Ngong, and on a farm near Nairobi, due it is believed, to cattle for the military supplies having been taken from the neighbourhood of the Uaso Nyiro. Other parts of the Masai Reserve also became infected. The whole reserve was therefore placed in quarantine and internal

quarantine was abolished. Posts were established on the trade routes to prevent contact between oxen in the reserve and those coming to the boundary with waggons. These measures were instrumental in preventing the disease from spreading outside.

In December, 1916, the Chief Veterinary Officer reported an outbreak of pleuro-pneumonia of cattle at Ngong, involving about 140 head. These animals were slaughtered and compensation was paid to the owners. In the same month, Captain Carter of the East Africa Veterinary Corps paid a visit of inspection to the Masai Reserve and reported that the disease was very prevalent in the Narok area. He later reported that the disease was to be found in other parts of the reserve but not to same extent as in the Narok District.

Outbreak at Ngong, December, 1916.

By January, 1917, Mr. Hemsted estimated that the disease had spread to such an extent that approximately one-third of the cattle, or 200,000 head were infected, this increase being attributable to illicit movement of cattle from the quarantine areas as a result of large demands being made on the tribe for the feeding of troops. It seemed inevitable that the disease must spread throughout the district in spite of all precautions, and the Masai themselves expressed a preference that the disease should run its course.

Spread of the disease.

The Masai Reserve was declared an infected area under the Diseases of Animals Ordinance on the 26th of January, 1917.

Masai Reserve proclaimed an infected area.

Reference had been made to Mr. W. H. Chase, Chief Veterinary Officer, Bechuanaland Protectorate, in regard to the best means of combatting the disease, and a reply was received from him in February, 1917, giving the results of measures taken by him, explaining the method of inoculation with lymph collected in the field and indicating the administrative measures adopted.

Bechuanaland methods.

In view of the success that had attended Mr. Chase's methods, the Director of Agriculture, in July, 1917, advocated the cessation of all ox-traffic from Kijabe to the Masai border, the sub-division of the Masai Reserve into three areas, with a veterinary surgeon and four inoculators for each area, and the inoculation of all cattle within these areas.

The Director of Agriculture's views.

Mr. Hemsted, in commenting on these proposals, considered it unnecessary to stop all ox-transport from Kijabe to the Masai border, as such a step would not only ruin the principal traders but would severely hamper the introduction of supplies; there was, in fact, only a slight risk of infection. If the arrangements then in operation were considered inadequate, he suggested that a strip of land a quarter of a mile wide across the road to the Masai border should be wired off and no cattle allowed to cross this strip. He considered that it was too late for inoculation to be effective or of material value except possibly in the case of clean herds. Most of the Masai cattle had already recovered or were convalescent and they would probably not react to treatment by inoculation. He anticipated no opposition except concealment of cattle and thought that fees could be collected satisfactorily, but he mentioned that the completion of the scheme of inoculation would not be attained for at least a year with the suggested staff.

The Officer-in-Charge's comments.

The question was discussed in Executive Council on the 4th of August, when His Excellency approved the proposals for the undertaking of the inoculation against pleuro-pneumonia of all Masai cattle whether infected or not. Captain Bradshaw was to commence the work and other officers were to be detailed as they became available. A fee of fifty cents. was to be charged, but this fee was to be remitted in the case of animals which died as the result of inoculation. Animals required for the manufacture of lymph were to be purchased. As a preliminary measure, Captain Bradshaw was to arrange for an effective quarantine and the inoculation of transport oxen on the reserve side of the border.

Decision to inoculate all Masai cattle.

Captain Bradshaw arrived at Narok in August and inoculated about 200 transport oxen, but the results were not satisfactory and nothing further was done at the time.

The Secretary of State was informed of this decision, and a rule under the Diseases of Animals Ordinance was signed on the 11th of August prescribing the fee of fifty cents. for inoculation against pleuro-pneumonia.

Inoculation fee prescribed.

Mr.
Hemsted's
views,
August, 1917.

On August 30th, Mr. Hemsted expressed a desire to modify his previous statement that no great difficulty would be experienced in the collection of the inoculation fees. The fee proposed was higher than he had anticipated and it appeared improbable that the Masai could procure Rs. 400,000 for payment of such fees in cash. The cattle market was closed, as their cattle were unsaleable, and the collection would be rendered more difficult by the absence of legal machinery to enforce it. He advocated a reduction in the fee and suggested the promulgation of a special rule providing for the compulsory inoculation of all Masai cattle and for the recovery of fees. In the alternative, he thought that the imposition of a cattle tax would obviate the necessity for charging inoculation fees in addition. He considered that it would not be impracticable to induce the Masai to inoculate their own cattle, which course, though open to certain drawbacks, would possess the advantage of dealing quickly with the outbreak.

Captain
Bradshaw's
visit,
August, 1917.

As a result of his visit to the Masai Reserve in August, 1917, Captain Bradshaw framed recommendations, mainly of an administrative nature, which included proposals for the erection of fences a quarter of a mile apart across transport roads on the reserve boundary, necessary to prevent the infringement of quarantine restrictions by persons in charge of ox-transport, an increase in the police force in the reserve, and the marking out of a neutral zone two or three miles wide, surrounding the reserve, in which no cattle should be allowed except on authorised routes. Measures should be taken to prevent cattle in the reserve belonging to traders from leaving the reserve, and he suggested that all movement of cattle both into and out of the reserve should be prohibited.

Mr.
Kennedy's
visit,
September,
1917.

Early in September, Mr. Kennedy, the Acting Chief Veterinary Officer, visited the reserve and, with Mr. Hemsted, interviewed several Masai chiefs. He gathered that the natives were opposed to steps being taken to combat the disease. The cattle in the reserve numbered approximately 715,000 and, to complete the inoculation within a period of twelve to fifteen months, he estimated that a staff of eight Veterinary Officers, fifty Stock Inspectors and seven hundred and fifty natives would be necessary.

Peculiar
symptoms of
the disease.

In the course of his report, dated the 11th of September, Mr. Kennedy wrote:—

“It has been our experience that, when well-known diseases come under notice in this country, they exhibit peculiar variations in virulence, symptoms and course, and do not strictly conform to the standards laid down for them in other countries. Bearing this in mind, it is apparent that, before any definite action is taken with regard to general inoculation against bovine pleuro-pneumonia, it is very desirable that the disease be fully investigated.

“As an example of the difficulties to be overcome as regards inoculation, I may mention that the Acting Assistant Veterinary Pathologist has been making post-mortem examinations of infected animals during the past three weeks without once finding lymph suitable for inoculation.

“No definite scheme for inoculation can therefore be suggested until the results of Mr. Bradshaw's investigations come to hand.”

Mr.
MacDonald's
recommendations.

The Director of Agriculture, however, considered that inoculation should be commenced without delay, to such an extent as the available staff allowed. He recommended an appeal to the military authorities for the release from military service of all Veterinary Officers seconded thereto, and suggested that application be made to the Bechuanaland Protectorate for the loan of the services of Mr. Chase for a period of six months. These steps were taken, but it was found impossible to spare Mr. Chase from Bechuanaland, and the military authorities regretted that the Veterinary Officers could not then be released from their military units.

Mr.
Kearney's
report.

Towards the end of September a report was received from the Acting Veterinary Pathologist on the subject of the cattle disease in the Masai country considered to be pleuro-pneumonia. Difficulties had been experienced in obtaining cases typical of pleuro-pneumonia, experiments had been conducted with the

material brought to Narok, and six animals had been inoculated with large doses with practically no result. Mr. Kearney, therefore, was led to conclude from this evidence that it would be undesirable to attempt any inoculations on a large scale until the nature of the disease had been clearly established. Such premature action might cause heavy losses with alien bacteria, and afford no immunity to the existent disease. In view of the danger of introducing the disease into a clean area, he considered it inadvisable to conduct further experiments at Kabete, and, as it was necessary thoroughly to investigate the pathology of the Masai disease, he was of the opinion that further research should be conducted in the Masai Reserve, where abundant material for investigation was at hand. He therefore recommended the early erection and equipment of a Field Station within the reserve. Two thousand pounds would be required to erect and equip a laboratory for the preliminary investigation, while subsequent development and investigation would depend upon the results obtained.

Mr. Kearney's proposals received the support of the Governor-in-Council, and his suggestions were reported to the Colonial Office by despatch on the 11th of October, 1917.

Establishment of a branch laboratory sanctioned.

On the 14th of October, a rule under the Diseases of Animals Ordinance was signed, prohibiting the introduction of any trade cattle into the Masai Reserve.

Restrictions on movement of stock.

A site suitable for the branch laboratory was selected on the left bank of the Uaso Narok, some three miles down-stream from Narok Station, and an area of 500 acres was to be reserved there as a site for so long as the laboratory was necessary. Work was commenced in January, 1918, and Mr. Bradshaw proceeded to the reserve to superintend.

Site for the branch laboratory.

On October 22nd, 1917, Mr. Hemsted submitted a memorandum on the general question of pleuro-pneumonia in the Masai Reserve. He insisted that the Masai would not welcome inoculation or any other steps that might be taken for the eradication of pleuro-pneumonia from amongst their cattle, but, although no assistance could be expected from the Masai, he saw no reason to suppose that any actual opposition to inoculation would be encountered. Their losses had not been very heavy and the disease had practically run its course. The cattle of the Siria Masai in the west and those of the Sighirari of Laitokitok in the east of the reserve had escaped infection, being entirely isolated from other herds. Mr. Hemsted thought that the estimates given by Mr. Kennedy of the staff required for the inoculation, and of the time which the undertaking would take, were too low, and he understood that the inoculation was only effective for a period of two years. The presence of large herds of buffalo and other game would have the effect of perpetuating the disease. He again advocated the imposition of a cattle tax, in preference to the levying of inoculation fees. The establishment of additional police posts on the borders of the reserve would diminish the chances of the infection spreading outside. He was of the opinion that, inasmuch as the Masai stock was run under almost natural conditions, the methods employed in respect of European stock could only be applied with difficulty, both as regards its management and preventive measures against disease. The position resolved itself into that of the natural struggle for existence, and the Masai herds would eventually overrun Africa, if increase were unimpeded by disease or restrictions of grazing. Grazing was, however, restricted and the reserve, he said, was stocked to its fullest capacity; no benefit would therefore accrue to the Masai by saving from pleuro-pneumonia cattle, which would probably die subsequently of starvation or some other disease. The eradication of pleuro-pneumonia could only be considered in conjunction with questions affecting the general development of the Masai as a stock-producing asset to the Protectorate, and but small results would be achieved by confining our energies solely to the inoculation of Masai cattle against that disease. He warmly welcomed the proposal to erect a branch laboratory in the reserve which would deal with all forms of stock disease.

Mr. Hemsted's views, October, 1917.

In November, 1917, Mr. Hemsted reported the presence of anthrax and rinderpest in most parts of the Masai Reserve, the latter having broken out in a very severe form and leading him to think that the previous immunity to rinderpest attained by the Masai cattle had been impaired by pleuro-pneumonia.

Outbreak of anthrax and rinderpest.

Suggested removal of Masai stock from Naivasha area.

In the same month the question arose of the advisability of moving the Masai cattle back from the Endabibi and Eburu to some area well removed from the European farms. It had been agreed that these cattle should not be removed until they had been inoculated against pleuro-pneumonia, but, in view of the results obtained by Mr. Bradshaw, it appeared probable that some considerable time would elapse before a satisfactory method of inoculation could be arrived at, and it was considered that if inoculation were attempted with unsatisfactory results a bad effect would be produced on the native mind. Mr. Kennedy therefore suggested the immediate removal of these cattle, but Mr. Hemsted contended that hardship would be caused to the Masai by depriving them of grazing grounds, and also that it would be unfair to move clean herds into an infected area without conferring immunity by inoculation. The decision given by Government in this matter was that, as the disease appeared to be decreasing, no area should be de-stocked, but that the Officer-in-Charge should order the Masai whose herds were clean to take every precaution, and that any sign of disease appearing amongst their herds should be immediately reported.

Reported disappearance of pleuro-pneumonia.

In May, 1918, the Officer-in-Charge reported that he had been unable to find any case of pleuro-pneumonia during a recent tour in parts of the Narok and Mara districts, and that the Masai in the areas visited had informed him that the disease was entirely non-existent among their cattle. He therefore recommended that the quarantine restrictions be withdrawn, but the Chief Veterinary Officer was unable to support this recommendation until a careful veterinary survey of all the cattle in that area had been carried out. The slaughter of oxen, purchased for military requirements in July, 1918, gave evidence that the disease was still prevalent in parts of the reserve.

(D) EAST COAST FEVER.

In August, 1914, East Coast fever in the Masai Reserve was confined to the neighbourhood of Ngong Station, to the country near the Sotik border, and to the trans-Mara District. Masai cattle appeared to have bred a certain degree of immunity to the disease, but the Officer-in-Charge was inclined to think that the cattle which had come from Laikipia were less immune than those which had previously resided in the Southern Reserve.

In June, 1915, the Masai complained of the losses they had suffered from East Coast fever in the Mara region and in Ol-Orokuti country.

In November, 1917, reports were received that this disease was spreading rapidly along the east bank of the Mara River, in the Lemek Valley, and along the Sotik border. Steps were taken to place the infected herds in local quarantine, but these were unsuccessful, and in March, 1918, the Officer-in-Charge reported that the disease had spread to parts of the reserve previously free from it. It had appeared at Narok, in the Loita Hills and Plains, in the neighbourhood of Kiu, at Kajiado, Besil and Namanga, and the infected area in the Mara district had increased considerably. In view of the fact that Masai cattle are highly susceptible to East Coast fever, Mr. Hemsted recommended that a dipping scheme should be devised as soon as possible in order that a commencement might be made towards the control of the disease. The Chief Veterinary Officer agreed that such steps should be taken by erecting cattle dips and encouraging the Masai to use them. He supported a proposal by Mr. Hemsted that seven dipping tanks, in addition to that already in use at Ngong, should be erected in the vicinity of the Government stations in the reserve, where they would be under constant supervision, and that the Masai should be encouraged to use them. As he considered it probable that some time would elapse before the Masai became convinced of the benefits derived from this treatment, he suggested that immediate steps be taken to commence dipping demonstrations, but it was pointed out by the Governor that a necessary preliminary to the provision of dipping facilities would be the carrying out of improvements in the water supply, and that this question was dependent on the effect of the cattle tax proposed for imposition on the Masai (*vide* Section 8).

It is possible that much of the mortality attributed to East Coast fever is really the result of a disease known as heart water, which is described as a tick-borne disease, very similar to East Coast fever. There is as yet no evidence to support this idea. Heart water.

East Coast fever appears to be the only cattle disease which the Masai really fear, and is, in fact, the disease which causes by far the highest mortality among their herds. Nevertheless, they have not come forward very readily to make use of the cattle dip which was erected at Ngong in 1914, and it is evident that, in addition to the superstition which prevents them from taking advantage of such an innovation, they are also too slack and listless to go to the trouble of making the treatment a matter of regular routine. In time, however, it is to be hoped that they will come to appreciate more fully the immunity which dipping confers upon their stock, and, when this realization has been arrived at, it will follow that large tracts of otherwise suitable grazing areas will become available within their reserve for them and their stock, thus tending to relieve the congestion which is now noticeable in those parts of the reserve which are considered by the Masai to be suitable for their cattle. Dipping.

(E) FOOT AND MOUTH DISEASE.

Foot and mouth disease has not given serious cause for anxiety in the Masai Reserve. An outbreak was reported in June, 1917; and in February, 1918, it was said to be very prevalent in the majority of the villages situated in the Narok and Mara districts. Accordingly, in that month, the Chief Veterinary Officer prohibited the removal of sheep from the reserve.

The direct mortality from this disease is slight, but it very seriously affects the milk supply, and indirectly it causes a certain amount of loss, as infected animals, being in a weak state, are unable to move about sufficiently to obtain the necessary and adequate grazing, and, as a consequence, they may die of starvation.

The disease was reported in May, 1918, to have practically died out.

(F) RINDERPEST.

Rinderpest has been enzootic in the Masai Reserve for many years and the majority of adult Masai cattle are immune. It was rife in the Northern Masai Reserve from 1910 until the completion of the move in 1913, and several outbreaks in both the Northern and Southern Reserves were reported between November, 1912, and January, 1913.

Anti-rinderpest inoculation was carried out where practicable and a large number of Masai cattle were thereby protected, with the result that the mortality was very low.

For the next five years rinderpest lay more or less dormant, but it became unusually prevalent early in 1918, and heavy mortality ensued among the calves, of which it was estimated that about fifty per cent. of the annual increase succumbed.

The Masai have proved to be opposed to the treatment of their cattle by inoculation against rinderpest, as they prefer that immunity shall be obtained by the natural process of the survival of the fittest.

(G) TSETSE FLY.

During the tour undertaken in October, 1911, by the Director of Agriculture, accompanied by Messrs. Hill and Chaplin, the Director of Public Works and the District Commissioner, South Kavirondo, no signs of tsetse fly were seen along the route traversed, and the cattle met with did not appear to be troubled by the ordinary biting fly. On a previous visit the Director of Agriculture had noticed a number of "Stymoxys," and he stated that this fly was fairly common all over the Protectorate, but that so far as was known it did not carry any cattle disease. Tours by the
Director of
Agriculture.

In March, 1913, no specimens of tsetse fly had been received from the Southern Masai Reserve Extension, but reports had come in that the Masai moved their stock during portions of the year from certain restricted areas where fly was rumoured to exist.

Mr.
Anderson's
visit.

In response to a request from the Secretary of State for further information on the subject, Mr. Anderson, the Government entomologist, toured parts of the reserve during the months of April and May, 1913. His report dealt severally with the different parts of the region examined.

I.—The Uaso Nyiro Valley.

A low swampy tract of country, from one to three miles wide and covered with dense bush and tall, coarse, rank grass, lies on the western side of the Uaso Nyiro between the river and a high escarpment. Both *Glossina pallipedes* and *Glossina longipennis* were found all over this region.

Glossina pallipedes was not confined to the banks of the river but was distributed over the whole area, and specimens were taken at all hours of the day.

Glossina longipennis was found to be fairly common on the moist swampy flats and on the banks of the river and was very active in the region.

II.—From the Uaso Nyiro to the Mara River.

Both species of tsetse fly were taken on the slopes of the escarpment and for six or seven miles in a westerly direction from its summit. *Glossina pallipedes* was found at an elevation of nearly 4,000 feet above sea level. No fly was found in the Lengutoto, Morijo, Rotuaik, Sianna and Southern Osero regions.

III.—The Valley of the Mara River.

Unfavourable weather conditions hindered investigations in this neighbourhood and no tsetse fly were found.

IV.—The Magor or Gori River.

No trace of fly was found in the small portion of the Gori Valley which was examined and the presence of large numbers of cattle and donkeys indicated that the valley was free from fly.

V.—From the Mara River to Naivasha.

No fly areas were discovered in this region.

Mr.
Woosnam's
investiga-
tions on the
Mara River.

Mr. R. B. Woosnam, who accompanied Sir Henry Belfield on his tour in the Masai Reserve in June, 1913, spent several days investigating the presence of tsetse fly in the Mara River Valley. Only one specimen of *Glossina* was encountered during his visit but from observations made and from reports of the Masai inhabitants he deduced that a species of *Glossina* existed on the Mara River below the bridge, mainly on the western bank to an altitude of 5,200 feet above sea level. He did not consider the presence of this fly to be of much importance, as natives with their cattle had been living for many years in close proximity to the fly area without any serious loss of stock.

The Ol-
Orokuti
Area.

The Ol-Orokuti country is fairly free from fly, but one or two places are known to be infested, notably in the valley of the Osinaridei stream, on the Lower Magor, Kaiyan (Oyani) and Engare Rongai Rivers.

Postpone-
ment of
further in-
vestigations.

Mr. Anderson's reports were forwarded to the Secretary of State who replied that, while Mr. Anderson had covered much of the ground, a considerable amount of investigation was still required as to the prevalence of tsetse fly in the reserve, and requested that arrangements be made for a further investigation of the region at the first suitable opportunity. Mr. Anderson represented that owing to climatic conditions July was the most favourable month for renewing his inspection, and his subsequent tour was accordingly fixed for July, 1914. During that month, however, he was engaged on other important investigations at Kabete, and his tour was indefinitely postponed in August, 1914, owing to the outbreak of war.

SECTION 3.—EDUCATION.

Unpopularity of education—Mission work—School at Ngong—Necessity for education—Proposed stock farm—Pure-bred bull—Sir Henry Belfield's comments on development of the Masai.

Perhaps in no direction do the Masai demonstrate their conservatism more clearly than in their disinclination to emerge from ancestral custom and tradition by means of education. The whole system of tribal life is against progress and education appears to be generally unpopular among young and old alike. The elders deprecate such an innovation as applied to the boys, as they desire to keep their children at home for work with the sheep and cattle in order that they may live at ease while their sons do the work, and the Muran resent the idea of any system of control and would not willingly submit to a discipline in order to assimilate a knowledge of which they consider they stand in no need. This attitude of the Masai has no doubt been responsible for the almost total absence of Missionary activity in the reserve. Unpopularity of education.

One or two members of the Masai tribe have attended Mission Schools, notably the African Inland Mission at Kijabe, but it cannot be said that the results of such instruction have invariably been successful. There are no established Missions in the reserve, though attempts have been made by certain Missionary bodies to obtain from the Masai permission to erect a station. These attempts have met with no encouragement from the Masai and nothing has been done. Mission work

During 1917, a school was opened in the neighbourhood of Ngong Station under the auspices of the Church of Scotland Mission, Kikuyu. This school was placed under the tutelage of a native teacher and about forty Masai children attend daily. Reading and writing in Masai and a little arithmetic are taught as well as the rudiments of agriculture, and as far as it goes this school may be considered to be a success, but it cannot be said that its establishment has gone any distance in solving the problem of the education of the Masai or of removing their aversion to the introduction of this means of disseminating civilization, by rendering them as a whole amenable to Missionary influence. School at Ngong.

Mr. Hemsted has repeatedly given it as his opinion that the education of the Masai is one of the most important steps that must be taken in order to weaken the conservatism of the tribe and induce them to emerge from their old and antiquated habits. The moral and physical degeneration of the tribe that was a natural result of the aimlessness of their existence and the want of a definite occupation could only be remedied by the provision of an object upon which their attention might be concentrated. In September, 1913, he asked that money might be set aside for the erection and maintenance of a native school, but this money was not forthcoming. Arrangements were then taken in hand whereby the Agricultural Department should give instruction to the tribe in the improved methods of tending and breeding stock, but these fell through before completion. In August, 1914, it was suggested that provision should be made for a Veterinary Officer to be stationed permanently in the reserve who would, in addition to veterinary work, impart a course of instruction in the care of stock, paying special attention to the method of dipping. This scheme also fell through owing to the lack of available funds following the outbreak of war. Necessity for education.

In January, 1917, Mr. Hemsted submitted proposals for the establishment of a stock-farm for the Masai. It was, he said, generally agreed that the policy of the Government in regard to the Masai was to develop them as pastoralists and to recognise the reserve as a source of supply of cattle and sheep for the European parts of the Protectorate, and also eventually for export. One of the first essentials of such a policy would be to induce the Masai to aim at quality rather than quantity. Under existing conditions, the reserve was stocked with cattle of a most inferior quality, among them being an undue proportion of bullocks and aged and barren cows. Experience gained in connection with the purchase of supplies for the military authorities showed that a comparatively small number of their animals could be considered to be of the quality desirable for food purposes. In the old days, when the Masai were able to roam over the greater part of East Africa and there was little or no demand for their stock, the number of cattle they kept was immaterial. In those days the breed of their cattle benefited by the constant introduction of fresh blood obtained in the numerous raids they Proposed stock-farm.

perpetrated on other tribes. But the present conditions have altered this by the confinement of the boundaries of the reserve, and in addition to the deterioration caused by the lack of fresh blood and consequent in-breeding, the cattle suffer from want of pasturage and water in certain parts of the land that has been allotted to them. It is found generally that the quality of beef obtained from Masai cattle is very poor and is tending to become worse.

Pure-bred
bull

Owing to this deterioration, the Director of Agriculture suggested the immediate provision of a pure-bred bull for crossing with selected native cows. This experiment was tried, and the bull was sent to Narok, where it died in 1917, having left a few useful calves, but not having survived long enough to demonstrate the success of such an enterprise.

Mr. Hemsted suggested the establishment of a Government stock farm, to be maintained at the expense of the Masai, and intended solely for the benefit of the tribe. This would be of an experimental nature at first, but would be developed as circumstances required, and as funds permitted. The half-bred stock produced on the farm, especially the bulls, would be sold to the Masai with the object of improving their herds. In conjunction with this farm a dairy industry might be started, and the Masai taught to manufacture ghee and dairy produce. This would tend to make the scheme self-supporting. As a commencement Mr. Hemsted asked sanction to purchase up to one hundred native cows or heifers and a few pure-bred bulls, and to establish a farm in the reserve by means of the funds derived from the Masai Suspense Account.

His proposal received the support of the Director of Agriculture, who thought that far-reaching results might thereby be obtained in the improvement of Masai cattle.

The scheme was discussed by the Governor-in-Council on the 14th of April, 1917, when a decision was given that the time was inopportune for the establishment of such a farm, and the further consideration of the matter was postponed until the conclusion of hostilities.

Sir Henry
Belfield's
comments on
development
of the
Masai.

Before proceeding on leave in April, 1917, Sir Henry Belfield recorded the following minute on the subject of the development of the Masai:—

“The proposal” (for the establishment of a stock-farm) “is based on the assumption that the policy of the future is to develop the Masai as pastoralists. If this assumption is correct, the proposal is sound. Personally, I would rather see the possession of enormous herds gradually discouraged by taxation, and encouragement given to industrial habits. Further, I would prefer to see local and export markets provided by our European graziers rather than by the Masai. The proposal should stand over until the question of taxing of the Masai cattle has assumed a more definite form.”

SECTION 4.—THE E-UNOTO CEREMONY.

Purpose of the ceremony—Description of the ceremony—Kinangop—Application by the Masai for permanent residence on Kinangop—E-Unoto ceremony in 1915—Negotiations for abrogation of rights to Kinangop—Localities used by the Masai according to custom—Result of negotiations—Renewed application—Site on the Mau Narok—Completion of the ceremony—Discussion by Masai Council on surrender of Kinangop.

The E-Unoto Ceremony, which looms large in the history of the Masai Moves, is a ceremony held according to Masai tradition at intervals of approximately seven years. The duration of the ceremony is from three to six months for each tribal division or group of divisions, and the duration for the whole tribe may, therefore, take from two to three years.

Purpose of
the
ceremony.

The purpose of the ceremony is not too clear, but it is said to be for the handing over of the guarding of the Masai country to the incoming age of warriors, and it takes place a year or two before the circumcision ceremonies. On the completion of those ceremonies, the past age of Muran commence to take wives and go out as Elders. A similar proceeding used to be held by the Nandi, but at the close of the expedition of 1906 the Nandi were induced to hand over the guarding of their country to the Government. In the case of the Masai the ceremony would appear to be both unessential and undesirable.

The following description is given by Mr. Hemsted :—

Description of
the
ceremony.

A Chief, known as "Ol Olotuno," and a Sub-Chief, known as "Ol Oburuen-geni," is chosen by the Elders from the ranks of the Muran for each division or group of divisions.

A black bullock is supplied, tied up and stupefied with "tembo." The "Il Ayok" (boys) compete in pulling off the horns of the bullock. The one who succeeds in doing so is regarded as a great warrior.

The bullock is subsequently strangled—it must not be touched by a knife—and eaten by the "Il Ayok."

The "Aigwenak" (Counsellors) of the incoming warriors are selected prior to the ceremony. The Elders give each of them a black club, a heifer, a large goat and some honey.

A new name is given to the outgoing Muran, and the incoming Muran are given an "age" name.

Immediately after the E-Unoto, the "Il Ayok" return to their fathers' villages, where they are circumcised by certain "Il Torobo," and their heads shaved.

They then form "Manyattas" of their own, and allow their hair to grow.

They are known as "Il Barnoti" before their hair has become long.

The outgoing warriors also have their hair cut and return to their "Manyattas." They may still remain Muran for as long as three years, but it is said that in the absence of any wars this period will be much less.

There are therefore for a time, two groups of Muran, the senior and junior warriors. Constant fights are said to take place between them.

In the Agreement between the Masai and Sir Donald Stewart, executed in August, 1904, it is recorded that the Masai asked that they might be allowed to retain control of at least five square miles of land (at a point on the slopes of Kinangop) whereat they could carry out their circumcision rites and ceremonies in accordance with the customs of their ancestors. Sir Donald Stewart, in signing the document, stated that, subject to the Secretary of State's approval, he agreed to the terms embodied therein. The Agreement of 1911 contained a proviso that the Masai tribe should not thereby be deprived of the rights reserved to it under the former Agreement in respect of the land on the slopes of Kinangop, whereon the circumcision rites and ceremonies might be held.

The fact that that area was still reserved for them induced the Masai in January, 1914, to apply for permission for a few of their number to be allowed to reside permanently on the area, with a view to keeping it in good order. To this application the Governor was not disposed to consent, and he issued instructions for other methods to be employed to ensure that the ground did not become overgrown. At the same time, he gave his opinion that it was not essential for these ceremonies to be held on Kinangop, and suggested the utilization of some place within the boundaries of the Masai Reserve.

Application
by the Masai
for permanent
residence on
Kinangop.

In 1915 a repetition of the ceremony was due to commence, and in February of that year the Laibon and headmen approached the Officer-in-Charge with a request that certain divisions might proceed to the reserved area at an early date. The divisions affected were the Kakonyukye, Purko, Dala Lekutuk and Damat, each of which should, according to custom, proceed to the ceremonial ground with its flocks and herds in the order named and remain there separately for ten months. Though the Government was bound by an Agreement in the nature of a treaty with the Masai tribe to allow them to control the area on Kinangop for ceremonial purposes, it was considered that it would be most impolitic to allow these Masai divisions to leave their reserve with their stock, for the area reserved would be insufficient for the needs of the Masai unless the number of cattle they were allowed to take was regulated; and the cattle would constitute a source of

E-Unoto
ceremony in
1915.

danger not only to the surrounding farms but also to the farms over which they must pass in order to reach Kinangop owing to the probability that the Masai stock was, to a greater or less extent, infected by disease. Mr. Hemsted estimated the period that would be taken by all the divisions to complete the E-Unoto to be at least thirty months.

Negotiations for abrogation of rights to Kinangop.

Negotiations were therefore opened with the Masai chiefs for the abrogation of the right to control and use the Kinangop site for the E-Unoto and for the substitution of some other site within the Masai Reserve, while compensation in money, to be employed in improvements in the reserve, was offered in respect of the surrender of these rights. A suggestion was made by Ngaroya that the Kakonyukye division be permitted to use unoccupied but alienated lands in the Kedong Valley, but this was regarded as unsatisfactory in that it did not afford a permanent solution of the Kinangop difficulty, and it was thought that any solution must embrace the whole tribe by the substitution of a suitable site within the confines of the reserve.

Localities used by the Masai according to custom.

While entering into the suggested negotiations with the Masai Chiefs in October, 1915, Mr. Hemsted pointed out that only four of the divisions, the Purko, Kakonyukye, Dala Lekutuk and Damat, were desirous of proceeding to the Kinangop area, and that the other divisions were accustomed to hold their festival when and where it suited them. The Sighirari, Matapatu, Kaputiei and other divisions had always favoured the locality of the Ngong Hills, and the ceremony conducted by Lenana in 1911 had only concerned those divisions. The Loita division had already completed their ceremony in their own country. The main reason for the desire of the four divisions to hold the ceremony on Kinangop appeared to be a desire to remove a number of cattle out of the reserve for a time and so to relieve the congestion therein, and the result of permitting the ceremony to be held on Kinangop would be that a number of Masai would reside outside the reserve for two or three years out of every seven. The sanctity of any particular site was not of such moment.

Result of negotiations.

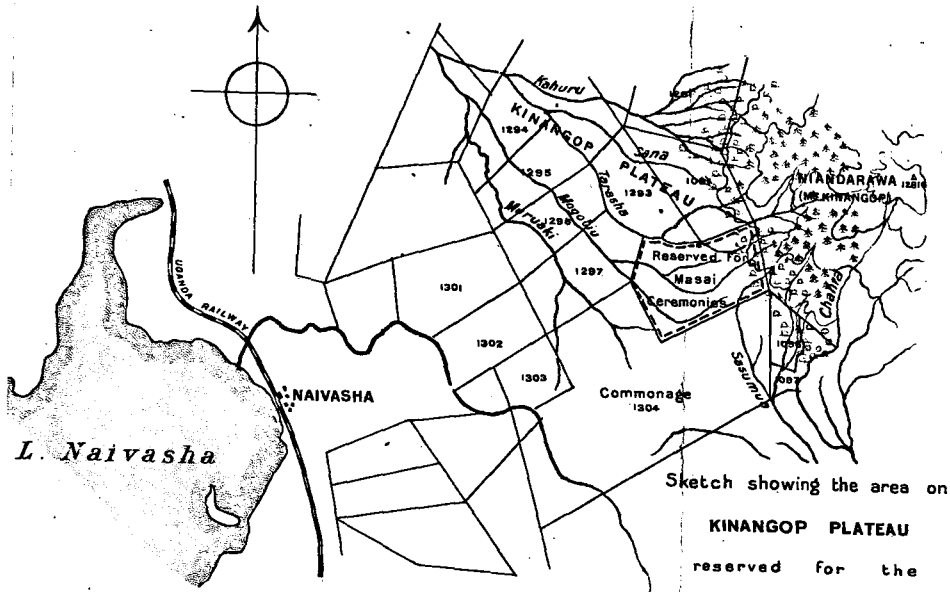
The result of the negotiations with the Masai for the surrender of the area on Kinangop was a revival of hope that they would be permitted to hold their ceremony in that area, and Legalsihu, Masikondi, Ole Yele and the other Purko elders stated that they did not wish to give up the land. It was, however, decided in December, 1915, that the present conditions of the country made it impracticable to allow the Masai to proceed to Kinangop for the E-Unoto ceremony, and Mr. Hemsted was instructed to advise the chiefs to select an alternative area within the confines of the reserve.

Renewed application.

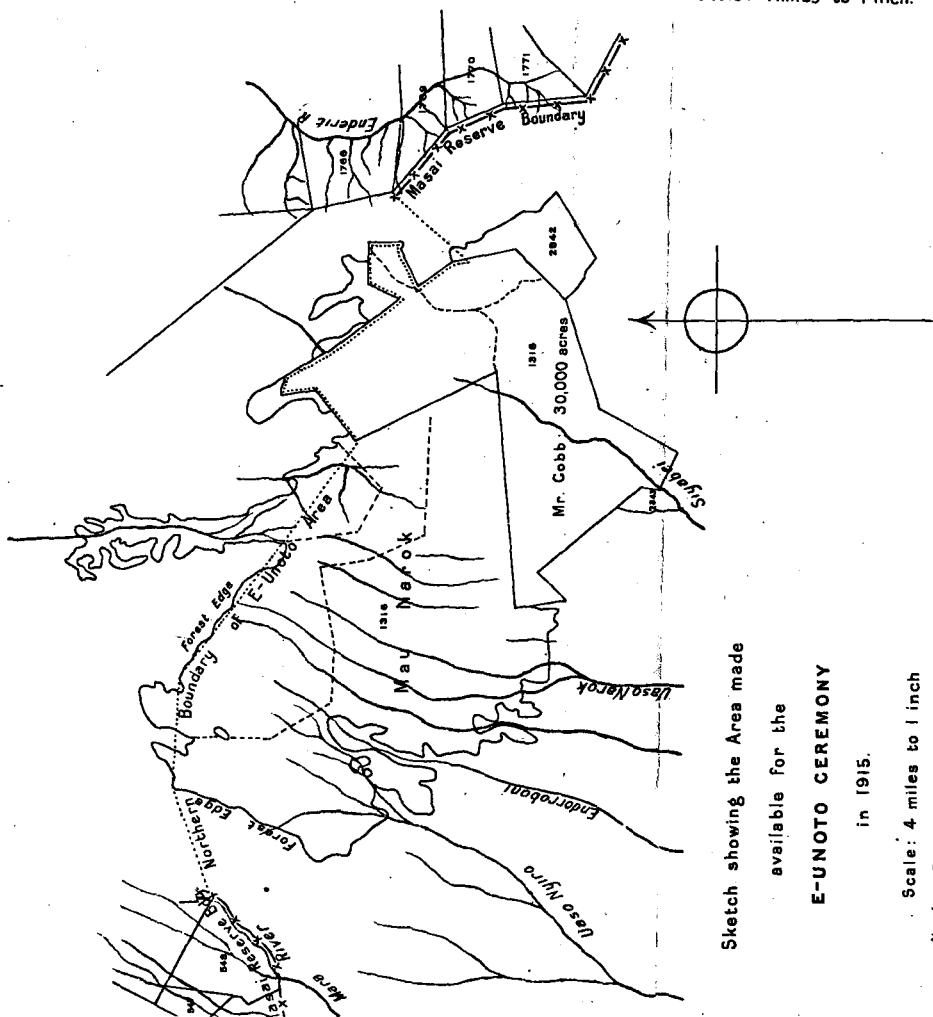
In the middle of May, 1916, a representative meeting of the Purko tribe was held, and as a result the Governor was approached with a request that they be permitted to proceed to Kinangop for the E-Unoto ceremony. His Excellency answered that he was unable to reconsider his former decision in the matter.

Site on the Mau Narok.

In October, 1916, Mr. Hemsted reported that the Purko and Damat divisions had agreed to hold their E-Unoto ceremony on the Mau Narok provided they might have the use of the land granted to Mr. Powys Cobb, generally known as the "Promised Land." Mr. Cobb was willing to place an area of 35,000 acres of his Likia and Mau Narok land at the disposal of the tribe for the purpose of the E-Unoto on the understanding that the ceremony commenced as soon as possible and that it would last more than one and less than two years, and upon conditions that communications should remain open between Keringet and Likia; that the Masai should move out of Likia and restrict themselves to Mau Narok if land-development conditions were pressed by the Government during the continuation of the ceremonies; that extensions be made to the time allowed for the fulfilment of development conditions should such disease break out among Masai cattle as would render the land harmful to other stock entering upon it; that a nominal fee of one two-year-old heifer each be paid in advance by Legalishu and Masikondi for each year or part of a year during which the land was used by the Masai for the E-Unoto; and that the Masai be forbidden to cut down young and robust trees for building or firewood.



Sketch showing the area on
KINANGOP PLATEAU
 reserved for the
E-UNOTO CEREMONY
 Scale: 4 miles to 1 inch.



Sketch showing the Area made
 available for the
E-UNOTO CEREMONY
 in 1915.
 Scale: 4 miles to 1 inch
 Northern Boundary of E-Unoto Area

WATERBURY & BONE SURVEYING ENGINEERS, NAIROBI.

The Masai chiefs agreed to these terms after prolonged negotiations, and they were approved by the Governor on the 26th of October. Mr. Hemsted reported that the ceremony in regard to the Purko division would occupy from five to six months, that the Damat division were uniting with the Purko and that these people were to proceed to the Mau Narok in some two months' time, provided the rains were favourable.

The ceremony proper, in so far as it affected the Purko division, commenced in November, 1917, and was completed by December of that year. The new age of the Muran took the E-Unoto name of Meruturot. Completion of the ceremony.

The Loita, Siria and Salei divisions held their E-Unoto about April to July, 1915. The new name of the Muran of these divisions is "Il Kishangop." The last age was known as E-Retet, in common with the Muran of all the divisions.

The Matapatu and L'Odo Kilani held their E-Unoto together at a place called En-Doritoroni at the foot of the Ngong Hills. The Sighirari held their ceremony in the Laitokitok country. The Kaputiei held it near En-Doritoroni, but apart from the Matapatu and L'Odo Kilani.

The question of the surrender by the Masai of their rights to the reserved area on Kinangop was considered at the inaugural meeting of the Masai Council in April, 1918, when the Council stated that it was not prepared to authorize the sale of the Kinangop reservation, but it would further consider the matter. Discussion by Masai Council on surrender of Kinangop.

SECTION 5.—PUBLIC WORKS.

- (A) BUILDINGS.—Ngong—Narok—Mara River.
 (B) ROADS.—Kijabe-Gelegele Road—Lemek-Sotik—Ngong-Kedong—Nairobi-Longido.
 (C) BRIDGES.—Mara River—Uaso Nyiro.

(A) BUILDINGS.

Ngong.

A small wood and iron house was built for the clerk in 1913.

Two stone houses for the use of the District Commissioner and District Clerk were completed about May 1914. The clerk's house has been occupied by an Assistant District Commissioner.

An office, with an iron roof and rough plaster walls, was erected in January, 1916, by the District Commissioner.

A small store was erected during 1916.

Narok.

Three small two-roomed houses consisting of unlined corrugated iron were completed in March, 1917.

An additional office and a store were constructed in the same year.

Two water tanks were placed at the houses of the Officer-in-Charge and the District Commissioner in 1916.

The estimates for 1916-1917 provided £150 for additions to buildings at Narok Station. This sum was utilized in quarrying and dressing stone and in cutting timber for a new house for the Officer-in-Charge.

A fire-place was built into each of these two houses in 1916-17.

In 1917-1918, an additional clerk's house was constructed.

Mara River.

A two-roomed iron house was built in April, 1914, and a clerk's house was erected in the same year. The former house was lined and improved during 1915-1916.

A new office was constructed during 1917-1918.

(B) ROADS.

There are four main roads in the Masai Reserve. These run from Kijabe to Gelegele Hill by way of Narok and Mara River, from Lemek to Sotik, from Ngong to Kedong and from Nairobi to Longido by way of Kajiado.

Kijabe-
Gelegele Hill.

That part of the Kijabe-Gelegele road running from Mara Bridge to Gelegele Hill was made by the Assistant District Commissioner at Mara River Post in 1914-1915, from funds set apart for that purpose out of the proceeds of a collective fine imposed on the Kisaruni Sirit of the Purko Masai. (*Vide* Chapter VII., Incident 12.) The Masai expressed their approval of the work done and provided a number of bullocks as food for the labourers.

A road from Kijabe to Mara was commenced in September, 1915, and was open to traffic between Kijabe and Narok in January, 1916. The cost of work was met from the proceeds of the Il Merisho Purko Muran fine. (*Vide* Chapter VII., Incident 16), while the work was undertaken by the Administration. In 1917, work was continued on the road west of Narok and bridges were constructed over the Ol Odari, Engare Ngusur, Pusi Lukunyi, Siyabei and Kolobisho Rivers. By March, 1917, the road was suitable for motor traffic from Kijabe to Mara.

Later in the year, an attempt was made to construct a new road from the foot of Kijabe Hill, by passing to the north of Longonot spur, but the alignment was found to be impracticable and the work was abandoned. In September and October, a new road was made, passing to the south of Longonot spur. This alignment proved satisfactory, and the road is extensively used by wagon and motor transport. The Masai Suspense Account has been debited with the cost of the upkeep.

A branch of this road runs from Narok to Narosura and is fit for motor traffic.

Lemek-
Sotik.

A new road, from the Lemek Valley to the bridge over the Mara River on the Sotik border, was commenced in January, 1917, and a cedar bridge on the crib pattern was erected on the Engare Engito, some three and a half miles from the Sotik border. Funds for this work were found from the proceeds of the Il Merisho fine.

Ngong-
Kedong.

In 1918, £250 from the Masai Suspense Account was set aside for the purpose of constructing a road from Ngong to the Kedong Valley to join up with the Kijabe-Mara Road.

Nairobi-
Longido.

The road from Nairobi to Longido, by way of Kajiado, was constructed by the military authorities in 1914-1915. Having served its purpose, that part of the road lying between Kajiado and Longido has largely fallen into disuse, but the road from Nairobi to Kajiado is still in fair order.

(C) BRIDGES.

Mara River.

A bridge was built over the Mara River, about six miles below the Government Station, in 1913-1914.

In 1916, a crib bridge was erected across the river near the station by the District Commissioner. This bridge cost rather more than £100 and has a span of 120 feet. The Masai contributed the whole of the cost.

Uaso Nyiro.

A bridge was constructed over the Uaso Nyiro River, near Mr. Aggett's store, in 1913-1914.

Sir Henry Belfield, on his tour in the Masai Reserve, considered it essential that a bridge should be erected over the river in the neighbourhood of Van de Weyer's Drift. The construction of such a bridge was approved by the Secretary of State in December, 1913, but Mr. Hemsted suggested that work should be deferred until a final decision should have been arrived at, as to the best alignment for the Kijabe-Mara road. The Governor agreed to this, and no work has as yet been undertaken on it.

SECTION 6.—RECRUITMENT.

Masai Company—Attempt in 1915—Recruiting in 1916—Renewed attempt—Procedure suggested—Mr. Week's comments—Comments of the King's African Rifles Staff—Recruiting Officer visits the Reserve—Recruitment commenced—Muran defiant—Conference at Nairobi—Rules under the Compulsory Service Amendment Ordinance—Arrival of the K.A.R. detachment—Arrival at Melelo—Meeting with Muran—Attempt to arrest some Muran—Attack on Ol Alunga Camp—Mr. Weeks' comments—Attitude of the Kakonyukye—Representations by Lord Delamere—Lord Delamere visits the Masai Reserve—The Purko division—Looting of shops—Kakonyukye division—Police measures on European farms—Removal of Somali traders—Affairs on the Sotik border—Recruitment in the Ngong District—Masai crossing into German East Africa—Lord Delamere's visit to the Masai Reserve—Lord Delamere's report—Report to the Secretary of State—Lord Delamere's proposals discussed—Decision arrived at.

An attempt to utilize the fighting qualities of the Masai Muran and so provide an idle class of native with congenial employment, was made in the early days of the Protectorate, by the formation of a Masai Company in the 3rd Battalion of the King's African Rifles. This company did not prove entirely satisfactory, and it was disbanded in 1907, but it appears that the men were mainly drawn from the Kaputiei Masai, who are to a large extent half-bred Kikuyu. Masai Company.

With a view to giving the Masai another chance, Mr. Hemsted suggested in April, 1915, that a form of conscription should be introduced, compelling the enrolment of the Muran in the King's African Rifles or in the Police. He thought that the formation of a Masai Company might appeal to their sense of tribal pride, while sympathetic treatment in preserving discipline, at first by methods understood by the men, and in providing the tribal diet of milk and meat, would tend to reconcile the Muran to their employment. Attempt in 1915.

The Officer Commanding the 3rd Battalion King's African Rifles expressed his sympathy with Mr. Hemsted's proposals, but was not prepared to re-enlist the Masai as a tribe, in view of the failure which had attended the experiment in 1907, and Sir Henry Belfield considered that an attempt to force conscription would probably result in complications with the Masai, which would seriously embarrass the administration of the tribe. The existence of a body of idle, rich Muran was undoubtedly an undesirable feature of the tribal constitution, but he did not think that it was likely to develop into a threatening feature, as every year would make them less inclined to warlike enterprise, of which few Muran, even then, had much personal experience.

An attempt to secure recruits from among the Masai was made by Captain Gore-Browne in July, 1916. He interviewed some of the principal Muran, who explained to him that it was impossible for any of them to enlist, owing to the approach of the E-Unoto ceremony, at which they must be present, and after which they would cease to be Muran. They suggested, instead, the recruitment of a number of 'L-Ayok (who would become Muran after the next circumcision ceremony), but they were unable to carry out an undertaking which they made to produce a number of these youths. The attempt, therefore, ended in failure, and the King's African Rifles authorities remarked that this experience had at least served the purpose of showing the uselessness of the Masai from a military point of view. Recruiting in 1916.

In April, 1918, Mr. Hemsted again raised the question, basing the renewal of his recommendations on the universal recognition of the principle of compulsory service. At the meeting of the Masai Council, in April, 1918, it had been agreed that a proportion of the Masai Muran should go out as herds or as askaris, but at the same time it had been admitted that this could not be done without compulsion. In view of Mr. Hemsted's representations respecting the idle lives of the Masai Muran, the Commandant of the King's African Rifles considered it would be advantageous if a further experiment were made in the enlistment of Masai, and he was prepared to take two hundred and fifty of them if their conscription were sanctioned. He proposed that their training ground should be situated at some place distant from, and not easily accessible to the Reserve, and he named Bukoba, on the western shores of Victoria Nyanza, as a suitable Renewed attempt.

place. The Commissioner of Police mentioned that his previous efforts to recruit Masai for that force had been unsuccessful, the men enrolled having proved to be passive resisters, who had generally been discharged, after months of training, as unlikely to become efficient policemen. He considered that it was useless to attempt to make a success of an unwilling recruit, but, as he understood the proposal to conscript Muran possessed the support of the Elders of the tribe, he was prepared to accept fifty recruits in the hope that public opinion among the Masai would help to decrease the previous attitude of passive resistance.

Procedure suggested.

The procedure suggested was that five hundred Muran should be collected by an administrative officer at Narok, and that, after medical examination, such of these Muran as might be declared suitable for service should be taken to Kijabe, there to be fitted out with equipment before proceeding to the place of training. recruits for the police would be obtained from these by calling for volunteers.

Mr. Weeks' comments.

Mr. Hemsted proceeded on leave in June, 1918, and Mr. Weeks, who succeeded him as Officer-in-Charge of the Masai Reserve, wrote on the 13th of July, welcoming the attempt that was at last being made to find a use for the warrior class of the Masai tribe. The compulsory enrolment of Muran in the King's African Rifles was, of course, a new departure, which might have far-reaching effects, but it offered hope of a solution of the problem of finding employment for this idle class of man, which would rescue the Muran from their life of vice and idleness, which must otherwise end in a disaster of some kind. The greatest circumspection was necessary in order to make the scheme a success, and he suggested various measures which might tend to reconcile the Muran to their lot. At the same time, the Government found it possible to offer the services of Mr. H. E. Welby for a few months, to assist the King's African Rifles Recruiting Staff.

Comments of the King's African Rifles Staff.

The King's African Rifles authorities agreed with Mr. Weeks that both Ngong and Narok might advantageously be used as concentration centres, but they could not guarantee that the recruited Muran would receive their special diet of meat and milk, owing to the general shortage of food, as compared with the demand, and they maintained that no training ground situated near the Masai Reserve would be at all satisfactory, owing to the probable frequency of desertions. As the experiment was being conducted when native soldiers were badly needed, and in spite of previous disappointing experience of Muran in the King's African Rifles, they proposed to commence the selection of men at once.

Recruiting Officer visits the Reserve.

Recruitment commenced.

Lieut. Gurdon accordingly proceeded to Narok early in August, and instructions to collect Muran at Narok and at Ngong were sent to the Officer-in-Charge, by the Chief Secretary, on the 6th of that month. On August 13th, the Officer-in-Charge telegraphed that measures were being taken to recruit at Mura and Narok, and asked if the Muran should be proceeded against under the Compulsory Service Ordinance, in the event of their refusal to come in.

Muran defiant

On August 25th, information was received from Narok that the Muran were displaying a defiant attitude. Only a very small percentage was supporting the Elders and Aigwenak, and a request was made that a half company of King's African Rifles, with machine guns, might be sent immediately, in order to enable the Government to be in a position to deliver an ultimatum. Mr. Welby added that, even if recruits were forthcoming, a patrol would be necessary for disciplinary measures, and to enforce the production of the ringleaders, who had been responsible for this defiance of Government orders, which had then lasted for a week.

Conference at Nairobi.

On receipt of this information, the Acting Governor called a conference at Government House, at which the Acting Chief Secretary, the Assistant Commandant, King's African Rifles, and the Officer-in-Charge of the Masai Reserve, were present, to discuss the situation which had "arisen in the Masai Reserve, owing to the apparently defiant attitude of the moran of the Purko section as regards the proposals for recruiting Masai for the King's African Rifles." The meeting was held on August 26th, and the following memorandum was recorded, giving the decisions arrived at:—

"It was agreed that it was of urgent importance that the authority of the Government should be maintained, and that, in order to support the civil authorities in carrying out the procedure prescribed for the recruitment of natives for military service, a full company of King's African Rifles should be despatched without delay to Narok Station. Colonel Phillips stated that he proposed to send a company of the 1/6th King's African Rifles, with two machine guns, under the command of Major Dickinson, who has had considerable service with the King's African Rifles.

"It was agreed that the Officer-in-Charge of the Masai Reserve should return at once to Narok.

"It was agreed that definite orders should now be issued under the Compulsory Service Amendment Ordinance, 1917, and that these orders should be enforced by the civil authorities.

"The military force should be placed at the disposal of the Officer-in-Charge, to be used by him in case of emergency at his discretion.

"It was agreed that Mr. Welby should be attached to the force as political officer.

"It was agreed that, in the event of the recruits being now forthcoming, as a result of the display of force, the Officer-in-Charge of the Masai Reserve should make recommendations to Government as to what action should be taken against the moran as punishment for the defiant attitude previously displayed by them.

"It was further agreed that rules should be issued under the Compulsory Service Amendments Ordinance, 1917, defining the procedure to be followed in the recruitment of Masai for the King's African Rifles, such procedure being on the lines of sections 3 and 4 of the Native Followers Recruitment Ordinance, 1915, a suitable penalty clause being added.

"It was recommended that regulations be issued under the Defence of the Realm Order-in-Council, to deal with cases such as the attitude adopted by the Masai moran as a whole to resist recruitment."

The Rules issued under the Compulsory Amendment Ordinance, 1917, were signed on the 27th of August, and read as follows:--

Rules under
the Com-
pulsory
Service
Amendment
Ordinance.

THE COMPULSORY SERVICE AMENDMENT ORDINANCE, 1917.

RULES.

IN EXERCISE of the powers conferred upon the Governor by the Compulsory Service Amendment Ordinance, 1917, Section 9 (2), His Excellency, the Acting Governor, has been pleased to make the following rules:--

1. These rules may be cited as "The Native Compulsory Service Rules, 1918." Short Title.
2. In these rules:—"Headman" means the chief or other native or Council, of Elders, appointed under the provisions of the Native Authority Ordinance, 1912, to be an Official Headman, or to be Collective Headmen, as the case may be. "District Commissioner" shall include an Assistant District Commissioner. Definitions.
3. The Governor may, by notice in the "Official Gazette," apply these rules to any province, district or reserve within the Protectorate. Application of Rules.
4. A District Commissioner may instruct any Liwali, Assistant Liwali, Mudir or Headman in his district to recruit in the area to which the Liwali, Assistant Liwali, Mudir or Headman has been appointed, such number of natives as the District Commissioner may deem fit, having regard to all the circumstances for military service in the King's African Rifles. Powers of District Commissioner.
5. On the receipt of instructions, as in the preceding rule provided, any Liwali, Assistant Liwali, Mudir or Headman may direct that any able-bodied adult male native apparently below the age of 35, residing in the area of which he is Liwali, Assistant Liwali, Mudir or Headman, shall serve as a soldier or follower in the King's African Rifles. Power of Headmen.

Terms of
service and
pay.

Powers of
District Com-
missioner
where no
Headman.
Penalty.

Length of
service.

6. The terms of service and pay of a soldier or follower shall be those prescribed by the King's African Rifles Ordinance, 1912.

7. In any area to which no Official Headman has, or Collective Headmen have been appointed, it shall be lawful for the District Commissioner of the district to exercise the powers of a Headman prescribed by Rule 5.

8. (1) Any native who, having been directed under Rules 5 or 7 to serve in the King's African Rifles as aforesaid, fails to obey such direction, shall be deemed guilty of an offence, and shall be liable on conviction to imprisonment of either description not exceeding two months, or to a fine not exceeding Rs. 300, or to both.

(2) Any Headman who refuses or neglects to obey any instructions given to him by a District Commissioner under Rule 4 shall be guilty of an offence, and shall be liable on conviction to imprisonment of either description not exceeding six months or to a fine not exceeding Rs. 3,000, or to both.

(3) All or any of the members of a Native Council appointed to be the Collective Headman of any area may be proceeded against either jointly or separately for any act or default punishable under these Rules, and on proof of the facts constituting an offence by such Council each such member shall individually be liable to the penalties under Rule 8 (2), unless he shall satisfy the Magistrate that he was in no way responsible for or a party to such act or default.

9. Every native recruited under these Rules shall serve for a period terminating at the end of six months after the cessation of hostilities in the present war.

By command of His Excellency the Acting Governor.

J. W. BARTH,
Acting Chief Secretary.

NAIROBI,

The 28th day of August, 1918.

THE NATIVE COMPULSORY SERVICE RULES, 1918.

NOTICE.

IN EXERCISE of the powers conferred upon him by the Native Compulsory Service Rules, 1918, His Excellency, the Acting Governor, has applied the aforesaid Rules to the Masai Reserve.

J. W. BARTH,
Acting Chief Secretary.

NAIROBI,

August 28th, 1918.

Arrival of the
K.A.R.
detachment.

On August 27th, Major Dickinson was sent to Narok with one Company of the 1/6th King's African Rifles and two machine guns, and accompanied by Mr. Weeks. The party arrived at Kijabe on the evening of that day and reached Narok on the 31st of August. On arrival, Mr. Weeks sent out the Elders and the head Muran once more to interview the rebellious sections at Melelo. On September 3rd, they returned and reported that all their efforts had been in vain. On the 4th, therefore, accompanied by Mr. Welby, Major Dickinson and the greater part of the detachment, Mr. Weeks left Narok and proceeded to Melelo, arriving on the 6th. At this place he finally succeeded in getting seven of the Muran to come into camp and discuss matters.

Meeting with
Muran.

In spite of the show of force, these men refused most emphatically to agree to the recruitment of Muran for the King's African Rifles or for any work which would take them away from their own reserve or its immediate vicinity. Mr. Weeks asked these seven Muran to bring in more of their companions the following day, but only thirteen then came in and no further progress was made. They refused to listen to any arguments and said that they had left their villages, dismissed their Elders and head Muran and had decided to live in the forest, where they would rather die than be taken for the King's African Rifles. They were then allowed to go.

While at Melelo on September the 8th, Mr. Weeks received information that a number of Muran who were required as recruits were going to sleep at their village a few miles from his camp, instead of in the forest and he decided to attempt to arrest them. With Mr. Welby, Major Dickinson and a number of Askaris he arrived at the village at dawn on September the 9th. The Askaris surrounded the village and were given instructions that they were to use no force of any kind except in the case of an attack by the Muran. Mr. Weeks then entered the village and found only a few women and some cattle. While he was still in the village, firing broke out and continued for some minutes. It appears that an Askari fired a shot without orders and that others followed his lead, but the regrettable result was that two women were killed, and two women and an old man wounded, while ten head of cattle were killed and two head maimed.

Attempt to
arrest some
Muran.

On September 10th, the party was encamped at Ol Alunga Trading Centre, 18 miles north-west of Narok. At dawn on the 11th, the camp was suddenly attacked by a considerable force of Masai Muran who were beaten off in a few minutes and retired leaving fourteen dead behind them. All the wounded, with one exception, were taken away. Amongst the dead were several of the men who had been chiefly responsible for the present troubles. After the fight, the Muran dispersed instead of returning to the forest and Mr. Weeks and his party consequently returned to Narok, arriving on the 12th, and there recommenced negotiations.

Attack on Ol
Alunga Camp.

In reporting these incidents, Mr. Weeks much regretted that such a conflict should have occurred but feared that it had been inevitable. Every chance had been given to the Muran to come into line but they had apparently made up their minds to resist recruitment. Mr. Weeks was satisfied that certain members of the Laibon family had instigated this course, and expressed a hope that these would, in due course, have to pay the penalty.

Mr. Weeks'
comments.

Another reason for the withdrawal to Narok was to make arrangements for the security of the station and the road from there to Kijabe. The country on each side of the road was occupied by the Kakonyukye division and their attitude was uncertain, though they were reported to have stated that they would not fight unless attacked. About this time, telegraphic communication between Narok and Elmenteita was interrupted, the line being cut and a considerable length of wire removed. This was probably due to Masai action but very little evidence on the matter was forthcoming.

Attitude of
the
Kakonyukya.

On September 9th, Lord Delamere telegraphed to the Commandant King's African Rifles, as follows:—

Representa-
tions by Lord
Delamere.

“ Hope you will protest (against) needless use (of) King's African Rifles (to) conscript people by force (who would be) useless when got. No precedent forcible conscription in face of opinion (of) whole people. Left matter after Government moved without (the) knowledge (of) anyone in (the) hopes (that) collision might be avoided by Masai climbing down but now position clearly indicates (they) will not be conscripted although (they) wish (to) avoid hostilities. Cannot believe wanton attack on whole people to get useless conscripts (is) justified (. . .). Suggest their part of doing their bit should be supplying cattle as before.”

To this telegram the Commandant of the King's African Rifles replied that he regretted he could not see his way to make such a protest as he considered that all possible sources must be exploited for the military needs of the campaign, and as experience had shown that some Masai made good askaris.

On September 10th, Lord Delamere addressed the following telegram to the Chief Secretary:—

“ Consider conscription (of) Purko Moran bad policy, except with (their) consent, or by ordinary Government pressure, and should have supposed (they were) useless to military. Understand Masai say (they) do not want (to) fight, but will not be conscripted. Situation now means (that) Government have to either order attack or hope for collision to simplify position, or withdraw.

Consider strong Government should withdraw troops to border for fear (of) collision and then appoint military civil board with some knowledge (of) people to go into question with (the) heads (of the) Moran. Very willing to serve if any use."

The Chief Secretary replied that the Government was most anxious to avoid a conflict with the Masai, and would be grateful if Lord Delamere would come to Nairobi to discuss the position and proposals as soon as possible.

Lord
Delamere
visits the
Masai
Reserve.

As a result of this discussion, Lord Delamere volunteered to visit the Masai Reserve, and left for Narok on September 15th. Instructions were issued that hostilities should, if possible, be avoided from the time of his arrival until he stated that he was unable to negotiate. The results of Lord Delamere's visit will be alluded to later, and it may now be convenient to record the position in the various parts of the reserve.

The Purko
division.

The Muran of the Purko division, who were alone responsible for the incidents previously described in the matter of resistance to recruitment, dispersed in various directions after the fight at Ol Alunga on September 11th. Many of them were subsequently located in the Mara district where the District Commissioner succeeded in getting into touch with them, and interviewed representative Muran of two of the Purko Sirits. These stated that the Muran were to meet all their Elders to talk things over. Mr. Weeks wrote on September 25th that as the Muran now seemed to be most anxious to discuss matters with their Elders, which had not been the case before, and as they had had a sharp lesson and seemed disinclined for further fighting, it was possible that in the course of a week or two the recruits that had been awaited so long might be forthcoming.

Looting of
shops.

Some not too definite information was received of the looting of two Indian shops three miles south of Likia, on the night of September 17th. It seems possible that the persons concerned were 'L' Ayok, and not Muran, and a telegram dated September 23rd, from Lieutenant Chaplin, stated that he had arrested four principal ringleaders who looted the Likia stores. The full catalogue of the outrages that may have been committed by the Purko division when the excitement was at its height may not yet have been received, but generally these acts of pillage were not of a very serious or frequent nature.*

Kakonyukye
division.

The uncertain attitude adopted by the Kakonyukye division has already been mentioned. On September 15th, a telegram was received from Lieutenant Chaplin that the Kakonyukye 'L' Ayok were out of hand at Il Melili, and that they were threatening traders. On the 16th of September, the Aigwenak of the Kakonyukye Muran arrived at Narok and reported that their Muran were willing to be recruited. Nothing further has been reported regarding this division.

Police
measures on
European
farms.

Early in September, it was decided as a precautionary measure to warn settlements bordering on the Masai Reserve that the Masai were taking up an uncompromising attitude with regard to recruitment, and that resistance to a King's African Rifles patrol that was in their country might be offered. The despatch of troops was promised in the event of the position becoming serious to protect the country lying between the farms and the reserve. An Inspector of Police visited the farms near Naivasha, and explained the position, while a patrol of King's African Rifles proceeded round the lake, following the line of farms along the border to the Mau. On September 10th, applications were received from some of the settlers near Elmenteita and Naivasha for protection, on account of the threatening attitude of the Masai, of which greatly exaggerated rumours had been spread by itinerant Kikuyu, with a result that native labourers showed a tendency to desert. A small police post was placed in the neighbourhood to restore confidence, while the Superintendent of Police and the Assistant District Commissioner, Nakuru, visited the farms without finding any basis for the rumours of the presence of armed Muran in those areas.

* *Subsequent Note.*—At the time of the attack on the King's African Rifles' Camp, at Ol Alunga, over fifty shops and stores in the Narok and Mara districts were pillaged and burnt. In most cases, but not all, the Purko Muran were responsible. The damages were assessed by a Commission of Inquiry, appointed for the purpose, at approximately Rs. 360,000. This sum the Purko Muran agreed to pay. Several murders took place in the Mara district at the same time, but could not be definitely traced to the Masai.

On September 12th, a system of mounted patrols was commenced, operating between Mr. Powys Cobb's farms on the west and Mr. Hockley's on the east, while on the 15th, twenty-five men were sent from Njoro to Likia, in response to representations from Lieutenant Chaplin that certain members of the Kakonyuke division were out of hand at Il Melili.

Several stores in the reserve belonging to Europeans were pillaged and burnt.

On the 14th of September, the Officer-in-Charge recommended that, owing to the condition of affairs in the reserve, all Somali traders and their sheep should leave the reserve at once. The Chief Veterinary Officer was consulted, and as a result, the Veterinary Officer in the Masai Reserve was instructed to proceed with all Somali sheep to Major Riddell's farm on the Lower Kedong, where arrangements were made for their retention.

Removal of Somali traders

On September 6th, an enquiry was addressed to the Provincial Commissioner, Kisumu, asking whether it was considered necessary to establish a small military post at or near Sotik for the protection of the Sotik farms, in view of the situation in the Masai Reserve. The matter was referred to the District Commissioner, Kericho, who replied that such a patrol was unnecessary as the Sotik were quite capable of dealing with the Masai themselves, and would, in fact, be only too glad of the opportunity to do so.

Affairs on the Sotik border.

No movement of resistance to recruitment similar to that shown by the Purko division was encountered in the Ngong district, but in view of the uncertainty of the behaviour of the Purko, it was decided not to press unduly the provision of Muran from the east of the reserve. Mr. Deck interviewed the representatives of the Matapatu Muran on September 12th, and found the general impression to be that the Matapatu and Kaputiei divisions were too weak to resist the order and that they would therefore have to produce the men. The position was carefully explained to them, while Mr. Percival, the Acting Game Warden, also explained matters to a number of Kaputiei whom he met at Kiu. The number required from the Ngong district was 75 for the King's African Rifles, and 50 for the Police, these latter to be obtained from the Sighirari division. The District Commissioner has wired that the 75 Muran for the King's African Rifles will be ready by the end of October, and these are then to be medically examined.

Recruitment in the Ngong District.

At the commencement of the recruiting campaign, reports were received from the Political Officer at Arusha that many Masai of the Loita division had crossed over into German East Africa at the instigation of Sendeu, to escape the authority of the Government of the East Africa Protectorate. The Administrator, Wilhelmstal, thought that, as the Masai across the border were hostile to Sendeu on account of his past acts of aggression, it was possible that they might attack these Loita, unless steps were taken to return them. It was not found practicable to detail a police force from the East Africa Protectorate for this purpose, and the Administration in conquered territory therefore undertook this work. Further information was received on the 23rd of September, to the effect that the Merisho Sirit of the Purko Muran had crossed the border about the 11th, and had proceeded in the direction of Kitalo.

Masai crossing into German East Africa.

Lord Delamere arrived at Narok to find that the majority of the Purko Muran had gone to the Mara district, and as he found it difficult to get into touch with them from Narok, he left for Mara River on September 22nd. From Mara River he sent in a report on the 5th of October in response to a telegram from the Chief Secretary asking for details of the attitude of the Purko and what prospect there was of the Government being speedily in possession of sufficient facts to enable a decision to be arrived at on what action was desirable.

Lord Delamere's visit to the Masai Reserve.

Lord Delamere insisted as a preliminary point that the Purko should be given time to discuss the situation from every aspect. It was difficult to concentrate them and it was essential that, when concentrated, they should know exactly how matters stood. "Since coming here," he wrote, "and going into everything, I see that the only way to do the Masai a good turn themselves (apart altogether from the desirability of adding to the numbers of the King's African Rifles), is to make every effort to get them to agree voluntarily (more or less), to

Lord Delamere's report.

going out as soldiers. It makes the whole thing easier if they go with the consent and under the control of their Sirits, as it should be possible to arrange (if the Sirits agree to the Muran going) that they should tell their people who go that they are not to run away, etc."

Delegates of the Kisaruni and 'L-Aimer Sirits came in on October the 4th, and Lord Delamere reported that they were then no longer in the excited state which had existed after the incident at Ol Alunga and they said that they had never intended to fight the Government until the killing of their women made them temporarily lose control. These delegates stated that they desired to remain on friendly terms with the Government as previously.

Lord Delamere continued, "I told them that our people were in the middle of the greatest war we had ever known and were inclined to look on those who did not actively help as almost enemies, that Government has said three things, (1) that they must produce the men for soldiers; (2) that they must pay for the damage done to shops, etc.; (3) that Government was considering what should be done to the Muran for having refused orders. I said I was sure that Government would enforce the two first, but I said that I hoped that prompt acceptance of these and the explanation of the causes, etc., of the trouble *might* induce Government to forego the third as they were still considering it. I told them that I would say no more until the other Muran came representing the other Sirits, but I impressed on them that it was no good expecting time as the Government was not inclined to wait indefinitely and advised them to make up their own minds that they would voluntarily give the men and to influence the other delegates accordingly when they arrived."

In course of discussion the Masai said that the recruitment had been hurried and that the affair had come to a head unexpectedly owing to the shooting of their women and cattle. Legalishu, with whom Lord Delamere was in touch, expressed his opinion that things were going very well. Lord Delamere added, "May I say that I believe that if this matter is quietly and seriously settled now it will not make things more difficult in the future but will clear the air and make anything of the sort impossible in future."

Report to the Secretary of State.

On receipt of Lord Delamere's report, the circumstances attending the conscription of certain members of the Masai tribe for military service with the King's African Rifles were reported to the Secretary of State in a despatch dated the 15th of October, 1918.

Lord Delamere's proposals discussed.

On October 18th, the Chief Secretary met the Officer-in-Charge of the Masai Reserve, and Messrs. Deck, Welby and Gurdon to discuss Lord Delamere's proposals, while on the 19th a telegram was received from Lord Delamere, dated the 18th of October, to the following effect:—

"Representative meeting (of) Purko Muran agreed (to) find men for King's African Rifles, Merisho not so well represented as others but consider that owing to Sendeu wishing to arrange for them direct after other Sirits now agreed. Came Narok to ask Captain Welby come out satisfy himself genuine. They wish (to) cut out men themselves replacing rejects. Luckman satisfied genuine. Satisfied myself but consider Welby should be given sufficient time (to) carry out. Should suggest Welby coming out with me (to) see (the) meeting of Muran I have left at Mara. Consider no fear any more serious trouble but matter must be conducted reasonably. Payment for Dukas explained and possibility other steps. Strongly urge all past matters washed out. Surrender of men unconditionally, but Muran asks that Muran going to King's African Rifles should not have cattle commandeered for military during period (of) service because (they are) unable to look after them while away. Think if that (is) answered (in the) affirmative (it) would ease matters and hope you will reply to this. Merisho Lygwenak and two others came with me here to-day to explain facts."

Decision arrived at.

On October 19th, the Acting Governor discussed the proposed terms of settlement for the Masai incident with the Acting Chief Secretary, Mr. Weeks and Mr. Welby, and the conclusions then arrived at were considered in Executive

Council on the same day after which they received the approval of His Excellency. The decision was as follows :—

“ Firstly, production of the number of men required by the King’s African Rifles,* it being understood that only genuine Muran and not Liones will be accepted. Selection of the Muran can be left to the various Sirits themselves subject to approval by the Recruiting and District Officers. This proviso is considered necessary in order that genuine Masai Muran of proper standing may be produced.

“ Secondly, full monetary compensation will be exacted for all damage done to property during the looting which recently took place. This damage will be assessed by a specially constituted Board of Investigation. Any rifles looted will have to be returned. Blood money will be exacted for any murders that have been committed.

“ Thirdly, in view of the great provocation caused by the unfortunate action by certain of the King’s African Rifles in opening fire without orders, no punishment will be imposed for the subsequent attack on the King’s African Rifles by the Muran.

“ Fourthly, the cattle of any Muran joining up will be immune from commandeering for military purposes, provided that a proper system of identification of the cattle can be arranged to the satisfaction of the District Officers.

“ Fifthly, Government proposes to investigate the attitude of the Laibons and Elders of the Masai which may have encouraged the Muran in their rebellious attitude, and will take such steps as it considers necessary for punishing any who are found guilty. This will, however, not entail any further punishment of the Muran themselves.”†

SECTION 7.—SUSPENSE ACCOUNT.

Contribution from the Kakonyukye—Rents of plots—Collective Fines—Utilization of Funds—
Expenditure controlled—Rents—Collective Fines—Secretary of State’s decision—Abstract.

In April, 1915, the Masai of the Kakonyukye division contributed a sum of Rs. 10,450 towards the improvement of the water supply in their country. It was stated that further sums might be forthcoming, and the matter was referred to the Secretary of State, who agreed that a Suspense Account should be opened to which these and other contributions made by the Masai for the benefit of their reserve might be placed.

As has been seen, the reservation to the tribe by the Agreement of 1911 of a definite area within the Protectorate for their exclusive use had rendered it necessary to obtain the consent of the “paramount chief and representatives” of the Masai to the alienation of any land within the reserve which had been selected as suitable for trading centres. Consent to the opening of certain centres had been obtained in July, 1914, and the Secretary of State also agreed that the money which might be derived from the auction and leasing of land and trade plots within the reserve should be placed to the credit of the Suspense Account and utilized for the benefit of the Masai themselves. Similar sanction was given in the case of the land alienated for the use of the Magadi Soda Company.

A third means by which funds were added to this Suspense Account was by crediting thereto in specific instances the proceeds of fines collected under the Collective Punishments Ordinance. A record of such cases is given in Chapter VII.

From the opening of the Suspense Account until April, 1917, the manner in which the funds were utilized was left to the discretion of the Officer-in-Charge of the reserve, who obtained sanction from the Government before incurring the expenditure, and who acted with the advice of the Government’s advisers on all technical matters. Money was found from these funds for the construction of a bridge over the Mara River, for a large part of the waterworks undertaken by Mr. Watts, for the repairing of the dams in the Lemek Valley, for the demarca-

* 250 Muran were required for the K.A.R., of whom 175 were to be drawn from the Narok and Mara Districts and 75 from the Ngong District. The Sighirari division were to be called on to produce the 50 recruits required for the police.

† *Subsequent Note.*—The Purko Masai failed to produce any recruits and the rank and file of the Muran continued a policy of passive resistance, avoiding all intercourse with Government officers. Later, they perpetrated a number of raids in the occupied territory of German East Africa. No part of the compensation money was paid.

tion of trading centres, for the construction of a road from Ngong to Kedong and for other similar undertakings.

Expenditure controlled.

In April, 1917, the Acting Governor took into consideration the propriety of arranging for this account to be administered in closer accordance with correct financial procedure, and he referred the matter to the Secretary of State in a despatch, dated September 17th, 1917. An examination of the account showed that the last contribution that had been made by the Masai had been in March, 1916. Such contributions had been given mainly for the purpose of improving the water supply in the reserve, and ceased on the completion of the dams. Mr. Bowring considered that any contributions which might be forthcoming in the future should be placed to the credit of the account. As regards the moneys accruing from the rent and auction of trade plots, he was inclined to think that these should be credited to general revenue, as was done in the case of other native districts, rather than to a suspense account. Though it was true that, in the case of the Masai, the land which they occupied had been formally handed over to them by agreement, rendering the consent of the tribal representatives necessary before alienation, still it might be argued that the land in other native districts was equally the heritage of the tribes, though no such solemn dedication had been made, and he was uncertain whether the difference in the conditions of land tenure in the Masai Reserve was sufficiently great to warrant such a distinction in dealing with the receipts derived from alienated areas. Under any circumstances, he thought that it would be preferable if revenue accruing from the above three sources were to be included in the annual estimates of the Protectorate, and if the estimated expenditure from the funds thus available were also to be shown.

Rents.

Collective fines.

In regard to the application of the proceeds of fines to the suspense account, Mr. Bowring did not consider that the tribe so punished should benefit from the money collected unless in exceptional cases, and he thought that even then the sanction of the Secretary of State should be obtained in each instance. He could not regard the principle as a sound one for the reason that an officer might be tempted to recommend unnecessarily heavy imposts, if he were aware that the proceeds of any fines which might be imposed would be available for improvements in his district, and would thus benefit directly the individuals or sections punished. Moreover, the fact that this system was in force in the case of the Masai alone was liable to give rise to the feeling that that tribe had been granted preferential treatment. He therefore proposed that in future, the proceeds of fines should not be credited to the suspense account unless, in each instance, the approval of the Secretary of State had been first obtained.

Secretary of State's decision.

In his reply, dated the 10th of January, 1918, the Secretary of State ruled that the amounts then standing in the account should remain credited to it. He considered that sums derived from contributions from the Masai, and rent and auction of trade plots should be placed to the credit of the account, but that the proceeds of fines should be paid into general revenue. He did not think it necessary for the receipts and payments under the account to be included in the annual estimates of the Protectorate, but he asked that an annual statement of such transactions should be included in the Treasurer's financial report on each year.

Abstract.

An abstract of the receipts and payments under the Masai Suspense Account is to be found in Appendix 5.

SECTION 8.—TAXATION.

Mr. Lane, 30th June, 1911—Mr. McClellan, 4th April, 1912—Mr. Ainsworth, 16th April, 1912—Mr. Tate, 9th May, 1912—Mr. Hollis, 19th July, 1912—Mr. Hemsted, 28th February, 1913—Mr. Ainsworth, 28th March, 1913—Mr. McClellan, 16th April, 1913—Mr. Hobley, 13th May, 1913—Sir Henry Belfield, 30th October, 1913—The Secretary of State, 3rd December, 1913—Sir Henry Belfield, 9th March, 1914—Sir Henry Belfield, 29th July, 1914—Mr. Ainsworth, 29th April, 1915—Mr. Bowring, 6th May, 1915—Chief Justice Hamilton, 9th May, 1915—Sir Henry Belfield, 18th May, 1915—The Secretary of State, 10th August, 1915—Mr. Hemsted, 3rd July, 1916—Reconsideration—The Postponement of the Introduction of the Tax.

Hut tax at the rate of Rs. 3 per hut was first levied on the Masai, in common with other natives resident in Naivasha Province, in the year 1903-04, by Proclamation in the "Official Gazette" dated the 31st of August, 1903.

In June, 1911, the Provincial Commissioner, Naivasha (Mr. Lane), remarked that no tribes in the Naivasha Province with the exception of the Masai and the Uasin Gishu Masai were in a position to pay an increased hut tax. Mr. Lane would very much like to see a cattle tax imposed on the Masai instead of a hut tax.

Mr. Lane,
30th June,
1911.

On the 21st of March, 1912, a circular was addressed to Provincial Commissioners asking for their views on the possibility of increasing the direct taxation of natives in any part of the Protectorate.

Mr. McClellan, then Provincial Commissioner, Naivasha, replied that the Masai were becoming rapidly richer owing to the enormous increase in their stock, which increase was largely due to veterinary advice coupled with the privilege of free trade. He stated that the increase per annum in Masai calves was now 50 per cent. greater than in years past. The Masai could certainly stand a large increase in their taxes, and he advocated the imposition of a heavier tax as being only a fair demand in return for the immense assistance they had received from the scientific knowledge placed at their disposal by the Government.

Mr. Mc-
Clellan, 4th
April, 1912.

Mr. Ainsworth considered that pastoral tribes in reserves should be subject to either a cattle tax, or a grazing tax, or a cattle boma tax. If a cattle tax, he suggested collection at the rate of one rupee per cow per annum, fifty cents per bull or ox, and six cents per sheep or goat; if a grazing tax, one rupee per five acres; and, if a cattle boma tax, eighty cents per head of full grown stock per annum (sheep and goats not being taxed), together with a tax of Rs. 3 on each Muran living in huts over and above an allowance of two Muran per 50 head of stock. He quoted the case of the Uasin Gishu Masai who had about 20,000 head of big stock in North Kavirondo district, whose population was about 3,000 souls and who paid taxes in all amounting to Rs. 2,400 only. He considered the Masai in the Masai Reserve to be a glaring instance of the necessity of a revised form of taxation in connection with pastoral tribes.

Mr.
Ainsworth,
16th April,
1912.

Mr. Tate considered that a native livestock tax was justifiable because (1) the enormous herds in the hands of pastoralists was largely the result of the Pax Britannica, brought about by the expenditure of money on the part of the Home Government; and (2) costly experiments had been and were still being made for the benefit of stockowners in the Protectorate, part of the cost of which it was only fair to ask the native stockowners to reimburse since they profited enormously by the results of these experiments. He considered that a tax of one per cent. per annum on all stock was the simplest and would be readily understood by the natives.

Mr. Tate, 9th
May, 1912.

Mr. Hollis was in favour of the imposition of a stock tax on the Masai. He mentioned that there was nothing in the system of taxation then in force which affected the stockowners, who were the wealthiest natives in the Protectorate. There were numbers of persons belonging to the pastoral tribes on whom the incidence of the hut tax did not fall fairly, for, though they often possessed many thousands of pounds worth of cattle and occupied vast areas of grazing land, they inhabited only one or two huts and paid accordingly.

Mr. Hollis,
19th July,
1912.

In February, 1913, Mr. Hemsted represented that the present form of taxation on the Masai was unsatisfactory and inadequate but he put forward certain objections to the imposition of a cattle tax. Such a tax would be difficult to assess, as the same owners usually kept their cattle in different villages; it would create a great deal of dissatisfaction, as all natives disliked having their cattle counted; the revenue accruing would be subject to large fluctuations; and it seemed hardly fair to impose such a tax only on the Masai.

Mr.
Hemsted,
28th
February,
1913.

He would prefer to see the introduction of a poll tax of Rs. 15 on each adult male, together with a further tax of Rs. 15 to be utilised in improvements directly benefiting the Masai. Such a tax would be easier to collect and would tend to check the unauthorized movement of Muran. It would bring in some £6,000 or £7,000 annually.

But if the imposition of a cattle tax was introduced he suggested that a certain sum be collected per head of stock irrespective of age or sex, so as to make the assessment as simple as possible. The Masai stock numbered between three and four hundred thousand and he suggested the annual collection of 1 per cent. or $1\frac{1}{2}$ per cent. of the whole.

Mr. Ainsworth,
28th March,
1913.

Mr. Ainsworth considered that the difficulties of assessment of stock applied in some measure also to the assessment of polls and suggested the imposition of a grazing tax as an alternative. He did not, however, anticipate that revenue accruing from a cattle tax would be subject to great fluctuations, and thought that if disease killed off large numbers of Masai stock it was possible that the status of the tribe might alter. Their present importance was due to their wealth, not to their numbers, and he pointed out that the average density of population was approximately 120 acres per head. A comparison between the wealthy and indolent Masai with the poorer and more industrious and productive natives convinced him of the equity of treating the former in some special manner as regards taxation. Hut tax on agricultural tribes was as much an income tax as a cattle tax on pastoral tribes; the Masai were certainly singular as regards their requirements and as regards the administrative effort being made on their behalf.

Mr. McClellan, 16th
April, 1913.

Mr. McClellan agreed that the imposition of a stock tax of one rupee per annum on stock over one or two years old was advisable. Such a tax might realise £43,000, or about the same as the amount paid by tribes in the Kenya Province who paid tax at the rate of Rs. 3 per hut. The tax would, however, be difficult to collect, and it should remain optional with the District Commissioner whether he took a cow or Rs. 100 in cash, or a bullock or Rs. 50 in cash. Donkeys should not be taxed as it was desirable to encourage breeding.

Mr. Hobley,
13th May,
1913.

Mr. Hobley was of opinion that the imposition of a tax upon the individual wealth of each cattle owner was the most equitable form of tax that could be devised and that this advantage would apply equally to the Muran cattle which were more or less communally owned. The difficulties of collection would be considerable during the first year but the difficulty would decrease annually.

Given freedom from cattle disease, the herds of Masai cattle would double in three or four years, as they did in the Laikipia Reserve, where the Masai were, in fact, on two successive occasions allowed extensions of the boundaries of their reserve to accommodate their surplus stock. No such additional land could be granted to them outside the confines of the Southern Reserve and the same situation would, in all probability, arise with the result that overcrowding was bound to occur. The imposition of a cattle tax would necessitate the collection in kind in the majority of cases, but it would be preferable to introduce gradually to the Masai the idea of selling their cattle. If the Masai did not adopt the principle of sale of cattle, Mr. Hobley considered them to be a doomed people: either they must break the boundaries of their reserve in a few years or else their herds would become so vast that the congestion would produce an epidemic which might reduce the tribe to starvation.

Sir Henry Belfield,
30th October,
1913.

On the completion of his tour in the Masai Reserve, in October, 1913, Sir Henry Belfield reported to the Secretary of State that there was ample pasturage for the stock then owned by the tribe. It was inevitable, however, that the space at their disposal would become insufficient if the natural increase of the stock continued unimpeded by any outbreak of disease and if the Masai were not persuaded to reduce the numbers by sale. He considered that it was desirable to discourage by all legitimate methods the pastoral proclivities of the tribe and to lead them gradually to agricultural and industrial enterprise. It would be possible to damp their ambition to increase their herds and to press them to put a portion of their stock on the market, by exacting from them a contribution in respect of their cattle. He, therefore, thought that when the present uncertainty as to their final destination had been removed and they had settled down in the Southern Reserve, an annual tax should be levied on all cattle over and above a certain number per head and exclusive of cattle used for industrial purposes.

In his reply, dated the 3rd of December, 1913, the Secretary of State observed that in his opinion the time had not yet arrived when it was either necessary or desirable to impose a cattle tax on the Masai which might be thought by them to be the object or a consequence of the Masai move.

The
Secretary of
State, 3rd
December,
1913.

In a despatch to the Secretary of State, dated the 9th of March, 1914, the Governor remarked that a review of the present system of native taxation would no doubt be necessary in the near future, but he considered that this was not a matter of urgency and might preferably be held over until the reorganization of native administration had been effected. The Secretary of State agreed that the question might well be deferred.

Sir Henry
Belfield, 9th
March, 1914.

On the 29th of July, 1914, Sir Henry Belfield wrote that he considered the time had come when a tax should be imposed on the cattle belonging to the pastoral tribes on the ground that the precautions taken by Government to prevent the spread of disease had enabled them to largely increase the number of their herds. He desired that the incidence of taxation should be such as to encourage agricultural industry and discourage pastoral proclivities. He therefore appointed a Committee, consisting of Messrs. Ainsworth (Chairman), McClellan, R. W. Hemsted and Northcote, to consider the subject. Owing, however, to the outbreak of war, the sittings of this Committee were delayed and were in fact never held.

Sir Henry
Belfield, 29th
July, 1914.

Mr. Ainsworth considered the question in December, 1914, and the first three months of 1915, and submitted a report on the general question of native taxation on the 29th of April, 1915. In that part of his report which dealt with the Masai Reserve, he remarked that the Masai in the Masai Reserve presented, as regards assessment and taxation, a totally different problem from that encountered in considering the case among agricultural tribes in the Protectorate. The Masai were pastoralists, whose mode of life, customs and requirements differed from those of agricultural natives. They required much more land than agriculturists, and had many fewer inhabitants to the square mile.

Mr.
Ainsworth,
29th April,
1915.

Statistics of the Masai Reserve estimated the population at 32,000 souls, the number of horned stock at 550,000 head, and of sheep and goats at 2,500,000 head, while the area of the reserve was approximately 9,000,000 acres. The annual taxes paid by the Masai amounted to Rs. 30,000 only. Mr. Ainsworth quoted, in comparison, the case of three agricultural districts, whose total area was 2,168,000 acres, whose population was 669,805 souls, and which paid Rs. 692,751 in hut and poll tax.

The capitalised value of Masai stock was so large as to make the natives worth about Rs. 937 per man, woman and child, and, supposing that this capital account turned over but 5 per cent. per annum, the annual earnings of the tribe would be worth Rs. 47 per head. The total personal wants were very small, while they paid less than one rupee each in annual taxes. It was therefore evident that the Masai did not contribute their fair share to the Protectorate revenue, and that some readjustment was necessary in their case.

In regard to the manner in which the Masai should be taxed, Mr. Ainsworth observed that their nomadic habits and mode of building huts rendered the method of collecting revenue under a hut assessment a far more difficult matter than it was in the case of agricultural tribes. He also considered that any system of poll tax on able-bodied males would be equally unsatisfactory. He therefore proposed a scheme which had been put forward by Mr. Hemsted and which he outlined as follows:—

In order to find out the approximate taxable value of the Masai, the tax should be worked out on a percentage, based on the assessed unimproved value of the land. The amount due would be collected in the form of a cattle tax (ignoring sheep and goats). The acreage of the reserve being nine million acres, the unimproved value being assumed to be Rs. 3 per acre, a tax of 1 per cent. on the unimproved value would produce a revenue of Rs. 270,000. This amount would be divided amongst the total number of cattle estimated, and would amount to 54 cents. per head on half a million head of cattle. Mr. Ainsworth considered that there would be considerable difficulty in counting the cattle, and suggested

that assessment should take place every three years, instead of annually. He enquired whether it was to be definitely laid down that the reserve consisted of 9,000,000 acres, and whether Rs. 3 per acre was reasonable as the average unimproved value of the land.

If any unsurmountable objections were foreseen to the introduction of a native cattle tax or property tax, a graduated hut or poll tax might be applied, based on a system of a tax on the unimproved value of land, the tax so due to be spread over the huts or polls, with a proviso for a maximum tax per hut or poll.

Mr. Bowring,
6th May,
1915.

As the whole position of the Masai, whose reserve bordered on German East Africa for a distance of 236 miles, would have to be reconsidered at the end of the war, Mr. Bowring recommended that this tribe be left out of account for the present, but he saw no objection to discussing the form which such additional taxation would eventually take. On general principles, he favoured the idea of a special tax on cattle or other moveable property, but saw no necessity for introducing anything in the form of an unimproved land value tax. The only really satisfactory way of taxing the Masai was to tax their cattle, and he believed that the difficulty of counting their stock would be overcome. The system of a land value tax would mean that, the greater the number of the cattle, the smaller would be the incidence of the tax. He recommended that the principle of a stock tax at so much per head of horned stock and sheep be adopted for the Masai.

Chief Justice
Hamilton,
9th May,
1915.

Chief Justice (now Sir Robert) Hamilton represented that the boundaries of the reserve would, in all probability, require rectification and alteration from time to time, and that this would alter the incidence of the tax, and would be a disturbing factor in a matter which should be as simple and as little open to disturbance as possible.

Sir Henry
Belfield,
18th May,
1915.

Sir Henry Belfield was convinced that the proper method of dealing with the Masai was by imposing a tax on stock, and did not view with favour the suggestion of a land tax, which would probably be uncertain, and possibly oppressive, in its incidence, and which would not be understood by the natives. A stock tax would be quite within their comprehension, and would not, he thought, be seriously opposed by the Masai if it were made clear that it was collected in return for the benefits which administration had conferred on them, their land, and their stock.

He therefore recommended to the Secretary of State the imposition of such a tax on the Masai for consideration when the condition of the people had been adjusted at the end of the war, on the grounds that they paid little or nothing in return for what was being done for them, and that the time was at hand when the differentiation which had hitherto existed in the treatment meted out to them and to the other tribes should be reduced to comparative uniformity. The tax could be fixed without much difficulty upon the basis of a triennial count of stock.

The Secretary
of State,
10th August,
1915.

The Secretary of State concurred in the view that the Masai should be left out of account for the present as regards additional taxation, and was disposed to agree that the imposition of a stock tax would be the best way of dealing with the tribe. The matter could, however, be considered further after the conclusion of the war.

By Proclamation in the "Official Gazette" of April 5th, 1916, hut and poll tax in the Naivasha Province was increased to Rs. 5, except in the case of certain areas. Inadvertently, the Masai Reserve was not originally excluded, but, though it was admitted that the Masai could easily afford to pay the enhanced rate, it was decided that, until the general question had been considered, tax in the reserve should be collected at the rate of Rs. 3 as formerly. A Proclamation to this effect was signed on the 24th of July, 1916.

Mr. Hemsted,
3rd July,
1916.

On the 3rd of July, 1916, Mr. Hemsted submitted a memorandum containing his proposals for the taxation of the Masai. In this memorandum he represented that the Masai Reserve was already stocked to its fullest capacity, and that, without the aid of improvements in the water supply, etc., no further appreciable

increase was possible. It followed therefore that enormous numbers of cattle and sheep must perish every dry season from lack of sufficient grazing and water, and that no benefit would be derived from the natural increase.

He argued that the stock breeder was fully as valuable an asset to the Empire as was the agriculturist, and that the former occupation was as profitable and useful and required as much skill and knowledge as the latter. The problem of the world's meat supply was becoming serious, and he considered that, in view of the potential supply of meat in the Masai Reserve and the increasing demand therefor, it would be a matter of regret if the pastoral proclivities of the Masai were checked and if they became a race of agriculturists. In the latter eventuality, their produce would be negligible, and the greater part of the reserve was not particularly suitable for cultivation. He was very strongly of opinion that it should be the aim of the Government to develop the Masai as stock breeders only.

As the reserve would hold no more stock, he considered that the administration would be justified in taking steps to compel the Masai to dispose of their surplus stock. Their wants were few, and they had little use for cash, consequently some form of taxation was the only means whereby this object could be attained. A direct tax upon cattle would be just and equitable, and such a tax should be large enough to prevent the sheep and cattle from increasing out of all proportion to the carrying capacity of the country, but not so large as to prohibit such a reasonable increase as the country could carry with the aid of improvements.

The natural increase was at least 15 per cent. per annum, which meant that some 90,000 calves would be born during twelve months. A similar number would succumb, during the same period, owing to the increased struggle for existence. He thought that taxation should be large enough to compel the sale of at least 50,000 cattle per annum. The remainder could probably be accommodated in the reserve, if suitable improvements were carried out. The Masai would only dispose of their male cattle and barren cows, and the value of each beast would be about Rs. 40. They would thus be contributing Rs. 2,000,000 per annum by disposing of stock which would otherwise die of starvation.

Mr. Hemsted estimated that two per cent. on the value of the land in the reserve was Rs. 540,000, and considered that the Masai should be called upon to pay this amount to the State in direct taxation. From the total amount collected there would therefore be a balance of Rs. 1,500,000 annually. The cattle tax he proposed would be collected for a triple purpose :—

- (a) To secure a fixed revenue for the State based upon a certain percentage of the unimproved value of their land ;
- (b) To compel the Masai to put their surplus stock on the market instead of allowing it to die of starvation ; and
- (c) To provide funds for developments and improvements in the reserve.

In order to meet these requirements it would be necessary to fix the cattle rate at not less than Rs. 3 per head.

Mr. Hemsted did not think it possible to take sheep into consideration. The counting of the cattle would be difficult but the inclusion of two million sheep would make the assessment impossible. Nor did he consider it feasible to put the tax only on cattle over and above such a number per head of population as was sufficient for the owner's food supply. It was impossible to estimate the number of cattle required by a Masai for the wants of his family and himself. Milk was the staple diet of the Masai and the yield per cow was so small in the dry season that a thousand head might not be sufficient for the support of one family. Secondly, if, say, 200 head for each elder and Muran were exempt, it would probably be found, at the time of the assessment, that each owner had come to possess just that number. If a cattle tax was to be introduced, it should be on all cattle, irrespective of age or sex, with the exclusion only of sucking calves.

As the amount contributed by the Masai under this system would be greatly in excess of the amount due on land values, Mr. Hemsted proposed that this excess should be used on improvements and developments in the reserve, which might be done in the form of the provision of medical, veterinary and educational facilities, and by the improvement of the water supply.

The Governor and the Chief Secretary discussed the proposals contained in this memorandum and on the 19th of July, 1916, Mr. Hemsted was informed that the matter was receiving the consideration of Government.

Recon-
sideration.

The question was brought up again on December 8th, 1917, when it was decided by the Acting Governor in Executive Council to ask the Secretary of State if his previous decision could be reconsidered so as to allow the introduction of a stock tax on the Masai from the 1st of April, 1918.

A telegram to this effect was accordingly despatched on the 11th December stating that a portion of the additional revenue so acquired would be devoted to the development of the reserve, while the balance would enable proposals to be put forward for more extended veterinary research both in the field and in the laboratory.

In his reply, dated the 15th of December, the Secretary of State approved the proposal to consider the stock tax on the Masai in connection with the Estimates for the year 1918 on the conditions :—

(1) That the administrative officers should be consulted as to the probable effect of such a tax ;

(2) That the Government was satisfied that the increased taxation would not give rise to unrest among the natives affected and that the utmost care would be taken both to explain the proposed increase fully to the natives and to see that the reasons for it and the objects to which it was generally proposed to devote the money were clearly comprehended ; and

(3) That a full report would be sent before a final decision was given.

The terms of this telegram were discussed in Executive Council on the 20th of December when the Officer-in-Charge, being satisfied that no active opposition to a stock tax need be anticipated, it was decided that the reasons for the imposition of the tax and the methods in which the revenue so accruing would be utilised should be fully explained to the tribe. A tax of two rupees per head of cattle was to be imposed and it was suggested that, from the resultant revenue, a sum of £50,000 should be allotted for additional expenditure in the reserve.

The
postpone-
ment of the
introduction
of the Tax.

The Officer-in-Charge was accordingly instructed to prepare estimates for the disposal of this money and generally to arrange for the preliminaries necessary to the collection of the tax. From representations made by him it soon became apparent that the tax could not be collected unless certain essential conditions could be insured. In order to pay such a tax, the Masai would be compelled to place a considerable portion of their surplus stock upon the market, and it appeared difficult to obtain a market for twenty or thirty thousand head of cattle of whom a large number would be of an inferior quality, not commanding a ready sale. Further, owing to the prevalence of pleuro-pneumonia and other diseases in the Reserve, veterinary restrictions would prohibit the removal of cattle from the Reserve for several years to come and no considerable quantity could be disposed of within the Reserve. Mr. Hemsted suggested that this difficulty might be met by the establishment of a canning factory, but as the preliminary arrangements for such an enterprise would take some time, this could not be regarded as an immediate solution of the problem. Secondly, the collection of the tax would necessitate the appointment of several additional administrative officers whose services were not then obtainable, and it was further considered impossible, owing to general shortage of staff, to carry out the long list of improvements to the Reserve which would be provided for by the allocation of £50,000 to this end. The matter was, therefore, again discussed in Executive Council on the 12th of

January, 1918, when it was decided that the introduction of the tax should be postponed and Mr. Bowring recorded his opinion that it would not be convenient again to consider the matter until after the war, or, at least, until it became possible considerably to increase the number of administrative officers in the Masai Reserve.

SECTION 9.—TRADE.

The Growth of the Cattle Trade—Trade in Imported Goods—Somali Cattle Trade in the Southern Masai Reserve—Report by Mr. Bowring, Mr. McClellan and Lord Delamere, December, 1912—Restrictions on the entry of Cattle into the Masai Reserve—Itinerant Native Traders in the Masai Reserve—Temporary Occupation Licences—Mr. Hemsted's views: Establishment of Trading Centres: April, 1914—Mr. Stordy's views—Establishment of Trading Centres: July, 1914—Cost of erection of dips—Mr. Hemsted's proposals approved—Military requirements—The closing of the Masai Reserve to trade—Military restrictions removed—"Gazette" Notice re trading centres in the Masai Reserve—Plot holders permitted to sell cattle for cash in the Masai Reserve—Itinerant trading—Mr. Hemsted's views—Mr. Ainsworth's suggestions—Mr. Hemsted's comments—Further trade centres gazetted—No modifications made—Mr. Hemsted's suggestions for gazetting townships—Further trading centres gazetted.

As might be expected in the case of a pastoral and conservative tribe, such as the Masai, the years following the establishment of an administration sufficiently powerful to prevent recourse being had to raids as a successful means of augmenting their flocks and herds were employed in cattle trading on a large scale in both the Northern and Southern Reserves allotted to them. Cattle trade in the Southern Reserve was mainly in the hands of individual Somalis in small numbers, but the Northern Reserve formed one of the main markets in the Protectorate for all classes of Somalis who, bringing Somali and Boran cattle from the north, visited that territory on their way south and generally succeeded in advantageously disposing of all they took with them.

The growth of the cattle trade.

European and Indian traders do not appear to have made any efforts to establish a trade on Laikipia, but a number of shops were opened by such traders in the Southern Reserve, on the Uaso Nyiro and at Ngong, during 1909 and the following years, and by the end of 1911 a flourishing but somewhat loosely controlled trade had sprung up, the Masai showing an increasing tendency to purchase imported articles and farinaceous foodstuffs.

Trade in imported goods.

In the extended Southern Masai Reserve a check occurred in the increase of trade during the course of the Masai move in 1912, and it was decided that no more permits to erect shops in that area should be issued until the move had been completed.

The advisability of allowing Somalis to carry on an unrestricted cattle trade in the Masai Reserves first engaged the attention of the Government early in the year 1912, when it was pointed out by the Provincial Commissioner, Naivasha, that by the importation of new stock, the already well-stocked grazing grounds were tending to become inadequate for the needs of the tribe, and also that by the provision of facilities for the exchange of sheep for breeding cattle, the encouragement that was being given to the Masai to sell their surplus stock was largely discounted. It was reported that from the Kitui and Machakos districts alone some 3,000 breeding cows had been exported to the Southern Reserve in the last quarter of 1911. As against these figures Mr. Hollis mentioned that, whereas one head of cattle consumed as much grazing as seven sheep, the Masai were willing to exchange thirty sheep for one heifer and that, in consequence, there was a considerable saving in grazing ground on such an exchange. This trade also was largely instrumental in ensuring a regular supply of mutton in the Protectorate and it was therefore decided in March, 1912, that no restrictions should be placed on cattle trading in the Southern Masai Reserve. Three months later this decision was temporarily modified by forbidding the issue of permits to trade in livestock in the Masai Reserves near the routes by which the Masai were travelling, while the move was in progress, but no restrictions were placed on the trade in the Ngong district. On the 1st of September, 1912, the Northern Masai Reserve was closed

Somali cattle trade in the Southern Masai Reserve.

to cattle trading on account of outbreaks of rinderpest and pleuro-pneumonia and it was decided that this trade should not be reopened until after the Masai had settled down in the Southern Reserve.

In November, 1912, Sir Henry Belfield raised the question for further consideration, it having been represented to him that the unrestricted touring of native reserves by itinerant Somali cattle dealers and the bartering by them of female stock for oxen was likely to be detrimental to the future of the tribes, more particularly the Masai, as tending to encourage their already too prevalent inclinations to increase the numbers of their herds and thereby placing a serious obstacle in the way of efforts to induce them to engage in trade and agriculture. It was his impression that it would be good policy to prohibit these traders from entering the reserves and to compel them to effect sales of stock, as opposed to barter, only at recognised trading centres. It would be impolitic to prevent the members of a tribe from purchasing in such markets, but they would not be encouraged to do so and there would be less inclination on their part to buy than was the case when the cattle were brought to their doors.

Report by
Mr. Bowring,
Mr. McClellan,
and Lord
Delamere,
December,
1912.

The Chief Secretary discussed the matter with the Provincial Commissioner, Naivasha, and later with Lord Delamere, and a joint report was submitted on the 23rd of December, 1912. The argument put forward was that the procedure of allowing Somalis and other traders to enter the reserve with cattle for trading purposes would hasten the day when the reserve would no longer be able to accommodate the cattle, and that this procedure kept up the price of cattle to such a figure that it was unremunerative for European farmers to purchase them. Even if no more cattle were allowed to enter the reserve, it would not be long before it became over-crowded, but it was desirable for political reasons to postpone that day as long as possible. In their report they recommended that the Masai should be encouraged to purchase cattle and sheep for cash, but added that there seemed to be no objection to livestock being obtained from the tribe in exchange for trade goods. They were opposed to livestock being allowed to enter the reserve for trade purposes and recommended prohibition of such importation. They saw no reason why the Masai residing within the reserve should be allowed to leave the reserve for the purpose of acquiring more livestock and they considered that any Masai who left his reserve to work and who expended his earnings in purchasing cattle or sheep should be allowed to take them back to the reserve with him. The desire to possess livestock being the only incentive for the members of this tribe to work for wages, they feared that unless the workers were allowed to spend their wages in the purchase of livestock, they would not go out of the reserves, with the result that there would be a dearth of reliable herds. In addition, they suggested that the Masai could well afford to pay a tax on their livestock and considered that such tax should be collected in cash, thus necessitating the sale of stock in order to obtain rupees. The Masai Reserve would thus become a source of supply for the settled areas of the Protectorate.

In short, they recommended that cattle and sheep should be allowed to leave the reserve freely (subject to any veterinary regulations) but that none should be allowed to enter the reserve except on certificate from an European employer to the effect that the individual importing them had earned the wages with which he purchased them.

Restrictions
on the entry
of cattle
into the
Masai
Reserve.

Sir Henry Belfield expressed himself generally as in agreement with these views, but decided to postpone consideration of the proposals for the imposition of a cattle tax until the Masai had settled down. After consideration in Executive Council, he directed that passes to leave the reserve should only be issued to those whose intention it was to look for work, and that the certificate recommended as a condition under which cattle and sheep could be taken into the reserve should not be insisted on. Rules were accordingly issued under the Outlying Districts Ordinance, 1902, to the effect that no licence would be granted to any persons to enter the Masai Reserve, except subject to the condition that the licensee would not take or allow to be taken into the reserve any cattle or sheep and that such condition should be endorsed upon every licence granted in respect of the Masai reserve.

This notice was subsequently cancelled (*vide* p. 95).

In May, 1913, it was decided to enforce the stipulation that no Masai be permitted to take stock into the reserve unless that stock had been purchased with wages earned and that no permit be issued in respect of such stock unless the stock were the property of the applicant.

In October, 1912, certain European plot-holders in the Masai Reserve complained of the itinerant trade carried on by the Kikuyu with the Masai. Four isolated shops, three European* and one Indian, existed in the South Masai Reserve, but these catered only to a limited extent and in certain limited areas for the wants of the Masai, and there was therefore scope for the itinerant native trader who would supply the goods required by the Masai at a less exorbitant price in exchange for sheep and skins. As it was part of the general policy to encourage the demand for trade goods on the part of the Masai, the Provincial Commissioner recommended that itinerant trading of cash or trade goods against sheep or cattle be permitted without restriction but that no cattle be allowed to enter the reserve for trade purposes. After a trial extending over a period of five months, he found himself unable to recommend the continuance of the system, which was creating a lazy type of Kikuyu who would buy sheep in large numbers in exchange for tobacco. In September, 1913, Mr. Hemsted represented that such trade supplied a much-felt want by enabling the Kikuyu to purchase sheep from the Masai and tending to make the former more industrious. Further, under the terms of the agreement of 1911 between the Masai and the Government, the latter had undertaken not to permit any person other than a member of the tribe to occupy land within the reserve, except with the consent of the Masai and as the "Masai case" was then before the Courts, Mr. Hemsted found it impossible to open trade centres as Legalishu, contending that this agreement was invalid, refused to sign any document in respect of the leasing of areas in the reserve, fearing that such a step might be construed as an acknowledgment of the existence of the treaty and might jeopardise his claim to Laikipia.

Itinerant
Native
traders in
the Masai
Reserve.

Under these circumstances, therefore, the Governor saw no reason to suppose that this trading was likely to be productive of anything but benefit to both parties. At the same time, he asked the Officer-in-Charge what was the extent of the legitimate requirements of the Masai and whether it would not be advisable to limit the number of trading licences in proportion to those requirements. To this Mr. Hemsted replied that there was no limit to the amount of the flour, tobacco and trade goods which the Masai could absorb, and as the established merchants at the time were incapable of coping with the demand, he proposed to place no restrictions on the number of natives entering the reserve for the purpose of such trade. These proposals were approved in October, 1913.

In that month, owing to the refusal of certain Masai to attach their signature to agreements in respect of trading plots, the temporary occupation licences of two of the plot-holders had to be cancelled at three months' notice. The Masai were somewhat nervous that the conditions of the treaty would not be strictly adhered to and feared that they might be deprived of certain grazing lands. The action of one of the plot-holders in utilising a considerable area of land round his store as grazing ground for his own herds did not tend to lessen their anxiety in this connection.

Temporary
occupation
licences.

With the Masai adopting this attitude, the Governor thought that it would be unwise to recognise any agreement with the chiefs until the litigation in respect of Laikipia had been concluded. While, therefore, he considered that the business carried on by these traders was advantageous to the Masai and should not be disturbed without strong reason, he was of the opinion that no document of any description should be given them in respect of their temporary occupation, but that they should be permitted to occupy such small areas as might be necessary for their trade, on the understanding that they had no rights in those areas and were liable to removal at any time.

* Messrs. Judd, Aggett, and Van de Weyer on temporary occupation licences.

In May, 1914, Mr. Hemsted represented that the practice of allowing traders to squat at various places in the Reserve or to travel at will therein was far from satisfactory. It rendered the enforcement of veterinary regulations difficult and was deprecated by the better class traders themselves as rendering the erection of permanent stores and dwelling houses an unprofitable proceeding. The Masai, he said, could never be developed on civilised lines if a measure adopted for their own good fell through owing to their inability to understand the nature of an agreement or because of their intense conservatism. He therefore asked for permission to gazette certain trading centres without having a formal agreement in writing, except as regards the Ngong District. His proposals were, however, regarded as premature pending the conclusion of the litigation.

Mr. Hemsted's views—
Establishment of trading centres—
April, 1914.

On the 10th of April, 1914, Mr. Hemsted advocated the adoption of a far greater measure of control over stock trading in the reserve. The arrangement of allowing itinerant traders rendered difficult the enforcement of veterinary regulations and several cases had recently occurred in the neighbourhood of Naivasha where the farmers' flocks had been infected with scab caught from sheep passing from the Masai Reserve. It was impossible thoroughly to inspect the tens of thousands of sheep that passed out. The Chief Veterinary Officer had advocated the erection of dips at the main trade exits, where all stock destined for other parts of the Protectorate might undergo a period of dipping, but Mr. Hemsted considered that the consequent delay, the necessity for providing superintending veterinary officers, difficulties in obtaining food, the erection of accommodation and the hindrance to trade caused by limiting the number of exits would make the system so inconvenient as to stifle business.

In place of this system he suggested the entire prohibition of itinerant trading, both white and black, the establishment of trading stations at various parts of the reserve, the erection of a dip at each trading station and the compulsory dipping of all animals intended for removal outside the reserve. Owners of plots were to have the monopoly of exporting stock. The advantages of this system were that trade would be restricted to well-known and probably substantial merchants who would be unwilling to run the risk of evading the regulations. They would be able to carry out the necessary dipping with a minimum of inconvenience in the vicinity of their own stores and the sheep would be in a better condition for the market. Resident storekeepers would be able to remove their stock by any route open to them without risk of carrying infection, and the dips would also be available for the Masai if they cared to use them or if dipping were made compulsory. The sheep trade with the Masai was, he said, capable of great expansion.

Mr. Stordy's views,
June, 1914.

The Chief Veterinary Officer discussed the matter with certain administrative officers at Naivasha and his views were embodied in a letter dated the 11th of June, 1914. The regulation published in February, 1913, forbidding trade in livestock in the Masai Reserve and restricting the entry of cattle was open to abuse and was, in itself, a dead letter, as it was not possible to prevent such trading and the surreptitious movement of stock. The regulations had been of an administrative nature, as no veterinary objections existed to the trade and there were considerable differences of opinion regarding the best policy to pursue in the matter. Apart from the question of the development of the Masai, the interests of European cattle owners and sheepmasters were involved. The former would urge that if trading of cattle in the Masai Reserve were allowed it was impossible for them to obtain stock, as cattle in the open market would rise to a prohibitive figure, it being a more remunerative business to exchange cattle for sheep and goats with the Masai. On the other hand, the sheepmaster had need of native ewes, of which the Masai possessed some two millions and the supply of which was cut off if the Masai Reserve were closed to the entry of cattle, as it was only by such barter of stock that the Masai could be induced to part with their sheep in any numbers. Further, such sheep had proved to possess valuable qualities as resisters of both external and internal parasites and to be a cheap and accessible foundation for sheep flocks of both woolled and mutton types. Mr. Stordy pointed out that cattle were required by the great majority of farmers, whereas the settled areas suitable for sheep were practically confined to the Rift Valley

where the land had been subjected to many years of close grazing by Masai cattle. Nevertheless, he recommended the legalization of this trade as being preferable to the system of smuggling then obtaining and proposed that this should be effected by gazetted ports through which livestock could be taken from and into the reserve. Weikei, Ngong, Kiserian and Saukutiek were suggested as suitable places for the establishment of trading centres.

The question of the advisability of opening up the Masai Reserve for trading purposes was referred by Government to the various Farmers' Associations in June, 1914, but, owing no doubt to the dislocation of business caused by the war, no replies were received.

In July, 1914, Mr. Hemsted reported that he was obtaining the signatures of the Masai representatives to the 1911 Treaty to the agreements which were a necessary prelude to the opening of trading centres in the reserve. He found the Masai generally to be quite willing to set apart the requisite land for the purpose and proposed that each trading centre should embrace 160 acres of two-acre plots, with the stipulation that the Masai were not to be deprived of any grazing ground except such as was included in the actual plots. The Masai had not asked for any compensation in respect of the land to be granted for these trading centres, but Mr. Hemsted suggested that it would be equitable to apply the rent charged for the leasing of the plot for the benefit of the Masai themselves. He proposed a rental of twelve rupees a month per plot which would, he thought, be sufficiently high to discourage the petty indigent Swahili without deterring the better class trader. He proposed to restrict trade to the resident store-keepers, thus giving owners of plots the monopoly, and to forbid itinerant trading; and, in view of the recommendations of the Chief Veterinary Officer, he suggested the erection of dips at these trading centres which were to be the main points of exit from the reserve in order that all animals intended for removal therefrom might undergo a course of dipping. The requirements of the Kikuyu and Lumbwa peoples could be met by the establishment of markets at various points outside the Reserve, which would be preferable to allowing the continuance of the system of itinerant trading by these natives.

Establishment of trading centres, July, 1914.

In a supplementary letter, Mr. Hemsted named twenty-one localities at which he suggested the establishment of trading centres. These were:—Narok, Ngong, Mara River (Engirende), L'aitokitok, Kanamu (near Kiu), Kedong, Ndulele (on the Narok-Kijabe cart road), Uso Nyiro (near Aggett's store), Narosura River (near Van de Weyer's store), Endasegera (in the Loita Hills), Sianna, Ol Alunga (fifteen miles above Aggett's), Lemek, Mara Bridge, Ol Joro lo Ngatuny (in Ol-Orokuti country), Gelegele (on the Kisii road), Bardamat (twenty miles south-east of Engirende), Mau (near Likia on the Nakuru track), Kandis (on the Mbagathi River), Weikei River (on the Narok-Kijabe road), Saukutiek River on the Mau (on the Naivasha track). The exits from the reserve would be at Ngong, Kandis, Weikei and Saukutiek and the erection of dips was recommended at these four exits. Later in the year he suggested the addition to this list of Ol Joroibor and Metiganju trading centres, for which the exits would be Kandis, Ngong or Tsavo.

The Chief Veterinary Officer had suggested that the Masai might be asked to defray the cost of erection of these dips, but the Officer-in-Charge gave his opinion that, as the dips were to be constructed primarily in the interests of veterinary requirements outside the reserve in order to prevent the spread of disease, it would be inequitable to request the Masai to pay for their erection even though the natives might make use of them.

Cost of erection of dips.

The Governor remarked that the selected sites and exits appeared to be well chosen and in September, 1914, agreed to all Mr. Hemsted's proposals, including his recommendations about the cost of the dips.

Mr. Hemsted's proposals approved.

At the commencement of the war, the Intelligence Department expressed the desire that all Indian, Somali, and native traders be removed from the reserve, but it was subsequently arranged that they should be allowed to carry on their business at the trade centres and as it became necessary to exploit the Masai

Military requirements.

Reserve to ensure supplies of beef and mutton for the troops, arrangements were made in September, 1914, for trustworthy Somalis to exchange, on permit, cows and heifers for sheep and bullocks in the reserve, subject to restrictions limiting the number of cows imported to thirty-five head per journey and regulations necessitating the sale to Government of the stock so obtained at Ngong station. The price for sale to the Military Authorities was fixed at Rs. 4-5 per sheep and Rs. 30-50 per bullock for a beast of about 350 lbs. killing weight.

The Closing of the Masai Reserve to trade.

In August, 1915, instructions emanated from the Secretariat prohibiting until further orders the issue of permits to enter the Masai Reserve, while all Somalis then in the reserve were to be removed before the end of September. Such a step was necessitated by the military situation and the food requirements of the troops were met by authority to commandeer stock from the Masai for cash.

In October, 1915, it became necessary for the General Staff to order the closing down of all trading centres situated within twenty miles of the Anglo-German border, while at the same time all traders were prohibited from entering that area. In January, 1916, further restrictions were enforced and traders were excluded from the district east of the Mara River which had not previously been closed. This order was subsequently modified to permit trading in established centres north of the Kijabe-Mara cart road, but with a total prohibition on itinerant trading.

Military restrictions removed.

The trading centres which were thus closed to Indians, Somalis and Swahilis comprised Mara Bridge, Sianna, Narosura, Endasegera, Gelegele, Mogor, Bardamat and Ol-Orokuti, all of which were within forty miles of the boundary, but in response to Mr. Hemsted's representations, the Military Authorities permitted the opening of these stations in July, 1916, on the understanding that no undesirable person should obtain a plot and that the prohibition on itinerant trading should remain in force.

"Gazette" notice re trading centres in the Masai Reserve.

On the 8th of December, 1915, a schedule of trading centres was published in the "Official Gazette." The Notice read as follows:—

"The Government of the East Africa Protectorate with the consent of Segi, Engaroya, Saburi, Marmori, Langiri, Agali, Ole Yeli, Ole Naigisa, Ole Gesheyan, Ole Matipe, Ole Nakola, Ole Kotikosh, Ole Batiet, Ole Turere, Ole Masikondi, Ole Gelishu, Ole Malit, Ole Tanyai, on behalf of the Paramount Chief and the representatives of the Masai tribe is prepared to grant occupation rights within the outlying district known as the Masai Reserve in centres the names situation and areas whereof are specified in the Schedule annexed hereto on the terms and conditions following:—

- "1. Plots of 2 acres approximately.
- "2. Rental per plot per mensem Rs. 12.
- "3. Separate plots for Europeans, Asiatics and Natives.
- "4. Plots will be let under annual occupation licences.

"H. C. BELFIELD,

"Governor.

"NAIROBI,

"Dated this 6th day of December, 1915."

SCHEDULE.

NOTE.—The approximate extent of each of the Trade Centres is described as “160 acres within a circle with a beacon as centre.”

NAME OF TRADE CENTRE.	SITUATION.
1. Narok Government Station	Narok River, 70 miles from Kijabe.
2. Engirende (Mara) Govt. Station	Mara River, where it bends West.
3. Engong Government Station	Ngong Hills, 14 miles West of Nairobi.
4. Guaso N'giro	N'giro River, 80 miles from Kijabe.
5. Mara Bridge	Mara River, 7 miles below Engirende.
6. Mau	Near Saukutiek River.
7. Mau	Mau Narok, near Likia.
8. Narosurra	Narosurra River, a tributary of the Guaso N'giro.
9. Ol Alung'a	Upper Guaso N'giro, Western Bank.
10. Endasegera	Loita Hills.
11. Lemek	Lemek Valley.
12. Ol Orogoti	Trans-Mara region at Ol Joro, Ngatuny.
13. Ndulele	At Penyin Dam.
14. Weiwei	On Weiwei River.
15. Sianna	Loita Hills.
16. Gelegele	Gelegele Hill, on Kisii Border.
17. Bardamat	Loita Plains.
18. Mogor	Mogor River, Trans-Mara region.
19. Angata Pusi	Lower Mara, East Bank.
20. Angata Naado	Lower Siyabei River.
21. Uaso Kedong	Kedong Valley, below farms.
22. Kandis	Athi River.
23. Ol Joroibor	A stream at the South end of Mt. Enaparasha, Matapatu Country.
24. Metiganju	Metiganju River, in the Ol Oitokitok Country.

In view of the fact that cattle were being commandeered from the Masai and bought for cash, the question of the advisability of permitting the Masai to purchase stock with cash so obtained was brought forward by Mr. Hemsted in February, 1916. He represented that new blood would be beneficial and that the small numbers of cattle so purchased would not materially affect the situation and therefore he recommended that established traders be permitted to bring cattle to their stores for sale to the Masai for cash. The Governor approved this measure but considered that it would be a good thing if it could be arranged that the opportunities given to the Masai for purchase should be limited to higher grade cattle to the exclusion of native stock. The Rule under the Outlying Districts Ordinance, dated the 4th of February, 1913 (*vide* p. 91), was therefore cancelled by Rule in the “Official Gazette” of the 1st of March, 1916.

Plot holders permitted to sell cattle for cash in the Masai Reserve.

In October, 1916, Mr. Hemsted submitted a comprehensive memorandum on the policy which should be pursued in regard to itinerant trade in the Masai Reserve. He deprecated any policy of throwing open the reserve to unrestricted itinerant trading. A large business had been built up by the better class of merchant at the trading centres, by which the requirements of the Masai had been greatly augmented and had to a very considerable extent been met. Itinerant trading would force these men to adopt similar methods and would lead to the discontinuation of trade centres. The Masai would be content if articles were brought to their doors and would never visit the centres, thus losing touch with outside influences and with the benefits accruing from competition between merchants. The question also affected the labour market, as thousands of Kikuyu would prefer making a livelihood by barter with the Masai to working for wages. The system of trading centres had proved both beneficial and acceptable to the Masai who appreciated the cheaper rate at which they could obtain goods, while they had found from experience that the system of itinerant trading led to many cases of theft or alleged theft.

Itinerant trading. Mr. Hemsted's views.

The result of the establishment of trading centres and of the exclusion of the itinerant trader had been the establishment of shops by more than one hundred and twenty merchants in the Narok and Mara districts alone and the Masai had asked for eight more centres in these districts. Trade had been almost at a standstill in the Ngong districts, where there were only three trade centres, but the opening of

twelve more had recently been asked for and Mr. Hemsted anticipated that there would shortly be from 250-300 plot-holders in the reserve if the present system was adhered to. Masai funds would therefore benefit to the extent of two or three thousand pounds a year from rent of plots.

Mr. Ainsworth's suggestions.

Mr. Ainsworth, to whom the memorandum was referred, considered that a system of monopoly would not achieve progress and that the confinement of trade to plot-holders was undoubtedly such a system. The conservative ideas of the Masai would, he thought, be more rapidly changed by encouraging the greater freedom of trade. Plot-holders would benefit by any increase in the cattle trade on a cash basis, particularly if the itinerant cattle trader was confined to making purchases for cash. Mr. Ainsworth accordingly suggested, for adoption as Government policy, the commencement as soon as possible of a property tax on the Masai, the prohibition of barter of stock except as between Masai and Masai, the encouragement of the erection of permanent houses by the chiefs and principal elders, restrictions on the importation of cattle into the reserve, the establishment of stock markets at trade centres at which cash sales should be enforced and the confining of itinerant traders to the various markets. Itinerant traders should only be permitted to enter the reserve on passes from District Commissioners and natives of other tribes should only be allowed in the Masai Reserve for limited periods unless properly employed by non-natives. Finally, he recommended that a schedule be drawn up of improvements necessary or desirable in the interests of the Masai and that the Masai be invited to associate themselves with such improvements and make an annual contribution towards their being undertaken.

Mr. Hemsted's comments.

Mr. Hemsted, in commenting on Mr. Ainsworth's suggestions, remarked that it appeared improbable that the Masai would ever develop into porters or agricultural labourers and that the only feasible policy appeared to be to develop them as stock breeders, in which capacity they would be a far greater asset to the country. Their ideas were already changing. About 20,000 bullocks and 150,000 sheep had been provided for the military authorities and forty-four trading centres had been set apart, wherein some two hundred plots had been leased on temporary occupation licences. Trade in the Masai Reserve was greater in proportion to population than in any other part of the Protectorate. He recommended that the introduction of cattle into the reserve should be unrestricted. The natural increase of the Masai herds approximated 90,000 per annum and the number introduced from outside would be negligible in comparison. Moreover, new blood was beneficial and the Masai stock was deteriorating owing to in-breeding. The necessity for supervision would render difficult and expensive any system whereby itinerant traders, as opposed to plot-holders, were permitted to sell in open market even at trade centres, and he hardly thought the policy of compelling traders to sell for cash to be practicable.

Further trade centres gazetted.

Two notices published in the "Official Gazette" of November 22nd, 1916, indicated the opening of twenty more trade centres in the Masai Reserve. The Notices read as follows:—

"The Government of the East Africa Protectorate with the consent of Segi, Engaroya and Ole Galishu, on behalf of the Paramount Chief and the representatives of the Masai tribe is prepared to grant occupation rights within the outlying district known as the Masai Reserve in centres the names, situation and areas whereof are specified in the Schedule annexed hereto on the terms and conditions following:—

- " 1. Plots of two acres approximately.
- " 2. Rental per plot per mensem, Rs. 12.
- " 3. Separate plots for Europeans, Asiatics and Natives.
- " 4. Plots will be let under annual occupation licences.

" C. C. BOWRING,

" *Governor's Deputy.*

" NAIROBI,

" Dated this 18th day of November, 1916."

SCHEDULE.

NAME OF TRADE CENTRE.	SITUATION.
1. Olorian	Approximate 15 miles West of Ngong on En Donyo Narok.
2. Ladariak	Approximate 20 miles from Ngong, immediately below and West of En Donyo Narok.
3. Salengai	Approximate 17 miles South of mile 260, Uganda Railway, on the Sand River.
4. Engoragaish	Approximate 11 miles East of Kajiado-Longido Road where it passes En Donyo Erok.
5. Turoka	South of mile 55, Magadi Railway.
6. Besil	A river approximate 20 miles from Kajiado, on the Kajiado-Longido Road.
7. Simba	Asoguta Ngotiko pools.
8. Ngorigaishi	Approximate 10 miles South of Magadi Railway and 6 East of Besil-Longido Road.
9. Ol Lenarau	A river about 5 miles South of mile 10 of the Magadi Railway, and 3 hours from Kiu.
10. Mkajar Ol Kukuyu	About 6 miles from Magadi Junction.
11. Naramuro	A river flowing N.E. from Kibo peak in Kilimanjaro into the Laitokitok country.

NOTE.—The approximate extent of the above trading centres is described as "160 acres within a circle with a beacon as centre."

"The Government of the East Africa Protectorate, with the consent of Segi, Engaroya, Saburi, Marmor, Langiri, Agali, Ole Yeli, Ole Naigisa, Ole Gesheyan, Ole Matipe, Ole Nakola, Ole Kotikosh, Ole Batiet, Ole Turere, Ole Masikondi, Ole Gelishur, Ole Malit, Ole Tanyai, on behalf of the Paramount Chief and the representatives of the Masai tribe is prepared to grant occupation rights within the outlying district known as the Masai Reserve in centres the names, situations and areas whereof are specified in the Schedule annexed hereto on the terms and conditions following:—

- " 1. Plots of two acres approximately.
- " 2. Rental per plot, per mensem, Rs. 12.
- " 3. Separate plots for Europeans, Asiatics and Natives.
- " 4. Plots will be let under annual occupation licences.

" C. C. BOWRING,
" Governor's Deputy.

" NAIROBI,

" Dated this 18th day of November, 1916."

SCHEDULE.

NAME OF TRADE CENTRE.	SITUATION.
1. Lelusia	Southern slopes of Il Melili.
2. Rotiyan	About 10 miles North of Narok Station on Siyabei River.
3. Ol Ombori	Southern slopes of Mau, about 24 miles North of Narok Station.
4. Mosiro	Left Bank of Guaso Ngiro, about 35 miles South of Narok Station.
5. Endang'asir	North-East Loita Hills.
6. Osobugo Oirobi	East Loita Hills.
7. Morijo	North Loita Hills, on the Engoyangilani Stream.
8. Nyai Garra	Central Loita Hills.
9. Ol Motiyo lo Kamusien	N.W. of Mt. Suswa (Ol Doinyo O Nyukye) about 3 miles South of Kijabe-Mara waggon road.

NOTE.—The approximate extent of the above trade centres is described as "160 acres within a circle with a beacon as centre."

No modifications made, February, 1917.

The question of the advisability of once more allowing free entry of cattle into the reserve was discussed in Executive Council, on the 26th of February, 1917, when it was decided that no interference with, or modification of, the existing arrangements was desirable.

Mr. Hemsted's suggestions for gazetting townships.

In October, 1917, Mr. Hemsted made proposals with a view to the regulation of trade in the reserve, and to the granting of facilities to persons, other than the licensed plot-holders. He suggested that all trade centres be declared townships, with markets declared therein and rules applied, and he proposed that no trading should be permitted except at the gazetted trade centres. He contended that the bringing of the Masai into touch with outside influences, the benefits of competition, the encouragement induced to place trade on a cash basis, and the assistance which would thereby be given to the native labour supply, were advantages which might be claimed for this system, while it would also be more practicable to enforce the veterinary regulations. The Masai, as well as all traders, except some Somalis, were in favour of confining trade to the trade centres. No fees would be charged to persons buying in the centres for cash only, but a schedule of fees for licences and of market fees was suggested.

The question was considered in Executive Council, of the 12th of January, 1918, when the consensus of opinion was that matters should remain as they were. The Officer-in-Charge, who was present during the discussion, did not wish to press his recommendations.

Further trading centres gazetted.

Five additional trading centres were opened by notice in the "Official Gazette," of January 30th, 1918. The notice read as follows:—

"The Government of the East Africa Protectorate, with the consent of the Paramount Chief, and the representatives of the Masai tribe, is prepared to grant occupation rights within the outlying district known as the Masai Reserve, in centres, the names, situations and areas whereof are specified in the Schedule annexed hereto, on the terms and conditions following:—

"(The conditions are the same as those previously specified.)

"W. J. MONSON,

Governor's Deputy.

"NAIROBI,

"Dated this 25th day of January, 1918."

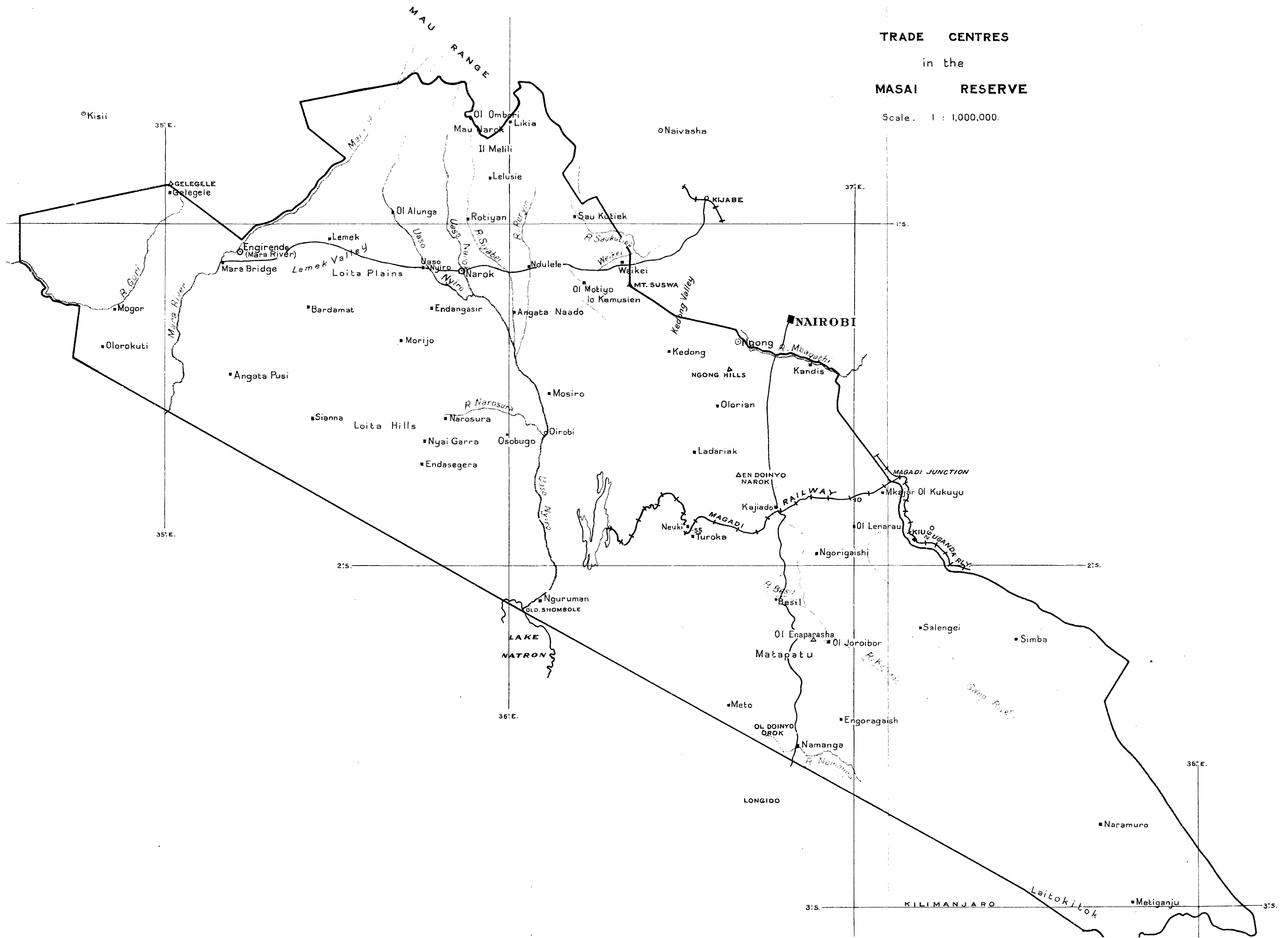
SCHEDULE.

NAME OF TRADE CENTRE.	SITUATION.
1. Kajiado	Within one mile North of Kajiado Railway Station, on the Magadi Railway.
2. Neuki	Within one mile North of Neuki Station, on the Magadi Railway.
3. Namanga	On Namanga water course on Kajiado-Longido road.
4. Meto	On Meto water course in the Osobugo le Meto.
5. Nguruman	At the North-West foot of Ol Doiyo Shombole, on the East Bank of the Guaso Njiro River, shortly before it enters Lake Natron.

NOTE.—The approximate extent of each of the above trading centres is "160 acres within a circle with a beacon as centre."

TRADE CENTRES
in the
MASAI RESERVE

Scale. 1 : 1,000,000.



SECTION 10.—THE WATER SUPPLY.

Tour by Mr. McClure and Captain Monckton—Tour by Messrs. Bagge and Hollis—Tour by Mr. Watts—Government liability to improve water supply—Meeting at Nakuru—The Trans-Mara area—The Engutoto area—Sir Percy Girouard's proposal—Mr. Catchpole's work—Mr. Blain's proposals—The engagement of Mr. Watts—Necessary improvements—The construction of the Lemek Dams—Recommendations by Messrs. Watts and Hemsted—The completion of the Lemek Valley Dams—The Bardamat Dam—Further proposals by Messrs. Watts and Hemsted—Liability of the Masai to provide funds—The Ngori Gori Dams—Work in the Kedong Valley—The Weikei Dam—The Penyin Dam—El Motiyo and Marmonet Dams—Contributions by the Masai—Damage to Dams at Lemek and Ngori Gori—Shortage of funds—The completion of the Ngori Gori Dams—Repairs to Lemek Dams—Mr. Watts' final report—Mr. Hemsted's proposals—Authority to repair damaged Dams—General recommendations—Drainage of swamps on Weikei River—Bores in the Rift Valley.

Towards the end of the year 1908, a tour of inspection was made by Mr. McClure, the Acting District Commissioner, Ngong, and Captain Monckton, the Assistant District Commissioner, Sotik, in the country lying west of the Southern Uaso Nyiro, more especially of the areas known as Osero and the Loita Plains and Hills. This inspection was conducted with a view to ascertaining the potential value of the area as a place for European settlement. The opinion of these officers was that the land near Sotik was, on the whole, unsuited to such settlement, because, although portions of the land could be converted into farms, the holdings would be so disconnected by reason of lack of permanent water, that proper supervision of the area would be impracticable. The permanent streams were so far apart as to preclude any possibility of allotting land on a systematic plan, but they suggested that it was admirably suited to a nomadic and pastoral tribe, such as the Masai.

Tour by
Mr. McClure
and Captain
Monckton.

A portion of the west bank of the Uaso Nyiro, and the Lemek Valley, had already been allotted to Europeans, but some 2,300* square miles of land were left available for European or native settlement. Of this area, 1,300* square miles might be described as waterless, *i.e.*, without permanent water of any description. After a moderately rainy season there would be sufficient water for such a tribe as the Masai. The year 1908 had been unusually dry, but a fair amount of standing water was found in dry river beds.

Large numbers of Purko Masai had recently migrated from Ngatet to Osero, the Rotuaik and Morijo Plains, their numbers being estimated at 2,270 men, women, and children, with 20,000 head of cattle, and the grazing grounds in Osero were said by the Masai to be exceptionally good. The value of the magnificent grazing in the Loita Plains was greatly reduced by the absence of springs or other permanent water, but this country had previously been occupied by three clans of Masai—the Loita, L'Otayok, and Damat.

These officers estimated that the area could easily provide dry and wet weather grazing for 100,000 head of cattle, provided the water difficulty was overcome, and reported that the ravages of fly were confined to the country near the Anglo-German border.

The country was next visited by Messrs. Bagge and Hollis, who toured, from the 10th of March until the 20th of April, 1909, the area lying between the Uaso Nyiro and the Mara River with a view to ascertaining the value of the region for occupation by the Masai then located in Laikipia, paying special attention to the water proposition. They reported that the two large rivers, the Uaso Nyiro and Mara, were 35 miles apart at their nearest points, that there were several minor rivers of no great length, and that water was obtainable by digging at various points. Some of the best water on the Uaso Nyiro was already in the occupation of white colonists, and a considerable portion on Il Melili was also marked off for alienation. Under the observed conditions, Mr. Bagge was unable to recommend the removal of the Northern Masai into the region, and he suggested the investigation of the potentialities of the Mau uplands.

Tour by
Messrs. Bagge
and Hollis.

* It is possible that these areas were over-estimated owing to the absence of an accurate survey.

Mr. Hollis was of opinion that half of the area of 2,300 square miles was useless for cattle during the greater part of the year, owing to scarcity of water, while in one-eighth a fly was found (a species of tabanus) which caused great irritation to cattle. He was, however, convinced that, if it were possible to irrigate the waterless parts or to dam up some of the springs and make furrows, the greater part of the Loita country would become an excellent grazing area. He suggested that a sum of £1,000 be set aside for the purpose of watering the country, and that an engineer be detailed to inspect and report on the area. At the same time, he pointed out that money spent on such inspection would not be thrown away, even if the Masai were not moved from Laikipia, as any improvement of the area in question would mean that more land became available for white settlement.

Tour by
Mr. Watts.

The district was accordingly visited by Mr. G. K. Watts, Commissioner of Public Works, who left Nairobi on June 28th, 1909, and spent a month investigating the possibility of providing a sufficient water supply for the stock which might be transferred from the Northern Reserve. From an examination of the geological properties of the area, Mr. Watts concluded that the conditions obtaining therein, except in the country between Lake Naivasha and the Engare Ngusur, were similar to those previously dealt with by him in India, and he therefore considered that similar methods could be used. These were :—

- (1) The sinking of wells ;
- (2) The damming of rivers by permanent earthen, masonry, or concrete dams, and providing a waste weir round the dams, fixing sluices in the dams themselves ;
- (3) Making small masonry dams across rivers and allowing the flood water to flow over them ; and
- (4) The construction of small dams with trees, boulders, and clay, and allowing water to percolate through in ordinary times and to flow over the top in the floods.

He considered that no improvements were necessary on the Mara River, or between Lake Naivasha and the left bank of the Uaso Nyiro over the Mau, and by way of Saukutiek, as the country was already well watered, and he recommended the following constructions :—

- (a) For the northern portion of the Loita Plains, two canals 15 miles apart and 15 miles long, and carrying 225,000 gallons per hour.
- (b) For the southern portion of the Loita Plains, a dam composed of trees, boulders, and clay in the hills above the Olodari River, and a furrow 15 miles long.
- (c) For the Loita Hills, dams to form artificial reservoirs ; these would be simple of construction, as gneiss and mica schist rocks of good cleavage were found in the hills.
- (d) From these hills to the German boundary, and in Osero, a combination of the well and dam system.

In the plain below Naitong spring and in the Lemek Valley more investigation was necessary.

He considered that a sum of £5,280 would have to be expended on these works before the whole area could be utilised for grazing purposes, and he asked that provision to the extent of £2,000 be made in the estimates for 1910-1911 to make a commencement. This sum was inserted in the Estimates but was disallowed by the Secretary of State.

Government
liability to
improve
water supply.

During the negotiations which preceded the Masai move, Sir Percy Girouard informed the Masai Chiefs that he would be willing to assist the tribe in digging wells and improving the water supply if it were found that the water in the extended Southern Reserve were insufficient for their requirements. No steps were taken, however, until the removal of the Masai to the Southern Reserve had received the approval of the Secretary of State on the 29th of May, 1911.

In August, 1911, Mr. Catchpole was sent to construct canals as proposed by Mr. Watts from the Uaso Nyiro to the Loita Plains. £400 was available for this work and a sum of £2,000 had been sanctioned for the improvement of the water supply in the extended Southern Reserve. The project seemed to be one which would involve greater expenditure than that originally anticipated, owing to the configuration of the country; the construction was therefore delayed, while the best means of improving the water supply were re-considered and Mr. Catchpole recalled.

A meeting was held at Nakuru on the 12th of September between the Provincial Commissioner (Mr. Ainsworth), the Director of Public Works (Mr. McGregor Ross), and Executive Engineer (Mr. G. H. Creswell). In addition to the unexpected difficulty and cost of construction of the canals, it appeared doubtful if the water from the Uaso Nyiro was sufficient to provide water for any extended scheme of distribution on the Loita Plains. The configuration of the country was unsuitable and the water difficult of access. It was therefore urged that further investigation should be made before the Masai (whose southward movement had received a check) were finally moved into the area.

Meeting at Nakuru.

On the 24th of October a report was received from Messrs. MacDonald and Atkinson in respect of the Ol-Orokuti country, from which they had just returned. The area was said to contain one million acres of the finest grazing land in the Protectorate and to be well watered. Some investigation was, however, necessary in order to locate all the available sources.

The Trans-Mara area.

On the 14th of November, Mr. E. D. Browne reported that the south end of 'L-Engutoto, extending into the Osobugo Oirobi, was well watered by permanent streams and could hold more stock if necessary.

'L-Engutoto area.

Before he went on leave in February, 1912, Sir Percy Girouard suggested that water might be supplied from the Uaso Nyiro by ram for distribution in the country within seven miles of the river. Conditions of site might be found which would allow of water being lifted for a portion of this distance by ram and delivered for the remainder by gravitation.

Sir Percy Girouard's proposal.

The banks of the Uaso Nyiro were examined by Mr. Creswell in July, 1912. He found no suitable place for the installation, but several places were located on the Loita Plains which could be turned into lakes by means of inexpensive dams. In particular he mentioned the valley of the River Sosian as being eminently suitable. No provision was made for the installation of rams.

It had originally been thought that the provision of facilities for watering cattle in the Trans-Mara district would be the most urgent work required in the extended Southern Masai Reserve, but it was soon found that other districts demanded prior attention. In the first place, it was evident that, owing to the very large herds of cattle using the roads from the Mau towards the Mara River, it was necessary to protect the water holes en route, particularly in the Lemek Valley.

Mr. Catchpole's work.

On July 29th the Provincial Commissioner, Naivasha, had asked for sanction to employ a European overseer, then working on the cattle route through the Mau Forest, in constructing dams first on the Marmonet and then on the River Sosian or other stream beds in the Loita Plains. Sanction had been given and Mr. Catchpole reached the Lemek Valley at the end of August. As the work in this valley was more urgent, he attempted to dam some small streams on the North side of the valley but found the ground to be exceedingly porous. There were five well defined springs in the neighbourhood but their capacity was small. He eventually proceeded to work at dams on the Loita Plains.

On the 31st December, 1912, Executive Engineer Mr. Blain submitted a scheme for storing water in iron tanks in order to provide water facilities for cattle on the Loita Plains. He was of opinion that the volcanic nature of the soil and the faults in the underlying strata made the success of earthen dams very uncertain. The high rate of evaporation—about six inches per month in the dry season—would cause a serious loss of water in the case of earth dams with a large exposed surface and he suggested covered concrete reservoirs or iron tanks as an alternative.

Mr. Blain's proposals.

Iron tanks were preferable on account of the lower initial cost and the practicability of moving them to the most suitable places as they became known by experience. The cost of a unit of 9,000 gallons per month, which would be sufficient for 100 head of cattle, was estimated at Rs. 1,308. It was suggested that 50 such units should be provided as an experiment, and funds amounting to £4,360 were asked for for this purpose. Certain springs in the Kedong Valley were suggested for treatment by this method, but information was lacking as to the permanency of the various sources and the number of cattle which would be placed in the neighbourhood if the water were made available by this method. No action was therefore taken on this suggestion.

At the beginning of the year 1913, £200 had been spent by the Provincial Commissioner, Naivasha, in making small dams in various parts of the extended Southern Reserve, but the £2,000 sanctioned in September, 1911, for use on this work had been practically untouched.

The
engagement
of Mr.
Watts.

In January, 1913, the Chief Secretary recommended the engagement of a competent engineer to make careful surveys of the area between the Uaso Nyiro and the Mara River, to take observations and to superintend the works decided on. The draft Estimates for 1913-14 contained provision for £8,335 to be expended on buildings and works in the Southern Masai Reserve and it was considered inadvisable to divide this sum under specific sub-heads until the requirements of the water supply were better known. The Governor considered that it was of the utmost importance that the reserve should be ready for occupation by the time the Masai move (then in progress) was completed, and gave orders that steps be taken without delay to effect further progress with the works. The dams already constructed had not been favourably reported on and he considered that the work could not be delayed until the money set aside for the project in 1913-14 became available. He proposed to engage the services of Mr. Watts, formerly Commissioner of Public Works, and obtained the Secretary of State's approval to this appointment on the 30th of January.

Necessary
improvements.

The Masai moved from Laikipia had expressed a preference for the country east of the Mara River, and few had crossed the river. The dams constructed by Mr. Catchpole had sufficed for the existing requirements of the Masai near the Lemek Valley, but more extensive works would be necessary in the future and it was suggested that Mr. Watts should examine this part of the district immediately with a view to commencing waterworks on a larger and more permanent scale.

The rains had been so abundant since July, 1912, that the grazing in the trans-Mara country was all that could be desired and greatly in excess of the actual momentary requirements. The Provincial Commissioner, Naivasha, suggested that examination of that area be postponed until March, 1913, which would be the first occasion on which it might be inspected in a period of drought.

The
construction
of the
Lemek Dam

Mr. Watts toured the Cis- and Trans-Mara areas in March, 1913, and left Nairobi on the 17th of April to improve and enlarge one of the dams constructed by Mr. Catchpole in the Lemek Valley.

Recommen-
dations by
Messrs. Watts
and Hemsted.

On the occasion of Sir Henry Belfield's tour in the Masai Reserve in July, 1913, Mr. Watts submitted an interim report on the work he was doing in the Lemek Valley. His general project was the damming of a stream which had been left untouched by Mr. Catchpole, and raising and improving of Mr. Catchpole's dams, which had been practically destroyed by the herds of cattle in May, and the construction of a dam below those made by Mr. Catchpole and on the same stream. The first dam was to be forty feet high, and built in a narrow deep ravine in a stream above the other two dams. A drain was to be cut which would act as a feeder from this large dam to the smaller dams down the valley. Mr. Watts anticipated that the seepage through this big dam might, in time, cause the surplus water to flow at the surface of the valley below, and so form a permanent stream, thus tending to keep the lower dams full throughout the year.

By the 23rd of July, the big dam was 28 feet high, with 25 feet of water behind it. The lake would eventually be 450 feet long and 150 feet wide, and would contain 600,000 cubic feet of water. A waste trench was provided to remove surplus water in the rains. The dam was being composed of stone and earth, and the estimated cost was £500.

The two lower dams were to cost £250 each, and were constructed each to contain 800,000 cubic feet of water. They were situated so as to be fed throughout the year by one small stream.

Mr. Watts estimated that the water in the dams would suffice for stock grazing over an area of 100 square miles near the site, and hoped to complete the works during October, 1913.

In September, Mr. Watts discussed the general question of the water supply with Mr. Hemsted, and joint recommendations were submitted by these officers in October. The report stated that the whole country from the Uaso Nyiro and its tributaries to the Mara River was closely grazed wherever water was available, and that in the area between the Uaso Nyiro and Kijabe the country near water was grazed and the remainder devastated by grass fires. The only good grazing remaining was to be found on the slopes of the Mau, on the hills near Narosura towards the Anglo-German border, and in parts of the trans-Mara country. It was necessary, therefore, to improve the supply between Ngong and the Uaso Nyiro and on the plateau above the Isuria Escarpment in the Trans-Mara. Such improvements would render a vast area, which could only be utilised for a few weeks during each monsoon, available for grazing all the year round.

Mr. Watts explained that the estimate of £5,280, made in 1909 was made on account of 80,000 head of cattle only, and that the question of water supply had been considerably enlarged by the revised estimate that 300,000 head of cattle were to be provided for. Little difficulty had been experienced during the year 1912, as the rainfall had been above the normal, and many of the natural sources of water had held out longer than usual.

As a major scheme, Mr. Hemsted suggested that the water should be brought in a canal or pipes from the River Siyabei on to the top of the Mau spurs and into the valley below Mount Suswa. Mr. Watts estimated the cost of this project at £15,000 or £20,000, and, in the event of this work being considered too expensive, he suggested that this area might be improved by the construction of dams at eight places where water in holes was known to exist.

In the Trans-Mara area three or four dams were necessary on the plateau.

Mr. Watts asked for the insertion of £7,500 in the draft estimates for 1914-15, which sum would go far towards the construction of the dams at the suggested places. Work on the grazing areas in the mountains situated between the hot springs at Oljoro Oiroua and the German boundary might be deferred until the year 1915-16. Those areas were not being used for lack of water, and the country was being devastated by grass fires.

Work on the Lemek Valley dams was completed in October, 1913. The big dam was 42 feet high in the highest part and 178 feet long at the top. More than 10,000 head of cattle watered at it. The smaller dams were dry until early in November, when, as a result of heavy rain, water accumulated in them, but it was not until the end of December that they were filled to sill level.

The completion of the Lemek Valley Dams.

On completion of his work in the Lemek Valley, Mr. Watts proceeded to Bardamat, situated 10 or 12 miles to the south-east on the edge of the Loita Plains, and started work in the middle of November. There were only three or four small springs at Bardamat, so trampled in by stock as to be almost lost. A dam 600 feet long and 17 feet high in the highest part was commenced, the dam being faced in front with stone pitching, carefully handpacked. By the middle of December it was high enough to store 2,000,000 gallons of water, and a temporary waste weir was made to carry off the water.

The Bardamat Dam.

Water collected in the dam in December and continued in it during the three following months though some 10,000 head of cattle watered there daily.

During the year 1913-14, £3,200 was spent in making these dams in Lemek Valley and Bardamat, and during the 13 months beginning on the 1st of March, 1913, Mr. Watts spent eight months in construction work.

Further proposals by Messrs. Watts and Hemsted. In January, 1914, Messrs. Watts and Hemsted submitted proposals for the continuation of work on the improvement of the water supply of the reserve. They recommended

- (1) The completion of the Bardamat dam.
- (2) The provision of steel drinking troughs at the Koiyaki spring—a permanent spring, situated some 12 miles south of Mara Post (Engirende).
- (3) The construction of one or more dams in the Trans-Mara country between the Mara and Mogor River.
- (4) The construction of a dam in the Kedong Valley.
- (5) The provision of pumps and drinking troughs at all dams and the erection of fences to protect the sources behind them.
- (6) The investigation of a project for diverting the Siyabei River in its upper courses to supplement the flow of the Olodari and Penyin Rivers, and thereafter for watering the country west of Mount Suswa, known as Leleshwa ; and
- (7) The construction of a dam in the Lalela Plains in the upper Loita country.

The Loita Plains were described as one of the least valuable areas in the reserve, considered as a region for the permanent support of large numbers of live-stock ; the grazing in the plains was frequently exhausted before the natural supplies of water failed. It was therefore thought that the completion of the first, second, and last of the projects recommended would suffice as development in that area.

Liability of the Masai to provide funds.

In June, 1913, Sir Henry Belfield had explained to the Masai that, when the Government had afforded certain practical examples of the benefits which would accrue from the conservation and distribution of water, the tribe would be expected themselves to defray the cost of such additional works as they might require. He therefore considered that it was open to question whether all the proposed works should be undertaken at Government expense, and that it would be sufficient to proceed with them as far as the provision for 1914-15 became available. When these funds had been utilised, he advocated further consideration of what additional works should be taken in hand and of the method of meeting the cost.

The Ngori Gori Dams.

After touring the Trans-Mara area with Mr. Hemsted in March, Mr. Watts returned to Bardamat and continued the construction of the dam. Early in April he visited Ngori Gori, on the border of the Loita Plain and close to a branch of the Chepalungu Forest. En route he repaired one of Mr. Catchpole's dams near Lone Hill. From the 5th to the 24th of April he worked at two dams at Ngori Gori, completing them for a cost of £347. One dam was 325 feet long and 9 feet high ; the other was 400 feet long and 20 feet high.

On April 25th he reached the Penyin River and laid out work for a new dam at Ndulele. He estimated that the dams he had already constructed would protect 325 square miles of country and provide drinking water all the year round for 34,125 head of cattle or some 150,000 sheep. The works were much appreciated by the Masai in the neighbourhood, who had thrown out suggestions for further improvements required.

Work in the Kedong Valley.

On June 12th, 1914, Mr. Watts left the Penyin dam uncompleted and proceeded to the Kedong Valley to investigate the possibility of constructing a dam on the Kedong River for the use of the Masai.

The Kedong River is one of uncertain flow. In May, 1909 and March, 1911, the Greater Kedong was not even flowing as far as its junction with the lesser Kedong. In January, 1913, the combined stream disappeared a quarter of a mile below the house belonging to Marquis Hornyold and Captain Riddell, and

it was unusual for the water to reach that house after August in any year. A site for a dam was chosen which was believed to be in the Masai Reserve, but was, after the work had been started, found to be on Marquis Hornyold's land. Mr. Watts then suggested the completion of his dam at this place and the conduction of water pipes from the reservoir to the Masai Reserve. This proposal would entail the acquisition from Marquis Hornyold of the land used for the dam spread, pipe line and inspection path, but was, he considered, the only method by which water could be supplied to the Masai in the Kedong Valley. This course was, however, open to certain objections and Mr. Watts was instructed to discontinue his work there, and employ all his labour in draining swamps on Mr. Bowker's land in the Kedong Valley. The Governor was not prepared to consider the question of the expropriation of land from Marquis Hornyold until it had been demonstrated that the use of the area for the purpose proposed was essential and not merely desirable.

In the event of proposals for the acquisition of this land falling through, Mr. Watts suggested that water might be provided by the construction of a smaller temporary dam at this spot while a permanent dam was constructed lower down the Valley in the Masai Reserve.

From July to November, 1914, Mr. Watts worked on a drainage scheme on European farms in the Kedong Valley. Water was unobtainable at those places in the Masai Reserve where the construction of the most urgent works was contemplated, and he was unable to work on them. His expenses during this period were not charged against the Masai Water Supply Vote.

In July Messrs. Webb and Morgan continued work at the Penyin dam under instructions from Mr. Watts, but left the work unfinished owing to the commandeering of their oxen at the outbreak of war.

On the 20th of November, Mr. Watts left the Kedong for the Weikei River and commenced building a dam on the 22nd. The site of the dam was on the eastern slopes of the Mau Escarpment, south of Lake Naivasha and west of Mount Suswa. The dam was made 308 feet long and 30 feet high and contained 1,220,000 cubic feet of water. This dam was finished on the 8th of April, 1915.

The Weikei Dam.

Work was resumed on the Penyin dam in April, 1915, and the dam was completed on the 21st of May. This dam was situated in a valley at the top of the Mau Range on the west side of the junction of Il Melili and Leleshwa at an altitude of 6,900 feet. It was 462 feet long and 16 feet high and contained 660,000 cubic feet of water.

The Penyin Dam.

Mr. Watts then constructed a dam on the east side of Leleshwa facing Mount Suswa at Ol Motiyo and afterwards one at Marmonet.

El Motiyo and Marmonet Dams.

In March, 1915, the Masai of the Kakonyukye division contributed a sum of Rs. 10,450 to be utilised in improving the water supply of their country and the total contributions from the Masai amounted to Rs. 14,450 in June.

Contributions by the Masai.

A certain amount of damage had been caused to the dams at Lemek and Ngori Gori by the rains in April, 1915, and Mr. Watts proposed to repair them in August. For military reasons his visit had to be postponed and he proceeded to the Saukutiek on the 9th of August to improve the springs on the top of the Mau and to clean out the bed of the Weikei River. During September he was working on the Il Melili section of the Mau Range.

Damage to dams at Lemek and Ngori Gori.

Funds for the improvement of the Masai water supply ran out in September, but the Governor approved the utilization of money accruing from rents on trading sites in the Masai Reserve in order that the necessary repairs to the Lemek and Ngori Gori dams might be carried out. A certain amount of money was also transferred from the Masai Suspense Account for the completion of these dams. With such funds it was proposed to complete the dams at Ngori Gori, the repairs at Lemek, and the opening up of springs at the sources of the Saukutiek, Weikei and Penyin streams. After these works had been completed it was decided that the continuation of Mr. Watts' services depended on whether the Masai subscribed further funds for additional works of construction.

Shortage of funds.

The completion of the Ngori Gori Dams.

During November and the first half of December, Mr. Watts completed the dams at Ngori Gori. The incomplete dams had been greatly damaged by cattle in June and a large amount of reconstruction was necessary. In addition, there were two bad washaways owing to heavy rains on the first two days of December and the work was therefore unduly retarded and expensive, the total cost of completion amounting to £448.

Repairs to Lemek Dams.

Temporary repairs costing £30 had been done on the Lemek dams by a gang of porters in May and June, 1915, but in revisiting the site in November, Mr. Watts found that the lowest dam had been badly trodden in and that the second dam had suffered similarly but to a less extent. These, together with some repairs to the upper dam, were attended to at a cost of £246, and Mr. Watts left Lemek on the 6th of January, 1916.

Mr. Watts' final report.

Before leaving Nairobi on March 16th, 1916, Mr. Watts submitted a final report on the work which had been accomplished on the improvement of the water supply in the Masai Reserve. The works included:—

1. Three dams in the Lemek Valley.
2. Two dams at Ngori Gori.
3. One dam at Bardamat.
4. One dam at Ndulele on the Penyin River.
5. One dam at the River Weikei.
6. One dam at Ol Motiyo lo Kamusien.
7. One dam on River Marmonet.
8. The cleaning of a portion of the River Saukutiek and its tributaries.

Sufficient water had been stored for the supply of stock grazing on eight different areas of one hundred square miles each and this area could support 64,000 head of cattle.

In every case, except at the Weikei, the water had outlasted the grazing available.

Mr. Hemsted's proposals.

In March, 1916, Mr. Hemsted reported that some £10,000 might soon be available for works in the Masai Reserve for the benefit of the tribe, and suggested that part of this sum might be expended in the conservation and distribution of water for livestock. He advocated the necessity of a preliminary survey of the area, which should be undertaken with the object of investigating the possibility of:—

- (1) Providing troughs or stone pitched watering places at perennial springs.
- (2) Opening up old springs which had been trampled in by cattle.
- (3) Distributing water by means of pipe-lines from the large rivers.
- (4) Constructing dams in places where water was entirely absent or to which it was impossible to conduct pipes.
- (5) Sinking wells and pumping water into troughs by windmills.
- (6) Constructing irrigating furrows.

He remarked that unusually dry conditions had prevailed during the time when Mr. Watts had been in the reserve, and considered that the annual cost of repairing washaways, which were bound to occur in some of the dams in wet seasons,* would be so large, that it was inadvisable to undertake more works of this description. He preferred the preparation of a larger number of smaller watering places, where water could be conducted into drinking troughs from springs, which should be regularly cleaned and carefully fenced. Numerous springs existed, having a daily discharge of from ten to twenty thousand gallons, which would, if properly treated, suffice for the stock able to use the pasturage available in the vicinity.

* The dams at Weikei, Ol Motiyo to Kamusien and the Marmonet River were all destroyed during the 1916 rains.

In January, 1917, the Governor considered that it was necessary to take other measures for the supply of water to the unwatered districts of the Masai Reserve. Efforts had been made to institute a search for underground water by means of boring in the Rift Valley, but these had fallen through owing to lack of machinery. He, therefore, recommended to the Secretary of State the measures proposed by Mr. Hemsted, and received approval to his proposals in March.

In that month he approved the proposal to effect repairs to dams built by Mr. Watts, when and as repairs were required. The cost of such repairs was not expected to exceed a few hundred rupees annually.

Authority to repair damaged dams.

On the 19th of December, 1917, the Director of Public Works, the Officer-in-Charge, and the Chief Veterinary Officer, met to consider the question of the improvement of water facilities in the Masai Reserve. The enormous areas of low-lying land extending down to altitudes greatly lower than those of some of the more copious springs and rivers appeared to them to offer ready facilities to the distribution of a water supply by means of piping. The engineering operations involved in such distribution of water over many hundreds of square miles of country, which were unusable for stock during drought conditions, were of a simple nature, and a brief and inexpensive examination would result in the mapping out of one or two projects which would suffice for all requirements for the next year or two, while continuous travel by engineers would result in the gradual improvement of small supplies by very inexpensive works, such as fencing off springs and draining swamps. The general idea of the pipe-lines was to locate iron troughs, roughly at intervals of ten miles, and it appeared that the diversion of one course of water would probably suffice for a fully stocked area of some six hundred square miles. The cost of imported piping was, however, considered at the time to be prohibitive, and it was decided that such an important undertaking should await a settlement of the question of the imposition of a cattle tax on the Masai.

General recommendations.

Apart from this major scheme, the Committee drew attention to the possibilities of extracting water from deep or inaccessible water holes, by means of bullock-driven pumps, such as that about to be installed at En-kobirri. They also suggested that the afforestation of some of the higher areas of the reserve, not suitable or required for grazing purposes, could be relied on to improve the yield of the neighbouring springs.

In January, 1918, the Acting Governor sanctioned the expenditure of £500 from the Masai Suspense Account upon drainage of some swamps in the upper course of the Weikei River. In dry weather the whole of the water of this river is lost in the extensive swamps and reedy stretches of the river bed, and it was with a view to conserving this water supply in dry periods that the work of drainage was to be undertaken. The Secretary of State conveyed his approval to this expenditure.

Drainage of swamps on Weikei River.

In September, 1916, the Director of Public Works drew attention to the extreme interest that would attend the execution of deep bores in the Rift Valley, where it forms a portion of the Masai Reserve. Having recently visited the En-kobirri water hole, some sixteen miles west of Ngong mountains, with a view to investigating the possibilities of installing windmill-driven pumps at that place, he came to the conclusion that this water might be a re-emergence of the Kedong River. The region was seamed by numerous vertical fault planes which provided opportunities for running water to leave the surface and go underground. The Rift Valley tended to lower and lower elevations in a series of gigantic steps as one proceeded southwards, and dominating this descent there existed a lake of unknown depth and of eighty square miles expanse at Naivasha, a lake which remained fresh although it had no surface outlet, and although its banks, and probably its bed, were impregnated with alkali. Mr. McGregor Ross considered the evidence of a subterranean outlet from Lake Naivasha to be almost conclusive, and stated that it could be absolutely established within a period of twelve months, by an extension of the evaporation observations, which had for the past eight years been carried out at Naivasha. It was, he said, an interesting subject

Bores in the Rift Valley.

for speculation as to whether the existence of the deposits at Lake Magadi might not be attributed to the emergence of underground flows from Lake Naivasha and other surface waters of the Rift Valley, which had become heavily charged with alkali, in a long and slow passage underground.

Enormous areas of the Masai Reserve, where theoretical considerations led him to believe that underground water existed, were practically useless on account of the absence of water, and he recommended that an attempt should be made to procure the services of one of the boring parties, who were being employed in connection with the military operations, to perform a series of bores which should be carried to a depth of at least two thousand feet, unless fresh water were encountered at shallower depths. The localities he suggested for these experiments in the first instance were in the En-kobirri Valley and at Olkeju Nyiro, two marshes south of that place, where there was plain evidence of the action of copious surface water in recent times.

It was, however, found to be impossible to obtain the services of the personnel of a Water Supply Corps, although correspondence to this end was undertaken, both with the military authorities and with the Union of South Africa.

The Director of Public Works' letter, which had been forwarded to the Colonial Office in October, 1916, was referred by the Secretary of State to Dr. Strahan, the Director of Geological Survey, who remarked that recent volcanic rocks, which formed the greater part of the region in which it was proposed to bore, were usually traversed by fissures and caves, and that the disappearance of rivers might be due in part at least to their finding underground channels of this description. It seemed highly improbable that the future deposits of alkali at Lake Magadi would be appreciably affected by the proposed bore-holes. He agreed that the suggestion that the freshness of Lake Naivasha was due to a circulation arising from the existence of underground outflows was a possible one, but mentioned that no re-emergence of the water had been found and that there was no clue as to the direction taken by the supposed outflows. The chances of striking them in a bore-hole appeared to be remote. Having regard to the character of the region, he considered that the quality of the deep-seated water, which it was hoped to obtain by boring, would be doubtful. The Secretary of State was, therefore, of the opinion that the project should be further considered before any action was taken which would commit the Masai to expense in the matter.

The Commissioner of Mīhes, in the middle of 1917, placed such evidence as was available before Professor J. W. Gregory, who expressed himself deeply interested in the proposals and considered that the chances of success in bores placed at suitable positions in the Rift Valley to the south of Lake Naivasha in the Kedong Valley and south of Mount Suswa were sufficiently good to justify the risk. Mr. Bowring therefore suggested to the Secretary of State that Professor Gregory should be asked if he could arrange to visit the Protectorate and make a short personal examination of the area in question. This has been arranged for, but Professor Gregory has not yet been able to absent himself from India for the purpose.

SECTION 11.—POTENTIALITIES OF THE MASAI RESERVE.

Population—Conservatism—Employment for the Muran—Stockmen—On European farms—Demand for such labour—Employment in the K.A.R. or Police—General employment of Muran—Masai stock—Veterinary work—Masai conservatism—Water supply—Improvement in water supply—Improvement in the grade of Masai cattle—Taxation—Problem of taxation—Masai as an asset to the Protectorate—Masai residing in the reserve—Future of the Masai.

In dealing with the potentialities of the Masai Reserve, it is possible to treat separately the two branches into which the question is divisible, namely, the potentialities of the Masai people and those of their possessions: and it is necessary in either case to consider the characteristics and attributes of each such division in connection with statistics.

With regard to the potentialities of the Masai as a tribe, it must be borne in mind that the total population of the Masai in the Masai Reserve numbers no more than 43,000. Of these, it may be assumed that about 20,000 are males of all ages, while some 4,500 are Muran. Taking the proportion normally maintained among other native tribes, for which more accurate statistics are obtainable, it is found that approximately 10,000 males are boys under the age of the Muran class, while the remaining 5,500 are elders. It will thus be seen that the tribe under consideration is relatively small in regard to population, and that, therefore, specialization will be necessary if the attributes of the tribe are to be utilized to their fullest capacity. Population.

Sufficient has already been said of the conservatism and slothfulness which are the dominating characteristics of the Masai. The state of idleness in which both young and old live has proved a barrier to progress which has resisted all efforts made in the past to introduce development on civilized lines. The only measure which has attained to any degree of success in the establishment of trading centres, where a carefully controlled trade has opened the eyes of the Masai to a small extent to the advantages of imported articles, and has created some desire on their part to invest a proportion of their enormous capital in trade goods. Even so, it appears that they have not been induced to desire anything more progressive than flour, sugar, and honey in the way of food, and such imported articles as umbrellas, blankets, cotton sheeting, knives, axes, and cooking pots. They are still in a most primitive state. Conservatism.

The semi-military organization which has been handed down by their ancestors is still preserved, and continues to act as a deterrent to any innovation. Now that raids are ended, the Muran have nothing to occupy their attention, and it is this fact that has rendered it necessary to consider the possibilities of developing them into useful citizens along a definite line of policy, rather than to adopt merely normal administrative pressure, which has been so successful among the other tribes of the Protectorate. Of their own free will, the Masai will do nothing except fight with the weapons they know, and the young men of between sixteen and twenty-five years of age have now no occupation of any description. It is on behalf of these youths, the Muran, that the first steps in the necessary policy must be taken. Employment for the Muran.

It is known that, by their training from their earliest years, the Muran are experts in the handling of stock. Each boy has been accustomed to herd hundreds of head of cattle since the days when he started to walk, and there is probably no other nation in the world that can boast such a measure of success in this branch of knowledge. But, after circumcision and the assumption of the status of warrior, the youth leaves the care of stock to younger boys, and his ability in this direction is thereby wasted. Stockmen.

It is said that about fifteen per cent. of the Masai of the Muran class are employed by various farmers in herding cattle, but, even to this extent, the value of their services is largely discounted by the aversion which they show to the performance of work which they consider to be derogatory to their dignity—and the limits of what is not undignified are very materially confined. Manual labour of any kind is regarded as objectionable, and the Masai are physically incapable of carrying loads. But, if they are given a wage high enough to satisfy their avarice, if they are considerably treated, and if they regard the climate of their employer's land as suitable, they cannot be improved upon as cattle herds. On European farms.

In normal times, the number of settlers in the Protectorate who would make use of this class of labour is not large, and the demand for public purposes is smaller still, while the utility of the Masai as a whole in this connection is greatly diminished by their dislike of working for a European whom they do not know, and by the weakness of their constitution, which renders them suitable for work in a restricted area only. In order to make the Masai suitable for general employment even as cattle herds, therefore, it is necessary either to alter their conception of their dignity so as to make their services of more general application, or else to insist on their performing for a smaller remuneration the work that they will consent to do. Demand for such labour.

It seems doubtful if either of these courses can be pursued without exercising stronger measures than persuasion, for this latter has not been lacking in the past. The numbers of the tribe being so small, it would certainly appear to be inadvisable to compel the Masai to undertake agricultural labour for work outside the reserve, as such a step would be sure to cause active discontent without adequate results, but there also seems to be no reason why these expert herdsmen should not be made to exercise their talent to the exclusion of the inferior material obtainable from other tribes. Herdsmen are of essential service to many farmers, and from among the Masai can be drawn some of the best herdsmen in the world.

Employment
in K. A. R.
or Police.

The reputation for cunning, organization, and militarism which the Masai have enjoyed in the past has also led to consideration of the possibility of utilizing these powers under modern conditions, by enrolling a number of Muran in the King's African Rifles and Police. Experiments have been tried in this connection for more than fifteen years, but, save for some individual exceptions, they have proved unsuccessful. One or two Masai who have succeeded in passing the necessary tests have developed into reliable and efficient soldiers and policemen, but, in spite of repeated trials, the vast majority, discharged as unlikely so to develop, have been turned back to the reserve and represent so much time, labour and money wasted. Such soldiering and discipline appears to the Muran to be too nearly akin to work to be acceptable to them, and they adopt from the first an attitude of passive resistance and listlessness, the exact opposite to that keenness which is essential to successful development. So much has been learnt from past experience, and the compulsory recruiting scheme which is now being acted on, apparently with the consent and approval of the elders of the tribe, has not yet shown signs of any improvement in this attitude. It remains to be seen, however, whether this renewed attempt to break down the barrier of conservatism and sloth will be such as to induce the Muran to take part, as a matter of pride in their ability to do so, in a branch of utility for which their traditional training would appear admirably to suit them.

General
employment
of Muran.

The employment of the Masai Muran as herdsmen, or as askaris, seems to be the only obvious method by which they can be called on to demonstrate their position as an asset to the state outside their own reserve, and, provided that sufficient development can be procured inside the reserve, it would possibly be bad policy to insist on outside labour by any of the other classes of Masai males. It remains to consider what may be the best means of utilizing their services within the confines of the reserve, and this question is closely connected with the potentialities of the Masai possessions.

Masai
stock.

The wealth of the Masai is entirely invested in stock, and is said to amount to the colossal figures of 715,000 head of cattle, more than 2,000,000 sheep and goats, and 10,000 donkeys. This stock is concentrated in a reserve of some 14,600 square miles in extent, of which part is waterless and unfit for stock, and of which part is regarded by the Masai as unsuitable for cattle owing to a suspicion of disease. These two actual and problematical disabilities combine to make the stock-carrying capacity of the reserve but little in excess of what it carries at present, and it is maintained that, without the provision of veterinary facilities, and without the undertaking of public works towards the better distribution of the water, the reserve is now so full that the annual death-rate cannot be less than the annual increase, or in other words, that the amount of stock owned by the Masai is now stationary.

Veterinary
work.

As may readily be imagined, the problem of providing veterinary facilities for these vast herds presents such difficulties on account of its magnitude that very considerable increases would be necessary in the Veterinary Field Staff before anything but isolated attempts could be undertaken. This has been the main difficulty in the past, and must remain so at any rate until the cessation of war conditions enables the Government to augment its Veterinary Department by the addition of other qualified officers. Money has been voted in the Estimates for the financial year 1918-1919 for a commencement to a comprehensive scheme of veterinary research in the Protectorate, and these proposed activities affect the Masai Reserve in many ways. A dipping scheme is to be introduced which will,

it is hoped, in time, so alter the conditions in the Masai Reserve as to render their cattle immune to East Coast fever, and steps are now being taken to establish a branch veterinary laboratory at Narok where a more thorough investigation will be made into the characteristics and peculiarities of the diseases to which Masai cattle are subject.

One of the difficulties which will have to be met, after the requisite staff has been obtained, is, again, the conservatism of the Masai. They consider the stock they now possess to be better suited to the reserve than any other, and they prefer to breed immunity to disease by letting a disease run its course rather than by procuring immunity through treatment or the application of veterinary science. It will require perpetual perseverance to ensure the performance of a continuous treatment of cattle such as dipping, the Masai themselves being too lazy and listless to possess the keenness necessary to help themselves in the matter, and an attitude of passive resistance is all that, from past experience, can be expected of them. In spite of such difficulties, however, it is possible to hope for an improvement in the stock conditions of the reserve which will eventually enable not only certain infected areas to be utilized, but will also render the Masai reserve less of a danger to the stock industry of the Protectorate.

A great deal can still be done in improving the watering and grazing properties of the area. The reserve is on the whole by no means badly supplied with springs and rivers, but many of these are practically useless for watering large herds of cattle owing to their inaccessibility or to the unsatisfactory nature of the approaches to them. Streams frequently rush down a hill-side to disappear into the ground within a few yards of the foot of the hill, and small springs become so trampled that it is impossible for cattle to drink at them. The ground becomes swampy, the supply of water gradually decreases, and at times the spring becomes extinct.

A peculiar feature of the Masai Reserve is that the large rivers flow within a few miles of each other, frequently through dense bush or forest country where there is no grass suitable for cattle and their usefulness is thus materially impaired. The Uaso Nyiro, Uaso Narok, Siyabei and other considerable streams rise close together on the Mau and flow through forest glades practically parallel to each other until they eventually meet and thence flow through a deep gorge. But the western portion of the reserve possesses this advantage: all the large rivers have their sources at a considerable altitude of from seven to nine thousand feet, and it would be an engineering feat of no great difficulty to conduct water from these rivers into the low-lying grazing areas at the foot of the hills, some two thousand feet below. This project has been much under discussion and may be expected to eventuate, in common with other development schemes, when funds and staff are available. The dams which have been erected across certain of the streams have not proved the success it was hoped, as they are liable to damage by floods and are constantly requiring labour and expenditure for repairs, but the provision of pipe-lines and troughs seems to offer every prospect of a solution of the difficult problem of rendering the enormous grazing areas in the Loita Plains capable of being utilized at all times of the year to carry as much stock as their acreage will hold. There is no doubt that when these water-works have been constructed any shortage of grazing for the amount of stock now in the reserve will have ceased to exist.

As a direct result of these disabilities of disease and shortage of water and grazing the Masai have maintained that the kind of cattle they possess is better suited to the conditions encountered in the reserve than any imported grade-stock. In this matter also their conservatism comes into play, but it is probable that, in this case, their contention is supported by fact. A pure-bred bull was recently purchased for use with the Masai cows in an attempt to procure a better and more marketable kind of stock, but this animal died before sufficient evidence had been obtained to prove or disprove the Masai contentions, and the problem has still to be dealt with. The Masai cattle are undersized and in-bred, and present in their existing state no prospect of becoming of value to the outside market. The potential asset to the Protectorate represented by a capital of 715,000 head of cattle, with an annual increase of about 90,000 head, is thus wasted, and the most

Taxation. essential problem before the Government at the present time in dealing with the Masai is how to turn this annual increase into a realizable asset. The proposals for imposing upon the Masai a tax of two rupees per head of cattle per annum, approved by the Governor in January, 1918, fell through mainly owing to the impossibility of procuring a market for the quantities of almost worthless stock that would have been produced in payment, and it is difficult to see how this objection is to be overcome unless some much more marketable commodity is produced. Purchase by local residents and firms of the kind of Masai stock that would come in as a result of the imposition of such a tax would in all probability be very limited in extent, and no business firm has yet come forward with proposals for taking over such stock for canning or export by other means. It has not yet been proved or disproved that such Masai stock is marketable for the purposes of human consumption, but it is a fact that much of the stock from the Masai Reserve produced for slaughter by the military authorities was returned as unsuitable, and while it is extremely improbable that the Masai would be able to pay their tax in cash, it is only reasonable to expect that the worst stock would be paid in in lieu of cash where that was unobtainable.

Problem of taxation. The problem, therefore, appears to be as follows. If the necessary staff is provided, a tax can be collected from the Masai at the rate approved which will bring in stock assessed at £100,000 annually. Of the money realized, £50,000 is to be devoted to works in the Masai Reserve which will so improve the conditions therein as will not only render it capable of maintaining a larger number of stock, but will also so alter the conditions as to make it probable that a higher grade of cattle could be supported in the reserve. When this last step has become effective, it may reasonably be assumed that a market will be forthcoming for the cattle paid in as a tax, but it is not yet proved that it will be possible to realize the value of the stock collected in the earlier years. A trial alone can demonstrate this.

Masai as an asset to the Protectorate. Enough may now have been said on the subject of the potentialities of the reserve, but it must also be borne in mind that, of the proposed cattle tax, one half of the proceeds are to be paid into the general revenue of the Protectorate, and that it is a matter of concern not only to the reserve, but to the Protectorate as a whole, that the proceeds of the tax should be forthcoming in the shape of a realized asset as soon as opportunity occurs. The Masai have hitherto paid a hut tax at the rate of three rupees per hut, which sum, amounting to less than £3,000 per annum, has not covered the cost of their administration, but the proposed tax will not only cover the cost of the administration of the reserve, but will leave a considerable balance for the general development of the Protectorate, while the needs of the Masai Reserve can be attended to to the fullest extent of which the staff is capable.

Masai residing in the reserve. Of the Masai residing within the reserve, the most that can be expected of those who are not tending cattle is that they will help in the performance of the public works which are destined to be undertaken therein. Hitherto they have not been employed on such works, as manual labour does not appeal to them, and it is indeed doubtful if such a change will be brought about in their temperament as to induce them to perform this. That the position may not be hopeless is perhaps suggested by the fact that certain sections of the Somali tribe who had until recently maintained an attitude similar to that adopted by the Masai, commenced manual labour last year, and a corresponding change for the better may still occur among the Masai.

Future of the Masai. Conditions have so greatly altered in the Masai Reserve during the last few years that the power of the medicine-men as a class has greatly decreased. The insistence on education for the Masai may further enlighten them, may undermine their conservatism, and may encourage them to discard their prejudices. An organized movement to show the Masai the development that is going on around them and to drive home to them the fact that unless they progress they are bound to disappear in the circumstances attendant on the introduction of civilization may have its effect in eventually bringing them to a conception of their duty. The Masai problem has not yet been tackled, but the prospect of rendering them useful citizens of the Empire is not entirely without hope.

CHAPTER VII.

MISCELLANEOUS HISTORICAL INCIDENTS.

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1. In March, 1912, a Kikuyu boy was murdered by two Masai on a farm belonging to Mr. Cole in West Kenya. The murderers were arrested, and, one turning King's evidence, the other was convicted and hung.

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Turkana raid
on Masai,
June, 1912.

2. A large party of Turkana raided Kune, about forty miles north of Rumuruti, in June, 1912, and carried off cattle estimated by the District Commissioner to number 158 head. One Masai elder was killed. Fifty-eight of the cattle were recovered by the District Commissioner, Turkana. A patrol which toured Turkana at the beginning of 1913 captured from them a number of cattle, and one hundred head of the captured stock was reserved as compensation for the Masai. Owing, however, to an outbreak of disease, it became necessary to sell the remainder, and eventually, at the end of 1915, Rs. 3,621 were paid to the Masai, a further Rs. 1,500 being subsequently added in compensation for loss and as blood money.

Raids on
Samburu,
June, 1912,
October, 1912

3. In June, 1912, the Samburu of the Embarta plains were raided by a small party of Masai. On the 28th of October, the Samburu in the same place were again raided by similar people. No trace of the stolen cattle was found, though it was reported on reliable information that they had been taken into the Southern Masai Reserve.

Forcible
removal of
Masai into
German
territory,
July, 1912.

4. In July, 1912, a number of Masai Wandorobo living near the border were raided by German patrols and were forcibly removed with their stock across the border into German territory. A meeting was arranged between Herr Altmann, Imperial Secretary of Schirati District, and the District Commissioner, South Kavirondo District, when the affair was investigated on the spot where the outrage was supposed to have been committed, but with no good results.

Further enquiries were made and the assistance of the German Governor was solicited, but the evidence obtained was inconclusive, and as it was stated that the Wandorobo in question had, until shortly before the incident, lived in German territory the matter was allowed to drop.

Raids on
Meru and
Kikuyu in
Nyeri
District,
August and
September,
1912.

5. On August 1st, 1912, the sub-district of Sigania in the Nyeri District was raided, five men were killed and ninety head of cattle taken.

On September 5th, a trading party of Kikuyu were attacked at the Siki River on the Nyeri-Meru road. One Kikuyu youth was killed.

On September 20th and 22nd raids were attempted on Kikuyu kraals close to Nyeri.

Murder of
two Kikuyu,
September,
1912.

6. In September, 1912, two Kikuyu natives were murdered by the Masai near Lenana's old kraal some fifteen miles from Nairobi. Two Masai were arrested, convicted, and hung for the offence.

Friction
with the
Lumbwa,
October,
1912.

7. In October, 1912, while the Masai move was in progress, a certain amount of friction was noticeable between the Masai and the natives from Lumbwa and Sotik and raids were reported from Ol-Orokuti and Norgunono. A patrol under Captain W. B. Brook operated in Sotik country along the Mara River to keep such raids in check.

Raids and
murders
towards the
end of 1912.

8. Several isolated raids and murders which took place during the last few months of 1912 were traced to parties of unidentified warriors, believed to belong to the Purko and Loita divisions of the Masai who were then settled on the western boundary of the Southern Masai Reserve. Five such incidents were reported, namely:—

(1) The murder of two Lumbwa men and one woman on the south side of the Mara River close to Lemek Valley.

(2) An attempted theft, on the 16th of December, of forty head of cattle from Mr. Johnson's farm, during which attempt three Lumbwa were killed.

(3) An attempted theft in Uregi, a location in the South Kavirondo District, in the course of which one native of that location was killed. One of the natives implicated in this affair was a Purko, who alleged he had been accompanied by a Loita.

(4) A raid into German territory among natives known as Ngoroimi, in the course of which fifty head of cattle were stolen and a woman and child were killed.

(5) An alleged theft of ten head of cattle from natives in German territory. This was probably the work of some other tribe.

As it proved impossible to discover the identity of the offenders in these cases, the probability of the guilt of the Muran of the Purko and Loita divisions, enhanced by their refusal to render assistance in locating the criminals, was considered sufficient to warrant the imposition of a fine under the Collective Punishments Ordinance, 1909, and the Secretary of State approved the collection of a fine of one hundred head of cattle on each village of the two sections. There were, in all, one Loita and four Purko villages,* and after the payment of compensatory blood money to the relatives of the deceased, it was decided to devote the remainder of the fine collected to the undertaking of works for the improvement of the reserve.

The imposition of this fine served largely as an object lesson to the Masai indicating that raids must cease. A military patrol then operating in the Sotik and Masai country and in the Chepalungu Forest was detained in the area with a view to ensuring the collection of the fine. Some slight trouble was caused by the younger Muran, but the full number of cattle was obtained by the end of February, 1913, and about one hundred head were disposed of as blood money. This is the first occasion on which a fine under the Collective Punishments Ordinance was imposed on the Masai.

9. In December, 1912, a raid was made into German territory by some Masai, in the course of which 62 head of cattle and three donkeys belonging to a German planter named Koenig were stolen and an Arab and two Wasukuma were killed. Very little evidence in connection with the matter was adduced by the German Authorities, and it was not until February, 1914, that any witnesses were forthcoming who could identify the stolen stock. The Masai chiefs and elders took no steps to discover the identity of the perpetrators of the raid, and there was no direct evidence to connect any individuals with the offences committed. Fines were therefore inflicted in May, 1914, to the extent of 150 head of cattle on the Salei division; 50 head of cattle on the L'Otayok Muran; 50 head of cattle on the Kisaruni "Sirit" of the Purko Muran.

Raid into German territory, December, 1912.

Herr Koenig was to be awarded the sum of Rs. 2,500 as compensation from the proceeds of the sale of the cattle, but the outbreak of hostilities prevented this payment and the money so reserved was devoted to the reimbursement of certain Masai for loss incurred at the hands of German natives, *vide* Incident No. 21. The balance of the fine was utilised in the demarcation of the reserve and in the irrigation of Narok Station.

10. Two porters belonging to a shooting party were murdered on the Gilgil-Rumuruti road about four miles from Rumuruti on the 1st of January, 1913, by Muran from the extended Southern Reserve who had returned to Laikipia to assist their relatives with the movement of cattle. The murderers in this case were captured and convicted, but, in order to prevent further similar outrages, steps were taken to restrict the movement of Masai from the Southern Reserve.

Murders near Rumuruti, January, 1913.

11. Complaints made by the Railway Magistrate, Magadi Railway, that on five occasions iron bolts and similar heavy pieces of metal had been placed on the rails led to suspicion falling on the neighbouring Masai who were thought to have wished to flatten the bolts for spear heads and knife blades. One slight accident was caused, and as the practice continued, two Masai villages near the Railway were removed.

Iron bolts on Magadi Railway, January, 1913.

12. About January, 1913, two murders were committed on different dates but in the same locality. The victims were a Lumbwa and a Kavirondo respectively who were returning to their homes by a track passing through a portion of the Masai Reserve. About this time, considerable ill-feeling and mutual suspicion existed between the Masai and Lumbwa tribes, more especially among the Muran, and the Masai are known to have been responsible for the murders of some six Lumbwa between August and December, 1912. (*Vide* Incident No. 8).

Murder of Lumbwa and Kavirondo, January, 1913.

No great hostility existed between the Kavirondo and the Masai, but the desire of the Muran of the latter tribe to blood their spears is so keen that they would have no scruples on that account.

* Loita village called Kisaruni. Purko villages called Njirati, Kisaruni, I Merisho and I Kipelyani.

The only natives of the warrior class who lived within thirty miles of the locality where the murders were committed were the Muran of the Kisaruni "Sirit" of the Purko division and the officer-in-charge of the Masai Reserve was convinced that the outrages in question had been perpetrated by this division, that the murderers were perfectly well-known to the Masai in general and, in fact, that they openly boasted of their prowess. All attempts to identify the culprits were, however, unavailing.

A fine of 150 heifers under the Collective Punishments Ordinance was accordingly inflicted on the Muran of that "Sirit," who numbered about four hundred and fifty souls. Fifty head of cattle from the proceeds of the fine were utilized in the construction of a road from Mara Bridge to Gelegele Hill, connection being thus effected between the Mara River and Kisi Stations.

Raid on the Moshi District, February, 1913.

13. Two members of the Laitokitok division were suspected of being the perpetrators of a raid on the farm of a Boer named Malan, residing on the Engare Nairobi in the Moshi district, which was carried out on the 10th of February, 1913. Fourteen head of cattle stolen from the farm were traced into British territory near Longido, but no evidence was adduced and the cattle were not identified.

Masai raid on Suk, February, 1913.

14. A series of thefts occurred in the neighbourhood of Laikipia towards the end of 1912 and in the early part of 1913, and an unsuccessful raid on the Suk was carried out at a place eight miles from Baringo on the 16th of February, 1913. Seven Muran took part, one of whom was killed, and although no definite evidence was forthcoming, it was thought that the culprits belonged to the Laikipia Masai Wandorobo. Arrangements were made for a military patrol to drive the bush country near Lake Hannington. (*Vide* Incident No. 16).

Reserve boundaries broken, April, 1913.

15. In spite of police efforts to prevent such a movement, certain Masai owners of Manyattas broke back on lands adjacent to farms in the vicinity of Elmenteita and Nakuru in April, 1913. In several cases such Masai were convicted, and in particular, sixteen Elders and ten Muran were fined five bullocks each for each of two offences, namely, the contravention of the Native Passes Regulations as applied to the Masai Reserve and of the Diseases of Animals Ordinance, 1906.

Cattle thefts on Laikipia, April, 1913.

16. A large number of undetected cattle thefts occurred on Laikipia during the first half of the year 1913, while the exodus to the Southern Reserve was in progress and at a time when the Masai were moving freely between the reserves. Details of each case are not obtainable but the following particulars have been recorded:—

On April 17th, eighty-three trade oxen were stolen from near Rumuruti by a band of fifteen natives suspected of being Masai or Masai Wandorobo from a Manyatta some twenty miles north-east of Baringo. Of the four Somalis herding the cattle, two were injured.

Twenty-six cows were stolen from a herd of seventy-seven belonging to Murray Brothers which was under the supervision of the veterinary authorities at Rumuruti. In this case the raiders were said to be Masai living near Archer's Post.

Sixty-nine head of cattle were stolen in broad daylight on the 24th of April. The thieves were said to be Manuyi Masai from near Meru, and the tracks of the stolen cattle were traced to the junction of the Northern Uaso Narok and Uaso Nyiro.

Seventy-nine head of cattle were driven off from near Rumuruti when in charge of a Somali named Ali Hassan.

Three similar incidents occurred in May when one hundred and thirty-four head were looted.

Laikipia patrol, June, 1913.

In May, 1913, a patrol of the King's African Rifles, which had been operating in Marakwet country, was relieved by police and was recalled to Gilgil. Immediately on arrival, the Officer in Command, Lieutenant E. A. B. Orr, was instructed to tour the Laikipia country with the object of recovering the cattle that had been stolen—which amounted in all to some two hundred and ninety head—and of removing from the area any Wandorobo who might be found on Laikipia.

Mr. Popplewell accompanied the patrol, which left Rumuruti on June 15th, and moved west and north-west of that place. A few old and deserted kraals were found, but there was no trace of the raiders, and the patrol returned to Rumuruti on June 22nd. Information was then received of the presence of mobs of cattle forty miles west of Archer's Post, and the patrol proceeded towards the Loroghi Mountains on June 26th. Travelling by the Sugota Marmor and Lake Kisima, the patrol entered the Samburu country at the beginning of July, having found only one village of Masai, which was taken to Rumuruti for transfer to the Southern Masai Reserve. Proceeding along the Uaso Nyiro and then in a southerly direction, the patrol reached Meru without further incident on the 18th of July, and thence returned by way of the Loldaika Hills to Rumuruti, arriving eight days later. All cattle belonging to the Samburu living on the Uaso Nyiro, as well as those of the Momonyat Masai, were examined without result.

Sufficient information was forthcoming, however, to establish the fact that the Masai were the real perpetrators of the thefts, and that the stolen cattle had been taken to the Southern Reserve, and certain animals, identified as having been among those stolen at various times, were subsequently recovered from that reserve. The evidence was not sufficient to warrant the conviction of any individuals, but served to prove the complicity of the Il Merisho Sirit of the Purko Muran, who withheld all information which might have incriminated the guilty parties, and offered no help in the tracing of the offenders. On this consideration, and also in view of their having made no effort to assist in the recapture of certain thieves who had escaped from custody into their country, a fine of one thousand head of cattle was, in January, 1914, imposed on that Sirit, under the Collective Punishments Ordinance. This fine had been collected in full by June, 1914, and, compensation having been paid in respect of claims for stolen stock, the remainder of the proceeds were devoted to the construction of a wagon road from Kijabe to Mara Bridge, to join up with the road in process of construction from Mara to Kisii.

17. In June and July, 1913, His Excellency, Sir Henry Belfield, made an extended tour through the western half of the Masai Reserve, accompanied by the Provincial Commissioner, Naivasha, the Game Warden and Dr. J. Owen-Prichard. Starting from Nairobi on June 27th, he held a meeting at Ngong on June 28th, when local affairs were discussed with the Laibon, Seggi, and the principal local Elders. Leaving Ngong on June 29th, His Excellency travelled via Kolong to the Uaso Nyiro, which he crossed at Van de Weyer's Drift, and thence southward to the Narosura. He left that camp on July 8th, entered the Loita Plains at Engare Ento, and proceeded northwards to select a site for the administrative centre of the reserve. (*Vide* Incident No. 20). From Narok he moved west across the northern portion of the Loita Plains, and reached Kaitong on July 24th. There he met Mr. G. K. Watts, who was carrying out a scheme of water conservation in the Lemek Valley, and on the next day he proceeded to the Mara River Post. On July 30th, he held a meeting at Mara Bridge with the Masai chiefs from the western part of the reserve, among whom was Legalishu. The "Masai Case" was at that time before the Courts and Legalishu proved somewhat truculent, but he appeared to have only a small following among the other chiefs in his attitude of passive resistance. Leaving the Mara River, Sir Henry Belfield skirted the southern edge of the Chepalungu Forest, and reached the boundary of the reserve at Gelegele on August 1st.

Sir Henry Belfield's tour in the reserve, June-July, 1913.

18. In the course of his meeting with the Masai Elders at Ngong, on the 28th of June, the Governor was approached with a request that a cattle dip might be provided at that place for the use of the Masai cattle. His Excellency replied that he was disposed to approve the construction of such a dip, but he made it clear to the Masai that, although the Government was prepared to bear the cost of certain works of improvement in order to render the reserve suitable to their needs, they were not to expect that such work would always be carried out free of cost to the people. The cattle dip, constructed in response to this request, was opened at Ngong in April, 1914, by the Chief Veterinary Officer, who explained the process to Seggi, Ngaroya and a number of Masai who were present. One hundred and fifty cattle were dipped that day. The construction of the dip,

Cattle dip at Ngong.

however, was found to be faulty, and it was not until July that it was really fit for use. For a month or two the Masai dipped their cattle spasmodically but, as it was impossible to exercise adequate supervision, they failed to appreciate the advantages of the treatment and, finding that their cattle continued to die of East Coast fever, they ceased to use it.

A military Live Stock Depot was formed at Ngong shortly afterwards, and the dip was taken over by the Veterinary Department. Owing to the presence of large numbers of military cattle, the majority of Masai cattle left the neighbourhood.

In June, 1916, the dip was again available for the Masai, and four villages were reported to make regular use of it.

The Ngong
Savings
Bank.

19. While at Ngong, on June 28th, 1913, the Governor was asked that arrangements might be made for the opening of a branch of the Government Savings Bank at that place. Such a branch was established on September 29th, nineteen accounts being opened on that day, and a total amount of Rs. 263 being deposited.

Narok
Station.

20. The selection of the site for the headquarters of the administration of the Masai Reserve was made by Sir Henry Belfield, in July, 1913, during his tour through the Masai Reserve. The site is on the Narok River, at an altitude of 5,900 feet above sea level, and consists of an extensive elevated plateau, the edge of which is some fifty feet immediately above the stream. Final decision as to the permanent occupation of the site was deferred until sufficient time had elapsed to prove its suitability from all points of view, but temporary buildings were at once erected for the occupation of the administrative staff, and Mr. Hemsted took up residence there in October, 1913.

Raid by
German
police on a
Loita
village,
October,
1913.

21. In October, 1913, a party of armed men from German East Africa raided a village of the Loita Masai, in a locality known as Ol Keju Arus, killing one Elder and removing a quantity of live-stock. The village in question was situated near the Anglo-German boundary, and the armed men were presumed to be German police. Representations were accordingly made to the German Government, who deputed Lieutenant von Chappris to meet Mr. Hemsted and discuss the incident. The meeting took place at Boundary Post No. 32, on the 28th of February, 1914, when Lieutenant von Chappris admitted that the raiders were German police, but contended that the Masai village was situated in German territory. As the method of demarcating the boundary between Lake Natron and the Mara River was merely by cairns, situated several miles apart, the exact position of the boundary was a matter of doubt, and these two officers accordingly agreed to share the work of more definite demarcation by cutting a road ten feet broad over this part. At the same time, representations were made to the German authorities that the presence on the border of uncontrolled armed native police constituted a danger to peace and good order, and was likely to lead to trouble. In regard to the incident in question, both Governments agreed that the removal of all the stock in the village appeared to be a severe punishment for the infringement of boundary regulations, and the German Government promised to return to the owners the proceeds of the sale of the impounded stock. This amounted to Rs. 1,718.85, after defraying expenses, but war broke out before payment had been made, and on August 28th, 1915, the Governor-in-Council decided that this amount should be paid to the Masai, as a set-off against the Rs. 2,500, which was being reserved as compensation for Planter Koenig. (*Vide* Incident No. 9).

Raid by
Wachagga,
January,
1914.

22. On January 22nd, 1914, about 150 head of cattle, sheep and goats were brought from the location of the Chagga Chief, Satema, to a salt-lick on the British side of the border where they were discovered by four Muran of the Masai headman Metiake, who collected them with the avowed intention of handing them over to the Government. In consequence of this act, large numbers of armed Wachagga, accompanied by two German police askaris crossed the border in pursuit of the stock and visited the village of a Masai Elder situated close to the salt-lick. The Elder had fled on hearing of their approach but he was pursued and three of his party were killed, three women seriously injured, and stock numbering 642 head of cattle and 2,960 sheep and goats were driven off into

German territory. Investigations were instituted by the District Commissioners of Voi and Moschi and these officers agreed that the stock taken on each side should be returned with the exception of a number of cattle belonging to the Wachagga which were to be retained as blood money. Representations were made to the German Government who took steps to punish the raiders.

23. As a result of the affair described in Incident No. 22, the German Governor suggested, in May, 1914, that the Anglo-German boundary should be more clearly defined from the Usseri-Gasseni District to Lake Chala. The matter was discussed by Mr. Hobley with Herr Lorr, the Imperial German District Commissioner of Moschi, at Taveta in that month, and these two officers proceeded along the border visiting the salt-licks which had been the source of the dispute. An arrangement was reached whereby the Warombo, a German tribe, would be permitted to use under supervision, a salt-lick situated half a mile within British territory, on one day in each month. It was also decided that the unmarked stretch of fifteen miles from Lake Chala to the source of the Rombo River should be defined by prominent marks.

Definition of the Anglo-German boundary.

Captain Kraut, a German surveyor, visited Lake Natron towards the end of July and was there met by Mr. Hemsted. These officers decided that the best method of defining the boundary between beacons 18 and 33 would be by means of a trench and by the erection of additional beacons at prominent points. The German Government agreed to undertake the work between beacons 18 and 27, but the outbreak of war prevented the performance of this undertaking.

24. On the night of the 15th of February, 1914, a raid took place on an Indian store at the Athi River. One Indian was killed, his son and an Indian signalman were seriously wounded, and another young Indian received a slight wound. This raid was at first thought to be the work of four Masai. Mr. Beech, the Acting District Commissioner, Ngong, proceeded to investigate, in company with the Regent, Ngaroya and examined without satisfactory result all the young men of the Kaputiei division who occupy the neighbouring district. Finally the Regent imposed a fine of seventy head of cattle on this division which would be returned if the culprits were handed in. No further evidence was forthcoming, and as it could not be proved that this division was in any way concerned with the raid the cattle were returned to their owners in April, 1914.

Raid on Athi River store, February, 1914.

25. In April, 1914, an application was received from farmers living near Gilgil that their boys and servants might be permitted to carry firearms. Their request was based on the frequency of raids on their farms by the Masai and other tribes and they cited five instances in the previous three years in which cattle had been stolen and the thieves undetected. The Government was unable to accede to their request but an additional police post was established among the northern Gilgil farms.

Additional police post in Gilgil area, April, 1914.

26. Five Muran of the L'Otayok division living in the Ememparasha Hills unsuccessfully raided a German farm near Moschi in April, 1914. They were fired on by the owner, leaving one dead, and were subsequently apprehended with their property.

Raid on a Moschi farm, April, 1914.

27. In August, 1914, the Governor approved a recommendation made by the Officer-in-Charge that the Masai Wandorobo and other natives in the reserve who were accustomed to live by hunting, might be permitted to kill zebra, haartebeest and wildebeest provided that no hunting took place within the Game Reserve. Conditions were imposed that the Wandorobo should not be allowed to sell the skins or trophies of any of these animals, and they were forbidden to kill any other more valuable species, particularly rhinoceros.

Permission to kill game, August, 1914.

28. A tendency on the part of the Masai to drift northwards was noticed in August, 1914, and a detachment under Mr. Hodge was despatched in September to patrol the farm borders from Naivasha towards Njoro with a view to causing all Masai found out of their reserve to be returned thereto.

Tendency to move northwards August and September 1914.

29. On the outbreak of hostilities a military camp was established at Kajado on the Magadi Railway, and in order that they might not impede active operations the Masai were instructed to move all their cattle from the grazing grounds lying

Grazing concession to the Masai January, 1915.

within five miles on either side of the Kajiado-Longido road, and thus make way for the military transport animals. The Masai had taken no steps to comply with these instructions by the middle of January and the Officer-in-Charge of the Transport asked that they might be enforced. The rendering of this large area unavailable for the Masai occurred inopportunistically as, owing to the fact that the long rains of 1914 had terminated unusually early while the small rains had failed completely, a serious drought took place during the early part of 1915, and the grazing throughout the reserve became inadequate. Application was accordingly made for permission for the Masai to graze their herds on alienated farms near the railway, on the Kenani Fibre Estates, by payment of rent and on certain Crown lands. This permission was granted in March, 1915, and the Masai were also allowed access to an area on the Mau Narok as well as to the Kedong River by arrangement with the Manager of the Kedong Valley Syndicate. These concessions remained in force until February, 1916, when the grazing in the reserve was considered sufficient to support the Masai herds.

Raid into
German
territory.

30. The Laitokitok Masai, some of whom were armed with rifles, made a raid into German territory during the time their country was in the occupation of the military forces and are reported to have looted a number of cattle some of which were the property of certain Greeks. It is possible that the raid may have been carried out as a retaliatory measure for the raid made on them by the Germans and Wachagga. (*Vide* Incident No. 22.)

Raid into
German
territory,
February,
1915.

31. In February, 1915, a party of five Muran of whom three were from German and two of the L'Odo Kilani division from British territory, raided a cattle boma belonging to a German planter at Ngotiek on the Osobugo L'ool Tatua. Fifty-five head of cattle were captured and it is believed that one German and several natives were killed. The cattle were taken to the head Muran of the L'Odo Kilani division who delivered them over to the Government. They were eventually confiscated and the proceeds of sale were credited to Miscellaneous Revenue.

Raid on the
Ngoroimi,
April, 1915.

32. Early in April, 1915, some two hundred Muran of the Pelyani section of the Purko Muran crossed the border on a raiding expedition against the Ngoroimi of German East Africa. They succeeded in capturing about one hundred head of cattle, but lost eighteen killed and fifteen wounded at the hands of two German askaris. Though all Masai Muran had been constantly warned against making raids on their own account, and though it had been explained to them that the Germans would probably retaliate, it appears that the prospect of military glory and of looting cattle was irresistible. In this case the offence of these Muran was aggravated by their adoption of a most hostile attitude towards the individual who reported the raid, and it was the firm opinion of Legalishu and Masikondi that a caution would not be sufficient deterrent from similar action in future. A fine of 150 bullocks was accordingly imposed upon the Pelyani section this being estimated to represent approximately the value of the cattle looted.

German raid
south of
Lake Magadi,
June, 1915.

33. About the beginning of June, 1915, the Germans carried out a raid on the Masai residing near Ol Shombole and the German boundary south of Lake Magadi. Nine mounted Europeans took part guided by an Arusha native; two Masai kraals were attacked and about five hundred head of cattle were taken. An attempt was made by the Muran to recover the cattle, but this resulted in four Masai being killed and two wounded. It is possible that this raid may have been undertaken in retaliation for raids by the British Masai into German territory. The counter-raid which was organized by the Masai forms the subject of Incident No. 46.

Proposed
trough
construction
along the
Magadi
Railway.

34. As a result of the German raid described in Incident No. 33, the Masai living in the vicinity of Ol Shombole, who were mostly of the Salei division, moved northwards towards the Magadi Railway and it became necessary to make arrangements for the provision of an adequate supply of water for them. A few Masai camped near Lake Magadi and obtained water from the Magadi Soda Company for which they paid five rupees daily. Mr. E. D. Browne, the Political Officer at Kajiado, approached the Company with a view to the provision of water troughs at suitable points along the Magadi Water Supply Line from the Ngong Hills, and in September the erection of certain water troughs was sanctioned the work to be

undertaken by the Company. An agreement was signed on November 3rd, 1915, providing for the erection of four troughs at various points of the Magadi Railway at which the Masai were to be allowed to water their herds on payment of five rupees per thousand head per day. By December nothing had been done and the country became very dry; by January the short rains having failed, the water supply was regarded as insufficient to support the maintenance of troughs and the work was held over.

35. Early in June, 1915, a determined attempt was made by some of the Purko Muran to return to Laikipia with their stock in defiance of Government orders. Mr. Hemsted threatened to take active measures to stop the movement if persisted in, and with the help of Legalishu, Masikondi and some of the principal Muran, he persuaded them to abandon their intention before they had arrived within thirty miles of the boundary. Attempt to return to Laikipia, June, 1915.

Rumours to the effect that such a movement was projected reached Nairobi on June 17th, and steps were immediately taken to garrison the railway line. A double company of 2nd Kashmiri Rifles was despatched to Gilgil on June 21st, and Mr. E. D. Browne accompanied them as Political Officer. As no renewed attempt appeared probable, orders for the return of these troops were given on the 1st of July.

36. In July, 1915, the Purko Muran of the Il Merisho, L'Aimer, Kisaruni and Mejuai sections and some Muran of the Kakonyukye division made an incursion into German East Africa and captured from seven hundred to one thousand head of cattle and a number of sheep from the neighbouring tribes. They lost about 120 men killed. Raid into German territory, July, 1915.

This raid was undertaken as a reprisal for a raid made by a German party in the previous month in the course of which some 500 head of cattle were looted and six Muran of the Damat division killed.

Some of the Purko and Loita Muran were called in by the Intelligence Officer-in-Charge of that part of the border with the object of recovering the cattle raided by the enemy. These were joined by the rest of the Purko and some of the Kakonyukye. They entered German territory with the ostensible purpose of recovering their stock but actually to raid when favourable opportunities offered. In view of the provocation received, His Excellency decided that no action should be taken against the Muran concerned.

37. In August, 1915, some Masai Muran who were searching the country in the neighbourhood of the Isuria Escarpment in an endeavour to trace the origin of some Germans recently found near Sotik, attacked the Uregi location of the South Kavirondo district. One Masai was killed. Attack on Uregi, August, 1915.

38. In September, 1915, a party of about two hundred mounted men including fifty Europeans crossed the border from German East Africa near Lemisigio and penetrated northwards as far as Narosura. They remained in the Loita country for a week and then returned towards Karongoro. They committed no acts of aggression and it would appear that the object of their visit was a political one. German raid, September, 1915.

39. In December, 1915, a party of Germans with a large number of native levies raided the villages of Ole Pere (Purko) and Ole Lombaga (Damat) near Ol Keju Talek. They killed three Masai and wounded one, and captured about 6,000 sheep and 200 head of cattle. On their return from the raid they fell in with Mr. Hemsted's safari and captured most of his loads, killing a tribal retainer. They were fired upon and retired hastily abandoning about half the stock they had captured. German raid, December, 1915.

40. Towards the end of 1915, four Kakonyukye and three Kaputiei Masai, armed with rifles conducted a raid against German natives and looted some 500 head of cattle. The culprits were tried at Ngong in January, 1917, and a fine of Rs. 175,000 was imposed upon them under the Stock and Produce Theft Ordinance, but the case was quashed by the High Court. Raid into German territory.

Grazing concession, December, 1915.

41. In December, 1915, the Masai reported that their grazing in the reserve between Magadi Junction and Ulu Station was finished and that their cattle were dying from want of grass. The areas round Kiu and Kajiado were required for military purposes and permission was accordingly given to the Masai to graze their cattle across the Uganda Railway between these two stations on unoccupied Government ground on condition that the cattle watered and lived in the reserve.

Kakonyukye raid into German territory, January, 1916.

42. In January, 1916, the Kakonyukye Muran of the Il Mejuali "Sirits," some of whom are said to have carried rifles, without provocation, crossed the Anglo-German border with the object of raiding the Nyamongo natives of German East Africa living to the north of the Mara River. They killed about fourteen of the Nyamongo, mostly women and children, and captured a considerable quantity of livestock. The Nyamongo had previously been of great assistance to Intelligence Officers posted to the Eastern Lake Area and this raid had a bad effect on their attitude towards the British. The Officer-in-Charge reported this matter to the Governor and recommended a fine of not less than 2,000 head of cattle for the reasons that the Muran had been repeatedly warned against taking such action on their own account, and that the section in question had always been troublesome and was practically the only one that had failed to give any assistance in guarding the border. As the Masai Reserve was at that time a military area the facts of the case were reported to the military authorities who approved the imposition of a fine of 2,000 head of cattle with a further 1,000 head if a number of rifles which had been handed to members of the tribe by an Intelligence Officer were not returned by the end of February. The Governor subsequently discussed the matter with the military authorities, and the fine was reduced to 1,000 head of cattle plus 500 head in respect of the rifles which had not been returned within the specified time. An attempt to collect the fine was only successful in obtaining payment of a small portion and by June 15th some 680 cattle and 500 sheep had been brought in. The fine had been paid in full before the end of 1916, and it was decided that compensation to the extent of 500 head of cattle and 600 sheep should be paid to the Nyamongo on account of the damage they had suffered. All the rifles were eventually returned and the cattle seized in respect thereof were handed back to their owners. The proceeds of the fine in this case were credited to Masai funds.

Elmenteita-Narok telegraph line, January, 1916.

43. In January, 1916, a telegraph line was erected by the military authorities between Narok and Elmenteita station to assist in the rapid transmission of intelligence reports. In June, 1917, the military authorities having expressed their desire to remove the line, the Governor-in-Council decided that it should be maintained as far as possible as a civil line by the Officer-in-Charge of the reserve.

Fine imposed on Sighirari Masai, January, 1916.

44. In January, 1916, the Sighirari Muran were fined three hundred bullocks by the military authorities for failing to report the presence of an enemy bombing party near their village.

Application for a collective fine on the L'Otayok Division, March, 1916. Raid into German territory, April, 1916.

45. In March, 1916, a recommendation was made that a fine should be levied under the Collective Punishments Ordinance on the members of the L'Otayok division on the grounds that they had harboured a criminal. No fine was imposed owing to the lack of definite evidence.

46. Early in 1916 a joint raid instigated by the Salei division was carried out against the Soit Poos in German East Africa by Muran from the Sighirari, Salei, Il Dala Lekutuk and Matapatu divisions. Some ninety-nine of the Muran were armed with rifles and in the course of the raid thirteen were killed and eighteen wounded. This raid was instigated partly as a reprisal for the German raid described in Incident No. 33, the cattle taken on that raid being supposed to be at Soit Poos. Between three hundred and three hundred and fifty head of cattle were recovered. The Officer-in-Charge applied for a fine to be imposed on these divisions to the extent of Rs. 25,000, but the Governor-in-Council ruled that, in view of the gross provocation suffered by these divisions no action should be taken until their future behaviour had been observed.

Immigration of Salei Masai, May, 1916.

47. In April and May, 1916, about one hundred Masai of the Salei division, moved from the farm of a German named Seidentopf, in the neighbourhood of Korongoro, in German East Africa, and took up their residence in Loita country

under the aegis of the medicine-man Sendeu, with their stock, numbering some 2,000 head of cattle, and ten to twelve thousand sheep. These Masai were subsequently found to be in the possession of seven rifles, the property of Herr Seidentopf, which were recovered and destroyed by the Assistant District Commissioner, Narok.

48. In June, 1916, a series of eleven cattle thefts from the Kikuyu were reported as having taken place, presumably by Masai, between June, 1915, and April, 1916. In three of these instances, the persons implicated were arrested and convicted, but, in the majority, the looted stock was traced to the Masai Reserve and not recovered. Sixty-nine head of cattle had been taken altogether, but only six head had been returned, and the Provincial Commissioner of the Ukamba Province considered that compensation should be paid to the Kikuyu in consideration of their losses. As the information respecting these alleged thefts was too scanty to admit of any fine being imposed on the Masai without further investigation, Mr. Hobley was instructed to hold an enquiry into the circumstances of each case. As a result of his investigations, he considered the case against the Masai to be strong enough to warrant the imposition of a fine under the Collective Punishments Ordinance, and in this opinion the Attorney-General concurred, adding that, in view of the large number of stock stolen from the Kikuyu, the fine might be of an exemplary character. He suggested that the amount and the incidence of the fine might be decided after consultation with the Officer-in-Charge.

Cattle theft
by the Masai
from the
Kikuyu.

Mr. Hemsted, however, thought that insufficient evidence had been forthcoming to prove the complicity of the Masai tribe as a whole, and recommended that a fine of Rs. 1,000 be imposed on the village of Kithendu, and of Rs. 500 on the village of Lokorio, to which villages, situated in the Kedong Valley, stolen cattle had actually been traced. He also suggested that the proceeds should be distributed to the Kikuyu in compensation for lost cattle. This course received the support and approval of the Governor-in-Council on the 11th of September, 1916.

49. Two porters were killed on a road between Kisii and the Masai Reserve, in July, 1916, and some rupees were stolen. An application for the imposition of a collective fine on the Kisaruni "Sirit" of the Purko Muran, based on the ground that these warriors were the only warriors near the scene of the outrage, was disallowed on account of the fact that the road in question was much frequented, and that there was nothing to show that any members of the Masai tribe were responsible for the murders.

Murders on
the Kisii
road,
July, 1916.

50. In September, 1916, it was ascertained that the Wandorobo had committed a number of stock thefts in the Ikoma district, after the Intelligence Officers had left the border. Several Wandorobo were killed in one attempted raid. The Wandorobo concerned were arrested and punished by the District Commissioner, Mara.

Raids by
Wandorobo.

51. On the 19th of November, 1916, two Indian traders, travelling on the main road some seven miles from Narok, found two bodies of Kikuyu natives lying near the road. These Kikuyu had been murdered and were quite dead when found. They had several wounds on their persons, evidently inflicted by spears and knives. One of the murdered Kikuyu was recognized immediately as the servant of an Indian trader, at Narok, and both had been carrying loads when they met their death. Investigations were immediately instituted by the District Commissioner, Narok, but nothing definite was discovered. In February, 1917, evidence was brought against two Muran, who had been wandering in the vicinity at the time of the crime, but this was insufficient to justify further proceedings being taken against them.

Murder of
two natives
near Narok,
November,
1916.

At the end of April, the headmen of the Muran living in the neighbourhood were called on to explain what steps they had taken to find the murderers. The scene of the murder was greatly frequented by the Muran of the three Purko "Sirts," named Kisaruni, L'Aimer and Mejuali, and, as no evidence was brought by any members of these "Sirts," respecting the murders, the District Commissioner recommended the imposition of a fine under the Collective Punishments Ordinance on all three companies.

The matter was discussed in Executive Council on the 21st of June, 1917, when Mr. Hemsted, who was present, stated that there could be no doubt that the members of those "Sirits" were well aware of the identity of the murderers and were deliberately shielding them from justice. Several murders of Kikuyu had recently occurred in or near the Masai Reserve, and an exemplary punishment was considered necessary. A fine of Rs. 20,000 was accordingly imposed on each of the three "Sirits," the total fine amounting to Rs. 60,000. The Secretary of State conveyed his sanction by despatch, on the 23rd of August, 1917. Some seventeen hundred head of cattle were seized in August as security for the payment of the fine, but, by October, no portion of the fine had been paid in cash. Instructions were, therefore, issued for the fine to be recovered by distress, by the sale of the cattle to realize the amount of the fine imposed. This sale was postponed owing to an outbreak of lung-disease among the herds.

Permission to shoot lions, December, 1916.

52. Owing to complaints by the Masai of the damage done to their stock by lions, and on account of several incidents where natives had been killed by these beasts, permission was granted in December, 1916, to District Officers working in the Masai Reserve, to shoot lions in the Southern Game Reserve, in cases where there was good reason to believe that the animals were dangerous.

Move of the Kakonyukye Division to Ngong Hills, December, 1916.

53. Owing to the constant trespassing by the Kakonyukye Masai on the farms in the Kedong Valley, that division was moved in December, 1916, and was located in the vicinity of the Ngong Hills, an area which had, for some time past, been practically unused.

As the Kakonyukye cattle were highly susceptible to East Coast fever, it became necessary to erect a cattle dip for them, the dip already in existence at Ngong being insufficient for their requirements. The site selected for the new cattle dip was near the Kiserian Stream, ten miles south of Ngong, and its construction was approved on the 9th of January, 1917.

Murders near Dagoretti, March, 1917.

54. In March, 1917, a young man and three boys were brutally murdered within a short distance of the Masai border, near Dagoretti. The circumstances of the crime pointed strongly to the fact that the Masai must have been the offenders, but there was no evidence of their complicity and no punishment was inflicted.

Murder of two Kikuyu boys, May, 1917.

55. In May, 1917, some Kikuyu were attacked while grazing their cattle in their reserve within one mile of the Masai boundary, and two boys were killed with spears. A witness, who saw the whole incident, escaped with his life, and subsequently gave evidence to the effect that the murderers were a band of Masai. In the judicial proceedings which ensued, the absence of any motive for such a deed on the part of the neighbouring Kikuyu was clearly established, while a motive was present in regard to the youths of the Masai tribe, as it was by native custom necessary in certain circumstances for such youths to have blooded their spears before admission to the forthcoming E-Unoto ceremony. It proved impossible to trace any of the individual criminals, but it was considered that sufficient grounds existed for holding five divisions of the Masai tribe, resident in the neighbourhood, responsible for the outrage. The perpetration of a number of murders of the same nature and in the same area a short time previous to this crime, in no one of which had sufficient evidence been obtainable to warrant the imposition of a collective punishment, influenced the Governor in determining the severity of the penalty to be inflicted in this case and, as it appeared that the belief was growing among the Masai that they would escape punishment for such deeds if they were performed outside the limits of their own reserve, he determined to make the punishment an exemplary one, and a fine of Rs. 20,000 was imposed under the Collective Punishments Ordinance on each of the Masai divisions implicated, namely, the Sighirari, L'Odo Kilani, Matapatu, Kaputiei and Il Dala Lekutuk divisions. It was decided that, from the proceeds of the fine, blood money should be paid to the relatives of the two Kikuyu victims.

Unrest among the Purko Muran, June, 1917.

56. Early in June, 1917, unrest was reported among the Muran of the Purko and Loita tribes. On the evening of June 2nd, the Purko commenced operations for an attack on the Loita, and the District Commissioner, Narok, who followed

them as far as Narosura on the following day, failed to get in touch with them, they having proceeded to Loita country. On the evening of the 4th of June, the Purko returned below the Osobugo, and on the night of the 5th proceeded to Endasegera, having refused to listen to the advice of certain elders who went to restrain them. On the 8th of June, the Purko returned home. No fight occurred, the intervention of certain Muran of the Il Merisho Sirit having prevented bloodshed, and the influence of the elders being then sufficient to turn the Muran back. Throughout the disturbance, the medicine-man, Sendeu, was protected by the Muran of the Il Merisho Sirit.

In spite of the fact that this incident resulted in no serious trouble, recent events sufficiently indicated that the Purko Muran were a little out of hand, both as regards the Government and their own chiefs and headmen. Additional police were, therefore, procured for temporary duty in the Masai Reserve. The measures adopted to bring them under better administrative control included a visit by the District Commissioners of Narok and Mara to each of the Purko Muran villages, where all Muran from each village were interviewed. Legalishu, Masikondi, Ole Kotekosh, and the principal Aigwenak of the elders and Muran were present, and Seggi joined the party later. The ringleaders were arrested, all outstanding fines from the Muran were collected, and a number of bullocks and donkeys were procured for the Military Supply Corps. These measures were completed before the end of August. No opposition or obstruction to Government orders had been offered by the Muran, and although the relations between the Purko and Loita divisions continued to be somewhat strained, it appeared that they were convinced that Government would not tolerate a breach of the peace and, as Mr. Hemsted reported that he saw no reason to fear any recrudescence of the trouble, the additional police were withdrawn.

57. In August, 1917, Mr. A. Morrison, the lawyer who had been appointed counsel for the Masai in the "Masai Case," brought a civil claim for some Rs. 26,000 against the chiefs and elders concerned in that case. The case was heard in the High Court, Nairobi, in January, 1918, and the action was dismissed with costs.

Mr.
Morrison's
case,
August, 1917.

CHAPTER VIII.

THE MASAI IN CONNECTION WITH THE WAR.

Attitude of the Masai—The first three months of the war—Supply of livestock—Gifts to the troops—Intelligence work—Distribution of rifles—Supplies—Naumann's force—Raids across the Anglo-German boundary—Services rendered by the Masai—Masai for active service and other war work—Donkey boys—Recognition of war services rendered by Masai headmen.

Attitude of the Masai.

The position of the Masai Reserve, situated as it is to the immediate north of the Anglo-German boundary and fronting German territory for a distance of some 236 miles, rendered the attitude adopted by the tribe a matter of grave moment to the success of any operations which might be conducted against the Germans through their territory, and it cannot be doubted that any marked disloyalty on their part to the British Government would have been fraught with most serious consequences for the defence of Nairobi and the line of the Uganda Railway against German attack. Being, as it were, a buffer tribe, it was essential to the British forces in the earlier days of the campaign that they should prove helpful, or at least neutral, and our position would have been precarious at that time if they had proved actively hostile.

It speaks well for the Masai tribe, as a whole, that the attitude they would adopt was never in doubt. Not only was there no suspicion of disloyalty on their part, but they also rendered material and voluntary assistance to our forces, and on many occasions proved extremely useful. It may be said that, while the war was near their country, the Masai maintained an attitude of exemplary loyalty.

The first three months of the war.

Although, by their proximity to the German border, the Masai would have had some excuse for becoming excited or disturbed, they caused no trouble whatever to the administration and, during the first three months of the war, not even a minor offence by any member of the tribe was reported, the elders and Muran following their usual avocations in a most peaceful manner. The young men expressed their willingness to give, and did, in fact, willingly give, every assistance for which they were asked, both to the civil and to the military authorities. Several hundreds of Muran were employed as scouts and messengers by the Intelligence Department, and in this capacity they proved to be of real utility.

Supply of livestock.

The Masai, as a whole, display a marked aversion to parting with their stock, but immediately on the outbreak of hostilities they cheerfully supplied large numbers of bullocks and sheep for the use of the troops. In this manner, the Purko division alone provided nearly two thousand sheep and three hundred bullocks during the first few weeks. A few presents of such stock were also made, notably by Ol le Mali, head of the Muran of the Matapatu division of Ngong District who, in October, 1914, gave thirty bullocks for the use of the East Africa Mounted Rifles operating in the district, and by Sendeu and Ole Kashi, the medicine-man and headman respectively of the Loita division, who gave thirty-two bullocks. For these gifts they received a letter of thanks from the Governor. Altogether, before the end of 1914, fifteen thousand sheep were obtained from the Narok District, and some five thousand from Ngong.

Gifts to the troops.

In December, 1914, the members of six divisions of the Masai, the Kakonyukye, Kaputiei, Matapatu, Sighirari, Il Dala Lekutuk and L'Odo Kilani presented fifty bullocks through the Regent Ngaroya, while in January, 1915, Sendeu brought in seventy-nine bullocks and two hundred and eighty sheep as a present to the Governor for the use of the troops operating in East Africa. In addition, he had given seventy bullocks as food for the Intelligence Agents on the border, while Mas'kondi had given twenty-one for the same purpose.

Before the military forces had moved into German East Africa, the scouts employed in patrolling the border were largely composed of Masai Muran, who showed considerable skill and acumen in obtaining information, while such men were also employed as messengers for the Political Officers, and as herds at the stock depots. Over that portion of the boundary, west of the Uaso Nyiro, they were almost the only scouts employed, and they rendered valuable service in that area under the command of a few Intelligence Officers. While they were under the military authorities they received high wages and rations, but, in September, 1915, these scouts were placed under the control of the Administration, and the payment of wages to the majority of them ceased from that date. Under these conditions they proved somewhat apathetic at first and were inclined to resent the fact that work was expected of them, but they behaved well on the whole and proved themselves efficient scouts. The elders willingly supplied food for the Intelligence Officers and their employees throughout this period.

Intelligence work.

The Loita Muran kept out five patrols of from four to six men each at the expense of their division and the L'Otayok kept out one such patrol. In times of emergency additional patrols were supplied by these divisions free of cost to the Government.

The intelligence work on the Uaso Nyiro-Mara section was finally closed down in July, 1916, and the General Staff expressed their appreciation of the manner in which the work had been carried out.

In the early months of 1915, a number of rifles (about one hundred) were distributed among the Muran of the Laitokitok, Pelyani (Purko), Kakonyukye and Sighirari divisions and the possession of these arms gave them more confidence, with the result that they scouted nearer the German border, while the armed Masai acted as a screen along the frontier. The Governor considered that this measure was unobjectionable so long as the rifles were under the control of the military authorities, and so long as the holders were genuinely employed on definite military work.

Distribution of rifles.

These rifles were supposed to have been withdrawn in June, 1916, but it was not until December of that year that the last were handed in. There is no doubt that the possession by the Masai of these few rifles largely helped to instigate the majority of the raids which the Masai carried out against tribes in German East Africa.

From the outbreak of war until September, 1915, supplies of mutton for the troops were obtained by means of Somali traders, who exchanged female cattle for wethers and who, by this method, succeeded in obtaining about one hundred and sixty thousand sheep. Bullocks were bought for cash, or exchanged for heifers, some four or five thousand being obtained by this method.

Supplies.

In October, 1915, three officers of the Veterinary Corps were sent to the Masai Reserve to purchase sheep and bullocks for cash with the assistance of the Administrative Officers. This system worked satisfactorily and, with few exceptions, the Masai sold their stock voluntarily. In two months, 10,600 wethers and 4,260 bullocks were obtained, but owing to representations from the Command Live-stock Officer that supplies were not coming in fast enough, twelve officers and non-commissioned officers of the East Africa Supply Corps were despatched in December to obtain supplies under the command of Major Ross, D.S.O. Some 40,000 wethers were obtained by these officers by the end of February, 1916, but the Masai did not appreciate the manner in which they were obtained and assumed an attitude of passive opposition, concealing their wethers whenever a Supplies Officer was in the vicinity. Several prosecutions and the imposition of some heavy fines did not succeed in overcoming this attitude.

Major Ross and the Supplies Officers left Narok in March, 1916, and the Supply Corps came under the control of the Director of Agriculture. Sheep and bullocks were subsequently requisitioned in the Ngong District, but there is no record of the number obtained. Mosiro and other parts of the Narok District were also visited, with the result that several thousands of bullocks were procured.

In November and December, 1916, Lieut. Hill visited the Loita country and purchased about a thousand head of cattle. He was followed in January, 1917, by Lieut. Gray, who purchased two hundred bullocks before being recalled. After January, 1917, the requisitioning of cattle from the Masai received a check owing to the prevalence of pleuro-pneumonia among their herds.

Sheep were commandeered in large numbers in the Ngong District until November, 1916, since which date the Supply Corps has relied solely upon sheep obtained by trading, Somalis and others being able to procure them in exchange for cattle.

In March, 1917, Mr. Hemsted estimated that some thirty thousand bullocks and three hundred thousand sheep had been supplied for the troops from the Masai Reserve, and he also stated that of these about half the sheep and nearly all the bullocks were obtained by forcible requisition. This measure became necessary, owing partly to the general aversion of the Masai from parting with their stock, and partly to the fact that the Masai considered the prices paid—averaging thirty-two rupees for a bullock and three rupees for a sheep—to be too low and were consequently not anxious to sell.

Commandeering continued during 1917 and 1918, but no information is available as to the number of animals purchased. Some two thousand donkeys were bought from the Masai for transport purposes.

Naumann's force.

Naumann's force appeared on the Masai border in August, 1917, and its movements were watched by the District Commissioners of Narok and Mara from the neighbourhood of the Loita Hills. Useful work was performed by the Loita Muran in scouting and obtaining information.

Raids across the Anglo-German boundary.

Details of the raids undertaken by the Masai Muran against German territory have already been given in Chapter VII. The following is a summary of the raids that are known to have taken place:—

A.—RAIDS BY THE MASAI.

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| Incident No. | 30. | Laitokitok raid. |
| " | " | 31. Raid on a German farm by five Muran in February, 1915. |
| " | " | 32. Raid by the Pelyani Sirit on the Ngoroimi in April, 1915. |
| " | " | 36. Purko and Kakonyukye raid in June, 1915. |
| " | " | 40. Raid by seven Muran in 1915. |
| " | " | 42. Kakonyukye raid in January, 1916. |
| " | " | 46. Raid by Muran from four divisions in April, 1916. |
| " | " | 50. Raid by Wandorobo. |

B.—RAIDS BY THE GERMANS.

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|--------------|-----|---|
| Incident No. | 33. | Raid south of Lake Magadi in June, 1915. |
| " | " | 37. Raid on Damat Muran Village in June, 1915. |
| " | " | 38. German raid in Loita country, September, 1915. |
| " | " | 39. Raid on Purko and Damat Villages in December, 1915. |

Services rendered by the Masai.

A review of the position in so far as it has already been dealt with shows that the Masai maintained, during the trying period following the outbreak of hostilities, an attitude of undoubted loyalty to the British Government, that they were of very material service in performing intelligence work and in herding cattle for the live-stock depots, that they rendered considerable assistance in providing food for intelligence patrols, that at first they willingly sold stock for use as supplies for the troops and that though as time went on various causes were responsible for a decrease in the spontaneity of the provision of live-stock on their part, yet large quantities of supplies continued to be obtained from among their flocks and herds, which thus proved to be of most valuable assistance to the British forces.

There are, however, one or two matters in which the Masai do not show to such advantage. Beyond their work in their own country as scouts and herds the Muran have not laid themselves open to recruitment for any purpose. It was not to be expected that these indolent stockmen would submit to recruitment for service as porters, for which work they are unsuited both by physique and temperament, but it would not have been unreasonable to assume that it might be possible to recruit them in large numbers for service as herds in the stock depots outside their own country. It appears that the Masai are strongly predisposed to residence in their highlands and practically no success attended efforts made to induce them to enlist in that capacity.

Masai for active service and other war work.

The experiments which have from time to time been made to obtain suitable members of the Muran class for service with the forces have already been described (*vide* Chapter VI., Section 6). The Masai are practically the only administered tribe in the East Africa Protectorate who have not assisted the allied cause in the field by the provision of recruits for the King's African Rifles.

Another matter in which the Masai have failed where they might have been expected to succeed was in the provision of donkey boys for transport work in German East Africa. As demonstrating the supineness of the tribe it may be advisable to record at some length the steps that were taken in this connection.

Donkey boys.

In April, 1917, the military authorities asked for two hundred and fifty youths as donkey drivers and suggested that it might be possible to enlist a number of Masai for this purpose. The District Commissioner, Narok, replied that volunteers were unobtainable and that compulsion would be necessary to obtain such men. The Muran were about to begin their E-Unoto ceremony, and if compulsion were to be applied to obtain the younger men as recruits collection would necessarily be slow. Such recruitment would also be difficult unless high wages were paid as the Masai were accustomed to receive a minimum wage of ten rupees per mensem for work in any capacity at any place.

In reply to a query from the Military Commissioner for Labour, asking if the provisions of the Native Followers Recruitment Ordinance could be applied to the Masai Reserve, the Officer-in-Charge replied that they could be applied to the uncircumcised youths the eldest of whom were of age for circumcision. The application of the Ordinance to the Muran at the time when they were about to commence their ceremony would awake strong opposition from them as well as from the Chiefs, Headmen and Elders. It will be remembered that the E-Unoto ceremony had about that time been the subject of considerable negotiations in reference to the claim to Kinangop and Mr. Hemsted thought that a further delay in the performance of the ceremony which would be necessitated by such recruitment would be inadvisable for political reasons.

Endeavours were made to obtain suitable recruits but the number forthcoming was inconsiderable. In the past no compulsion had been brought to bear on the Masai to go out to work, very few settlers had much use for them, and those who did employ them were rather inclined to treat them as pets. In consequence the Masai were very reluctant to come forward to work under the very much less favourable conditions proposed. Volunteers for work as donkey boys in the Carrier Corps were quite unobtainable and Mr. Hemsted considered that the application of the Ordinance would be difficult and probable ineffective. The Masai would willingly pay ten times the maximum penalty allowed rather than do any kind of work they disliked or considered derogatory to their dignity and he was of the opinion that they would also prove extremely unsatisfactory for the class of work required. It was doubtful if they possessed constitutions strong enough to stand the climate or arduous conditions combined with a radical change in their usual diet and he thought that desertions would be frequent. Work such as that in the Carrier Corps would be too sudden a change from their present conditions and if the Masai were to be brought into line with the common policy and compelled to prove their usefulness he considered that some other kind of employment more in accordance with what they were fitted for and which would be less disagreeable to them should be found for them in the first place. The transition from a life of ease and idleness combined with a plentiful diet of milk

and meat should be more gradual. Mr. Hemsted also drew attention to the fact that some time previously a suggestion that compulsory service should be applied to the Muran was vetoed by the Governor on the grounds that it might lead to possible complications in the future. The same objections appeared to him to apply but in a greater degree to compulsory service in the Carrier Corps. If however it was considered that the Masai must necessarily be obtained in the latter capacity he thought that the Muran were obviously the class to be employed. The Elders and the boys were according to Masai custom moderately industrious in their own country and performed the duties of herdsmen and councillors whereas the Muran led a life of absolute idleness. He did not consider that the E-Unoto ceremony was of sufficient importance to interfere in any way with the requirements of the Government and he thought that it would be by no means a bad thing if the Masai were brought to realize that Government necessities must take precedence over unessential ceremonies. He therefore considered that, if it were necessary compulsorily to recruit Masai for the Carrier Corps, such a scheme should be applied to the Muran only, but he also stated that it would be impossible to obtain the men without recourse to press-gang methods and that the assistance of at least a company of King's African Rifles would be required. Employment of the ordinary police and tribal retainers in small numbers to round up the Masai in their own villages would lead to trouble and probably to armed opposition. Unless the Government was prepared to enforce such a measure at all costs he would hesitate to recommend the application of the Native Followers Recruitment Ordinance to the Masai.

As a result of Mr. Hemsted's representations no steps were taken to procure donkey drivers from among the Masai and none came forward voluntarily.

Recognition
of War
services
rendered by
Masai
Headmen.

In October, 1915, a suggestion was made by Mr. Ainsworth that a special medal should be struck off for presentation to native chiefs and headmen who had rendered special service during the war. The Secretary of State expressed himself in sympathy with the proposal, and enquiries were accordingly made from the provinces as to the names of natives whose services were worthy of such recognition.

The Officer-in-Charge of the Masai Reserve submitted certain names, which, after consideration by a committee appointed for the purpose, were forwarded to the Secretary of State. The names so recommended, with the services rendered, are as follows:—

FOR A MEDAL OF THE FIRST CLASS.

SEGGI: Paramount Chief of the Masai.

For the influence exercised by him in his position as paramount chief of the Masai, in assisting towards the collection of cattle and sheep for military supplies, and the recruitment of scouts for the Intelligence Department, also for the measures taken by him to secure to us the support of the Masai resident in German territory.

SENDEU: Chief of the Loita Masai.

For unswerving loyalty in resolutely repelling advances of German Agents endeavouring to influence the Masai, and for co-operation and assistance given to the Intelligence Department.

NGAROYA: Masai Headman.

For assistance given in obtaining supplies and for using his influence to induce his Muran to work as scouts.

LEGALISHU: Masai Headman.

For loyalty and assistance to the Government during the war. By his example and energy he kept his people in good order, and he assisted in obtaining scouts and messengers, as well as in feeding the various intelligence posts on the border.

FOR A MEDAL OF THE SECOND CLASS.

NADALLA : Headman of Siria Masai.

For assistance given to the Intelligence Department, for obtaining livestock for supplies, and for using his influence to prevent his people from raiding.

AGALI : Masai Elder.

For assistance given in obtaining sheep and cattle for military supplies, and for furnishing valuable information about the enemy to the Intelligence Department

MASIKONDI : Headman of the Purko Masai.

For assistance given in obtaining sheep and cattle for military supplies.

CHAPTER IX.

LEGISLATION AFFECTING THE MASAI RESERVE.

Purpose of the chapter—Legislation referred to—The Collective Punishment Ordinance, 1909—The Collective Punishment Amendment Ordinance, 1910—The Native Authority Ordinance, 1912—The Native Followers' Recruitment Ordinance, 1915—The Native Hut and Poll Tax Ordinance, 1910—The Native Hut and Poll Tax Amendment Ordinance, 1912—The Native Hut and Poll Tax Amendment Ordinance, 1915—The Native Passes Regulations, 1900—Masai in Machakos District—Masai visiting Nairobi—The Native Tribunal Rules, 1913—The East African Outlying Districts Ordinance, 1902—The Stock and Produce Theft Ordinance, 1912—The Stock and Produce Theft Amendment Ordinance, 1914—The East Africa Townships Ordinance, 1903.

Purpose of the chapter.

This chapter is intended to convey an indication of the special legislation which has been introduced in dealing with such questions as those which arise in the Masai Reserve, and to include those local regulations which are more commonly applied in dealing with the Masai. No attempt has been made to compile a complete record of such regulations, and a notable exception is the omission of details of the Diseases of Animals Ordinances. This Ordinance, with the rules, proclamations and notices which have been published under it from time to time, has assumed such dimensions that the small amount of matter relevant to the present subject would become lost in a mass of legislation far removed from the question of the Masai.

Legislation referred to.

The majority of other local regulations which have been referred to in the text of this record, have been assembled under their appropriate heads, and this chapter contains particulars of ordinances and rules as applied to the Masai Reserve, under the following categories :—

- I. The Collective Punishments Ordinances.
- II. The Native Authority Ordinance.
- III. The Native Followers' Recruitment Ordinance.
- IV. The Native Hut and Poll Tax Ordinances.
- V. The Native Passes Regulations.
- VI. The Native Tribunal Rules.
- VII. The East Africa Outlying Districts Ordinance.
- VIII. The Stock and Produce Theft Ordinances.
- IX. The East Africa Townships Ordinance.

THE COLLECTIVE PUNISHMENT ORDINANCE, 1909.

No. 4 of 1909.

Date.

24th April, 1909.

Be it enacted by the Governor of the East Africa Protectorate, with the advice and consent of the Legislative Council thereof :—

Short title.

1. This Ordinance may be cited as "The Collective Punishment Ordinance, 1909."

Fines on villagers, etc., accessory to crime.

2. The Governor may impose fines on all or any inhabitants of any village, area or district, or members of any tribe, sub-tribe or community if, after enquiry he is satisfied :—

(a) That they or any of them have colluded with or harboured or failed to take all reasonable means to prevent the escape of any criminal ;

(b) That they or any of them have suppressed or combined to suppress evidence in any criminal case ;

(c) That the stolen property having been tracked to within the limits of any village, area or district, they have failed or neglected to restore the property or to take on the track beyond the limits of such village, area or district.

And may order the whole or any part of the fines recovered to be applied in compensation for the injury caused by the offence of which the criminal is accused, or to which the criminal case relates, or in compensation to the owner of the stolen property.

3. When within any village, area or district a person is dangerously or fatally wounded by unlawful attack, or the body is found of a person believed to have been unlawfully killed, the inhabitants of such village, area or district, or the members of any tribe, sub-tribe or community resident therein, shall be deemed to have committed an offence under the last foregoing section, and may in like manner be fined by the Governor, unless they can show that they :—

Fine on villagers, etc., where homicide is committed or attempted.

(a) Had not an opportunity of preventing the offence or arresting the offender ; or

(b) Have used all reasonable means to bring the offender to justice.

4. The Governor may, in making any order under this Ordinance, determine the limits of any village, area or district, or define a tribe, sub-tribe, or community for the purpose of such order.

Governor may determine limits of a village, etc., or define tribe or community for the purpose of any order made under the Ordinance.

5. A fine imposed under this Ordinance may be recovered by distress.

Recovery of fine.

6. An enquiry under this Ordinance shall be conducted by a Magistrate, or other Judicial Officer, in the same manner, as far as may be, as an inquiry under the laws relating to Criminal Procedure.

Enquiry.

7. An Appeal shall not lie from any order made under this Ordinance, which shall be final and shall not be liable to be contested by suit or otherwise.

Finality of order.

8. The Governor shall forthwith report to the Secretary of State every order made by him under this Ordinance, and the grounds thereof and the proceedings thereunder.

Governor to report to Secretary of State.

THE COLLECTIVE PUNISHMENT AMENDMENT ORDINANCE.

No. 19 of 1910.

15th August, 1910.

Date.

Be it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof :—

1. This Ordinance may be cited as " The Collective Punishment Amendment Ordinance, 1910 " and shall be read as one with " The Collective Punishment Ordinance, 1909 " hereinafter referred to as the Principal Ordinance.

Short title.

2. The Governor may in any case in which he is empowered to impose a fine under the Principal Ordinance on the inhabitants of any village, area or district, or the members of any tribe, sub-tribe or community, in lieu of imposing such fine, order the persons on whom such fine would have been imposed to construct or repair a road or roads or other public work on or near the lands occupied by such persons as the Governor may direct, within such time and in such manner and to the satisfaction of such Officer as shall be prescribed in such order.

Governor may in lieu of imposing a fine, order persons to make roads, etc.

Liability of able-bodied persons to labour on work ordered.

3. Whenever an order shall have been given under the last preceding section any Chief, Council of Elders or Headman having rule or jurisdiction within the village, area or district or over the tribe, sub-tribe or community affected by such order, may require all able-bodied men under his or their jurisdiction and included in the persons against whom such order shall have been made, to work in constructing or repairing any road or other public work ordered to be constructed or repaired.

Penalty for refusing to labour.

4. Every person requiring to work as aforesaid, neglecting or refusing to work when called upon by the Chief, Council of Elders or Headman or disobeying lawful orders whilst engaged on such work, shall be liable at the option of the Chief, Council of Elders or Headman, to punishment according to native customary laws, provided that such punishment is not contrary to humanity or natural justice, or on summary conviction before a District or Assistant District Commissioner to a fine not exceeding fifteen rupees, or in default of payment to imprisonment of either description for a term not exceeding one month.

If order under Section 2 not obeyed, Governor may impose a fine.

5. Whenever an order shall have been made under Section 2 of this Ordinance, and the work ordered to be done shall not have been completed within the time and in the manner and to the satisfaction of the Officer prescribed in the order, the Governor may impose a fine on all or any of the inhabitants of the village, area or district, or the members of the tribe, sub-tribe or community against whom such first-mentioned order shall have been made.

THE NATIVE AUTHORITY ORDINANCE, 1912.

No. 22 of 1912.

AN ORDINANCE TO MAKE FURTHER AND BETTER PROVISION IN REGARD TO THE POWERS AND DUTIES OF NATIVE CHIEFS, COUNCILS AND HEADMEN RECOGNIZED OR APPOINTED BY THE GOVERNOR, AND TO PROVIDE FOR THE ENFORCEMENT OF NATIVE AUTHORITY.

Date.

16th October, 1912.

Be it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council :—

Short title.

1. This Ordinance may be cited as "The Native Authority Ordinance, 1912."

Appointment of Headmen.

2. (1) It shall be lawful for the Governor to appoint any Chief or other Native he may think suitable or any Council of Elders to be the Official Headman or Collective Headmen (hereinafter referred to in the singular only as Headman), of any area which shall be specified in such appointment and to make the Headmen of any area subordinate to the Headman of any other area; and it shall be lawful for the Governor at any time to suspend or cancel any such appointment. Every appointment under this section and every suspension or cancellation of such appointment shall be notified in the "Gazette."

All persons appointed as Headmen under the Village Headmen Ordinance, 1902, shall be deemed for the purpose of this Ordinance to have been appointed under this Ordinance.

Shor.

(2) Whenever a Council of Elders is appointed the Collective Headmen of any area, the Provincial Commissioner in whose Province the area is situate shall, from time to time, appoint or shall cause the members of the Council to appoint, from among the members of the Council, a President and a Deputy President of the Council and any order of the Council issued under this Ordinance shall be issued through the President or in his absence through the Deputy President.

Fines on villagers, et. accessory to crime.

3. It shall be the duty of every Headman to maintain order in the area in respect of which he shall have been appointed and for such purpose he shall have exercise the jurisdiction and powers by this Ordinance conferred over the areas residing or being within such area.

4. A Headman may employ any person or persons subject to his jurisdiction to assist him in carrying out the duties imposed upon him by this Ordinance or otherwise by law and any person so employed may carry out and give effect to any lawful order given by a Headman.

Headman may employ persons to assist him in carrying out his duties.

5. (1) A Headman may interpose for the purpose of preventing and shall, to the best of his ability prevent the commission of any offence by any native within the local limits of his jurisdiction.

Power of Headman in the prevention of crime and the arrest of the offenders.

(2) A Headman knowing of a design to commit an offence by a native within the local limits of his jurisdiction, may arrest, or direct the arrest of the native so designing if it appears to such Headman that the commission of the offence cannot be otherwise prevented. Any person arrested under the powers conferred by this sub-section shall, unless he be released from arrest within twelve hours of his arrest be taken before the District Commissioner.

(3) Every Headman receiving information that any native who has committed a cognizable offence triable by some Court other than a Native Tribunal or for whose arrest a warrant has been issued by a Magistrate is within the local limits of his jurisdiction shall cause such native to be arrested and to be taken forthwith before the District Commissioner.

Headman may compel the attendance of Natives before Native Tribunals.

6. Any Headman may compel the attendance before a Native Tribunal of any native within the local area of his jurisdiction, and subject to the jurisdiction of such Tribunal.

Any such native as aforesaid, who, when directed to attend before a Native Tribunal shall, without reasonable excuse, fail or neglect to attend as and when directed, may be arrested by or under the orders of a Headman and taken before such Tribunal.

Arrest of person neglecting to attend when ordered.

7. Any Headman may from time to time issue orders to be obeyed by the natives residing within the local limits of his jurisdiction, for any of the purposes following :—

Power of Headman to issue orders for certain purposes.

- (a) Restricting the manufacture or distilling of Native Intoxicating Liquors and the supply of such liquors to young persons.
- (b) Prohibiting or restricting the holding of drinking bouts.
- (c) Prohibiting or restricting the cultivation of poisonous or noxious plants and the manufacture of noxious drugs or poisons.
- (d) Prohibiting or restricting the carrying of arms.
- (e) Prohibiting any act or conduct which in the opinion of the Headman might cause a riot or a disturbance or a breach of the peace.
- (f) Preventing the pollution of the water in any stream, water course or water hole and preventing the obstruction of any stream or water course.
- (g) Regulating the cutting of timber and prohibiting the wasteful destruction of trees.
- (h) Requiring the able-bodied men to work in the making or maintaining of any water course or other work constructed or to be constructed or maintained for the benefit of the community to which such able-bodied men belong, provided that no person shall be ordered or required to work as aforesaid for more than six days in any quarter.
- (i) Preventing the evasion of any tax or legal duty.
- (j) Regulating the movement of natives from the jurisdiction of one Headman to that of another.
- (k) Preventing the spread of infectious diseases whether of human beings or of animals.
- (l) Requiring natives, subject to his jurisdiction, to report the presence within the local limits of his jurisdiction of any property stolen or believed to have been stolen outside such local limits; and
- (m) For any other purpose approved by the Governor in writing.

Administrative Officers may require Headman to issue orders for any of the purposes enumerated in Section 7.

8. (1) Whenever a Provincial Commissioner or District Commissioner shall consider that, for the proper administration and good government of the area for which any Headman has been appointed, it is necessary or desirable that any order or orders should be issued for any of the purposes enumerated in the preceding section, he may direct the Headman to issue and enforce such order or orders as aforesaid as to the Provincial Commissioner or District Commissioner may seem proper.

In case of neglect by Headman Administrative Officers may issue orders.

If any Headman shall neglect to issue any order which he may be directed to issue as aforesaid, the Provincial Commissioner or District Commissioner may himself issue the order or orders.

Power to direct cancellation of any order.

(2) Whenever a Provincial Commissioner or District Commissioner shall consider that any order issued by a Headman should not have been issued or should not be enforced, he may direct the Headman to cancel the order or to refrain from enforcing the order, and if any person shall have been convicted before a Native Tribunal of failing to comply with such order, may quash the conviction and order the repayment of any fine which may have been recovered.

Penalty on Natives for disobeying orders.

9. Any Native who shall without lawful excuse, disobey or shall fail to comply with any lawful order issued or given by a Headman under this Ordinance, or by a Provincial Commissioner or District Commissioner under the powers conferred by the preceding section, shall be guilty of an offence and shall, on conviction before a Magistrate or before a Native Tribunal having jurisdiction over such native, be liable to a fine not exceeding Seventy-five Rupees, and in default of payment to imprisonment of either description for a term not exceeding two months.

Administrative Officers may order Natives occupying Crown land outside a reserve to remove into the reserve. Penalty.

10. Whenever a Provincial Commissioner or District Commissioner shall find that any native being the member of a tribe or community for the occupation of the members of which land has been reserved, is cultivating or occupying unalienated Crown land outside the land so reserved, he may order such native to remove from such land on to land reserved for the tribe or community to which such native belongs.

Any native who shall, without lawful excuse, neglect to obey an order issued under this section, shall be guilty of an offence and on conviction before a Magistrate shall be liable to a fine not exceeding Seventy-five Rupees and in default of payment to imprisonment of either description for a term not exceeding two months, and any hut or crops belonging to such native on the land from which he has been ordered to remove shall be forfeited to the Government, and may be destroyed or otherwise dealt with as the Magistrate in his discretion may direct.

Administrative Officers may issue process to compel attendance of Natives before Native Tribunals. Offences by Headmen.

11. Whenever a Headman shall satisfy a Provincial Commissioner or a District Commissioner that the attendance of any native before a Native Tribunal having jurisdiction over such native is required, and that the native is residing outside the local limits of the jurisdiction of such Tribunal, he may, in his discretion, issue process for the purpose of compelling the appearance of such native before the Native Tribunal.

12. (1) Any Headman may be fined any sum not exceeding three hundred Rupees and in default of payment may be sentenced to imprisonment of either description for a term not exceeding six months, in case he shall be convicted before a Magistrate of any of the following acts or neglects, that is to say :—

(a) If when summoned by a Provincial Commissioner, District Commissioner, or by a Superior Headman, or by the President or Deputy President of a Native Council to attend any Native Council or to meet a Provincial Commissioner or District Commissioner, he shall, without good and sufficient excuse, neglect to obey the summons.

(b) If he shall wilfully neglect to exercise the powers by this Ordinance conferred upon him for or in respect of the prevention of offences and the bringing of offenders to justice, and the seizure of property stolen or believed to have been stolen.

(c) If when directed by a Provincial Commissioner or a District Commissioner to issue orders for any of the purposes specified in Section 7 of this Ordinance, he shall wilfully neglect to issue the orders directed.

(d) If he shall wilfully neglect to enforce any orders issued by him under the direction of a Provincial Commissioner or District Commissioner or issued by a Provincial Commissioner or District Commissioner under the powers conferred by Section 8 Sub-section (1) of this Ordinance.

(e) If he shall neglect to cancel an order when directed by a Provincial Commissioner or District Commissioner under the powers conferred by Section 8 Sub-section (2) of this Ordinance, or if he shall enforce or attempt to enforce any order after he has been ordered as aforesaid to refrain from so doing; and

(f) If he shall wilfully neglect to enforce any lawful orders issued by a Headman to whom he is subordinate.

(2) All or any of the members of a Native Council appointed to be the Collective Headman of any area may be proceeded against either jointly or separately for any act or default punishable under this Section, and on proof of the facts constituting an offence by the Council, each such member shall individually be liable to the penalties prescribed unless he shall satisfy the Magistrate that he was in no way responsible for, or a party to such act or neglect.

(3) Any member of a Native Council appointed as aforesaid shall on conviction before a Magistrate be liable to the penalties in Sub-section (1) of this Section prescribed, if he shall, without good and sufficient excuse, neglect to obey a summons by a Provincial Commissioner, District Commissioner, or a Superior Headman, or a President or Deputy President of a Native Council to attend any Native Council, or to meet a Provincial Commissioner or District Commissioner.

13. The Governor may make and, when made, alter or revoke rules to provide for the remuneration of any Headman by a rate to be levied on the natives subject to, and residing within the local limits of the jurisdiction of such Headman. Remuneration of Headmen.

14. In this Ordinance :—

The term "District Commissioner" shall include an Assistant District Commissioner. Interpretation.

The term "Native" shall mean any Native of Africa not being of European race or origin, and shall include any Swahili or Somali.

The term "Native Tribunal" shall mean a Native Tribunal recognized or appointed by the Governor under Section 10 of the Courts Ordinance, 1907, or under any Ordinance which may hereafter be substituted for such Ordinance.

15. Whenever in any Indian Act applied to the Protectorate or in any Ordinance, Regulation, Rule, or other law, reference is made to a Village Headman, such Act, Ordinance, Regulation, Rule, or other law shall be construed and read as if a Headman appointed under this Ordinance were therein substituted for a Village Headman. Laws applied to Village Headmen to apply to Headmen appointed under this Ordinance

16. The Village Headman Ordinance, 1902, is hereby repealed. Repeal.

NOTICE.

UNDER THE NATIVE AUTHORITY ORDINANCE, 1912.

In pursuance of the powers conferred upon me by Section 7 of the Native Authority Ordinance, 1912, I hereby approve of any headman issuing orders under the aforesaid section for any of the purposes following :—

- (1) Prohibiting the possession by any native of any noxious drug.
- (2) Requiring any native to report to his headman without delay the arrival in or the passage through his location from without, of any cattle in the possession of natives; and

(3) Prohibiting any act or thing which may cause damage to any public road or to any work constructed or maintained for the benefit of the community.

NAIROBI,

Dated this 5th day of April, 1913.

H. C. BELFIELD,

Governor.

NOTICE.

THE NATIVE AUTHORITY ORDINANCE, 1912.

In pursuance of the powers conferred upon me by Section 7 of the Native Authority Ordinance, 1912, I hereby approve of the Provincial Commissioner, District Commissioner, Assistant District Commissioner, or Headman, issuing orders under the aforesaid Section for the following purpose:—

(1) Requiring any native subject to the jurisdiction of the Headman, to appear before the Provincial Commissioner, District Commissioner, Assistant District Commissioner or Headman, whenever directed to so appear by a Provincial Commissioner, District Commissioner, Assistant District Commissioner, or Headman.

NAIROBI,

Dated this 8th day of August, 1913.

C. C. BOWRING,

Deputy Governor.

NOTICE.

THE NATIVE AUTHORITY ORDINANCE, 1912.

In exercise of the powers conferred upon me by the Native Authority Ordinance, 1912, Section 7, I hereby approve the issue of orders by Headmen for the purpose of the prevention of the construction of game pits, and also for the purpose of rendering game pits already constructed harmless.

NAIROBI,

September 22nd, 1914.

H. C. BELFIELD.

Governor.

THE NATIVE FOLLOWERS' RECRUITMENT ORDINANCE, 1915.

No. 29 of 1915.

AN ORDINANCE TO PROVIDE FOR THE RECRUITMENT OF NATIVE FOLLOWERS FOR THE MILITARY FORCES NOW OPERATING IN THE PROTECTORATE.

Date.

September 4th, 1915.

Be it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof:—

Short title.

1. This Ordinance may be cited as "The Native Followers' Recruitment Ordinance, 1915."

Definition.

2. For the purposes of this Ordinance:—"Headman" means the chief or other native or Council of Elders appointed under the provisions of the Native Authority Ordinance, 1912, to be an Official Headman or to be Collective Headmen as the case may be.

"East Africa Transport Corps" shall include all native carriers and other followers in the employ of the Military Forces of the Crown.

"District Commissioner" shall include an Assistant District Commissioner.

3. A District Commissioner may instruct any Liwali, Assistant Liwali, Mudir or Headman in his district to recruit in the area to which such Liwali, Assistant Liwali, Mudir or Headman has been appointed, such number of natives as the District Commissioner may deem fit, having regard to all the circumstances, to serve in the East Africa Transport Corps.

Powers of District Commissioner

4. On the receipt of instructions as in the preceding Section provided, any Liwali, Assistant Liwali, Mudir or Headman may direct that any able-bodied adult male native apparently below the age of 35 residing in the area of which he is Liwali, Assistant Liwali, Mudir or Headman, shall serve as a native carrier or other follower in the East Africa Transport Corps.

Powers of Headmen.

5. The terms of service and pay of a native carrier or other follower in the East Africa Transport Corps, shall be such as the Governor may by rules prescribe.

Terms of service and pay.

6. In any area to which no Official Headman has, or Collective Headmen have, been appointed it shall be lawful for the District Commissioner of the district to exercise the powers of a Headman prescribed by Section 4 of this Ordinance.

Powers of District Commissioner where no Headman.

7. (1) Any person who, having been directed under the provisions of Sections 4 or 6 of this Ordinance to serve in the East Africa Transport Corps, fails to obey such direction, shall be deemed guilty of an offence and shall be liable on conviction to imprisonment of either description, not exceeding two months or to a fine not exceeding Rupees 75, or to both.

Penalty.

(2) (i) Any Headman who refuses or neglects to obey any instructions given to him by a District Commissioner under the provision of Section 3 of this Ordinance shall be deemed guilty of an offence and shall be liable on conviction to imprisonment of either description not exceeding six months or to a fine not exceeding Rs. 300, or to both.

(ii) All or any of the members of a Native Council appointed to be the Collective Headmen of any area may be proceeded against either jointly or separately for any act or default punishable under this Sub-section, and on proof of the facts constituting an offence by such Council, each such member shall individually be liable to the penalties prescribed unless he shall satisfy the Magistrate that he was in on way responsible for or a party to such act or default.

8. This Ordinance shall remain in operation during the course of the present war.

Operation of Ordinance.

THE NATIVE HUT AND POLL TAX ORDINANCE, 1910.

No. 2 of 1910.

AN ORDINANCE TO AMEND THE LAWS RELATING TO THE TAXATION OF NATIVES.

Title.

11th March, 1910.

Date.

Be it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof:—

1. This Ordinance may be cited as "The Native Hut and Poll Tax Ordinance, 1910," and shall have effect as from the first day of April, 1910.

Short title. Commencement.

2. In this Ordinance unless inconsistent with the context,

Definition.

The term "Native" means any native of Africa not being of European or Asiatic race or origin, and includes any Swahili or Somali.

The term "Adult Native" means a native who is or appears to be of the age of sixteen years or over.

The word "Hut" means any hut or building whatsoever used by a native as a dwelling.

The term "Collector" shall include a District Commissioner or Assistant District Commissioner and any person appointed by the Governor to assist in the collection of taxes leviable under this Ordinance.

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The term "Annually" in reference to the period for which the taxes prescribed by this Ordinance are payable, means each period from the 1st of April to the 31st of March following.

Hut Tax. 3. There shall be paid annually to a Collector on behalf of the Government of the Protectorate by every native a tax (hereinafter referred to as the Hut Tax) of three Rupees in respect of every hut owned by him, and, if any such native has more than one wife living in one hut, he shall pay a further tax of three Rupees in respect of each additional wife living in such hut.

Areas and tribes to be proclaimed for the Poll Tax. 4. The Governor may from time to time, as he may think fit, by proclamation, order that the tax prescribed by Section 5 of this Ordinance shall be levied within such district, area or place (hereinafter referred to as a "Proclaimed Area"), or shall be paid by the members of such tribe (hereinafter referred to as a "Proclaimed Tribe") as he may by such proclamation direct, and may in like manner withdraw or alter any such order.

Poll Tax. 5. Every adult male native, being a member of a proclaimed tribe or residing in a proclaimed area, who shall not be liable to pay the hut tax hereinbefore provided for, shall pay annually to a Collector on behalf of the Government of the Protectorate a tax (hereinafter referred to as the "Poll Tax") of three Rupees.

Taxes to be paid in coin or notes current in the Protectorate except when the Governor may otherwise direct. 6. (1) The said taxes shall be payable in coin or notes current in the Protectorate.

Provided that in cases of necessity the Governor may authorize the payment of the taxes in any area or areas in any marketable stock or produce, the cost of the conversion of such stock or produce into money being in all cases charged against the person tendering the same.

(2) A receipt for the amount of each tax paid by each native shall be delivered by the Collector to the person or persons paying the same.

Taxes when due. 7. The amount due from each native for hut tax or poll tax shall be payable on the first day of April in every year commencing with the first day of April, 1910, and shall be recoverable at any time on conviction before a Magistrate by distress and in default of distress the Court may order imprisonment with or without hard labour for any period not exceeding three months, and further without prejudice to that mode of recovery or procedure any hut or huts in respect of which the tax has not been paid or recovered by distress on or before the 31st of December, in the year next following that in which the tax became due, shall be liable to be forfeited to the Government of the Protectorate.

Labour in lieu of payment of tax. 8. (1) Anything in the preceding Sections notwithstanding, any native who in the opinion of the Collector has not and cannot procure the means of paying the tax payable by him, may be directed by a District Commissioner to work for the Government in lieu of paying such tax. In such case such native shall work for a period of one month, in respect of every three Rupees due from him, in such place or places within the Province within which he is ordinarily resident, and at such work as may be directed by a Provincial or District Commissioner.

(2) In every case where a native is directed to work under the provisions of the preceding Sub-section he shall be deemed to be engaged for work for the period directed under a contract duly entered into under and in accordance with the law for the time being in force relating to contracts of service entered into by native labourers, and such law shall apply to such services and to the native and the person under whom he may be directed to work, save that no wages shall be payable to the native during such period.

Appointment of persons to assist in collection of taxes. Power to make rules providing for the collection of taxes and defining duties of chiefs of tribes and headmen under this Ordinance. 9. (1) The Governor may from time to time appoint such persons as he may think fit to assist in the collection of the said taxes, and may make rules, with penalties for the breaches thereof, providing for the collection of the said tax, and defining the duties and responsibility of chiefs of tribes and headmen of villages in respect of the payment of the said taxes by members of such tribes or by natives residing in such villages.

(2) The Governor may make such arrangement for the payment of the persons appointed by him, under the preceding sub-section whether by salary or commission, as shall appear to him necessary or expedient.

And to make arrangement for payment of persons appointed to assist in collection.

10. Whenever it shall be proved to the satisfaction of a Collector that any person liable to pay any tax leviable under this Ordinance is without sufficient means to pay the whole amount of such tax, and is unable to obtain employment by reason of age or infirmity, such Collector may, subject as hereinafter provided, allow the remission of the whole or a portion of such tax, as the case may require, provided that in such case the Collector shall give to such person a certificate in such form as may be prescribed, which certificate shall relieve the person in respect of whom the same shall have been given from liability to pay any tax leviable under this Ordinance for the period mentioned in such certificate, unless the same shall be cancelled under the direction of a District Commissioner or Assistant District Commissioner, which cancellation such officers are hereby authorized and required to direct whenever it shall appear that any certificate has been granted without good and sufficient reason.

Power to remit tax in certain cases

11. The Governor may make arrangements with any tribe or village for the commutation of the hut tax by payment of a lump sum per annum, to be taken either in money, kind, or labour.

Governor may make arrangements for commutation of tax

12. The Governor may by writing under his hand order that any person or class of persons or the members of any tribe or the inhabitants of any district, area or place shall be exempt from payment of the whole or any portion of any tax leviable under this Ordinance, and may in like manner rescind or alter such order.

Power of Governor to grant exemption from tax.

13. The Governor may from time to time make, alter, vary or revoke rules prescribing the form of any receipt or certificate to be given under this Ordinance, and generally for the better carrying out and giving effect to the provisions of this Ordinance.

Power to prescribe forms and make rules.

14. A Collector may enter upon any land or into any building in the execution of his duties under this Ordinance.

Collector may enter land and buildings in execution of duty.

15. The East Africa Hut Tax Ordinance, 1903, is hereby repealed. Provided, however, that any tax due and unpaid at the date of the commencement of this Ordinance may be recovered in the manner prescribed by Section 7 of this Ordinance.

Repeal.

THE NATIVE HUT AND POLL TAX AMENDMENT ORDINANCE, 1912.

No. 5 of 1912.

AN ORDINANCE TO AMEND THE NATIVE HUT AND POLL TAX
ORDINANCE, 1910.

Title.

19th February, 1912.

Date.

Be it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof :—

1. This Ordinance may be cited as "The Native Hut and Poll Tax Amendment Ordinance, 1912," and shall be read as one with "The Native Hut and Poll Tax Ordinance, 1910," hereinafter referred to as the Principal Ordinance.

Short title.

2. Whenever proceedings are taken for the recovery of any tax under the principal Ordinance it shall be lawful for the Magistrate to order the person in default to pay such sum for Court costs, not exceeding in any case three rupees, as the Magistrate in his discretion may determine.

Court may award costs against defaulter in proceedings to recover tax.

The sum ordered to be paid as costs as aforesaid, together with the amount of the tax unpaid shall be recoverable by distress, and in default of distress the Court may order imprisonment with or without hard labour for any period not exceeding three months.

Repeal.

3. (1) The Hut and Poll Tax Amendment Ordinance, 1911, is hereby repealed.

(2) Section 7 of the Principal Ordinance as enacted in the said Ordinance, purported to have been deleted from the said Ordinance by the Hut and Poll Tax Amendment Ordinance, 1911, shall be and is hereby reinstated in the Principal Ordinance.

(3) Any proceedings begun in any Court under and in accordance with the provisions of the said Ordinance repealed by this Ordinance and pending at the commencement of this Ordinance, may be continued and concluded as if this Ordinance had not been made, and the Court is authorized and empowered to do any act or thing or make any order in such proceedings which might have been done or made before the commencement of this Ordinance.

THE NATIVE HUT AND POLL TAX AMENDMENT
ORDINANCE, 1915.

No. 40 of 1915.

Title. AN ORDINANCE TO MAKE PROVISION FOR INCREASING NATIVE
HUT AND POLL TAX.

Date. December 18th, 1915.

Be it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof:—

Short title. 1. This Ordinance may be cited as "The Native Hut and Poll Tax Amendment Ordinance, 1915," and shall be read as one with "The Native Hut and Poll Tax Ordinance, 1910," (hereinafter referred to as the Principal Ordinance) and "The Native Hut and Poll Tax Amendment Ordinance, 1912," and shall have effect as from the 1st day of April, 1916.

Power to increase tax to Rs. 5. 2. The Governor may by Proclamation increase the respective taxes prescribed by Sections 3 and 5 of the Principal Ordinance to a sum not exceeding five rupees per annum in each case, within such district, area or place, as he may by such Proclamation direct, and thereupon the Principal Ordinance shall be read and construed in its application to such district, area or place as if such sum not exceeding five rupees were substituted throughout the Principal Ordinance for the respective sums of three rupees.

THE NATIVE PASSES REGULATIONS, 1900.

April 9th, 1900.

Commissioner may make rules controlling movements of natives in the Protectorate. And may fix fees. 1. Her Majesty's Commissioner may make such general or local rules for controlling the movements of natives travelling into, out of, or within, the limits of the Protectorate as may from time to time appear to him to be necessary or desirable, provided that such Regulations shall not affect any Porter's Regulations for the time being in force within the Protectorate.

2. For the purposes of these Regulations it shall be lawful for the Commissioner to fix reasonable fees for the issue of passes to natives desirous of travelling, as he may from time to time direct, provided that in no case shall such fees exceed the sum of 1 rupee in respect of each pass issued.

Short title. 3. These Regulations may be referred to as "The Native Passes Regulations, 1900."

RULES.

Made by His Majesty's Commissioner for the East Africa Protectorate, under the provisions of the Native Passes Regulations, 1900.

(1) Any native resident in any district within the Protectorate other than (a) a person in the employment of the Government (b) a porter duly registered

and accompanying a caravan registered under the Native Porters and Labour Regulations, 1902, or any Ordinance amending or substituted for such Regulations crossing the boundary of such district into any other district within the Protectorate shall require to be provided with a pass.

(2) Such pass shall be obtained at the Office of the Collector or Assistant Collector and shall be in the form set forth in the Schedule annexed hereto.*

(4) A Sub-Commissioner, Collector or Assistant Collector may, at his discretion, give persons wishing to leave the district for the purpose of seeking work or selling produce to pay hut tax free passes and persons residing habitually in the immediate neighbourhood of the boundary of the district permission in writing to cross such boundary without a pass.

MOMBASA,
November 30th, 1903.

C. ELIOT,
His Majesty's Commissioner.

RULES.

Issued by His Majesty's Commissioner under the Native Passes Regulations, 1900.

MOMBASA,
Dated this 24th day of April, 1906.

J. HAYES SADLER.

RULES TO CONTROL THE MOVEMENT OF MASAI.

1. No Masai shall proceed out of the reserve in which he is located unless he shall first have obtained a pass under these rules from a Collector or Assistant Collector.

2. A pass under these rules shall be granted free of charge and shall be in the forms in the Schedule hereto* and shall have effect only for the time specified in the pass.

3. A Collector or Assistant Collector may refuse to grant a pass to any Masai without assigning any reason for such refusal.

4. Any Masai being outside the Masai Reserves and the Masai Settlement at Naivasha, shall, on demand being made by any Government Officer or Police Officer produce his pass.

5. Any Masai failing to produce his pass when called upon to do so or being found outside the Masai Reserves and Masai Settlement without a pass may be arrested by a Police Officer or other authorized person without a warrant, and shall be liable on conviction to imprisonment of either description for a period not exceeding 3 months, and in the case of a second or subsequent offence, to imprisonment with hard labour for a period not exceeding 6 months.

RULE.

NATIVE PASSES REGULATIONS, 1907.

Rule issued by the Governor of the East Africa Protectorate under the Native Passes Regulations, 1900.

NAIROBI,
Dated this 14th day of June, 1907.

J. HAYES SADLER,
Governor.

Any Masai or Nandi convicted of an offence under Rule 5 of the rules issued under the Native Passes Regulations, 1900, and dated the 24th day of April, 1906, may be punished with a fine not exceeding Rs. 150 in lieu of, but not in addition, to the penalties prescribed by the aforementioned rules.

J. HAYES SADLER,
Governor.

* Not reproduced.

Masai in
Machakos
District.

On the 25th of August, 1908, rules were signed allowing the Masai living near Kiu and on the Mbagathi and upper reaches of the Athi to leave their reserve and visit Nairobi and Machakos without first obtaining a permit. These rules in so far as they affected Machakos were repealed on the 15th of December, 1911, on representations being made by the District Commissioner, Machakos, that numerous thefts of stock were taking place.

Masai
visiting
Nairobi

In April, 1913, the Commissioner of Police reported that several cases of stock thefts had occurred in Nairobi, and that the Masai were suspected of the crimes, and he asked that the Masai should be forbidden to visit the town without a pass. The Governor considered it essential that such visits should be discouraged and restricted as much as possible and he suggested that the Provincial Commissioners of the Provinces of Ukamba and Naivasha should take concerted action with the Commissioner of Police to effect this. Certain local rules which had been issued on the 27th of April, 1906, permitting Masai to visit Nairobi to obtain passes in accordance with the Regulations were repealed on the 27th of June, 1913, on the grounds that they were being held to justify a contravention of the rules dated the 24th of April, 1906, but this repeal was insufficient to prevent the Masai from visiting Nairobi and the rules of the 5th of July, 1913, were signed, repealing both the rules of the 25th of August, 1908, and those of the 15th of December, 1911.

RULE.

Rule issued by His Excellency the Governor, under the Native Passes Regulations, 1900.

H. C. BELFIELD,
Governor.

NAIROBI,

Dated this 28th day of February, 1914.

1. The Rules issued under the above Regulations and dated 24th April, 1906, are amended as follows :—

By deleting the Schedule and substituting the following Schedule therefor :—

SCHEDULE.

Name
Father's Name
Tribe
Clan
Age
Description
Destination
Purpose
Period
Station

District Commissioner.

Date.....191 .

RULES.

UNDER SECTION 10 OF THE COURTS ORDINANCE, 1907.

Rules issued by His Excellency, the Governor, under Section 10 of the Courts Ordinance, 1907.

H. C. BELFIELD,
Governor.

NAIROBI,

Dated this 6th day of February, 1913.

1. These Rules may be cited as "The Native Tribunal Rules, 1913."

2. The Native Tribunal Rules, 1911 and the Rules dated June 6th, 1911 and December 17th, 1912, amending the same are hereby revoked. Provided that all proceedings begun under the said revoked Rules and pending at the coming

into operation of these Rules shall be continued as if such proceedings had begun under these Rules.

3. (1) The powers defined by these Rules shall be exercised only by such Councils of Elders as are recognized by the Governor.

(2) The recognition by the Governor of any Council of Elders for the purpose of these Rules and the revocation of any such recognition shall be notified in the "Gazette."

(3) All Councils of Elders lawfully exercising jurisdiction under the Rules revoked by these Rules immediately before the coming into operation of these Rules may exercise the powers defined by these Rules until other provision be made.

4. The jurisdiction of a Council of Elders under these Rules shall be exercised only over the members of the Native community over which such Council has jurisdiction under Native law and custom and in relation to matters or things done or arising within a Native Reserve.

5. (1) A Council of Elders shall have jurisdiction as aforesaid (a) in civil matters arising between members of the community over which the council exercises jurisdiction, to adjust claims not exceeding 1,000 rupees in value; (b) in petty criminal matters, when both the complainant and the accused are members of the community over which the Council exercises jurisdiction, relating to offences against Native law and custom, to award punishments according to Native law and custom. Provided that no such punishment shall involve mutilation, torture or grievous hurt or shall be repugnant to humanity or morality and provided that no compensation awarded or fine imposed shall exceed the value of 250 rupees.

(2) Whenever under any Ordinance whether past or future jurisdiction is conferred upon a Council of Elders, such jurisdiction shall, subject to the provisions of such Ordinance, be exercised in the manner prescribed by these Rules and be subject to the provisions of these Rules.

6. A Council of Elders shall not exercise jurisdiction in any of the following matters or offences:—

(a) Any matter already dealt with in any Court of the Protectorate.

(b) Any of the following offences or in any matter or claim arising out of such offences:—

- (i.) Offences against the State;
- (ii.) Murder;
- (iii.) Culpable homicide not amounting to murder;
- (iv.) Dacoity with murder;
- (v.) Kidnapping or abducting in order to subject a person to slavery;
- (vi.) Buying or disposing of any person as a slave;
- (vii.) Habitually dealing in slaves; or
- (viii.) An attempt or abetment of any of the above offences.

7. (1) A Council of Elders shall have power to order imprisonment of either description for any offence for which it might have awarded compensation or other punishment. Provided that such imprisonment shall not exceed six months and that it is undergone in a prison established by the Government.

(2) In every case in which any person is imprisoned on the orders of a Council of Elders the warrant of commitment to prison shall be signed by the District Commissioner and shall set forth the nature of the offence for which imprisonment is inflicted and the fact that such imprisonment has been inflicted by a Council of Elders and approved by the District Commissioner, and if the imprisonment is ordered for the non-payment of a fine the amount of the fine unpaid.

8. A Council of Elders may transfer to the District Commissioner any case which in the opinion of such Council is one which should be dealt with by a Magistrate.

9. A Provincial Commissioner or District Commissioner may stop the hearing or further hearing of any criminal or civil case commenced or brought before any Council of Elders in his Province or District and may enquire into, hear and determine the case or direct that the case shall be enquired into, heard and determined by any Court of competent jurisdiction.

10. Where an offender being ordered by a Council of Elders to pay a fine, refuses or fails to do so, such offender may be punished by imprisonment of either description for a period not exceeding six months. Upon undergoing such imprisonment he shall be discharged from the fine.

11. Whenever by native law or custom an appeal shall lie from the order or decision of a Council of Elders authorized to exercise jurisdiction under these Rules to a superior Council of Elders authorized as aforesaid, such last-mentioned Council is hereby authorized to continue to exercise such appellate jurisdiction as is allowed by Native law or custom but the order or decision of such Council shall be subject to the like appeal to a District Commissioner or revision by a Provincial Commissioner or District Commissioner as any original order or decision of the Council.

12. If any person is dissatisfied with the sentence, judgment or order passed by a Council of Elders, he may appeal at any time within thirty days from the same to the District Commissioner.

13. A Provincial Commissioner or a District Commissioner may revise any case either civil or criminal which has been decided by a Council of Elders whenever he may see just cause for so doing, and may

(a) Set aside the order or judgment and himself re-try the case.

(b) Set aside the order or judgment and order the case to be re-tried in his presence, or

(c) Without re-trying or ordering the re-trial of the case, alter any order or sentence of imprisonment or fine or any order of compensation, but not so as to increase any punishment.

14. When a Provincial Commissioner or District Commissioner shall revise a case decided by a Council of Elders, and shall himself re-try the case, and when a District Commissioner shall hear any case on appeal from a Council of Elders, the Provincial or District Commissioner shall deal with such case and take evidence therein as if it were an original case taken by him under the Courts Ordinance, 1907.

15. In cases revised by a District Commissioner, but not re-tried by him, it shall be lawful for a Provincial Commissioner to suspend, reverse, or alter any order made by such District Commissioner in such case. A District Commissioner shall have the like powers in regard to any case revised but not re-tried by an Assistant District Commissioner, but shall report to the Provincial Commissioner whenever he shall exercise such power.

16. A Provincial Commissioner or District Commissioner revising any case under these rules shall record in a book or file to be kept for the purpose, the following matters :—

(1) Description of plaint or charge.

(2) Statement of plaintiff or complainant and defendant or accused.

(3) Statement of presiding Elder of the Council as to the decision given by the Council.

(4) Statement of the Elders of the Council as to the reason for their decision.

(5) The order of the revising officer.

17. (1) A fee shall be leviable by a Council of Elders in accordance with native law or custom in respect of anything done under these rules.

(2) No fees shall be leviable by a Provincial Commissioner or District Commissioner in respect of anything done under these Rules. Provided that if any party to a civil case tried by a Council of Elders shall appeal against the judgment or order of the Council there shall be leviable in respect of such appeal the fee which would be leviable if the case were an original case under the Courts Ordinance, 1907.

(3) Any fee levied by a Council of Elders in respect of anything done under these Rules shall be dealt with or utilized by the Council in accordance with native law and custom.

18. (1) All fines imposed by a Council of Elders under these Rules shall be the property of the Government, and, save as hereinafter provided, all such fines recovered shall form part of the revenues of the Protectorate. It shall be the duty of a Council of Elders to forthwith pay or cause to be paid to the District Commissioner for and on behalf of the Government any fine recovered by the Council under these Rules.

(2) Whenever a District Commissioner shall be satisfied that any fine or part of a fine paid to him as aforesaid is, by native law or custom payable to any native or natives subject to the jurisdiction of the Council, which has imposed the same, as compensation for any injury done or damage suffered by reason of the offence in respect of which the fine has been imposed, he may pay, out of the fine, to the native or natives entitled, the compensation payable under native law and custom. Provided, however, that nothing herein contained shall be deemed to authorize any District Commissioner to pay a fine or any part of a fine imposed by a Council of Elders to any Chief, Sub-Chief, Headman or Council of Elders, as compensation for anything done to or suffered by a Chief, Sub-Chief, Headman or Council of Elders except with the consent of the Provincial Commissioner first obtained.

19. In these Rules save where inconsistent with the context:—

“Native law and custom” shall mean the law and custom of the community over which the Council of Elders is authorized to exercise jurisdiction.

“A District Commissioner” includes an Assistant District Commissioner.

THE EAST AFRICA OUTLYING DISTRICTS ORDINANCE, 1902.

No. 25 OF 1902.

October 24th, 1902.

1. This Ordinance may be cited as “The East Africa Outlying Districts Ordinance, 1902.” Short title

2. The Commissioner may, by Proclamation, declare any district or part of a district to be closed to all travellers under this Ordinance, and such district or part of a district shall be termed a “closed district.” Power to close district.

3. No person shall enter a closed district except:—

- (a) Natives of the district. Entry into closed district prohibited.
- (b) Public officers of the Protectorate, or persons acting under the orders of the Commissioner in the course of their duty.
- (c) Persons holding a licence.

4. The Commissioner may grant licences to enter a closed district, and may, if he think fit, prescribe conditions, which shall be endorsed upon the licence, upon which any particular licence shall be granted, and also may, as the condition precedent to the grant of a licence, require the proposed licensee to furnish security, either in cash or by bond, for the observance of the conditions. Licences to enter closed district.

5. The Commissioner may at any time withdraw a licence. Withdrawal of licence.

6. Any person entering or being in a closed district without a licence or remaining in a closed district after the withdrawal of his licence shall be guilty of an offence and in addition shall be liable to repay to the Commissioner any expenses which have been entailed upon the Protectorate Administration. Penalty for entering without licence.

- Offences by licensees.** 7. If a licensee commits a breach of the conditions endorsed upon his licence, or does any act calculated to disturb the peace of a closed district, or to cause the natives of that district to be disaffected towards the Administration, he shall be guilty of an offence, and shall also be liable to forfeit any security furnished by him.
- Recovery of expenses from licensee.** 8. The Commissioner may recover from a licensee any expenditure incurred by the Administration in rendering him assistance or in quelling disturbance, and shall for that purpose have a lien upon any security furnished by him.
- Penalty for offence.** 9. A person guilty of an offence under this Ordinance shall be liable to a fine not exceeding 1,000 rupees, or to imprisonment not exceeding two months of either kind, or to both.
- Power to make rules.** 10. The Commissioner may make rules with regard to the following matters, and generally for the purpose of carrying this Ordinance into effect:—
 (a) The officers or classes of officers by whom, and the manner in which the powers conferred by this Ordinance shall be carried out.
 (b) The forms of licences.
 (c) The security to be furnished by licensees.
- Definitions.** 11. In this Ordinance "licence" means a licence granted under the provisions of this Ordinance, and "licensee" means a person holding a licence.
- Repeal.** 12. "The Outlying District Regulations, 1899," are hereby repealed.

RULES.

Issued by His Majesty's Commissioner for the East Africa Protectorate under the provisions of the East Africa Outlying Districts Ordinance, 1902.

NAIROBI,

Dated this 30th day of May, 1906.

J. HAYES SADLER,

His Majesty's Commissioner.

3. A Sub-Commissioner may, subject to the provisions of the East Africa Outlying Districts Ordinance, 1902, grant licences to persons to enter a closed district within his province, and a Collector or Assistant Collector may, subject to the said provisions grant licences to persons to enter a closed district within his district.

4. The licences granted under these rules shall bear the name and designation of the officer granting the licence and in other respect shall be in the form prescribed

5. The Commissioner may by any Proclamation declaring a closed district, order that these rules shall apply to the closed district, and such district shall thereupon be deemed to be added to the Schedule to these rules.

RULES.

Issued by the Acting Commissioner for the East Africa Protectorate, under the provisions of the East Africa Outlying Districts Ordinance, 1902.

NAIROBI,

This 7th day of February, 1907.

F. J. JACKSON,

Acting Commissioner.

1. The rules issued under the Outlying Districts Ordinance, 1902, and dated the 30th day of May, 1906, shall apply to every closed district, or part of a closed district, within the meaning of the said Ordinance, other than the area defined in the Schedule hereto.

THE STOCK AND PRODUCE THEFT ORDINANCE, 1912.

No. 8 of 1913.

AN ORDINANCE TO MAKE FURTHER AND BETTER PROVISION FOR THE PREVENTION OF THE THEFT OF STOCK AND PRODUCE.

June 26th, 1913.

Date.

Be it enacted by the Governor of the East African Protectorate with the advice and consent of the Legislative Council :—

1. This Ordinance may be cited as "The Stock and Produce Theft Ordinance, 1912." Short title.

2. In this Ordinance, unless inconsistent with the context :—

Interpretation.

The term "District Commissioner" includes an Assistant District Commissioner ;

The term "farm" includes also a plantation, orchard, and a market or nursery garden ;

The term "Native" means a Native of Africa, not being of European or Asiatic race or origin, and includes a Somali ;

The term "produce" means agricultural produce and includes ostrich feathers ;

The term "stock" means the male, female, or young or cross of an animal of any of the following kinds :—horse, ass, kine, sheep, goat, swine, or domesticated ostrich ; and

The term "theft" includes every offence punishable under any of the sections following of the Indian Penal Code, and includes also an attempt to commit, and an abatement of, any such offences :—

Sections 379, 380, 381, 382, 384, 386, 387, 392, 394, 395, 396, 403, 406, 408, 411, 412, or 414.

3. Whenever any Court shall convict any native of the theft of stock or produce, the Court shall, in addition to, or in lieu of imposing any other punishment authorised by law, sentence the native convicted to pay a fine which shall in no case be less than ten times the value of the stock or produce in respect of which the offence has been committed. Provided, however, when two or more natives, tried jointly, are convicted of such offence as aforesaid, the Court shall sentence each native convicted to pay a fine of such amount as the Court may deem proper, provided that the total fine payable by all the convicted natives shall not be less than ten times the value of the stock or produce in respect of which the offence has been committed. And provided, further, no animal shall be valued for the purpose of this section at a higher value than 300 rupees. Minimum fine to be imposed on natives convicted of theft of stock or produce.

4. Whenever any native shall be convicted of the theft of stock or produce, and shall be sentenced to pay a fine, the Court passing sentence shall, unless the amount of the fine shall be forthwith paid, issue a warrant for the levy of the amount of the fine by distress and sale of any moveable property of the offender or of the offender's family, sub-tribe, or tribe, or of any member of the offender's family, sub-tribe, or tribe. Warrant for levy of fine imposed on native convicted of theft of stock or produce.

5. Subject to the provisions hereinafter contained, a warrant issued under the last preceding section may be executed within the local limits of the jurisdiction of such Court, and it shall authorize the distress and sale of any such property without such limits, when endorsed by a Magistrate within the local limits of whose jurisdiction such property is found. Where warrant may be executed.

6. (1) Whenever a warrant shall have been issued under Section 4, and no, or insufficient moveable property of the offender shall be found to satisfy the fine, the warrant shall, subject to the provisions of sub-section (2) of this section, be executed against the moveable property (1) of any member or members of the offender's family (2) of any member or members of the sub-tribe to which the offender belongs (3) of any member or members of the tribe to which the offender belongs, in the order set out above, until the amount of the fine is levied. Effect of such warrant.

(2) A warrant shall not be executed against any property other than the property of the offender, unless and until it shall have been endorsed by the Provincial Commissioner of the Province in which the family, sub-tribe, or tribe of the offender is resident. A Provincial Commissioner shall, before endorsing any such warrant, satisfy himself that the circumstances of or in connection with the offence of which the offender has been convicted, are such as to justify the levying of the fine or the balance of the fine, as the case may be, by the distress and sale of the property of the offender's family, sub-tribe, or tribe, and a Provincial Commissioner may, if he should think fit, call upon the head of the family or the Headman, or Headmen of the sub-tribe or tribe, to show cause why the warrant should not be executed, or may hold such other enquiry as he may think proper.

THE STOCK AND PRODUCE THEFT AMENDMENT
ORDINANCE, 1914.

No. 19 of 1914.

AN ORDINANCE TO AMEND THE PROVISIONS OF THE STOCK AND PRODUCE
THEFT ORDINANCE, 1912.

August 12th, 1914.

Be it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof:—

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| Short title. | 1. This Ordinance may be cited as "The Stock and Produce Theft Amendment Ordinance, 1914," and shall be read as one with the Stock and Produce Theft Ordinance, 1912, herein referred to as the Principal Ordinance. |
| Definition of theft. | 2. The term "theft" as defined in the Principal Ordinance, Section 2, shall also include every offence punishable under Section 454 or 457 of the Indian Penal Code, if the offence intended to be committed is theft of stock or produce, and shall include an attempt to commit and also an abetment of any such offence, if the offence intended to be committed is theft of stock or produce. |
| Rewards. | 3. A Magistrate may award to any person or persons giving information which has led to a conviction under the Principal Ordinance any sum or sums not exceeding altogether Rs. 150, provided that any such sum or sums shall not exceed half of the value of the fine recovered. |
| Imprisonment in default of payment of fine. | 4. It shall be competent to the Court which sentences an offender to pay a fine under the provisions of the Principal Ordinance, to direct by the sentence that, in default of the payment of such fine, the offender shall suffer imprisonment for a term which shall not exceed one-fourth of the term of imprisonment which is the maximum fixed under the provisions of the Indian Penal Code for the offence committed. Such term of imprisonment shall be in excess of any other imprisonment to which he may have been sentenced or to which he may be liable under a commutation of a sentence. |
| Termination of imprisonment in default. | 5. The imprisonment which is imposed in default of payment of a fine shall terminate whenever such fine is either paid or levied by process of law, issued under the provisions of the Principal Ordinance. |
| Effect of proportion of fine being paid. | 6. If before the expiration of the term of imprisonment fixed in default of payment, such a proportion of the fine is paid or levied that the term of imprisonment suffered in default of payment is not less than proportional to the part of the fine still unpaid, the imprisonment shall terminate. |
| Nature of imprisonment in default. | 7. The imprisonment which a Court imposes in default of payment of a fine may be of any description to which the offender might have been sentenced for the offence committed. |

THE EAST AFRICA TOWNSHIPS ORDINANCE, 1903.

No. 20 of 1903.

REGULATION OF TOWNSHIPS.

It is hereby enacted as follows :—

1. This Ordinance may be cited as “The East Africa Townships Ordinance, 1903.”

2. The Commissioner may, by Proclamation in the “Gazette,” declare any place in the Protectorate to be a Township for the purposes of this Ordinance, and may define the limits thereof.

3. The Commissioner may make rules, to be published in the “Gazette” for the health, order, and good government of townships, and may apply all or any of such rules to any township, or may make special rules in regard to particulars.

4. The power to make rules shall include a power to fix and levy rates upon lands and buildings for municipal purposes.

Provided that any rules relating to the assessment and rating of property shall provide :—

(a) That the rateable value of any property shall not exceed its gross annual value.

(b) That the total sum to be raised upon any property by rates shall not exceed 10 per cent. of its rateable value.

(c) That any ratepayer shall be at liberty to object to the assessment of his own or any other property within the township, and that an ultimate appeal in all matters respecting assessment and rating shall be provided to the High Court.

5. The power to make rules shall include a power to fix reasonable fees, charges, and tariffs.

6. The Commissioner may fix such penalties for the breach or non-observance of any rules as he may think proper, not exceeding imprisonment of either kind for two months, or a fine of 200 rupees, or both, and where no penalty is imposed by the rules, the breach or non-observance of any rule shall be punishable to the extent aforesaid.

Any penalty imposed by or under this Article shall be, in addition to, and not in substitution for, any other penalty to which an offender may have rendered himself liable.

Provided that no person shall be punished twice for the same offence.

7. The following regulations are hereby repealed :—

Etc. Etc. Etc. Etc.

MOMBASA, September 15th, 1903.

C. ELIOT,

His Majesty's Commissioner.

PROCLAMATION.

UNDER THE EAST AFRICA TOWNSHIPS ORDINANCE, 1903.

IN EXERCISE of the powers conferred upon me by the East Africa Townships Ordinance, 1903, I hereby declare the following places within the limits hereinafter set forth to be townships for the purposes of the above Ordinance :—

NAROK.—The area comprised within a circle having a radius of one mile with the flagstaff as centre.

MARA.—The area comprised within a circle having a radius of one mile with the flagstaff as centre.

NGONG.—The area comprised within a circle having a radius of one mile with the flagstaff as centre.

H. C. BELFIELD,

Governor.

NAIROBI,

The 26th day of January, 1916.

RULES.

UNDER THE EAST AFRICA TOWNSHIPS ORDINANCE, 1903.

Rules issued by the Governor under the East Africa Townships Ordinance, 1903.

NAIROBI,

H. C. BELFIELD,

The 26th day of January, 1916.

Governor.

1. The following rules shall apply to the Townships of Narok, Mara and Ngong:—

(1) of the Township Rules, 1904, dated 19th May, 1904, the following:—

General, Nos. 1, 2, 3, 4, 5 and 6.

Sanitary, Nos. 63, 64, 65, 66, 67, 68, 69, 70, 71 and 72.

Stables, cattle sheds and places for keeping sheep, goats or swine, Nos. 77 and 78.

Removal of carcasses, Nos. 79, 80 and 81.

Filthy premises, Nos. 82 and 83.

Slaughter Houses, Nos. 90, 91, 92, 93, 94, 95 and 96.

Butchers, Nos. 107, 108, 109, 110, 111 and 112.

Washing of Clothes, Nos. 157 and 158.

Camps, Nos. 165, 166, 168, 169, 170 and 171.

Fences, No. 182.

Dogs and Objectionable Animals, Nos. 183 and 185.

Stray Animals, No. 186.

(2) Rules dated 7th June, 1906.

(3) Rules dated 1st July, 1914 (as amended by Rules dated the 4th of February, 1916.)

The "General Township Rules, 1914," dated 1st July, 1914.

SCHEDULE.

(A).—SLAUGHTER HOUSE FEES:—

For each head of cattle slaughtered Rs. 1.00

For each sheep or goat slaughtered „ 0.25

(B).—REGISTRATION FEES:—

Meat sellers Rs. 2.00 per month.

Dogs, „ 5.00 per year.

(C).—POUND FEES:—

For each horse, mule, ox, cow, calf, camel, donkey, for the first day Rs. 1.00

For each succeeding day „ 0.50

For each sheep, goat, pig per day „ 0.12

RULES.

Rules issued by His Majesty's Commissioner for the East Africa Protectorate under the provisions of "The East Africa Townships Ordinance, 1903." (No. 20 of 1903).

NAIROBI,

May 19th, 1904.

C. ELIOT,

His Majesty's Commissioner.

GENERAL.

Definitions.

1. In these Rules the term "owner" shall mean the person for the time being receiving the rent of the land or premises in connection with which the word is used, whether on his own account or as agent or trustee for any other person.

The term "occupier" shall mean the person occupying for the time being the house or land in respect of which any tax or fee is levied or due.

The term "Medical Officer" shall mean the Protectorate Medical Officer appointed for the time being by the Commissioner as Health Officer for the Township.

2. The rates, fees, charges or tariffs which may from time to time be demanded in respect of any matters contained in these Rules shall be published in the "Official Gazette." Publication of rates and fees.

3. All permits or licenses issued under these Rules, unless a contrary intention appears, shall be revocable at the discretion of the Collector on one month's notice of his intention to do so being given to the holder thereof and any permit or license issued under these Rules shall be revocable without notice upon the holder thereof being found guilty of any breach of the conditions under which such permit or license is held or of a breach of any of these Rules. Power to revoke permits.

4. All permits and licenses shall expire on the 31st of December in each year. Expiry of permits.

5. It shall be lawful for the Collector to make a proportionate reduction from the fees due for any annual permit or license issued after March 31st, June 30th or September 30th, at the rate of one quarter of such fee for every three months already elapsed. Rebate of annual permit.

6. An officer of Police, the Medical Officer or any person duly authorized in that behalf, may enter any premises within the Township for the purpose of seeing that the acts to be performed, or the duties to be observed under these Rules are being performed and observed. Power of police and of the township officers and inspectors.

SANITARY.

63. Any person who shall allow in any manner the escape of any night soil or urine from any privy shall on conviction be liable to a fine of Rs. 50, or in default imprisonment of either kind not exceeding 14 days. Escape of night soil.

64. The Collector may condemn any privy or privies in any building, or attached to any building or being on any plot in the township, and may call upon the owner to reconstruct such privy or privies according to an approved plan, and should the owner fail to reconstruct the same after due notice, the Collector may undertake the work of reconstruction and charge the owner with the expense thereof. Power to condemn privies.

65. Any person digging or constructing any hole or holes for the reception of night soil, urine, dirty water or rubbish of any description, or throwing dirty water on any public road or place, or allowing the escape of any dirty water into any side drain not constructed for such purpose shall on conviction be liable to a fine of Rs. 50 or in default imprisonment of either kind not exceeding 14 days. Construction of holes for reception of drainage forbidden.

66. Any person erecting or continuing to use inside any house any privy which has been condemned shall be liable on conviction to a fine of Rs. 200 or in default imprisonment of either kind not exceeding two months. Using condemned privies.

67. Any person depositing any sweepings, empty or broken bottles, straw or rubbish of any description in any place except in receptacles or places provided by the Collector for that purpose shall on conviction be liable to a fine of Rs. 50 or in default imprisonment of either kind not exceeding 14 days. Depositing rubbish.

68. If it shall appear to the Collector necessary for sanitary reasons so to do, he may, by public notice require the owners or occupiers of any building in the town to cause the same, or any portion thereof, to be limewashed or otherwise Line-washing buildings.

cleansed, either externally or internally, or both externally and internally, at the expense of such owners or occupiers.

Wells and tanks to be cleansed.

69. Owners of all wells, tanks and cisterns shall cleanse the same once every year to the satisfaction of the Collector.

Discharge of rainwater.

70. No person shall discharge rainwater or other liquid from the roof or any other part of a building except by a pipe so fixed as to discharge such rainwater or other liquid at less than a foot and a half above the level of any public street or, where provided, into a public drain; and all roofs other than those made of grass or makuti shall be properly provided with gutters so as to prevent the discharge of any rainwater or other liquid therefrom into any street.

Ruinous and dangerous buildings.

71. Where any house or building appears to the Collector to be in a ruinous and dangerous condition, he may serve notice on the owner requiring him forthwith to repair or remove the same. If the owner fails to comply with the notice for a period of one month the Collector may cause the house or building to be removed, and may recover the expenses of such removal from the owner.

Sites to be clear of rubbish.

72. All sites within the town shall be kept level and clear of stones and rubbish.

STABLES, CATTLE-SHEDS AND PLACES FOR KEEPING SHEEP, GOATS OR SWINE.

Construction of pens and stys.

77. Every pig-sty, and place in which sheep, goats, or pigs are kept, shall be constructed, fenced in, and drained to the satisfaction of the Collector.

No pigs in or under a human habitation.

78. No pigs shall be kept in or under any place used for purposes of human habitation.

REMOVAL OF CARCASES.

Removal and disposal of carcases.

79. Every person within whose premises any horse, pony, bullock, cow, sheep, goat, or pig may die shall, within four hours after its death, or if the death occurs at night, within four hours after daylight, remove and bury or burn the carcase under the inspection of the Collector or such officer as he may appoint.

No carcase to be deposited near any water or street.
Corpses.

80. No person shall throw or deposit or cause to be deposited any corpse or carcase upon any street or into any drain, lake, river, or water-course, or on the banks of any lake, river or watercourse.

81. No person shall carry a corpse through any street unless it be decently covered and concealed from public view.

FILTHY PREMISES.

Removal of weeds or filth.

82. Where it appears to the collector that any accumulation of weeds, undergrowth, manure, refuse or other noxious matter ought to be removed, the collector shall give notice to the owner or occupier of the premises or land upon which such accumulation occurs, to remove the same within forty-eight hours; and should the owner or occupier fail to comply with the order the Government may undertake the work and charge the occupier or owner with the cost incurred.

Congregation of natives forbidden.

83. The collection of natives or others in tents or outbuildings in the vicinity of shops or dwelling houses who are not the actual house or shop servants in the immediate employ of the owners or occupiers of such houses or shops is prohibited.

SLAUGHTER-HOUSES.

Animals to be slaughtered in the public slaughter house.
Collector may issue special permits for private slaughter-houses.

90. Animals, the meat of which is intended for human consumption may only be slaughtered in the public slaughter-house provided for that purpose.

Provided that where considered desirable and necessary, the collector may issue a special permit allowing the slaughter of animals in any other building approved by the Medical Officer.

91. Any such permit issued by the Collector shall be held only during such time as the Medical Officer is satisfied with the general condition of the building used as a slaughter-house and with the surroundings of such building. Medical Officer to be satisfied.
92. Any building used as a slaughter-house shall be thoroughly cleaned out at least once in every 24 hours, all sweepings and other matter shall be properly disposed of to the satisfaction of the Collector. Private slaughter-houses to be kept clean, etc.
93. No diseased animal shall be admitted for slaughter. All animals intended for slaughter are liable at all times to be examined by any person authorized by the Collector in that behalf either before or after death, or both, with a view to ascertaining whether such animals are fit for human food. Diseased animals inspected, etc.
94. There shall be a registration fee payable in respect of any private slaughter-house. Registration fee.
95. Proprietors of licensed private slaughter-houses shall not charge more for slaughtering animals than the fees payable in a public slaughter-house therein. Fees to be charged for slaughtering.
96. All fees due in respect of any animals slaughtered must be paid at the time of the slaughter. Fees shall be paid.

BUTCHERS.

107. No person shall carry on the business of a butcher or vendor of meat without being first registered as such. Registration.
108. No person so registered shall carry on the trade or business of a butcher in any building other than a building provided for that purpose, provided that the Collector may licence private premises which have been approved by the Medical Officer for the sale of meat. Prescribed buildings.
109. No person who is suffering from any form of infectious disease shall serve or work in any butcher's shop or stall. Infectious diseases.
110. Butcher's shops and stalls shall be thoroughly cleaned at least once in every 24 hours. Premises to be cleaned.
111. Any meat which in the opinion of the Collector or of any inspector appointed for the purpose, or of the Medical Officer, is unfit for human food may be seized and dealt with by the Collector as he shall deem fit. Seizure of meat
112. Any shop used as a butcher's shop shall not be used for purposes of human habitation. Not to be used for habitation.

WASHING OF CLOTHES.

157. The public washing of clothes in irrigation trenches, streams, at water hydrants or at any place not set apart by the Collector for that purpose is prohibited. Public washing.
158. The Collector may set apart certain points on any stream or lake for such washing. Washing places.

CAMPS.

165. The "pitching" of a tent or tents on any Crown land inside the township limits is prohibited except on camping ground specially provided by the Collector for that purpose. Camping prohibited except in reserve ground.
166. No person shall erect a tent or tents on any such camping ground without first of all having applied for and obtaining a permit allowing him to do so. Permits to camp.
168. The Collector will provide sweepers and latrine accommodation for any authorized camping ground. Sweepers, etc., to be provided.
169. Trading of any description on any camping ground is prohibited except under special licence to be obtained from the Collector. Trade prohibited without licence.

Time limit. 170. No tent will be allowed to remain in any camp for a period longer than one month except under a special permit from the Collector.

Unauthorized persons. 171. The collection of unauthorized persons on any camping ground is prohibited.

FENCES.

Fencing unoccupied plots. 182. Every occupier of any lot or parcel of land within the township or the owner thereof if unoccupied, shall if so required by the Collector, fence such lot or parcel and maintain such fence in good repair to the satisfaction of the Collector. If such occupier or owner shall make default in commencing to make or repair such fence after fourteen days' notice in that behalf from the Collector or shall not complete such fence or the repairs thereof with as little delay as the nature of the work admits, every such offender shall incur a fine not exceeding ten rupees and a daily penalty not exceeding two rupees.

The use of barbed wire is prohibited except under special permit.

DOGS AND OBJECTIONABLE ANIMALS.

Dangerous animals. 183. No owner or occupier shall keep any animal within the township that is a nuisance or injurious to health.

Stray dogs. 185. The Collector may cause all dogs found within the township without collars or dogs that he has reason to believe are ownerless, savage or dangerous to be seized and may deal with them as follows :—

(a) If the dog is diseased it shall be forthwith slaughtered.

(b) In any other case it may be destroyed, detained, kept or otherwise dealt with as the Collector may think fit, provided that when the dog bears a collar it shall be kept for three clear days and the owner notified, if possible, to give him an opportunity of claiming it.

STRAY ANIMALS.

Stray animals may be impounded. 186. Animals found wandering in any street or public place or trespassing on any private land may be impounded and if not claimed within seven days they are liable to be destroyed, sold or otherwise dealt with as the Collector may direct.

RULES.

Issued by His Majesty's Commissioner for East Africa Protectorate under the provisions of the East Africa Protectorate Townships Ordinance, 1903.

J. HAYES SADLER,

His Majesty's Commissioner.

NAIROBI,

Dated this 7th day of June, 1906.

1. (1) No person shall keep a dog within the limits of a township unless such person or the owner of the dog has registered the same at the office of the Collector or Town Clerk and is the holder of a certificate of registration granted in respect of such dog.

A fee of Rupees five shall be charged for a certificate of registration and such certificate shall expire on the 31st day of December of the year in which it is granted. Provided a certificate of registration granted in any one township shall authorize the holder thereof to keep the dog in respect of which the certificate has been granted in that, or in any other township in the Protectorate without further registration.

(2) All dogs kept within a township shall be provided with a collar inscribed with the name of the owner.

(3) These rules shall not apply to dogs under five months of age.

2. Rule 184 of the township Rules 1904, is hereby repealed and these Rules are hereby applied to every township to which the said Rule has been applied.

J. HAYES SADLER,

His Majesty's Commissioner.

RULES.

THE EAST AFRICA TOWNSHIPS ORDINANCE, 1903.

Rules issued by His Excellency the Governor of the East Africa Protectorate under the East Africa Townships Ordinance, 1903.

H. C. BELFIELD,
Governor.

NAIROBI,

Dated this 1st day of July, 1914.

1. These Rules may be cited as "The General Township Rules, 1914" and shall be read as one with the Township Rules, 1904.
2. Rules 74 and 75 of the Township Rules, 1904, are hereby repealed and the following Rules are hereby substituted therefor.
3. The occupier of any land within the limits of a township whereon there is erected any stable, cowyard, cattleshed, pigsty or other construction for keeping swine or goats or sheep, shall cause such premises to be thoroughly cleansed daily.
4. No person shall use any building or place within a township as a stable for horses, ponies, mules or donkeys kept for hire or as a cattleshed, or as a camelshed except with a permit from the Town Clerk, or where there is no Town Clerk from the District Commissioner or from a Superintendent of Conservancy who may in his discretion grant or withhold such permit which shall state the number of horses, ponies, mules, donkeys, cattle or camels that may be kept and the situation of such buildings or place.
5. These Rules shall apply to all Townships save where other provision is made.

CHAPTER X.

THE MAGADI SODA COMPANY LIMITED.

1. THE MAGADI CONCESSION.—Lease to the East Africa Syndicate, August 9th, 1904—Agreement between the Crown Agents and M. Samuel and Co., 20th September, 1909—The formation of the Magadi Company—The surrender of the lease—The lease to the Magadi Soda Company Ltd.—The contract—Completion of the Railway—Settlement area at Mile 28—Extension of settlement area—The quarter mile strip.
2. THE WATER SUPPLY FOR THE MAGADI SODA COMPANY.—Water from the Athi River—Water from Surei, Doinyo Narak and Besil—Mr. Browne's report—Concession granted—Inspection of the Ngong Hills—Application for water supply from Ngong Hills—Concession on Ngong Hills—Description of the Ngong Hills project—Scheme approved—Conditions imposed—Conditions modified—Meeting of 19th August, 1913—Masai objections on superstitious grounds—Temporary connection to streams at Ngong—Inspection of water troughs—The agreement of March 15th, 1915—Water from the Uaso Nyiro—Shortage of the water supply—The Surei agreement—Masai interference—Hill Springs water supply.
3. JURISDICTION IN THE MAGADI RAILWAY ZONE.—Original arrangements—Order by the High Court—Appointment of a Railway Magistrate—Jurisdiction transferred to officers of Machakos District—Order by the High Court—Jurisdiction transferred from Machakos to Ngong—Mr. Chambers appointed a Justice of the Peace—Distribution Order cancelled—Mr. Lawley appointed a Justice of the Peace.

1.—THE MAGADI CONCESSION.

The history of the Magadi Concession may best be described by quotations from the various Leases and Agreements which have from time to time been signed in respect of the area.

Lease to the East Africa Syndicate, August 9th, 1904.

The negotiations commenced with an Indenture made on the 9th of August, 1904, between Sir Donald Stewart, Commissioner for the East Africa Protectorate ("the Lessor") and the East Africa Syndicate Limited ("the Lessee") whereby in consideration of the exploring and development work done by expeditions despatched by the Lessee to the Uganda and East Africa Protectorates "The Lessor doth hereby demise unto the Lessee ALL that piece of land forming part of the East Africa Protectorate and formerly covered by water and known as Lake Magadi and containing a deposit of Carbonate of Soda recently discovered by the Lessee which said premises are situate as near as can be ascertained between latitude 1° 30' and 1° 60' south and extend from about seven miles west to three miles east of longitude 36° 40' east. Together with the land on the shores of such lake necessary for working the said deposit which premises together include an area of approximately eighty-nine square miles. Together with full free and uninterrupted right for the Lessee its officers servants and workmen to dig get win and carry away all soda and other deposits minerals or precious stones there found"

Agreement between the Crown Agents and M. Samuel & Co., 20th September, 1909.

On the 20th of September, 1909, an Agreement was made between the Crown Agents for the Colonies acting for and on behalf of the Government of the East Africa Protectorate and the firm of M. Samuel and Company ("the Concessionaires") by which it was agreed that:—

"1. If the Concessionaires:—

"(a) On or before the 1st day of April next shall procure that an exploration party shall be despatched to the said Protectorate with instructions to examine and report upon the nature quality and extent of the Soda deposits at Lake Magadi and also by means of survey to determine whether or not it is practical to construct a line of Railway between Lake Magadi and the existing line of the Uganda Railway

"(b) Shall on or before the 1st day of July 1911 by notice in writing to the Crown Agents declare that they exercise the option of claiming the grant to themselves of such Lease and Contract as are hereinafter referred to;

“(c) Shall procure that the said Indenture of Lease dated the 15th day of August 1904 be surrendered to the Crown Agents or as they shall direct;

“(d) Shall execute and deliver to the Crown Agents a counterpart of such Lease and Contract as are hereinafter referred to;

Then subject to the provisions hereinafter contained the Crown Agents will grant to the Concessionaires a Lease in the terms of the draft set out in the First Schedule hereto and will enter into a Contract with the Concessionaires in the terms of the draft Contract set forth in the Second Schedule hereto.

In accordance with the terms of the Agreement of the 20th of September, 1909, the Concessionaires procured a Company to be formed and incorporated with a capital of £1,312,500 divided into 1,250,000 Ordinary Shares of one pound each and 1,250,000 Deferred Shares of one shilling each, of which the whole of the 1,250,000 Ordinary Shares had been issued and allotted for cash, seven shillings and sixpence in the pound being paid thereon on allotment by April, 1911.

The formation of the Magadi Company.

By virtue of an Agreement dated the 25th of January, 1911, between the Syndicate and the Concessionaires, of an Agreement dated the 27th of January, 1911, between the Concessionaires and the Company, of a notice in writing dated the 15th of February, 1911, from the Company to the Syndicate and of an Agreement dated the 28th of February, 1911, between the Syndicate, the Concessionaires and the Company it was agreed that the Syndicate should sell to the Company “the hereinbefore recited lease lands and rights in consideration of the allotment and issue to the Syndicate or their nominees of One hundred and fifty thousand Deferred shares of one shilling each in the Company credited as fully paid and that for the consideration aforesaid the Syndicate shall surrender the said lease to the Crown Agents or as they may direct.”

By an Indenture, therefore, made on the 11th of April, 1911, between the East Africa Syndicate Limited, M. Samuel and Company (“the Concessionaires”), The Magadi Soda Company Limited (“The Company”), and the Crown Agents for the Colonies, acting for and on behalf of the Government of the East Africa Protectorate, “the Syndicate as Beneficial Owners at the request and by the direction of the Concessionaires and the Company as Beneficial Owners respectively and according to their interest in the said premises” respectively assigned and confirmed “unto the Crown Agents for and on behalf of the Government ALL and SINGULAR the said hereditaments and premises comprised in or demised by the . . . Indenture of Lease” dated the 9th of August 1904 “To the intent that the “residue of the . . . term of Twenty-one years granted by the said Indenture of Lease” might merge and be absolutely extinguished in the freehold and inheritance of the said premises”

The surrender of the lease.

An Indenture was therefore made on the 12th of April, 1911, in the Form of Lease contained in the First Schedule to the Agreement of September 20th, 1909, and the following quotations from the Lease are here inserted as relevant to the position of the Magadi Soda Company in the area set apart for the Masai Reserve.

EAST AFRICA PROTECTORATE.

THIS INDENTURE made the 12th day of April 1911 BETWEEN . . . the Crown Agents for the Colonies (hereinafter referred to as the “Crown Agents”) acting for and on behalf of THE GOVERNMENT OF THE EAST AFRICA PROTECTORATE (hereinafter referred to as “the Government”) of the one part and . . . THE MAGADI SODA COMPANY LIMITED (hereinafter referred to as “the Lessees”) . . . of the other part.

The lease to the Magadi Soda Company Ltd.

WHEREAS the Lessees are desirous of working certain mineral deposits at Lake Magadi and elsewhere in the East Africa Protectorate and have agreed to take and the Government have agreed to grant a lease of the lands and premises hereinafter mentioned for the term and subject to the provisions and conditions hereinafter appearing.

AND WHEREAS the parties hereto are proposing to enter into a contract already prepared for the construction of a Railway from the Main Line of the Uganda Railway to or near Lake Magadi

AND WHEREAS it has been agreed that these presents should contain the terms and provisions hereinafter mentioned.

NOW THIS INDENTURE WITNESSETH as follows that is to say :—

2. The Crown Agents for and on behalf of the Government in consideration of the royalties hereinafter reserved and the covenants and conditions on the part of the Lessees to be observed and performed hereinafter contained do hereby grant and demise unto the Lessees. First ALL THAT rectangular piece of land forming part of the East Africa Protectorate and formerly covered by water and known as Lake Magadi and reputed to contain a deposit of carbonate of soda which said premises are situate as near as can be ascertained between latitude $1^{\circ} 40'$ and $2^{\circ} 5'$ South and extend from longitude $36^{\circ} 10'$ East to longitude $36^{\circ} 20'$ East Together with the land on the shores of such lake necessary for working the said deposit which premises together include an area of approximately 306 square miles. And Secondly ALL THAT triangular piece of land forming part of the East Africa Protectorate near the Northerly end of the Natron Lake which said premises are situate as near as can be ascertained to the Southward of latitude $2^{\circ} 5'$ South and between longitude 36° and $36^{\circ} 5'$ East which premises together include an area of approximately 18 square miles. Together with full free and uninterrupted right for the Lessees their officers servants and workmen to search for dig get win and carry away all soda and other deposits minerals and precious stones there found. Together also with full and free liberty and right for the Lessees their servants and agents of access to the Guaso Nyero and all reasonable facilities for obtaining and leading water therefrom or thereto for the purposes of their servants or agents and for the purposes of the Lessees' operations and for any other purposes of the demised premises.

To HOLD unto the Lessees as to all the premises hereby demised except the rights hereby demised with respect to minerals other than soda and other similar deposits for the term of 99 years from the date hereof and as to the minerals (including precious stones) other than soda and other similar deposits hereby demised and rights relating thereto from the date hereof until the 15th day of August 1946 and so that as from the 15th day of August 1946 all minerals including precious stones other than soda and other similar deposits shall be deemed excepted out of the demise hereby made and reserved to the Crown Agents with free right and liberty for the Crown Agents and the Government and others by their permission as from such date to enter on the demised premises for the purpose of searching for working and carrying away such excepted minerals and precious stones provided that the works and operations for the time being of the Lessees hereunder shall not thereby be interfered with or prejudicially affected.

3. The Lessees shall have the right at all times during the said term to do all such things as they may deem necessary and convenient for the working of the said soda and other deposits minerals and precious stones and to construct any works ships buildings stores appliances reservoirs water races roads tramways railways canals and other means of transport in upon over and under the demised lands and premises as they may deem necessary or convenient for effectually exploring winning working treating raising stocking dressing converting manufacturing transporting or otherwise disposing of the soda and other deposits minerals and precious stones and products hereby demised.

4. (Provides for Royalties).

12. It is hereby agreed that no land within a quarter of a mile on either side of the Railway (to be constructed under the Contract from the main line of the Uganda Railway to or near Lake Magadi) shall be sold leased

or otherwise disposed of by the Government to any person persons or corporation other than the Lessees without first giving to the Lessees the option of acquiring from the Government any such land on the same or similar terms and conditions as those on which the Government may be willing to dispose of the same to any other person persons or corporation.

17. The Lessees shall not at any time during the continuance of this Lease sell give barter or otherwise dispose of any arms or ammunition of any description to any natives or native or permit or suffer any of its employees to make any such sale gift barter or other disposition.

18. The Lessees shall not in any way infringe or interfere with the rights of natives and particularly any native rights of hunting or fishing taking water timber or firewood or collecting or removing soda from the demised premises for their own purposes. And any lands which the Government shall from time to time think proper to reserve or allocate for native encampments or similar purposes for the time being shall be excepted and reserved out of the demise hereby made provided that such land be not already occupied by any of the Lessees' works or operations or be required for their subsequent development or expansion.

19. The Lessees shall not at any time during the continuance of this Lease sell give or barter any spirituous liquors to any natives or native or permit or suffer any such sale gift or barter to be made by any employee or agent of the Lessees or import or authorize the importation of any spirituous liquors into the Protectorate or any part thereof otherwise than for the use of the European agents or employees of the Lessees and upon and subject to such rules as may from time to time be made by the Governor.

22. The Lessees will during the said term observe the following conditions :—

(a) They will allow all roads made by the Lessees upon the demised premises to be used for the public service except roads inside or around their works.

(b) They will permit travellers to encamp with their servants animals wagons and baggage for a period not exceeding 48 hours on any part of the demised premises which is uncultivated and which is not within one mile of any works or dwelling-house and allow them access with their servants and animals to any river stream or lake upon the demised premises outside of the Lessees' works.

Simultaneously with the signing of the Lease, the same parties entered into ^{The Contract.} a Contract in the form which had been set out in the second Schedule to the Agreement of September 20th, 1909. The following clauses in the Contract define the position of the Magadi Soda Company, in regard to the construction of the Magadi Railway.

4. Subject to the provisions of this Contract, the Contractors, at their own expense shall construct and equip with all necessary works apparatus and conveniences (other than rolling stock necessary for the handling of the traffic) and make ready and fit for being opened for traffic within the times and in the manner hereinafter prescribed :—

A Railway wholly in the Protectorate and consisting of a line commencing by a junction with the Uganda Railway at or near Kiu or Sultan Hamoud at such point as may hereafter be approved by the General Manager and thence passing to such terminus near the Lake Magadi and by such route as may be selected by the Contractors.

6. The Contractors shall be at liberty to build or construct upon such lands as they may within a period of five years reasonably select for that purpose on

the Railway within 50 miles of Lake Magadi all such stations platforms warehouses sheds workshops engines boilers machinery furnaces conveyors lifting and lowering machinery or other labour-saving devices and other plant and conveniences as they may deem expedient.

10. The Contractors shall within the time hereinafter limited at their own expense cause a detailed survey of the Railway to be made and prepare and submit to the General Manager or his deputy for his approval proper and sufficient plans and drawings showing the lands through or upon which the Railway is proposed to be constructed. Upon the approval of the said plans and drawings the Government shall with all reasonable despatch provide the Contractors with such land as may be necessary in accordance with the said plans as and when approved by the General Manager for the construction of the Railway.

12. No grant or provision of lands by the Government under this contract shall be deemed to confer upon the Contractors any right to any minerals or precious stones in or under or near such lands but shall confer upon the Contractors a right of support both vertical and lateral therefrom.

13. The Contractors shall from time to time with the sanction of the Uganda Railway Administration as soon as practicable relinquish to the Government such of the land provided by the Government (whether included in any lease granted under this Contract or not) of which the Contractors shall be allowed possession under this Contract as shall for the time being have become unnecessary to be retained by the Contractors for any of the purposes of this Contract or of the Railway whether immediate or prospective.

15. Subject to the provisions of the Contract and subject as to accommodation works to the right of user and enjoyment thereof by the persons for whose benefit the same shall be constructed on the completion of the Railway the Crown Agents will grant and the Contractors will accept a lease of the Railway and subject to Clause 13 hereof of the lands provided by the Government for the purposes of this Contract during the term granted by the said lease.

28. As in Clause 12 of the lease.

29. As in Clause 17 of the lease.

30. As in Clause 19 of the lease.

35. When the General Manager shall have certified that the Railway has been constructed in accordance with the provisions herein contained and is ready and fit for the conveyance of passengers and goods there shall be prepared by the Contractors' Engineer at the Contractors' expense a statement describing the nature and quality of the works and setting out the general details of the construction of the same.

36. As soon as may be after the statement hereinbefore referred to have been signed the Railway shall be made over by the Contractors to the Uganda Railway Administration to the intent that the same may be opened for traffic The Uganda Railway Administration shall accept of the Railway when so made as over aforesaid and shall forthwith open the same for traffic.

37. The Uganda Railway Administration shall thenceforth . . . until the determination of this Contract work and maintain in working order the Railway and shall provide and maintain all necessary rolling stock for the efficient working of the Railway.

38. The Government shall have the right at any time or times for urgent State purposes of the need for which the Government shall be the sole judge to

take temporary possession of the whole or any part of the Railway . . . or any of the rolling stock telegraphs telephones buildings and other things of every description and to use the same for their own purposes without any consent on the part of the Contractors. . . .

For the purposes of this contract the date of the commencement of the construction of the Magadi Railway was the 18th of October, 1911. Delay in the construction occurred owing to the difficulties encountered in transporting the materials, and owing to the outbreak of war, but the Uganda Railway Administration took over the first 26 miles to Kajiado in February, 1915, and the whole line was finally taken over on August 1st, 1915, and has since carried out the maintenance of the line on behalf of the Contractors.

Completion
of the
railway.

By Clause 28 of their contract with the Government in regard to the construction of the Magadi Railway, the Magadi Soda Company were given an option to acquire land within a quarter of a mile of the railway, and on May 20th, 1913, they applied for an area of 102.36 acres, situated near Mile 28 on that railway, for use as a settlement site for the Company. This application was referred to Ngaroya and his elders, who expressed their willingness to permit the alienation of this settlement area on condition that the Masai were not debarred from building and grazing in the vicinity. In commenting on the proposal, the Attorney-General remarked that the right of the Government to lease the land required for settlement was governed by the Masai Treaty of 1904, but he considered that the leasing of this area would not constitute a breach of the Treaty, inasmuch as it was clear that Sir Donald Stewart did not consider or intend that the Treaty should preclude the Government from granting leases of land within the Masai Reserve for mining and similar purposes. This grant was accordingly approved on the 23rd of June, 1913, and an application from the Company to change the site, made on July 2nd, received approval on September 27th.

Settlement
area at
Mile 28.

On the matter being reported to the Secretary of State, he gave directions that at least one hundred and three acres should be added to some part of the Southern Masai Reserve in exchange for the area alienated, and he further ordered that any rent paid by the Company in respect of the site should be applied for the benefit of the Masai, and not paid into General Revenue. A nominal rent of fifteen rupees per annum was charged, and this was paid into Masai funds.

In February, 1914, representations were made by the Company that the site which had been alienated as a settlement area was inadequate for their requirements, and application was made for an extension up to one thousand acres in all. The Governor visited the area in March, and the Masai agreed to the extension in April, 1914, upon conditions that a similar area was added to their reserve elsewhere, and that the rents paid in respect of the extension were also credited to Masai funds. The proposal received the sanction of the Secretary of State, and on the 27th of February, 1915, it was proposed that the rental should be ten cents per acre, the stand premium fifty cents per acre, and the tenure coterminous with the term of the main concession. These conditions received the Governor's approval on the 3rd of March, 1915.

Extension of
settlement
area.

In March, 1915, Mr. Symonds, the General Manager of the Company, raised the question of the desirability of the Magadi Soda Company retaining some control over the land on each side of the railway and for a quarter of a mile on each side of the station areas. After the matter had been discussed in Executive Council, he was informed that, pending the alienation of any portion of the land mentioned in Clause 12 of the Agreement with the Company, signed on the 12th of April, 1911, arrangements should be made to limit the right of occupation of any person to any part of such land to an annual licence and that, should objection be taken to the presence of any person upon such land, the case would be considered by the Government upon representations being made either by the Company or by the Railway Administration.

The quarter-
mile strip.

2.—THE WATER SUPPLY FOR THE MAGADI SODA COMPANY.

Water from
the Athi
River.

In September, 1911, Mr. T. A. Ross, the Resident Engineer of the Magadi Soda Company, applied for permission to be allowed to take up to one hundred thousand gallons of water per diem from a point on the headwaters of the Athi River for supplying the employees of the Magadi Railway, then in process of construction. The Governor, Sir Percy Girouard, agreed to this, but, inasmuch as landholders on the Athi River were dependent on that river for their water supply, he considered it necessary to enforce the condition that if the flow of water from the river above the farms should at any time prove to be too low for the requirements of these farms consequent upon the withdrawal of the hundred thousand gallons per diem, the Company would undertake to impound sufficient water to secure an adequate flow in the dry months sufficient for the farms. This condition might render it necessary in very dry weather for the Company to augment the flow by laying a pipe down the valley of the Athi River to carry a certain quantity of water past the stretch of the river where it normally disappeared by percolation.

Water from
Surei,
Doinyo-
Narok and
Besil.

In October, 1911, Mr. Ross applied for formal permission to take twelve thousand gallons of water per diem from the Surei and Doinyo Narok springs, situated some seven or eight miles north of Turoka Station, and yielding in all some twenty thousand gallons daily. In addition, he applied for a similar concession in regard to the Besil Stream. He was informed that the Governor could not authorize the alienation for the purposes of the Magadi Railway of any water supplies used by the Masai, unless such supplies were in excess of the requirements of that tribe. This condition particularly applied to the Turoka and Besil rivers and to the Surei springs, and he was informed that, under the circumstances, the Governor was unable to agree to the Company tapping these supplies. No objection existed to the erection of dams in those ravines with a view to impounding water which would otherwise run to waste.

Mr. Browne's
report.

In view of the expense involved in laying pipe lines from the Athi River, Mr. Ross again asked for consideration of his application to utilise water from the Surei springs or from the lower springs on Doinyo Narok. He represented that the Masai did not use two thousand gallons a day and that, even if his application were granted, some ten thousand gallons would be available for them at the driest season of the year. In deference to his representations, Mr. E. D. Browne was instructed to investigate the matter, and he reported that the Masai were entirely opposed to the Company being allowed to take any water from the springs mentioned adjacent to the Magadi Railway. Mr. Browne suggested as an alternative scheme the utilization of the water from the Uso Nyiro, which was not required by the Masai in the lower reaches of the river. He subsequently visited the Surei springs and those on Doinyo Narok, and came to the conclusion that the troughs which the Magadi Soda Company were proposing to construct would be advantageous to the Masai, and as the Company were merely asking to be allowed to take the super-flow from these troughs, he recommended that their application should be favourably considered, as the Masai would not stand to lose by it in any way, particularly if a clause were inserted in the agreement revoking the agreement in a case of prolonged drought.

Concession
granted.

In consequence of this report, a letter was written by the Chief Secretary to the Manager of the Uganda Railway on February 5th, 1912, to the effect that the Governor was willing to grant permission to Mr. Ross to tap the Surei and Doinyo Narok springs and to put in concrete troughs at least fifty feet long by three feet wide and two and a half feet deep, provided that the Masai and their cattle were given free access to these troughs, that the intake of the pipe from the trough was situated not more than three inches below the top of the edge of the trough and that the pipe to be used to carry the surplus water from the troughs to the railway was not to be more than two and a half inches* in diameter. Permission to use the water from these springs was granted in the first place only during the construction of the railway.

* Subsequently increased to three inches.

Mr. H. J. Morton, an experienced water engineer, visited East Africa in May, 1912, on work connected with the investigation of the water supply for the Magadi Railway. He inspected the Upper Athi River and recorded his opinion that it was practically impossible to lay the compensation pipe through the precipitous gorge in the river situated some eight miles above the Uganda Railway crossing. On this being reported, Mr. Currie suggested the Ngong Hills as a possible source of supply and Mr. Morton, accompanied by Mr. Ross, visited that area, and they with Mr. Browne made a thorough inspection of the eastern slopes of the Ngong Range. This slope is intersected by a number of deep valleys, about twelve in all, and in each of these except two they found one or more springs rising at an elevation of over 6,500 feet. Some Masai who were acting as guides stated that these springs were permanent and that during the dry season the flow from each of these valleys disappeared into the ground within a very short distance of the base of the hills, in no case reaching the Upper Athi River. Mr. Ross therefore observed that none of the riparian settlers on the Athi River would be affected by the abstraction of the flow from these springs to the same extent as they would be affected by the abstraction of water from the Upper Athi River under the concession obtained by the Company. Of these streams, two continued to flow during the dry weather to a distance of one and a-half miles from the base of the hills before disappearing underground and these two (one of which was the Kiserian River and the other of which is referred to as "No. 9") were constantly used by the Masai in watering their cattle.

Inspection of
the Ngong
Hills.

Before making any definite survey of the area, Mr. Ross approached the Government with a view to ascertaining whether the Government would be agreeable to the Company drawing a water supply from these springs in the event of the stream being proved feasible, and the District Commissioner, Ngong, was asked for a report as to the opinion of the Masai on the question. Mr. Browne considered that it would be inadvisable to allow the Company to tap the two longer streams, as they were in constant use by the Masai and might be required for the water supply of a Government Station which might be established in their vicinity. He thought, however, that there was no objection to water being taken from any of the other springs with restrictions as to the maximum amount so drawn, safeguarded by possible future reservations if the Masai population increased.

Application
for water
supply from
Ngong
Hills.

Mr. Ross and Mr. Morton interviewed the Governor on May 20th, 1912, when the Company's proposals were discussed. Mr. Morton explained the proposition and stated that the Company would be content, provided that the proposal proved practicable, to take only such water as might not be required by the Government either for any Government Station which might be established in the neighbourhood or for the use of the Masai. They were prepared to lay branch pipe-lines and to construct troughs to be used by the Masai, and were confident that after the Government and the Masai had been provided for in this manner there would be sufficient water left for their own requirements. Mr. Ross was accordingly informed on the 25th of May that there was no objection on the part of the Government to his tapping the proposed sources in the Ngong Hills, provided that he took only so much water as would not be required by the Masai or by the Government for a Government Station, and provided that he afforded facilities by means of pipes and troughs for watering the Masai cattle. This concession was not in any way to cancel the rights already granted to him to obtain a supply of one hundred thousand gallons a day from the Upper Athi River.

Concession
on the
Ngong
Hills.

In December, 1912, Mr. Ross reported that the surveys and investigations for their water scheme were complete, and he gave a detailed exposition of the project in a letter dated the 18th of January, 1913. A group of springs not used by the Masai were to be found at an elevation of more than 6,700 feet, and intakes had to be built at these springs to lead the water from them into a central intake tank at an altitude of 6,650 feet. A flow of over one hundred thousand gallons had been obtained in normal weather, but as this did not provide sufficient safety margin for the Company's requirements, lower springs and streams were gauged which gave a minimum flow of four hundred and twenty-five thousand gallons a day. The utilization of these lower waters required the establishment of a

Description
of the
Ngong Hills
Project.

lower main intake at an elevation of 6,000 feet, and it was proposed that from this intake a main pipe-line, six inches in diameter, would run for thirty-three miles to a large tank at Cairn Hill situated at an altitude of 5,800 feet, whence the water would flow by gravity along the railway as far as Koora Station.

In order to obviate any necessity for the Masai watering their cattle above the lower intake, and also to guard against any possible chance of the Masai running short of water through the tapping of the streams and springs, Mr. Ross proposed to put in a set of concrete compensation water troughs fitted with a ball-valve in the vicinity of and below the main lower intake, which would be fed by a pipe-line therefrom and would form a permanent supply sufficient for the requirements of the cattle coming to the troughs.

Scheme
approved.

Mr. Ross discussed the proposal with the Chief Secretary and the Governor, and as a result the latter was satisfied as to the efficacy of the scheme, and Mr. Ross was informed that subject to the acceptance by the Magadi Soda Company of an obligation to surrender to the Government without compensation at any time, either temporarily or permanently, the whole or any portion of the supply which might be required by the Government for the use of the Masai or for any Government Station, the Government approved his undertaking of the proposed scheme. As, however, the Governor regarded it as essential that the Masai should at all times be entitled to first claim on the water, the Government was not prepared to consent to the insertion of a clause in the agreement providing for notice to be given of its intention to impound the Company's water supply either temporarily or permanently.

Conditions
imposed.

In June, 1913, the Provincial Commissioner, Naivasha, reported that the Masai were disturbed, as the Soda Company were commencing to tap the Kiserian River and Stream "No. 9." Mr. Bowring discussed the question with Mr. Browne and Mr. Ross on the 16th of June, and embodied the decision of the Government in a letter to Mr. Ross, dated the 3rd of July. The Governor's directions were as follows (*see* Map):—

"1. That the streams on which the proposed weirs A and B are situated should not be tapped—nor the Kiserian River.

"2. That the streams on which the proposed weirs marked 15 and 16 are situated and that shown as No. 9 should be left out of the scheme.

"3. That the only source of supplementary supply in aid of the upper intake should be weirs G and H. That the pipe line should run only from weir H to the lower main intake and should be provided with apparatus in each weir to cut off the flow into the pipe when the requisite supplementary amount has been supplied to the lower intake.

"4. That weir H shall only be tapped when the supply from weir G is insufficient.

"5. That three troughs should be constructed below and in the vicinity of both the upper and lower intakes. The supply for the troughs at the upper intake to be drawn from the point where all the lines to the intake converge. The troughs at the lower intake to be supplied from the intake itself.

"6. That the Company erect and maintain a meter at the delivery of the main pipe to enable the Government to keep a check on the amount taken."

Conditions
modified.

These conditions were not acceptable to the Company, and Mr. Ross regretted that he was unable to proceed with the work unless they were modified. His main objection was, that the erection of troughs below the upper intake would pollute the water at the lower intake, but he was prepared to agree to the erection of six troughs below the lower intake. The matter was accordingly referred to the Governor, then absent on tour in the Masai Reserve, who was prepared to modify his directions in certain particulars. He could not accept the suggestion that all six troughs should be constructed at the lower intake, it being essential

that the supplies available for the Masai should be distributed, but he was prepared to approve the construction of three troughs at the lower intake, and of three more at a weir some miles to the north-east, provided that the Company should at all times keep all such tanks full of water, and that in default of their so doing, the Masai would be at liberty to take water from any other point which the District Commissioner might direct. The effect of this arrangement would be to some extent disadvantageous to the Masai, who were accustomed to graze their herds on the upper areas of the hills, as it would compel them to bring their cattle down almost to the foot of the hills for water, and Sir Henry Belfield remarked that, while he was content to accept for the present the distribution of troughs, he had suggested it might possibly be necessary later on to call on the Company to provide troughs at places higher up on the hills, and he considered that a clause to this effect should be included in the agreement. Subject to this, he was prepared to accept a proviso to the effect that no water from the upper intake, or from streams supplying it, should be requisitioned for the Masai so long as any other convenient and adequate source of supply was available.

As a result of this decision, Mr. Stedman, the Acting Executive Engineer, Nairobi, was sent to Ngong to inspect the scheme on the spot in company with Mr. Sikes, the Magadi engineer in charge of the project. On receipt of his report, a meeting was held in the Governor's office on the 19th of August, 1913, at which were present Mr. Church, Mr. Browne, Mr. Stedman, Mr. Ross and Mr. Sikes. As a result a satisfactory understanding was arrived at as to the supply to be conceded to the Company, and as to the terms on which they were to avail themselves of it. The Attorney-General was then requested to prepare the draft of an agreement incorporating these arrangements. That officer regretted that pressure of work would prevent him from dealing with the matter for some time, and suggested that the Company might employ the services of a legal practitioner to draft the agreement. This was accordingly done, and Mr. B. G. Allen submitted a draft agreement on the 29th of December, 1913. On January 9th, 1914, Mr. Ross asked that consideration of this draft agreement might be postponed for the time being, as he wished first to hear the decision of the Company's lawyers in England.

In November, 1913, the Laibon of the Masai, and his Regent Ngaroya, raised objections to the scheme from superstitious and religious grounds. The worship and belief of the Masai had been from time immemorial connected with the Ngong Hills, and they stated that they could never agree to the scheme except under compulsion. The matter was referred to the Governor, who caused the Laibon and his Regent to be reminded that the question of the Magadi water supply had been fully discussed at Ngong during His Excellency's visit, and that they had, neither then nor on any previous occasion, raised any such objection, and he also said that it was now too late to cancel an agreement which had been definitely concluded. The Governor interviewed these two Masai in January, 1914, and satisfied them by the assurance that the occupation by the Company of any ground in the Ngong Hills would be strictly limited to what was necessary for their use in connection with the construction and subsequent maintenance of the works.

In February, 1914, Mr. Ross asked that he might be allowed to connect the two streams "I" and "F" to the seven-inch main to be used for a few months until the concentration chamber and cattle troughs had been completed. Permission to do this had to be withheld until the Laibon had been consulted, and he being absent on tour, it was not until the 23rd of April that permission was granted. The Laibon agreed to the Company making temporary use of stream "F" for a period not exceeding two months, after the end of the rainy season, but on representations being received from Mr. Sikes that, owing to the delay in the delivery of the material, it would be practically impossible to complete the concrete works and pipe laying within two months of the date when temporary connection was made with stream "F," the Laibon and Ngaroya raised no objection to extending this period, provided that the Masai did not suffer any disability from according this permission, and provided that the withdrawal of water through this connection ceased as soon as the permanent works at the main reception chamber were completed.

Meeting of
19th August,
1913.

Masai
objections
on
superstitious
grounds.

Temporary
connection
to streams
at Ngong.

Inspection
of water
troughs.

In March, 1915, Mr. Browne inspected the water troughs which had been constructed near the Ngong Hills, accompanied by Ngaroya and other Masai. Troughs had been constructed, one at the Kiserian River, three at the main concentration chamber and one each at streams "F," "G" and "H," in accordance with the terms of the agreement. Four of these troughs were in working order, and the three at the main concentration chamber, though not yet connected with the chamber, were being temporarily fed from the Kiserian River. Mr. Browne reported that the Masai were visibly impressed with the troughs, and with the obvious proofs by the position of the pipes from the weirs to the troughs that the Masai had first call on all the water. The watering places on stream "No. 9," which were to be constructed with stone-pitched banks, had not been completed, but the sites had been well chosen.

The agree-
ment of the
15th March,
1915.

On the 15th of March, 1915, the agreement between the Government and the Magadi Soda Company Limited was signed. The text of the agreement is as follows :—

AN AGREEMENT made the Fifteenth day of March One thousand nine hundred and fifteen BETWEEN HENRY CONWAY BELFIELD, KNIGHT COMMANDER OF THE MOST DISTINGUISHED ORDER OF SAINT MICHAEL AND SAINT GEORGE HIS EXCELLENCY THE GOVERNOR OF THE EAST AFRICA PROTECTORATE (hereinafter called the Governor which term where the context so admits shall include the Governor for the time being administering the Government) on the one part and the MAGADI SODA COMPANY LIMITED a Limited Liability Company having its registered office at Bishopsgate London E.C. in England (hereinafter called "the Company") of the other part WHEREAS (A) By an Agreement (hereinafter called "the Principal Indenture") dated the 13th April 1911 and made between the Crown Agents for the Colonies acting for and on behalf of the Government of the one part and the Company (therein called "the Contractors") of the other part it was agreed (*inter alia*) that the Contractors should construct in the East Africa Protectorate a Railway (hereinafter called "the Railway") as therein defined (B) Both the Governor and the Company are desirous that a supply of water for the Railway should be obtained in the manner and subject as hereinafter provided from the streams known as the Upper Streams situated in the Ngong Hills in the District of Masailand in the Ukamba Province of the East Africa Protectorate and that the surplus (if any) of the water so obtained after first satisfying the proper requirements of the working of the Railway should be available for the purposes of the Company's works as defined by clause forty-two of the Principal Indenture NOW IT IS HEREBY AGREED as follows :—

1. Subject to the terms and provisions herein contained the Governor hereby grants to the Company the right to take water in the manner hereinafter mentioned from the said Upper Streams (the approximate position of which is shown on the plan hereto annexed) for the purposes of the Railway and (subject thereto) of the Company's works as defined by clause forty-two of the Principal Indenture during the continuance of the term of any lease or concession under which the Company is or may be entitled to work any Soda deposits or other materials or mineral substances from the lands known as Lake Magadi or any other lands held or to be held by the Company under the Government.

2. The Company may (subject as herein expressly provided) take water from the said streams at such intakes and in such manner as it shall think fit and the water so taken shall be conducted into a reservoir (hereinafter called the Upper Concentration Chamber) to be constructed approximately in the position shown on the said plan (which Upper Concentration Chamber may be constructed of such size and in such manner as the Company shall think expedient) and may convey the water from the Upper Concentration Chamber through pipes approximately in the line delineated on the said plan by a black dotted line to a reservoir (hereinafter called the Lower Concentration Chamber) to be constructed by the Company approximately in the position indicated on the said plan by a yellow circle SUCH Lower Concentration Chamber to be constructed by the Company substantially in accordance with a drawing thereof annexed hereto which has been approved by the Government.

3. The Company may lead the water from the Lower Concentration Chamber by means of a line of pipes to the Railway and along the course of the Railway down to the Company's works as defined as aforesaid. ALL the water so taken from the Lower Concentration Chamber shall in the first instance be available for the proper requirements of working the Railway (but not for the purpose of working the main line or any other branch of the Uganda Railway) and proper conveniences for drawing off the water for such purposes shall be made where necessary or proper along the course of the Railway but so much (if any) of the water so taken from the Lower Concentration Chamber as shall not be properly required for the purposes of working the Railway shall be available for any of the purposes of the Company's works and may be taken and used by the Company accordingly for such purposes as the Company may think fit in connection with the said works provided that the persons corporation or authority by which the Railway shall for the time being be actually worked shall at all times have the first call on the said water for the proper purposes of working the Railway and that only the surplus water (if any) remaining after providing for such purposes of the Railway shall be available for the purposes of the Company's works.

4. The Company shall also have the right to take water from the said streams and construct reservoirs in the vicinity of the intakes marked C1, G1, and H delineated in yellow on the said plan PROVIDED ALWAYS that any water obtained under the provisions of this Clause shall only be used in case of insufficiency of the supply obtained under the provisions of Clause 1 and provided also that the Keserian River in the vicinity of the said intake C1 shall only be tapped in the event of the other streams failing to provide a sufficient supply.

5. The Company shall be entitled to fence in the Banks of the streams of which intakes F, G1, and H are situated above the said reservoirs.

6. The Company shall erect to the satisfaction of the Governor at a point below the Lower Concentration Chamber to be indicated by the Governor or such officer as he may appoint a meter for registering the quantity of water taken from the streams in the Ngong Hills.

7. The Company shall erect nine Cattle troughs each measuring 50 feet in length 3 feet in width and 2 feet 6 inches in depth and of the design shown on the plan annexed which has already been approved by the Governor.

The said troughs shall be erected at the following points namely :—

Three troughs below the Lower Concentration Chamber.

One trough below each of the reservoirs to be constructed in the vicinity of intakes C1, G1, and H.

Two troughs on Streams Number Nine shewn in the said plan at points to be indicated at proper levels by the Governor or such officer as he may appoint.

The Company shall construct the first seven troughs above mentioned in such a manner as to provide that the troughs shall automatically have first call on all water passing through their respective reservoirs.

8. The Company will upon the request of the Governor provide additional Cattle troughs not exceeding five in all at such place or places as the Governor shall indicate on the Ngong streams and of the same dimensions as those mentioned in the last preceding paragraph hereof.

9. No place for the trough is to be indicated by the Governor unless the trough when constructed in such place can be conveniently supplied by gravitation and without any pumping.

10. The Company undertakes not to take water from any streams on which weirs A, B, J, L, 15 and 16 delineated in green on the said plan are indicated.

11. The Governor hereby reserves to the Masai Tribe the right to water their flocks and herds on the Keserian River above the point which the reservoir

referred to in Clause four is to be constructed and also reserves to himself the right to take such water from all or any of the said streams as may from time to time be required for the purposes of the Government Station situated at Ngong.

12. The Governor hereby agrees with the Company that the Masai tribe shall not be allowed to take any water from the Upper Concentration Chamber or from any of the streams supplying the same except in the event of no other convenient and sufficient water supply being available to fulfil the necessary requirements of the said Tribe.

13. The Company shall maintain and keep in a proper state of repair the whole of the water works and things by this Agreement authorized or required to be constructed and made to a point immediately above the storage tanks at or near mile twenty-two and a-half on the Magadi Railway. The Railway shall maintain and renew when necessary both the aforesaid tanks and the meter below the aforesaid tanks constructed by and at the cost of the Company and the cost of such maintenance and renewal of both the aforesaid tanks and meter shall be borne in equal shares by the Company and the Railway. The Railway shall maintain and renew when necessary the pipe line from the aforesaid tanks to the said meter and from the said meter to mile seventy-five on the Magadi Railway at its own cost. The Railway shall further at its own cost maintain and renew when necessary the pipe line of six and a-half miles or thereabouts from the Hill Spring to Magadi Junction. The Company shall maintain and renew when necessary the pipe line from mile seventy-five on the Magadi Railway to Magadi Lake for so long as such line is necessary for the purpose of the Company.

14. Nothing shall at any time be done or omitted or permitted whereby or in consequence whereof the capacity of the works constructed hereunder shall be diminished or whereby the amount of surplus water which might otherwise be available for the Company's works after first satisfying the purposes of the Railway may be lessened but the said works and things constructed hereunder shall at all times continue to be maintained so as to take from the said streams the full amount of water which according to their original construction they shall be capable of taking to the intent that subject only to the first call on the said water for the proper purposes of working the Railway any surplus water taken from the said streams by means of the said works and things hereby authorized to the full extent of the original capacity thereof shall be available for the purposes of the Company's works.

IN WITNESS the hands of the parties hereto :—

Witness to the Signature of the } Signed, H. CONWAY BELFIELD.
Governor

Signed, F. W. BRETT,
Private Secretary.

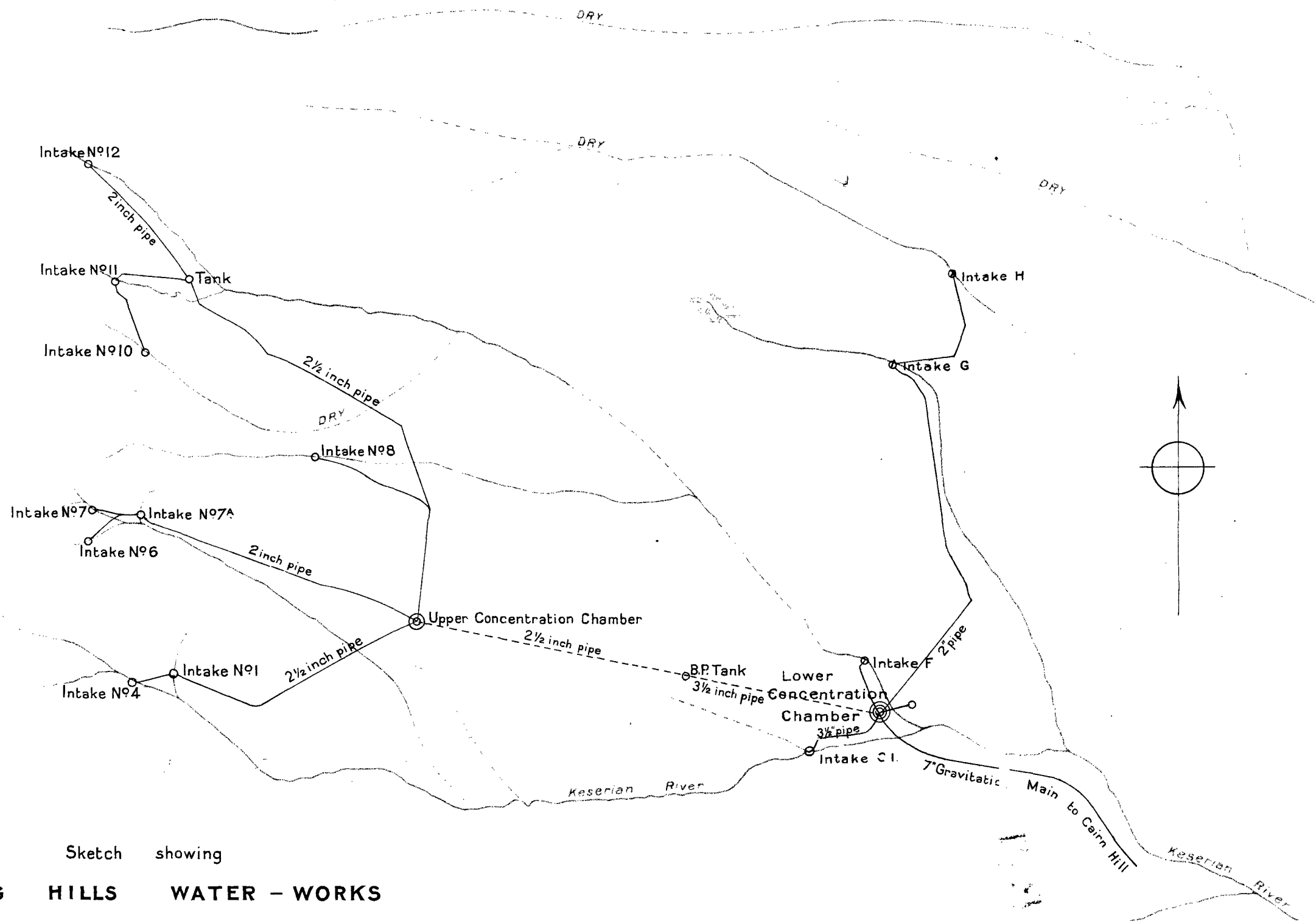
Witness to the Signature of the } Signed, GUY SYMONDS,
Company } *General Manager,*
B.E.A. Works,
The Magadi Soda Company Ltd.

Signed, H. A. YOUNG,
Asst. Attorney-General.

Water from
the Uaso
Nyiro.

On June 19th, 1915, Mr. Sikes intimated that the Company was desirous of constructing water works to provide water at their works at Lake Magadi by pumping from the Southern Uaso Nyiro. As the Masai Reserve was then the scene of military operations, their application was referred to the military authorities, who replied that the construction of such a pumping station practically on the German border would attract the attention of the enemy and would lead to petty raids and reprisals, which it was particularly desired to avoid.

NGONG HILLS



Sketch showing
NGONG HILLS WATER - WORKS

Scale: 2,000 ft. to 1 inch

By December, 1915, the water supply from the Ngong Hills was in working order and the approximate yield of the pipe from the lower concentration chamber to Kajiado was 100,000 gallons a day. The short rains which were due to fall in November, 1915, were almost a total failure on the Ngong Hills, and towards the end of December and during the first week in January, 1916, the yield from that source fell to 52,000 gallons, rising to 65,000 gallons on the 26th of January. There was thus a shortage of water along the Magadi Railway which itself required 22,000 gallons daily, while 35,000 gallons were required for the military camp at Kajiado and 30,000 gallons for the manufacturing operations at the Lake. Another cause of the shortage of water was the fact that the springs near the Ngong Hills had been choked up by cattle.

Shortage of
the water
supply.

The measures which were taken to provide water for the Masai of this neighbourhood during the period of drought at the end of 1915 and early in 1916 have been described in Chapter VII., Incident No. 34.

On January 4th, 1916, Mr. Chambers, the General Manager of the Magadi Soda Company, submitted a draft agreement relating to the Surei water works. In October, 1914, Mr. Hodge, the Assistant District Commissioner, Ngong, under instructions from the District Commissioner, had asked the Land Officer to draw up an agreement in respect of this water supply in accordance with the approval which Sir Percy Girouard was said to have conveyed to such an undertaking in 1911. The actual terms approved by Sir Percy Girouard have already been set out on page 164, but it appears that nothing was done until the draft agreement was asked for in 1914. On reconsideration in 1916, the terms of this agreement were agreed to and the agreement was signed on the 2nd of February, 1916. The following is the text:—

The Surei
agreement.

AN AGREEMENT made this second day of February One thousand nine hundred and sixteen between SIR HENRY CONWAY BELFIELD KNIGHT COMMANDER OF THE MOST DISTINGUISHED ORDER OF SAINT MICHAEL AND SAINT GEORGE HIS EXCELLENCY THE GOVERNOR OF THE EAST AFRICA PROTECTORATE (hereinafter referred to as the Governor which expression shall where the context so admits include the person for the time being Administering the Government of the said Protectorate) of the one part and the MAGADI SODA COMPANY LIMITED being a Company registered under the provisions of the Companies Act and having its registered office at Shell House numbers twenty-five and twenty-seven Bishopgate in the City of London (hereinafter referred to as the Company which expression shall where the context so admits include its successors and assigns) of the other part WHEREBY it is agreed and declared by and between the parties hereto as follows:—

1. In consideration of the Agreements on the part of the Company hereinafter contained the Governor hereby agrees to grant and allow to the Company the right to keep and maintain the Pipe Line running from the Surei Falls to the Magadi Railway between Mile forty-six and Mile forty-seven more particularly indicated on the plan annexed hereto* by a line coloured blue and marked 3" Pipe to Surei Falls together with full and free right of access hereto for all purposes in connection therewith and also the right to take and use the water running into the said Pipe Line excepting so much thereof as shall be necessary for the fulfilment of the Company's Agreement next hereinafter contained until such time as this Agreement is terminated as hereinafter provided.

2. In consideration of the Agreement on the part of the Governor hereinbefore contained the Company hereby agrees to construct and maintain One Cattle Trough fifty feet long three feet wide and two feet six inches deep according to the design which has been approved for the Ngong works at or near the point where the Surei Pipe Line joins the Ngong Hills Supply between Mile forty-six and Mile forty-seven on the Magadi Railway more particularly indicated on the said plan and marked "Position of Cattle Trough."

* Not reproduced.

3. For the consideration aforesaid the Company also agrees to keep and maintain the said Cattle Trough in a clean sanitary and workable condition and filled with water (except when the supply from the said Pipe Line shall fail through no fault of the Company or while cleaning the trough or while carrying out necessary repairs) to the satisfaction of the District Commissioner until such time as this Agreement is terminated as hereinafter provided.

4. This Agreement shall continue in force until such time as the Company shall cease to require the water when the same shall lapse and become null and void IN WITNESS whereof the Governor hath hereunto set his hand and the Magadi Soda Company Limited has caused its Common Seal to be hereunto affixed the day and year first above written.

Signed by the said Henry Conway }
Belfield, K.C.M.G., in the presence of— } Signed, H. CONWAY BELFIELD.

Signed, Ll. A. F. JONES,
Nairobi, E.A.P.,
Private Secretary.

The Common Seal of the Magadi
Soda Company Limited was hereunto
affixed in the presence of—

Signed, SAMUEL SAMUEL }
Signed, W. F. MITCHELL } *Directors*
Signed, G. N. FAY, *Secretary.*

Masai
interference.

In July, 1916, Mr. Chambers reported that he had been put to great inconvenience and expense owing to interference by the Masai with the Water Supply Pipe Line between Kajiado and Lake Magadi. During the first week in July the production of raw soda had been completely stopped for four days owing to the fact that the Masai, in order to water their cattle, had opened an air-valve of the pipe line near mile 33. He submitted a claim for damages to the extent of £120 against the Masai of that district. The Government replied that they would accept no responsibility in regard to such alleged interferences by the Masai and suggested that if so disposed the Company might prosecute any members of the tribe whom they had reason to suppose to be the culprits. It was represented that they would presumably have a civil claim against the Masai concerned for the damage suffered. In deference, however, to Mr. Chambers's representations, the Governor expressed himself as willing to assist the Company in so far as he could with propriety arrange and he accordingly instructed the District Commissioner, Ngong, to call a meeting at which a representative of the Company might discuss the matter with the Masai concerned. The meeting was held on the 9th of September, when the serious nature of the offence of tampering with the water supply was explained to the Masai. An enquiry into the incidents was held by an Administrative Officer from Machakos, who recommended the imposition of a fine under the Collective Punishments Ordinance, but this was disallowed owing to the lack of evidence. In order the more easily to trace and punish the offenders should any similar incidents occur in the future the Governor decided that such cases should be reported to the District Commissioner, Ngong, instead of to the District Commissioner, Machakos, who then held jurisdiction over the Magadi Railway zone.

Hill springs
water supply.

The maintenance of the Hill Springs water supply near Magadi Junction was taken over from the Magadi Soda Company by the Uganda Railway Administration on the 13th of October, 1916.

3.—JURISDICTION IN THE MAGADI RAILWAY ZONE.

The position in the Naivasha Province of the Masai Reserve through which passed the Magadi Railway led to certain difficulties in regard to the Court work for offences committed on the Railway during its construction. Cases are on record where it became necessary for the trial of such offences to be postponed until it became possible to produce the offender before the Provincial Commissioner, Naivasha, or the Town Magistrate at Nakuru. The Commissioner of Police therefore suggested that the Town Magistrate, Nairobi, be given jurisdiction over a part of the gazetted Southern Masai Reserve and the Railway zone. After consultation with the High Court, the Town Magistrate, Nairobi, was appointed, on January 16th, 1912, to hold a Subordinate Court of the first class in the Southern Masai District of the Naivasha Province. Original arrangements

The following order was made by the High Court on the 6th of February, 1912, for the distribution of business between Subordinate Courts in the Southern Masai District, to have effect until further notice:— Order by the High Court.

CRIMINAL MATTERS.

All offences committed on or about the line of the Magadi Railway by or against persons working on or in connection with the construction of the said Railway or against Government Regulations shall so far as may be convenient and so far as such offences may be within the jurisdiction of a second class magistrate be dealt with in the Court of the Labour Inspection Officer, Magadi Railway.

Such of the said offences as are beyond the jurisdiction of a second class magistrate shall be dealt with in the Court of the Town Magistrate, Nairobi.

The Officer-in-Charge of the Southern Masai District or any magistrate other than the Town Magistrate Nairobi, having jurisdiction in the areas through which the Magadi Railway runs shall not deal with any of the said offences except in the absence of the Labour Inspection Officer, Magadi Railway, or with his consent.

CIVIL MATTERS.

Civil claims by or against persons working on or in connection with the construction of the said Railway shall, if triable under the general law of the Protectorate in a Subordinate Court of the second class in the Southern Masai District, be tried in the Court of the Labour Inspection Officer, Magadi Railway, and if triable in a Subordinate Court of the first class in the Province of Naivasha then in the Court of the Town Magistrate, Nairobi.

In March, 1915, a report was received from General Headquarters, Nairobi, to the effect that the Officer Commanding at Kajiado was continually being asked to settle petitions from and disputes among the Masai living near that place. A request was therefore made that an Assistant District Commissioner might be stationed at Kajiado, and Mr. C. B. Thompson was appointed Railway Magistrate for Magadi in April. Appointment of a Railway Magistrate.

In July, 1915, the G.S.O. (2) Intelligence asked that an officer might be detailed as an assistant to the Political Officer, Mr. E. D. Browne, and suggested the appointment of Mr. Thompson to this post. The Governor approved of Mr. Thompson rendering the assistance suggested, on the understanding that his own work as Magistrate was not impeded thereby, and that he was not employed outside the area of his jurisdiction. In December, however, Mr. Thompson was placed at the disposal of the General Officer Commanding the Magadi Division, who proposed to take him forward with the troops, and suggested that it might be advisable for the civil authorities to resume administration of that district as soon as the country was occupied as far as the border. As both Mr. Browne and Mr. Thompson were thus due to leave Kajiado, and as there was no one available to replace them, it was decided to administer the Kajiado area from Machakos, and with this end in view, Mr. Lightbody and Mr. Silvester were given power to hold Subordinate Courts of the second class within the Provinces of Ukamba and Naivasha, on the 12th of February, 1916. Jurisdiction transferred to Officers of Machakos District.

Order by the High Court. An Order by the High Court, dated the 7th of February, 1916, provided for the distribution of business of Subordinate Courts in the Magadi Railway zone, and read as follows:—

The Order made by the High Court for the distribution of business between Subordinate Courts in the Southern Masai District, dated 6th February, 1912, is hereby amended as follows:—

CRIMINAL MATTERS.

1. All offences committed on or about the line of the Magadi Railway by or against persons working on or in connection with the construction or running of the said Railway, or against Government Regulations, shall so far as may be convenient and so far as such offences may be within the jurisdiction of a Second Class Magistrate be dealt with by the District Commissioner or Assistant District Commissioner Machakos, if specially empowered to hold a Subordinate Court of the Second Class within the Province of Naivasha.

2. Such of the said offences as are beyond the jurisdiction of a Second Class Magistrate shall be dealt with in the Court of the Resident Magistrate Nairobi.

3. The Officer-in-Charge of the Southern Masai District or any Magistrate not mentioned in Clause (1) other than the Resident Magistrate Nairobi having jurisdiction in the area through which the Magadi Railway runs shall not deal with any of the said offences unless undue delay would otherwise be caused in an offender being brought to trial.

CIVIL MATTERS.

4. Civil claims by or against persons working on or in connection with the construction or running of the said Railway shall, if triable under the general law of the Protectorate in a Subordinate Court of the Second Class in the Southern Masai District be tried in the Court of either of the Magistrates mentioned in Clause (1), and if triable in a Subordinate Court of the First Class in the Province of Naivasha then in the Court of the Resident Magistrate Nairobi.

Jurisdiction transferred from Machakos to Ngong.

In October, 1917, the Officer-in-Charge of the Masai Reserve submitted a proposal that in future the area on or about the Magadi Railway from the point where it entered the Masai Reserve to its terminus be included in the jurisdiction of the District Commissioner or Assistant District Commissioner, Ngong, instead of in that of the District Commissioner or Assistant District Commissioner, Machakos. He considered that this latter arrangement, though necessary during the construction period, and during the course of military operations in that area, had become unsatisfactory, as the officers of the Machakos District were seldom able to visit the Magadi Railway zone, whereas it was equally accessible from Ngong and was frequently visited by officers from that station in the ordinary course of their duties. In commenting on the proposal, the Chief Justice remarked that the general jurisdiction over offences committed on or about the line of the Magadi Railway by or against persons working on or in connection with the construction of the railway had been placed in the hands of the Resident Magistrate, Nairobi, and the District Commissioner or Assistant District Commissioner, Machakos, specially empowered by the Government. In practice it had been found extremely difficult for any of these officers to visit the line but he hoped that the posting of two Resident Magistrates to Nairobi might render it possible for one of them to pay regular visits. Until matters had settled down, he considered it desirable that the District Commissioner, Ngong, should be the officer to deal with the Magadi cases.

Mr. Chambers appointed a Justice of the Peace.

In February, 1918, the Chief Justice suggested that it might be desirable if Mr. J. E. Chambers, the Manager of the Company, were to be appointed a Justice of the Peace for the area. This would ensure the presence on the spot of someone possessing authority to act in cases of necessity. Mr. Chambers was accordingly appointed on the 5th of March, 1918.

On April 11th, 1918, the Chief Justice considered that, in view of Mr. Chambers' appointment, the previous Orders of the High Court providing for the distribution of business between Subordinate Courts in the Southern Masai District might be cancelled. This was done by notice in the "Official Gazette" of the 24th of April, 1918. Distribution Order cancelled.

On September 4th, 1918, Mr. A. L. Lawley, Acting Manager of the Magadi Soda Company, was appointed to act as a Justice of the Peace in the Railway zone during the absence of Mr. Chambers on leave. Mr. Lawley appointed a Justice of the Peace.

CHAPTER XI.

THE UASIN GISHU MASAI.

The Uasin Gishu Masai Reserve—The extension of the reserve—Statistics of the Uasin Gishu Masai—Further extension of the reserve—Dissensions between Lembere and Wali Kondi—Uasin Gishu Masai Reserve boundaries.

In 1860, the Uasin Gishu Masai inhabited the plateau named after them. They were defeated in battle by the other Masai, and were scattered to various parts of the country, some going to the ravine, others to Nandi, and others to Kavirondo. Those located in the ravine rendered considerable assistance to Government in the early days of administration, and acquired a certain amount of wealth.

The Uasin
Gishu Masai
Reserve.

The attention of the Government was first called to the necessity of creating a reserve for the Uasin Gishu Masai by Mr. Foaker, District Commissioner at Eldama Ravine, in February, 1904, soon after Lord Delamere had been granted a lease of a large area in the neighbourhood. Mr. Foaker asked that 100,000 acres might be reserved for them, and that the salt licks on Lord Delamere's land might be included in the reserve. No attempt was made to form a native reserve, but Lord Delamere was informed by the Land Officer on February 22nd, 1904, that, as the Uasin Gishu Masai had rights over the salt licks on his land, they must be given uninterrupted access thereto at any time.

Further large grants of land were made to Europeans near the Ravine Station in 1904, and, on the arrival of a surveyor, in January, 1905, to survey other farms in the neighbourhood, Mr. Foaker pointed out that great injustice was being done to the Uasin Gishu Masai.

The Land Officer thereupon reserved the only land then available—some 18,000 acres—which was for the most part stony and barren and had consequently not been applied for by Europeans.

The
extension
of the
Reserve.

After the Nandi Expedition in 1906 it was decided to move to the ravine those Uasin Gishu Masai who had gone to live with the Nandi. This was done, with the result that the reserve became very congested.

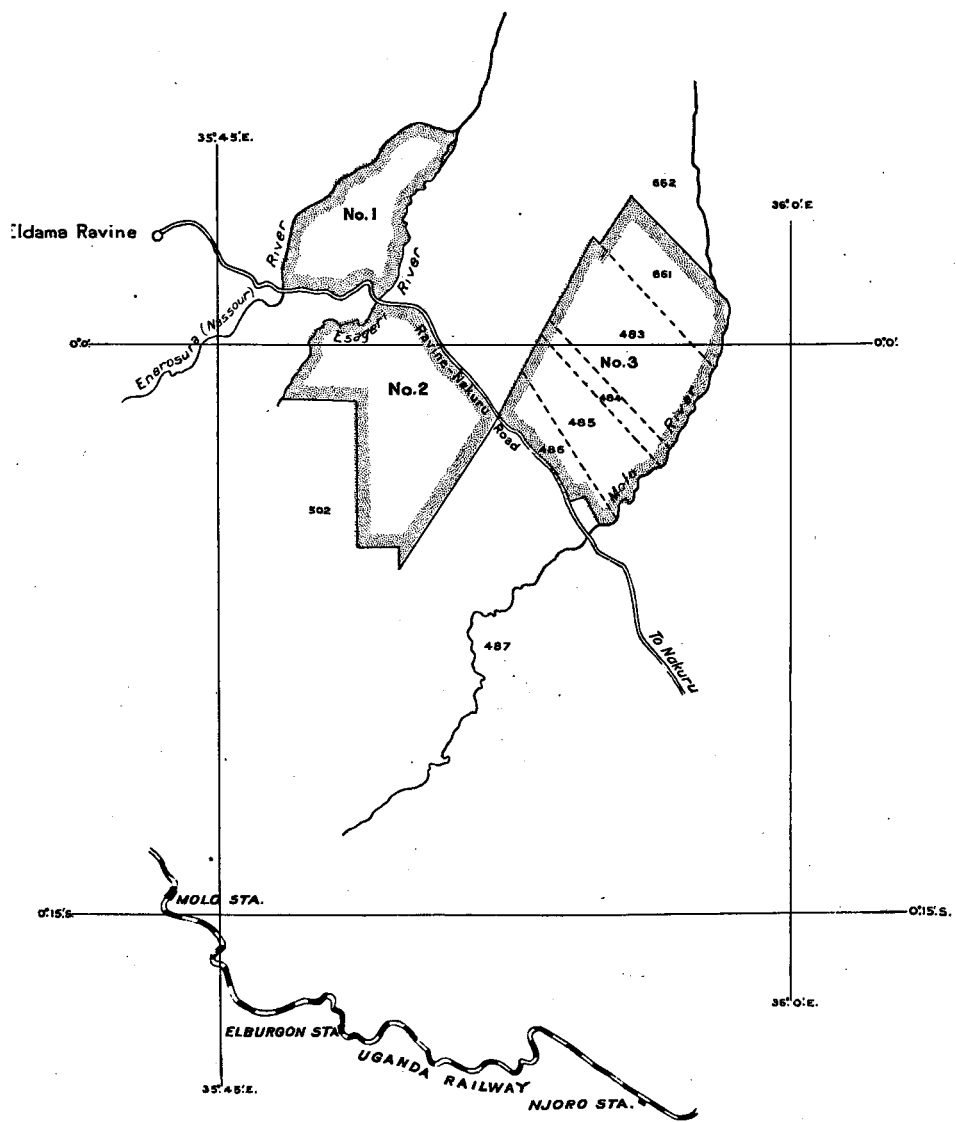
In October, 1906, Mr. Hobleby wrote to the Commissioner of Lands asking that the area reserved for the Uasin Gishu Masai might be increased, as it was inadequate. He also asked that a right of way to the salt licks on Mr. Hotz's land and Captain Grogan's grazing farm should be reserved for them. In February, 1908, Colonel Montgomery, accompanied by Mr. Bagge, then Provincial Commissioner, Naivasha, proceeded to the ravine where he interviewed the Uasin Gishu Masai and visited their reserve. Colonel Montgomery was convinced that they had not enough land, and proposed the re-acquisition of some of the farms in the neighbourhood, a proposal which was agreed to by the Governor.

In 1909 and 1910 four farms on the Molo River, aggregating 21,972 acres, were re-acquired, and the Uasin Gishu Masai were informed that they might occupy those areas. A right of way from the Molo River to the salt lick on Mr. Hotz's farm was also reserved for them.

On February 6th, 1911, the Acting Governor interviewed the Uasin Gishu Masai Elders. The Masai complained that their reserve was still far too small for them and that they had not enough salt for their herds. They asked for permission to continue living on the unoccupied farms in the neighbourhood, paying rent in kind as heretofore to the various landlords who were, for the most part, absentees. They were informed that they must move into their reserve and that, if it was not large enough, they must sell their surplus stock. The Acting Governor agreed to their having a right of way to the salt lick on Captain Grogan's farm. The Masai were also informed that, in all probability, a cattle tax in lieu of hut tax would be imposed on pastoral tribes in the near future.

THE
UASIN GISHU MASAI RESERVES

Scale: 4 miles = 1 inch



Prior to the meeting, Mr. Hollis visited the Uasin Gishu Native Reserve and several of the adjoining farms and obtained the following information. The Uasin Gishu Masai in this area numbered in all between 1,400 and 1,500 souls, and paid tax on 440 huts. They possessed 15,000 head of cattle and 25,000 sheep and goats. 4,000 head of these cattle were in the habit of grazing on land belonging to Captain Grogan, who received toll in bullocks at the rate of 1 per cent. per annum. There were 30 kraals on Lord Delamere's land, containing 3,000 head of cattle, which were allowed this privilege without payment. The remaining 7,000 or 8,000 cattle were for the most part in the Native Reserve.

Statistics
of the Uasin
Gishu Masai.

The two reserves occupied by the Uasin Gishu Masai in February, 1911, were separated by a strip of alienated land, and steps were taken to re-acquire parts of adjacent farms belonging to Captain Grogan which would join these two areas and form one native reserve having an area of some 40,000 acres. The Masai were informed that, when this reserve had been allotted to them, they must regard the question of boundaries as definitely settled. They were also given to understand that, in lieu of hut tax, they would be required to pay a cattle tax of R. 1 per head or a stock tax of one beast out of every herd of 100 cattle, sheep or goats.

Further
extension
of the
reserve.

In July, 1911, the Provincial Commissioner, Naivasha, reported that dissensions had occurred between Chief Lembere and the hereditary Laibon, Walikondi, leading men in the Masai Reserve. Lembere had been constituted Chief by Mr. (now Sir Frederick) Jackson when he was stationed at Ravine and had acquired a considerable following. Charges of witchcraft had been brought against Walikondi, with the result that he requested permission to move, with the other Masai, from Laikipia into the Southern Masai Reserve. His following expressed a desire to accompany him. It seemed, however, that such a movement would be the cause of friction between the Uasin Gishu and the other Masai, who have little in common, and it was decided to hold the matter over, at any rate until the Masai Move was an accomplished fact.

Dissensions
between
Lembere
and Wali-
kondi.

In May, 1912, the sanction of the Secretary of State was requested to an exchange of land held by Captain Grogan in the Naivasha Province for an area on the Athi Plains. Captain Grogan was willing to exchange 16,638 acres, to be used for an extension of the Uasin Gishu Masai Reserve, for 30,000 acres on the Athi Plains. The Secretary of State approved this arrangement in June, 1912, and the Provincial Commissioner, Naivasha, was instructed to take steps to mark out the extended Uasin Gishu Masai Reserve.

A description of the Uasin Gishu Masai Native Reserve was accordingly drawn up, and read as follows:—

Uasin Gishu
Masai
Reserve
boundaries.

"The reserve is divided into three parts:

"No. 1. Commencing at the point where the Nakuru Eldama Ravine Road crosses the Enarosuro (or Nassour) River the boundary follows the right bank of this river down stream to its junction with the Esageri (or Sageri) River; thence along the left bank of the Esageri River up stream to the point where it is crossed by the Nakuru Eldama Ravine Road; thence along this road in the direction of Eldama Ravine to the point of commencement.

"No. 2. Commencing at the point where the Esageri River is crossed by the Nakuru Eldama Ravine Road the boundary follows that road in the direction of Nakuru to the most northerly corner or portion L.O. 487; thence in south-westerly direction along the western boundary of L.O. 487 to its intersection with the eastern boundary to L.O. 502; thence northerly and westerly along the eastern and northern boundaries of portion L.O. 502 to the Esageri River; thence along the right bank of the Esageri River down stream to the point of commencement.

"No. 3. Commencing at the most westerly corner of portion L.O. No. 486 on the Eldama Ravine Road the boundary follows the western boundaries of L.O. 485, 484, 483, 661 in a north-easterly direction to the most northerly corner of the latter (which is also the western corner of L.O. 662); thence in a south-easterly direction along the southern boundary of L.O. 662 to the Molo River;

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thence along the left bank of the Molo River up stream to the point where it is crossed by the Nakuru Eldama Ravine Road; thence along the road in the direction of Eldama Ravine to the point of commencement.

"The following area, however, is to be excluded from this native reserve, viz., 500 acres situated as follows:—

"Commencing at the point where the Molo River is crossed by the Nakuru Eldama Ravine Road the boundary follows this road in the direction of Eldama Ravine for about one and one-third miles; thence in an easterly direction for about half a mile; thence in a south-south-easterly direction to the Molo River, thence along the left bank of the Molo River up stream to the point of commencement."

The Uasin Gishu Masai Pass Regulations, 1914.

On the 6th of April, 1914, Rules were introduced under the Native Passes Regulations, 1900, forbidding the Uasin Gishu Masai from proceeding out of the reserve set aside for the use of that tribe except under permit from a District Commissioner or Assistant District Commissioner.

Proposals for the removal of the Uasin Gishu Masai.

In August, 1914, proposals emanated from the Land Office recommending the removal of the Uasin Gishu Masai from the area reserved for them and throwing their reserve open to European settlement. The argument was that in the event of a railway passing through that part of the country, it would be a pity to allow this small and unprofitable tribe to occupy a tract of land so valuable from an agricultural point of view as the Molo River Reserve.

It was suggested that a place might be found for these people in the Southern Masai Reserve.

Action on these proposals was deferred by order of the Governor until various other important questions relating to native reserves had been settled.

The Uasin Gishu Masai in North Kavirondo District.

After the defeat of the Uasin Gishu Masai by the Laikipia Masai on the plateau during the latter half of the nineteenth century, numbers of the former tribe found their way into Kavirondo country and settled in the North Kavirondo area under the Nandi Escarpment. From that area they were moved further to the west in 1903. In 1907 they were located in all parts of the North Kavirondo district, some of the kraals being situated near the Uganda border. Periodically they asked to be allowed to take up separate and unoccupied grazing lands to the east of the district but those applications were opposed by the Provincial Commissioner, Mr. Ainsworth, who insisted that these Masai should remain mixed up with the Kavirondo.

When rinderpest broke out in North Kavirondo District in 1911, the District Commissioner allowed these people to move east with their cattle so that the herds might escape the area of infection and they used the opportunity afforded by this privilege in order to make an effort to achieve their desire to be allowed to reside by themselves under Masai conditions. Several manyattas moved into the Trans-Nzoya area.

The future policy in dealing with this section of the tribe was referred to the Governor for decision in March, 1913, and he directed that these Uasin Gishu Masai should be moved into the North Kavirondo District and placed under the control of responsible chiefs with a view to inducing them to mix with the neighbouring Kavirondo and to abandon their pastoral tendencies in favour of agricultural enterprise.

Steps were taken during March and April, 1914, to move these Masai from the eastern parts of the district and they were distributed in the various locations under the personal supervision of the chiefs concerned.

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APPENDIX 1.

AGREEMENT, dated 10th August, 1904, between HIS MAJESTY'S COMMISSIONER for the EAST AFRICA PROTECTORATE and the CHIEFS of the MASAI TRIBE.

We, the Undersigned, being the Lybon and Chiefs (representatives) of the existing clans and sections of the Masai tribes in the East Africa Protectorate, having, this 9th day of August, 1904, met Sir Donald Stewart, His Majesty's Commissioner for the East Africa Protectorate and discussed fully the question of a land settlement scheme for the Masai, have, of our own free will, decided that it is for our best interests to remove our people, flocks, and herds into definite reservations away from the railway line, and away from any land that may be thrown open to European settlement.

We have, after having already discussed the matter with Mr. Hopley at Naivasha and Mr. Ainsworth at Nairobi, given this matter every consideration, and we recognize that the Government, in taking up this question, are taking into consideration our best interests.

Now we, being fully satisfied that the proposals for our removal to definite and final reserves are for the undoubted good of our race, have agreed as follows :—

That the Elburgu, Gekunuki, Loita, Damat, and Laitutok sections shall remove absolutely to Laikipia, and the boundaries of the Settlement shall be, approximately, as follows :—

On the north, by the Loroghi Mountains.

On the west, by the Laikipia (Ndoror) Escarpment.

On the south, by the Lesuswa or Nyam and Guaso Narok Rivers.

On the east, by Kisima (approximate).

And by the removal of the foregoing sections to the reserve we undertake to vacate the whole of the Rift Valley, to be used by the Government for the purposes of European settlement. Further, that the Kaptei, Matapatu, Ndogalani, and Sigarari sections shall remove into the territory originally occupied by them to the south of Donyo Lamuyu (Ngongo), and the Kisearian stream, and to comprise within the area the Donyo Lamuyu, Ndogalani, and Matapatu Mountains, and the Donyo Narok, and to extend to Sosian on the west.

In addition to the foregoing, Lenana, as Chief Lybon, and his successors, to be allowed to occupy the land lying in between the Mbagathi and Kisearian streams from Donyo Lamuyu to the point where both streams meet, with the exception of land already occupied by Mr. Oulton, Mr. McQueen, and Mr. Paterson.

In addition to the foregoing, we asked that a right of road to include certain access to water be granted to us to allow of our keeping up communications between the two reserved areas, and, further, that we be allowed to retain control of at least 5 square miles of land (at a point on the slopes of Kinangop to be pointed out by Legalishu and Masakondi), whereat we can carry out our circumcision rites and ceremonies, in accordance with the custom of our ancestors.

We ask, as a most important point in this arrangement, that the Government will establish and maintain a station on Laikipia, and that officers whom we know and trust may be appointed to look after us there.

Also that the Government will pay reasonable compensation for any Masai cultivation at present existing near Nairobi.

In conclusion, we wish to state that we are quite satisfied with the foregoing arrangement, and we bind ourselves and our successors, as well as our people, to observe them.

We would, however, ask that the settlement now arrived at shall be enduring so long as the Masai as a race shall exist, and that European or other settlers shall not be allowed to take up land in the Settlements.

In confirmation of this Agreement, which has been read and fully explained to us, we hereby set our marks against our names as under:—

LENANA, Son of Mbatian, Lybon of all the Masai.
MASAKONDI, Son of Arariu, Lybon at Naivasha.

Signed at Nairobi, August 15, 1904:—

LEMANI, Elmura of Matapatu.
LETREGEI, Elmura of Matapatu.
LELMURUA, Leganan of Kapte.
LAKOMBE, Elmura of Ndogalani.
LISIARI, Elmura of Ndogalani.
MEPAKU, Head Elmoran of Matapatu.
LAMBARI, Leganon of Ndogalani.

Naivasha, representing Elburgu, Gekunuku, Loita, Damat, and Laitutok:—

LEGALISHU, Leganan of Elburgu.
OLMUGEZA, Leganan of Elburgu.
OLAINOMODO, Leganan of Elburgu.
OLOTOGLA, Leganan of Elburgu.
OLIETI, Leganan of Elburgu.
LANAIRUGU, Leganan of Elburgu.
LINGALDU, Leganan of Elburgu.
GINOMUN, Leganan of Elburgu.
LIWALA, Leganan of Gekunuki.
LEMBOGI, Leganan of Laitutok.

Signed at Nairobi, August 15, 1904:—

SABORI, Elmura of Elburgu.

We, the Undersigned, were Interpreters in this Agreement:—

C. W. HOBLEY (Swahili).
MWE s/o LITHUGU (Masai).
LYBICH s/o KERETU (Masai).
WAZIRI-BIN-MWYNBEGO (Masai).

I, Donald Stewart, K.C.M.G., His Majesty's Commissioner for the East Africa Protectorate, hereby agree to the foregoing, provided the Secretary of State approves of the Agreement, and in witness thereof I have this 10th day of August, 1904, set my hand and seal.

D. STEWART.

We, the undersigned officers of the East Africa Protectorate Administration, hereby certify that we were present at the meeting between His Majesty's Commissioner and the Masai at Naivasha on the 9th August, 1904, and we further heard this document fully explained to them, and witnessed their marks affixed to same:—

C. W. HOBLEY, Acting Deputy Commissioner.
JOHN AINSWORTH, His Majesty's Sub-Commissioner, Ukamba.
S. S. BAGGE, His Majesty's Sub-Commissioner, Kisumu.
J. W. T. McCLELLAN, Acting Sub-Commissioner, Naivasha.
W. J. MONSON, Acting Secretary to the Administration.

I, Donald Stewart, K.C.M.G., His Majesty's Commissioner for the East Africa Protectorate, hereby further agree to the foregoing parts of this Agreement concerning Kapte, Matapatu, Ndogalani, and Sigarari Masai, provided the Secretary of State approves of the Agreement, and in witness thereof I have this 15th day of August, 1904, set my hand and seal.

D. STEWART.

We, the undersigned officers of the East Africa Protectorate, hereby certify that we were present at the meeting between His Majesty's Commissioner and the Masai at Nairobi on the 15th August, 1904, and we further heard this document explained to them, and witnessed their marks affixed to same :—

C. W. HOBLEY, Acting Deputy Commissioner.

JOHN AINSWORTH, His Majesty's Sub-Commissioner, Ukamba.

T. T. GILKISON, Acting Land Officer.

W. J. MONSON, Acting Secretary to the Administration.

I, the undersigned, hereby certify that I translated the contents of this document to the Masai Lybich, who, I believe, interpreted it correctly to the Masai assembled at both Naivasha and Nairobi.

JOHN AINSWORTH, His Majesty's Sub-Commissioner.

APPENDIX 2.

AGREEMENT OF 1911.

AGREEMENT.

We, the undersigned, being the Paramount Chief of all the Masai and his regents and the representatives of that portion of the Masai tribe living in the Northern Masai Reserve, as defined in the agreement entered into with the late Sir Donald William Stewart, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, His Majesty's Commissioner for the East Africa Protectorate, on the ninth day of August One thousand and nine hundred and four, and more particularly set out in the Proclamation of May thirtieth One thousand nine hundred and six and published in the "Official Gazette" of June first One thousand nine hundred and six, do hereby on our own behalf and on behalf of our people, whose representatives we are, being satisfied that it is to the best interest of their tribe that the Masai people should inhabit one area and should not be divided into two sections as must arise under the agreement aforesaid whereby there were reserved to the Masai tribe two separate and distinct areas of land, enter of our own free will into the following agreement, with Sir Edouard Percy Cranwill Girouard, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Member of the Distinguished Service Order, Governor and Commander in Chief of the East Africa Protectorate, hereinafter referred to as the Governor.

We agree to vacate at such time as the Governor may direct the Northern Masai Reserve which we have hitherto inhabited and occupied and to remove by such routes as the Governor may notify to us our people, herds and flocks to such area on the south side of the Uganda Railway as the Governor may locate to us the said area being bounded approximately as follows and as shown on the attached map.

On the south by the Anglo-German frontier ;

On the west by the Ol-orukoti Range, by the Amala River, otherwise called Ang-are-dabash or Eng-are-e-'n-gipai, by the eastern and northern boundaries of the Sotik Native Reserve, and by a line drawn from the most northerly point of the northern boundary of the Sotik Native Reserve to the south-western boundary of the land set aside for Mr. E. Powys Cobb on Mau ;

On the north by the southern and eastern boundaries of the said land set aside for Mr. E. Powys Cobb, and by a straight line drawn from the north-eastern boundary of the said land to the highest point of Mount Suswa otherwise called Ol-doinyo Onyoke ;

On the east by the Southern Masai Native Reserve as defined in the Proclamation dated June eighteenth One thousand nine hundred and six, and published in the "Official Gazette" of July first One thousand nine hundred and six.

Provided that nothing in this agreement contained shall be deemed to deprive the Masai tribe of the rights reserved to it under the agreement of August ninth one thousand nine hundred and four aforesaid to the land on the slopes of Kinopop whereon the circumcision rights and ceremonies may be held.

In witness whereof and in confirmation of this agreement which has been fully explained to us we hereby set our marks against our names as under:—

Mark of SEGI, son of Ol-onana (Lenana), Paramount Chief of all the Masai.

Mark of OL-LE-GELESHO (Legalishu), Regent during the minority of Segi, head of the Molelyan Clan, and chief spokesman (Ol-aigwenani) of the Il-Kitoip (Il-Merisho) age-grade of the Purko Masai.

Mark of NGAROYA, Regent during the minority of Segi, of the Aiser Clan.

Mark of OL-LE-YELI, head of the Mokesen Clan of the Purko Masai, and one of the spokesmen (Ol-aigwenani) of the Il-Kitoip (il-Merisho) age-grade of the Purko Masai.

Mark of OL-LE-TURERE, head of the Mokesen Clan of the Purko Masai.

Mark of OLE-LE-MALIT, one of Masikondi's representatives, of the Lughumae branch of the Aiser Clan of the Purko Masai.

Mark of OL-LE-MATIPE, one of Masikondi's representatives, of the Lughumae branch of the Aiser Clan of the Purko Masai.

Mark of OL-LE-NAKOLA, head of the Tarosero Clan of the Purko Masai.

Mark of OL-LE-NAIGISA, head of the Aiser Clan of the Purko Masai.

Mark of MARMAROI, uncle and personal attendant of Segi.

Mark of SABURI, the Prime Minister of the late Chief Ol-onana (Lenana) and principal elder of the Southern Masai Reserve.

Mark of AGALI, uncle of Segi, representing the Loita Masai.

Mark of OL-LE-TANYAI of the Tarosero Clan, chief spokesman (Ol-aigwenani) of the Lemek (Meitaroni) age-grade of the Purko Masai.

The above set their marks to this agreement at Nairobi on the fourth day of April nineteen hundred and eleven.

A. C. HOLLIS,
Secretary, Native Affairs.

OL-LE MASIKONDI, head of the Lughumas section of the Aiser Clan ; chief elder of the Purko Masai, called in the former treaty Ol Oiboni of the Purko Masai.

OL-LE-BATIET, head of the Aiser Clan of the Purko Masai on Laikipia, Ol aigwenani of the age known as Il Merisho.

The above set their marks to this agreement at Rumuruti on the 13th day of April nineteen hundred and eleven.

E. D. BROWNE,
Assistant District Commissioner, Laikipia.

Witnesses :
A. J. M. COLLYER

D C. Laikipia.

His Mark : OL-LE-LENGIRI, of the Aiser Clan Purko Masai.

His Mark : OL-LE-GESHEEN, head of Tamsero Clan of Purko Masai.

His Mark : OL-LE-SALON, brother of Ol-le-Kotikosh, as a deputy for Ol-le-Kotikosh.

The above set their marks to this agreement at Rumuruti on 19th day of April, 1911.

E. D. BROWNE,
Assistant District Commissioner i/c Laikipia.

We the undersigned certify that we correctly interpreted this document to the Chief, Regents, and Representatives of the Masai who were present at the meeting at Nairobi.

A. C. HOLLIS,
OL-LE-TINKA, of the Il-Aiser Clan.

We the undersigned certify that we correctly interpreted this document to the Representatives of the Masai at Rumuruti.

A. J. M. COLLYER,
District Commissioner.
OL-LE-TINKA. His Mark.

In consideration of the above I, Edouard Percy Cranwill Girouard, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Member of the Distinguished Service Order, Governor and Commander in Chief of the East Africa Protectorate, agree on behalf of His Majesty's Government but subject to the approval of His Majesty's Principal Secretary of State for the Colonies to reserve for the exclusive use of the Masai tribe the area on the south side of the Uganda Railway as defined above and as shown on the attached map, which area is coadunate with the Southern Masai Native Reserve and to further extend the existing Southern Masai Native Reserve by an addition of an area of approximately three thousand and one hundred square miles, such area as shown on the accompanying map the approximate boundaries being on the south the Anglo-German Frontier, on the west the eastern boundary of the aforesaid Southern Masai Reserve, on the north and east by the Uganda Railway zone from the Athi River to Sultan Hamud Railway Station thence in a line drawn from the said station to the north-west point of the Chiulu Range thence along the Chiulu Range to the south-eastern extremity thereof thence by a straight line to the meeting point of the Eng-are Rongai and the Tsavo Rivers thence by the Eng-are Rongai River to the Anglo-German frontier and to undertake on behalf of His Majesty's Government to endeavour to remove all European settlers from the said areas and not to lease or grant any land within the said areas (except such land as may be required for mining purposes or for any public purpose) without the sanction of the Paramount Chief and the representatives of the Masai tribe.

In witness whereof I have hereunto set my hand and official seal this twenty-sixth day of April One thousand nine hundred and eleven.

L.S.

Signed sealed and delivered by the
within named Sir Edouard Percy Cran-
will Girouard in the presence of } E. P. C. GIROUARD.
A. C. HOLLIS.

We, the undersigned were present at a meeting between His Excellency the Governor and the Masai at Nairobi on the fourth day of April One thousand nine hundred and eleven, and we heard this document explained to the Chief and the representatives of the Masai who entered into this agreement of their own free will and with full knowledge of the contents thereof :—

R. M. COMBE,
Crown Advocate.
C. W. HOBLEY,
Provincial Commissioner, Ukamba.
JOHN AINSWORTH,
Provincial Commissioner, Nyanza.
C. R. W. LANE,
Provincial Commissioner, Naivasha.
S. L. HINDE,
Provincial Commissioner, Naivasha.
J. W. T. MCCLELLAN,
Provincial Commissioner, Kenya.
A. C. HOLLIS,
Secretary for Native Affairs.
C. C. BOWRING,
Treasurer and M.L.C.

APPENDIX 3.

RECORD OF THE "MASAI CASE."

IN THE HIGH COURT OF BRITISH EAST AFRICA.—OL LE NJOGO AND OTHERS

v.

THE ATTORNEY GENERAL AND OTHERS.

PLEADINGS.

A. MORRISON, Barrister-at-Law,
Mombasa.

IN THE HIGH COURT OF EAST AFRICA AT MOMBASA.

CIVIL CASE No. 91 OF 1912.

1. OL LE NJOGO,	} On behalf of themselves personally and on behalf of the Masai of Laikipia and on behalf of the Masai Tribe generally.	} <i>Plaintiffs.</i>
2. OL LE MUSUNI,		
3. OL LE MASIK,		
4. KARAGI OLE SATTIKI,		
5. LEMENGOI OLE MBISHI,		
6. MWE OL LE TUGO		
7. MARIU OL LESENLAT,		
8. YAILI OL LE KERERE.		

versus

1. THE HONOURABLE THE ATTORNEY-GENERAL on behalf of the East Africa Protectorate Government.	} <i>Defendants.</i>
2. SEGI,	
3. NGAROYA,	
4. MARMORAI,	
5. SABURI,	
6. AYALE,	
7. OL LE MATIPE,	
20. J. W. T. McCLELLAN, Provincial Commissioner of the Naivasha Province,	
21. R. W. Hemsted, Officer-in-Charge of the Masai Reserve,	
8. OL LE NAIGISA,	
9. OL LE TANYAI,	
10. OL LE MASIKONDI,	
11. OL LE YELE,	
12. OL LE GALISHU,	
13. OL LE TURERE.	
14. OL LE MALIT,	
15. OL LE NAKOTA,	
16. OL LE BATIET,	
17. OL LE LINGIRI,	
18. OL LE GEESHEN,	
19. OL LE KOTIKALL,	

CONCISE STATEMENT.

The plaintiffs claim as individuals and also on behalf of the Masai of Laikipia and also on behalf of the Masai Tribe generally, that the treaty made between the Masai and H.M. late Commissioner Sir Donald Stewart in 1904 is still in force and effect and that the obligations undertaken therein are still binding on H.M. Government.

The defendants Nos. 2-19 are brought on the record as signatories to the agreement made in 1911 whereby they agreed that they and the other Masai should leave Laikipia these defendants having no authority to enter into such an agreement and such agreement being void except as regard the said defendants.

The first three plaintiffs and the other Masai of Laikipia have been and are being wrongfully removed from the Laikipia district in breach of the said agreement of 1904.

The plaintiffs therefore claim:

I. A declaration against the defendants Nos. 1, 20 and 21 that the plaintiffs and the other Masai of Laikipia and the other members of the Masai tribe generally with the exception of the defendants Nos. 2-19 inclusive are still entitled to—

(a) The Laikipia district extended as aforesaid as equitable tenants in common in unbarable entail; and

(b) To an easement of road as aforesaid between the Northern and Southern Masai Reserves; and

(c) That the 1911 agreement is not binding on the plaintiffs and the other Masai of Laikipia and the other members of the Masai tribe generally with the exception of the defendants Nos. 2-19.

II. To £5,000 damages against the 1st defendant for failing to provide the road as agreed in the 1904 agreement; and

III. To an enquiry as to damages against the 1st, the 20th and 21st defendants

(a) arising from the death of stock occasioned by such stock being illegally removed from the Laikipia district;

(b) arising from the depreciation on the value of stock wrongfully removed from the said Laikipia district.

IV. All necessary accounts and enquiries and such further and other relief as the nature of the case may require.

V. As against the 20th and 21st defendants an injunction restraining them from preventing the return of the plaintiffs and their stock to the Laikipia district; and against them compelling any of the Laikipia Masai and their stock to move from the said Laikipia district.

VI. Costs.

ARTHUR D. HOME.

Plaintiffs' Counsel.

IN THE HIGH COURT OF EAST AFRICA AT MOMBASA.

CIVIL CASE No. 91 OF 1912.

1. OL LE NJOGO,
2. OL LE MUSUNI,
3. OL LE MASIK,
4. KARAGI OLE SAITIKI,
5. LEMENGOI OLE MBISHI,
6. MWE OL LE TUGO,
7. MARIU OL LESENLAT,
8. YALI OL LE KERERE

On behalf of themselves personally and on behalf of the Masai of Laikipia and on behalf of the Masai Tribe generally.

Plaintiffs.

versus

1. THE HONOURABLE ATTORNEY-GENERAL on behalf of the East Africa Protectorate Government.
2. SEGI,
3. NGAROYA,
4. MARMORAI,
5. SABURI,
6. AYALE,
7. OL LE MATIPE,
8. OL LE NAIGISA,
9. OL LE TANYAI,
10. OL LE MASIKONDI,
11. OL LE YELE,
12. OL LE GALISHU,
13. OL LE TURERE,
14. OL LE MALIT,
15. OL LE NAKOTA,
16. OL LE BATIET,
17. OL LE LINGIRI,
18. OL LE GEESHEN,
19. OL LE KOTIKALL,
20. J. W. T. MCCLELLAN, Provincial Commissioner of the Naivasha Province,
21. R. W. HEMSTED, Officer-in-Charge of the Masai Reserve,

Defendants.

PLAINT.

1. The first three plaintiffs are leading Moran of the Purko Masai until lately in Laikipia and now residing at Ngadet.

The fourth plaintiff is the Legwenon of the Moran of the Geku Nyuki section of the Masai Tribe and resides at Sosian.

The 5th, 6th, 7th and 8th plaintiffs are leading Moran of the Geku Nyuki section of the Masai Tribe and reside at Sosian in the Southern Masai Reserve.

The plaintiffs are suing for themselves personally and also for the Masai of Laikipia and also for the other members of the Masai Tribe generally.

2. The plaintiffs or some of them have been authorised by large numbers of Masai to bring these proceedings on behalf of the Laikipia Masai and the Masai Tribe generally.

3. The 1st defendant is the Attorney General of the East Africa Protectorate, and is sued as representing the Government of the Protectorate and resides at Nairobi.

The 2nd defendant has been appointed by Government Paramount Chief of the Masai.

The 3rd defendant is the Rëgent during the minority of the said Segi of the Aiser clan.

The 4th defendant is the uncle of the said Segi.

The 5th defendant is the principal elder under Segi of the former Southern Masai Reserve.

The 6th defendant is also an uncle to Segi and these defendants, No. 2 to 6 inclusive, belong to Lenana's section of the Masai and reside in the Southern Reserve.

The 7th, 8th, 9th and 10th defendants belong to Masikondis section of the Aiser clan of the Masai and are now residing in the Southern Masai Reserve.

The 11th defendant is an elder of the Mokesen clan of the Purko Masai.

The 12th defendant is a Paramount Chief of the Northern Section of the Masai formerly residing at Laikipia and now residing at Ngadet.

The 13th defendant is an elder of the Mokesen clan of the Purko Masai.

The 14th defendant is of Maskondis representative of Lughume branch of the Aiser clan of the Purko Masai.

The 15th defendant is an elder of the Tarosero clan of the Purko Masai.

The 16th defendant is an elder of the Aiser clan of the Purko Masai on Laikipia of Sigwenani of the age known as Imerispo.

The 17th defendant is an elder of the Aiser clan of the Purko Masai.

The 18th defendant is the elder of the Tamsero clan of the Purko Masai.

The 19th defendant is an elder of the Purko Masai.

Of these, the 16th defendant is still residing at Laikipia and the defendants Nos. 11 to 15 and Nos. 17 to 19 inclusive, are residing at Ngadet in the Southern Masai Reserve.

The defendants Nos. 2 to 19 are sued as signatories to the agreement hereinafter called the 1911 agreement, but to the best of the plaintiffs' information and belief defendants Nos. 11 to 19 are in favour of the plaintiffs' action. No relief is asked for against defendants Nos. 2 to 19.

The 20th defendant is the Provincial Commissioner of the Naivasha Province of the East Africa Protectorate and resides at Naivasha and is sued in his personal capacity.

The 21st defendant is the Officer-in-Charge of the new Masai Reserve residing at Ngadet and is sued in his personal capacity.

4. By the agreement of which a copy is attached hereto and marked "A" dated 9th August, 1904, and made between His Majesty's Commissioner, Sir Donald Stewart, K.C.M.G., of the one part and the following chiefs of the Masai Tribe:—Lenana s/o Mbatian, Masakondi s/o Arariu, Lemani, Leteregi, Lelmurua, Lakombe, Lamgisong, Lisiari, Mepaku, Lambari, Gekunuku, Legalishu, Olmugesaa, Olainomodo, Olotogia, Olieti, Lanairugu, Lingaldu, Ginomun, Liwala, Lembogi, Sabori, of the other part. It was agreed that the Masai should vacate the whole of the Rift Valley and that the Purko, Geku Nyuki, Loita, Damatand Loitotok sections hereinafter called the Masai of Laikipia district and that their boundaries should be as therein set out and further that a right of road including access to water should be granted to the Masai to allow of their keeping up communication between the two reserved areas, namely, the said Laikipia district or the Northern Masai Reserve and the territory until lately known as the Southern Masai Reserve, and His Majesty's Commissioner with the approval of the Secretary of State for Foreign Affairs undertook that the settlement arrived at should be enduring so long as the Masai as a race should exist.

5. The plaintiffs and the Masai of Laikipia left the Rift Valley in accordance with the said agreement hereinafter called the 1904 agreement, and the Government received in full the consideration agreed upon by the 1904 agreement, and accordingly the plaintiffs and the other Masai of Laikipia and the other members of the Masai tribe, generally acquired rights as equitable tenants in common in tail to the said district and to the said easement of roads between the two reserves, but so that the legal estate remained in H.M. Government as trustees for the Masai, and so that the existing members of the Masai tribe had no right to bar the interests of their posterity in the said Laikipia district.

By a notice appearing in the "Official Gazette" of the 15th March, 1906, and signed by Sir J. Hayes Sadler, His Majesty's Commissioner, after stating that in accordance with agreement made between His Majesty's Commissioner and the representatives of the Masai tribes, a route connecting the Southern and Northern Masai Reserve should be left open for the movement of stock and travellers. It was notified that the route should follow as nearly as possible the following line:—Commencing the Southern Masai Reserve the route should follow the cattle trail leading from Donyo Lamuyu and should proceed in a north north-westerly direction to the Sclater Road which it should join at a point where the Sclater Road descends into the Kedong Valley, it should follow the Sclater Road along the Kedong Valley in a northerly direction as far as a point approximately opposite telegraph post 375/13 on the Uganda Railway, thence it should take a north-easterly direction across the Kinangop or Kinobop plateau to the Northern Masai Reserve. The exact line of the said route across the Kinobop plateau or to any other point was to be hereafter defined, but notice was given that the said route was thereby declared to be a public road.

6. Later with the consent of the Secretary of State the boundaries of the Laikipia district were declared to be, on the south of the land of the East Africa Syndicate, on the east the Uaso Ngiro, and on the west the crest of the Usupukooloo-l-dian, and the plaintiffs and the Masai of Laikipia and the other members of the Masai tribe, generally acquired interests in the lands within the said extended boundaries such as they had under the 1904 agreement to the land therein described.

7. It was also agreed between the Government and the Masai that the said road should be half a mile wide.

8. The exact route of the said road across the Kinangop plateau has never been defined.

The Protectorate Government has committed a breach of the said 1904 agreement by preventing and refusing to allow the plaintiffs to keep up communications between the two reserves by means of the aforesaid roads.

All the plaintiffs and the other Masai of Laikipia and other members of the Masai tribe generally have suffered loss of £5,000 by the said breach.

9. Previous to the 1904 agreement the plaintiffs resided in the Naivasha district in the Rift Valley and owned stock grazing thereon. The first three and the fifth and seventh plaintiffs in accordance with the 1904 agreement removed their stock to Laikipia district and vacated the Rift Valley. The fifth and seventh plaintiffs subsequently returned to Naivasha, but in 1910 the plaintiffs Nos. 4 to 8 inclusive, in accordance with the 1904 agreement removed to Sosian in the Southern Reserve, but these plaintiffs claim an interest under the 1904 agreement in the Laikipia district and further by the movement as hereinafter mentioned of the Laikipia Masai into the Southern Reserve, which is too small to hold the Masai their rights under the 1904 agreement are infringed and damage occasioned hereby.

10. Under the 1904 agreement and by the subsequent declarations of the Secretary of State for the Colonies, H.M. Government became trustees for the Masai tribe generally and have stood and stand in a fiduciary relationship to the Masai and in contracting with the Masai are subject to all the ordinary responsibilities and disabilities of trustees, and in particular are unable to make a valid contract directly with the Masai tribe unless the tribe have independent legal advice and the contract be for their benefit.

11. The defendants, Nos. 2 to 19 inclusive, on the 26th day of April, 1911, entered into an agreement with Sir Edouard P. C. Girouard, K.C.M.G., the Governor of the East Africa Protectorate, hereinafter called the 1911 agreement, of which a copy is attached hereto and marked "B," under which after reciting that they were living in the Northern Masai Reserve, as defined in the 1904 agreement and more particularly set out in the Proclamation of the 30th day of May, 1906, and also that they were acting on their own behalf and on behalf of their people whose representatives they were and also that they were satisfied that it was to the best interest of their tribe that the Masai people should inhabit one area and should not be divided into two sections as must arise under the 1904 agreement and also that they entered of their own free will into the following agreement whereby they agreed to vacate at such time as the Governor might direct the Northern Masai Reserve which they had hitherto inhabited and occupied and to remove by such routes as the Governor might notify to them, their people, herds and flocks to such an area on the south side of the Uganda Railway as the Governor might locate to them, the said area being approximately on the south by the Anglo-German frontier on the west by the Ol-rukoti Range, by the Amala River, by the eastern and northern boundaries of the Sotik Native Reserve, and by a line drawn from the most northerly point of the northern boundary of the Sotik Native Reserve to the south-western boundary of the land set aside for Mr. E. Powys-Cobb on Mau, on the north by the southern and eastern boundaries of the said land set aside for Mr. E. Powys-Cobb, and by a straight line drawn from the north eastern boundary of the said land to the highest point of Mount Luswa, on the east by the Southern Masai Native Reserve, and it was agreed that nothing in the agreement contained should be deemed to deprive the Masai tribe of the rights reserved to it under the 1904 agreement to the land on the slopes of Kinobop whereon the circumcision rights and ceremonies might be held. In consideration of the above the said Sir Edouard P. C. Girouard agreed on behalf of H.M. Government, but subject to the approval of H.M. Principal Secretary of State for the Colonies to reserve for the exclusive right of the Masai the area shown on the map attached to the agreement and to further extend the existing Southern Masai Reserve by an addition of an area of approximately 3,100 square miles, such area being shown on the map accompanying the agreement, and the said Sir Edouard P. C. Girouard further undertook on behalf of H.M.'s Government to endeavour to remove all European settlers from the said areas and not to lease or grant any land within the said areas (except such land as might be required for mining purposes or for any public purposes) without the sanction of the Paramount Chief and the representatives of the Masai tribe.

12. The plaintiffs and the other Moran were not consulted by the said defendants as to the said agreement and never authorised the said defendants to execute the same on their behalf and the said defendants unless expressly authorised by the members of the Masai tribe have no authority to deal with the land of the Masai tribe and had no such authority in this case according to the

ancient tribal custom of the Masai elders such as the defendants Nos. 2 to 19 can give the advice only, but the actual decision in any particular case rests with a council of the Moran or warriors.

13. The plaintiffs and the other Masai of Laikipia and the other members of the Masai tribe generally other than the said defendants never consented to the said 1911 agreement or authorised the said defendants or anyone to consent to it on their behalf and the said agreement is void as against the plaintiffs and as against the Masai of Laikipia other than the defendants and as against the members of the Masai tribe generally other than the defendants.

13. The said 1911 agreement is void as the said defendants had no authority to alienate the interests of minors and unborn children of the Laikipia Masai in the said Laikipia district.

14. The said 1911 agreement is not for the benefit of the Masai tribe generally nor of the Masai of Laikipia and as H.M.'s Government is in a fiduciary position to the Masai and to the Laikipia Masai and obtained great financial advantage thereby the said agreement is void.

15. The said 1911 Agreement is void as against all the members of the Masai tribe as the Masai and in particular the Masai defendants had no independent legal advice.

16. The said 1911 Agreement is void because the defendants Nos. 11-19 did not sign the Agreement voluntarily but acted according to orders received from the Government.

17. The plaintiffs and the other Laikipia Masai and the other members of the Masai tribe generally with the exception of the defendants are still of right entitled to the said Laikipia district and to the said easement of the road from the Northern to the Southern Masai Reserve under the said 1904 Agreement.

18. The first three plaintiffs and the Masai of Laikipia had large quantities of stock in the said Laikipia district at the date of the 1911 Agreement the first plaintiff had 10 cattle and 100 sheep and the second plaintiff had 200 cattle and 500 sheep and the third plaintiff had 50 cattle and 400 sheep.

19. The value of the said Laikipia district is £1,000,000 approximately.

20. H.M.'s Government purporting to act under the said 1911 Agreement and in breach of the obligations still binding on H.M.'s Government under the 1904 Agreement, illegally compelled the first three plaintiffs and some of the other Masai of Laikipia to leave the said Laikipia district. Some of the Laikipia Masai have not yet left the Laikipia district but it is the intention of H.M.'s Government to compel those members also of the Laikipia Masai to leave the said Laikipia district to which they are entitled as aforesaid.

21. The 20th and 21st defendants intend to compel those other Masai of Laikipia to leave the Laikipia district and wrongfully and forcibly prevent the plaintiffs and the Masai of Laikipia who have already been wrongfully removed from the Laikipia district from returning thereto and in so acting the said defendants are relying on the orders of the Government or H.M. Secretary of State for the Colonies which orders are invalid and illegal and the said defendants are personally liable to the plaintiffs for any loss caused to the plaintiffs by such illegal acts as aforesaid.

22. In the year 1911-1912 the first three plaintiffs and the other Masai of Laikipia have lost large quantities of stock as a direct result of the said forcible and wrongful removal of the Laikipia Masai from the healthy Laikipia district to the Mau and to the Southern Reserve. The value of the stock lost is estimated at not less than £200,000.

The first plaintiff lost 10 head of cattle valued at Rs. 1,200 and 50 sheep valued at Rs. 250 the second plaintiff lost 100 cattle valued at Rs. 12,000 and 300 sheep valued at Rs. 1,500 and the third plaintiff lost 30 cattle valued at Rs. 3,600 and 350 sheep valued at Rs. 1,700, all as a direct result of the said illegal and wrongful removal of the said plaintiffs and their stock from Laikipia and but for such wrongful removal such stock would not have been lost.

23. The Southern Masai Reserve to which the stock of the Masai is being moved is infected with East Coast fever and there is tsetse fly in many places and no stock is permitted to be moved from Laikipia to the Southern Reserve including Nairobi, or from the Southern Reserve to Nakuru, as a result the value of all cattle moved to the Southern Masai Reserve has depreciated by about twenty per cent.

The total depreciation therefore of the plaintiffs' stock and that of the Masai of Laikipia is approximately £100,000.

The plaintiffs therefore pray :

I. For a declaration against the Defendants Nos. 1 to 20 and 21, that the plaintiffs and the other Masai of Laikipia and the other members of the Masai tribe generally with the exception of the defendants Nos. 2 to 19 inclusive are still entitled to

(a) To the Laikipia district extended as aforesaid as equitable tenants in common in unbarrable entail; and

(b) To an easement of road as aforesaid between the Northern and Southern Masai Reserves; and

(c) That the 1911 Agreement is not binding on the plaintiffs and the other Masai of Laikipia and the other members of the Masai tribe generally with the exception of the defendants Nos. 2 to 19.

II. To £5,000 damages against the last defendant for failing to provide the road as agreed in the 1904 Agreement; and

III. To an enquiry as to damages against the first, the twentieth and twenty-first defendant

(a) Arising from the death of stock occasioned by such stock being illegally removed from the Laikipia district;

(b) Arising from the depreciation on the value of stock wrongfully removed from the said Laikipia district.

IV. All necessary accounts and enquiries and such further and other relief as the nature of the case may require.

V. As against the twentieth and twenty-first defendants an injunction restraining them from preventing the return of the plaintiffs and their stock to the Laikipia district and against them compelling any of the Laikipia Masai and their stock to move from the said Laikipia district.

VI. Costs.

A. MORRISON
A. D. HOME } *Advocates for Plaintiffs.*

OLENJOGO His Mark
OL LE MASEK His Mark
OL LE MASUNI His Mark } Witness :
A. D. HOME.

KIREJI OL LESIKAKI His Mark
LEMENGORI O'LE MBISHI His Mark
MWE OL LE LUGO His Mark
MERIN OL LE SENLAT His Mark
YAILI OL LE KARERE His Mark } Witness :
MEHOMEDALI.

KIREJI OL LE SITAKI Thumb Mark
LEMENGORI OL LE MBISHI Thumb Mark
MWE OL LE LUGO Thumb Mark
MARIN OL LE SENTENT Thumb Mark
YAILI OL LE KARERE Thumb Mark } Witness :
MEHOMEDALI.

OL ENJOGO His Mark
OL LEMESEK His Mark
OL LE MUSINI His Mark } Witness :
H. W. BUCKLAND,
Solicitor, Nairobi.

The plaintiffs above-named declare that what is stated above is true to the best of their knowledge and belief.

COURT OF APPEAL FOR EASTERN AFRICA.

Before Morris Carter, C. J. Uganda, Bonham Carter and King Farlow, J.J.

OL ILE NJOGO and others v. The ATTORNEY-GENERAL and others (known as the Masai Case). COURT OF APPEAL 7/1913 (December, 1913).

Protectorate, status of—Jurisdiction of the Crown in Foreign Jurisdiction Act, 1890—Power of the Governor under instructions from a Secretary of State to enter into a Treaty with a native tribe being within the Protectorate—Jurisdiction of Municipal Courts in an action brought by members of the tribe against the Government for breach of Agreement—Act of State.

Held :—The East African Protectorate is in relation to the Crown a foreign country in which the Crown has jurisdiction which is exercisable in accordance with the Foreign Jurisdiction Act, 1900, and Orders in Council thereunder.

Held also :—The Masai, though living in the Protectorate under the protection of the Crown, were capable of entering into Agreements with the Governor, and such Agreements were in fact Treaties, and as such claims thereunder are not cognizable in the Protectorate Courts.

Held also :—Acts of officers ratified by the Government which were done towards giving effect to such Treaties were Acts of State.

The facts and circumstances giving rise to the action are sufficiently set out in the judgments of the High Court and the Court of Appeal.

On the case coming on in the High Court, the Attorney General raised a plea in bar of jurisdiction that the Agreements in question were Treaties and the acts complained of acts of State.

The High Court upheld this plea and dismissed the action in the following judgment.

A. D. HOME, for Plaintiffs.

R. M. COMBE, Attorney-General, for the Government.

HAMILTON, C. J. : The action having been set down for argument on a preliminary point of law only on the issue of jurisdiction as raised on the pleadings by the Attorney General, the only question that I have now to decide is whether the claims of the plaintiffs are cognizable by this Court.

Mr. Home has argued on their behalf that it is not sufficient for the Government merely to plead "act of State," but that it is incumbent on the Court to scrutinize those acts which are alleged to be acts of State so as to be able to decide whether they in fact are or are not acts of State and that for this purpose it will be necessary to take evidence generally and particularly on the point of the alleged fiduciary relationship between the Secretary of State and the Masai tribe. He wishes to put in evidence speeches in the House of Commons.

I agree that the Court must satisfy itself as to the real nature of the acts which are claimed to be acts of State, but here all the facts relied on are fully set out by the defendants in the pleadings, so that in my view the Court is in a position to form an opinion regarding their true nature without the necessity of taking evidence generally or considering speeches in the House of Commons which do not create legal obligations.

Now, for the contention of the Government to succeed it must be shown on the facts pleaded that the acts of which the plaintiffs complain are really such acts of State as are not cognizable by any Municipal Court. These facts are shortly as follows :—

In 1904, the then Commissioner of the Protectorate entered into an agreement with the Chief and certain representatives of the Masai tribe by which *inter alia* it was arranged that certain sections of the tribe should remove to a reserve at Laikipia. This removal took place and the tribe was consequently divided in two.

In 1911, the then Governor of the Protectorate entered into another agreement with the Chief, his regents and certain representatives of that portion of the tribe living at Laikipia, by which it was arranged that the sections of the tribe which under the former agreement had removed to Laikipia should move south into one reserve with the remainder of the tribe.

Both of these agreements were made by the Government acting on instructions from and with the sanction of the Secretary of State.

The Attorney General contends that these agreements were in effect treaties, while the plaintiffs prefer to call them agreements, though in their concise statement the 1904 agreement, on which they rely, is called by them a treaty. For the present I call them agreements.

The material portions of these two agreements are as follows :—

AGREEMENT OF 1904.

We, the undersigned, being the Lybon and chief (representatives) of the existing clans and sections of the Masai tribes in the East Africa Protectorate, having, this 9th day of August, 1904, met Sir Donald Stewart, His Majesty's Commissioner for the East Africa Protectorate, and discussed fully the question of a land settlement scheme for the Masai, have of our own free will decided that it is for our own best interests to remove our people, flocks and herds into definite reservations away from the railway line and away from any land that may be thrown open to European settlement.

We have, after having already discussed the matter with Mr. Hobley, at Naivasha, and Mr. Ainsworth, at Nairobi, given this matter every consideration, and we recognise that the Government, in taking up this question, are taking into consideration our best interests.

Now we, being fully satisfied that the proposals for our removal to definite and final reserves are for the undoubted good of our race, have agreed as follows :

That the Elburgu, Gekunuki, Loita, Damat, and Laitutok sections shall remove absolutely to Laikipia, and the boundaries of the settlement shall be, approximately as follows :—

And by the removal of the foregoing sections to the reserve we undertake to vacate the whole of the Rift Valley, to be used by the Government for purposes of European settlement. Further, that the Kaptei, Matapatu, Ndogalani, and Sigarari sections shall remove into the territory originally occupied by them to the south of Donyo Lamayu (Ngongo), and the Kisearian stream, and to comprise within the area the Donyo, Lamayu, Ndogalani and Matapatu Mountains and the Donyo Narok and to extend to Sosian on the West.

In addition to the foregoing, Lenana, as chief Lybon, and his successors, to be allowed to occupy the land lying in between the Mbagathi and Kisearian streams from Donyo Lamuyu to the point where both streams meet, with the exception of land already occupied by Mr. Oulton, Mr. McQueen and Mr. Paterson.

In addition to the foregoing, we ask that a right of road to include certain access to water be granted to us to allow of our keeping up communications between the two reserved areas, and, further, that we be allowed to retain control of at least five square miles of land (at a point on the slopes of Kinangop to be pointed out by Legalishu and Masakondi), whereat we can carry out our circumcision rites and ceremonies, in accordance with the custom of our ancestors.

We ask as a most important point in this agreement, that the Government will establish and maintain a station on Laikipia, and that officers whom we know and trust may be appointed to look after us there.

Also that the Government will pay reasonable compensation for any Masai cultivation at present existing near Nairobi.

In conclusion, we wish to state that we are quite satisfied with the foregoing arrangement, and we bind ourselves and successors, as well as our people, to observe them.

We would, however, ask that the settlement now arrived at shall be enduring so long as the Masai as a race shall exist, and that European or other settlers shall not be allowed to take up land in the settlements.

In confirmation of this agreement, which has been read and fully explained to us, we hereby set our marks against our names as under:—

LENANA, son of Mbatian, Lybon of all the Masai.
MASAKONDI, son of Arariu, Lybon at Naivasha.

Signed at Nairobi, August 15th, 1904.

LEMMAINI, Elmura of Matapatu.
LETEREGI, Elmura of Matapatu.
LELMURUA, Leganan of Kapte.
LAKOMBE, Elmura of Kapte.
LIMGISONG, Elmura of Ndogalani.
LISLARI, Elmura of Ndogalani.
MEPAKU, Head Elmoran of Matapatu.
LAMBARI, Leganon of Ndogalani.

Naivasha, representing Elburgu, Gekunuku, Loita, Damat, and Laitutok.

LEGALISHU, Leganan of Elburgu.
OLMUGEZA, Leganan of Elburgu.
OLAINOMODO, Leganan of Elburgu.
OLOTOGIA, Leganan of Elburgu.
OLIETI, Leganan of Elburgu.
LANAIRUGU, Leganan of Elburgu.
LINGALDU, Leganan of Elburgu.
GINOMUN, Leganan of Elburgu.
LIWALA, Leganan of Gekunki.
LEMBOGI, Leganan of Laitutok.

Signed at Nairobi, August 15th 1904.

SABORI, Elmura of Elburgu.

I, DONALD STEWART, K.C.M.G., His Majesty's Commissioner for the East Africa Protectorate, hereby agree to the foregoing, provided the Secretary of State approves of the Agreement, and in witness thereof I have this 10th day of August, 1904, set my hand and seal.

AGREEMENT OF 1911.

We, the undersigned, being the Paramount Chief of all the Masai and his regents and the representatives of that portion of the Masai tribe living in the Northern Masai Reserve, as defined in the agreement entered into with the late Sir Donald William Stewart, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, His Majesty's Commissioner for the East Africa Protectorate, on the ninth day of August, one thousand nine hundred and four, and more particularly set out in the Proclamation of May thirtieth, one thousand nine hundred and six, and published in the "Official Gazette" of June first, one thousand nine hundred and six, do hereby on our own behalf and on behalf of our people, whose representatives we are, being satisfied that it is to the best interest of their tribe that the Masai people should inhabit one area and should not be divided into two sections as must arise under the agreement aforesaid whereby there were reserved to the Masai tribe two separate and distinct areas of land, enter of our own free will into the following agreement with Sir Edouard Percy Cranwill Girouard, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Member of the Distinguished Service Order, Governor and Commander-in-Chief of the East Africa Protectorate, hereinafter referred to as the Governor.

We agree to vacate at such time as the Governor may direct the Northern Masai Reserve which we have hitherto inhabited and occupied and to remove by such routes as Governor may notify to us our people, herds, and flocks to such area on the south side of the Uganda Railway as the Governor may locate to us, the said area being bounded approximately as follows and as shown on the attached map.

Provided that nothing in this agreement contained shall be deemed to deprive the Masai tribe of the rights reserved to it under the agreement of August ninth one thousand nine hundred and four aforesaid to the land on the slopes of Kinopop whereon the circumcision rights and ceremonies may be held.

In witness whereof and in confirmation of this agreement which has been fully explained to us we hereby set our marks against names as under :—

Mark of SEGI, son of Ol-Onana (Lenana), Paramount Chief of all the Masai.

Mark of OL-LE-GELESHO (Legalishu), Regent during the minority of Segi, head of the Molelyan Clan, chief spokesman (Ol-aigwenani) of the Il-Kitoip (Il-Merisho) age-grade of the Purko Masai.

Mark of NGAROYA, Regent during the minority of Segi of the Aiser Clan.

Mark of OL-LE-YELL, head of the Mokesen Clan of the Purko Masai, and one of the spokesmen (Ol-aigwenani) of the Il-Kitoip (Il-Merisho) age-grade of the Purko Masai.

Mark of OL-LE-TURERE, head of the Mokesen Clan of the Purko Masai.

Mark of OL-LE-MALIT, one of Masikondi's representatives, of the Lughumae branch of the Aiser Clan of the Purko Masai.

Mark of OL-LE-MALITE, one of Masikondi's representatives, of the Lughumae branch of the Aiser Clan of the Purko Masai.

Mark of OL-LE-NAKOLA, head of the Tarosero Clan of the Purko Masai.

Mark of OL-LE-NAIGISA, head of the Aiser Clan of the Purko Masai.

Mark of MARMAROI, uncle and personal attendant of Segi.

Mark of SABURI, the Prime Minister of the late Chief Ol-onana (Lenana) and principal elder of the Southern Masai Reserve.

Mark of AGALI, uncle of Segi, representing the Loita Masai.

Mark of OL-LE-TANYAI of the Tarosero Clan, chief spokesman (Ol-aigwenani) of the Lemek (Meitaroni) age-grade of the Purko Masai.

The above set their marks to this agreement at Nairobi on the fourth day of April, nineteen hundred and eleven.

A. C. HOLLIS,
Secretary, Native Affairs.

OL-LE-MASIKONDI, head of the Lughumas section of the Aiser Clan, chief elder of the Purko Masai, called in the former treaty Ol-Oiboni of the Purko Masai.

OL-LE-BATIET, head of the Aiser Clan of the Purko Masai on Laikipia, Ol-Aigwenani of the age known as Il-Merisho.

The above set their marks to this agreement at Rumuruti on the 13th day of April, nineteen hundred and eleven.

E. D. BROWNE,
Assistant District Commissioner, Laikipia.

In consideration of the above, I, Edouard Percy Cranwill Girouard, Knight Commander of the most distinguished Order of Saint Michael and Saint George, Member of the Distinguished Service Order, Governor and Commander-in-Chief of

the East Africa Protectorate, agree, on behalf of His Majesty's Government, but subject to the approval of His Majesty's Principal Secretary of State for the Colonies, to reserve for the exclusive use of the Masai tribe the area on the south side of the Uganda Railway, as defined above, and to undertake on behalf of His Majesty's Government to endeavour to remove all European settlers from the said areas, and not to lease or grant any land within the said areas (except such land as may be required for mining purposes or for any public purpose) without the sanction of the Paramount Chief and the representatives of the Masai tribe.

In witness whereof I have hereunto set my hand and official seal this twenty-sixth day of April, one thousand nine hundred and eleven.

Signed, sealed, and delivered by the within
 named Sir Edouard Percy Cranwill } E. P. C. GIROUARD.
 Girouard, in the presence of A. C. }
 HOLLIS.

LS.

The parties to the first agreement are "the Lybon and Chief (representatives) of the existing clans and sections of the Masai tribes in the East Africa Protectorate" and His Majesty's Commissioner acting under instructions from the Secretary of State.

The parties to the second agreement are "the Paramount Chief of all the Masai and his regents, and the representatives of that portion of the Masai tribe living in the Northern Masai Reserve as defined in the former agreement," and the Governor acting under instructions from the Secretary of State.

Now, both these agreements were entered into by the representatives of the Crown in the East Africa Protectorate in which the King exercises powers by virtue of the Foreign Jurisdiction Act, 1890, and for which with the advice of his Privy Council he ordered in 1902 that:—

"The Commissioner shall administer the Government of East Africa in the name and on behalf of His Majesty and shall do and execute in due manner all things that shall belong to his said command and to the trust thereby reposed in him, according to the several powers and authorities granted or appointed to him by virtue of this Order and of his commission and according to such instructions as may from time to time be given to him under His Majesty's Sign Manual and Signet, or by Order of His Majesty in Council, or by His Majesty through a Secretary of State, and according to such laws as are or shall hereafter be in force in the Protectorate."

The Commissioner therefore in 1904, and the Governor (with like power) in 1911, were both consequently acting within their authority in entering into the agreements mentioned "on the instructions of His Majesty through a Secretary of State."

Now, the other parties to these agreements were persons whom the Commissioner and Governor, acting on behalf of the Crown, chose as representatives of the Masai tribe with whom the Crown could enter into such agreements. The Masai tribe, as living within the limits of the East Africa Protectorate, are not subjects of the Crown, nor is East Africa British territory. But East Africa, being a Protectorate in which the Crown has jurisdiction, is in relation to the Crown a foreign country under its protection, and its native inhabitants are not subjects owing allegiance to the Crown, but protected foreigners who in return for that protection owe obedience.

For this view as to the status of a Protectorate "which has never been acquired by settlement, or ceded to, or conquered, or annexed by His Majesty, or recognised by His Majesty as part of his dominions," and of the status of the native inhabitants thereof, I need only refer to the case of the King v. the Earl of Crewe.

The real parties to these two agreements are therefore, on one side, the Crown, and on the other the Paramount Chief and leading representatives of a native tribe in a foreign country under the protection of the Crown.

The main matters which are the subject of the agreements are the areas which the protecting power of the country is to reserve for that tribe as apart and distinct from the subjects of the Crown living in the same country.

In my opinion there is here no legal contract as alleged between the Protectorate Government and the Masai Signatories of the agreements, but the agreements are, in fact, treaties between the Crown and the representatives of the Masai, a foreign tribe living under its protection. I will now consider the plaintiff's claims and the acts of which they complain.

The plaintiffs' claim as individuals and also on behalf of the Masai of Laikipia and also on behalf of the Masai tribe generally, that the treaty made between the Masai and H.M. late Commissioner, Sir Donald Stewart, in 1904, is still in force and effect and that the obligations undertaken therein are still binding on H.M. Government.

The defendants Nos. 2-19 are brought on the record as signatories to the agreement made in 1911 whereby they agreed that they and the other Masai should leave Laikipia, and it is alleged that these defendants having no authority to enter into such an agreement, such an agreement is void except as regards the said defendants.

The first three plaintiffs and the other Masai of Laikipia, it is stated, have been and are being wrongfully removed from the Laikipia District in breach of the said agreement of 1904.

The plaintiffs, therefore, claim :—

1. A declaration against the defendants Nos. 1, 20 and 21, that the plaintiffs and the other Masai of Laikipia and the other members of the Masai tribe generally with the exception of the defendants Nos. 2 to 19 inclusive are still entitled to :—

(a) The Laikipia District extended as aforesaid as equitable tenants in common in unbarable entail ; and

(b) To an easement of road as aforesaid between the Northern and Southern Masai Reserves ; and

(c) That the 1911 agreement is not binding on the plaintiffs and the other Masai of Laikipia and the other members of the Masai tribe generally with the exception of the defendants Nos. 2 to 19.

2. To £5,000 damages against the 1st defendant for failing to provide the road as agreed in the 1904 agreement, and

3. To an enquiry as to damages against the 1st, the 20th and the 21st defendants :—

(a) Arising from the death of stock occasioned by such stock being illegally removed from the Laikipia District ;

(b) Arising from the depreciation on the value of stock wrongfully removed from the said Laikipia District.

4. All necessary accounts and enquiries and such further and other relief as the nature of the case may require.

5. As against the 20th and 21st defendants an injunction restraining them from preventing the return of the plaintiffs and their stock to the Laikipia District ; and against them compelling any of the Laikipia Masai and their stock to move from the said Laikipia District.

6. Costs.

The above reliefs with the exception of No. 5 are claimed against the Crown and Nos. 1, 3 and 5 also against the 20th and 21st defendants, on the grounds that the Government having by the 1904 agreement become trustees for the Masai, they failed to execute their trust, but entered into another agreement in 1911 contrary to the former one and derogatory to the interests of their "cestuisque trust" and that the later agreement was obtained by duress and is further not binding as it has not received the approval of the tribe and that the losses they allege they have suffered are due to the Government executing the terms of the second agreement in violation of the first which still continued to exist.

Now, are the acts of defendants, complained of by the plaintiffs, acts of State? The answer to this is in my opinion contained in my finding that both the agreements are in fact treaties. For it follows from that finding that there was no such contractual relationship as alleged between the parties, and that in this action the plaintiffs are seeking by means of the Court to enforce the provisions of a treaty. The paramount chief himself could not bring such an action still less can his people. *Feather v. Queen* and *Burton v. Denman*.

As regards the plea of duress and the want of approval of the tribe to the second agreement, as affecting its validity, it is not within the competence of this Court, having held the agreement to be a treaty, to consider its validity as affected either by the "pourparlers" before its signature or a want of authority on the part of the signatories.

As to the alleged losses incurred by the plaintiffs they themselves plead that Defendants 20 and 21 were the agents of the Government acting in pursuance of the Orders of the Government or Secretary of State in carrying out the second agreement, which pleading is accepted by both of these defendants as their defence. Such an action as against them is founded on tort and will not lie and their acts in carrying out the terms of a treaty having been on instructions from and adopted by the Government are as much acts of State as the treaty itself.

Relief 5 claimed as against these defendants for similar reasons is not one that this Court could grant as it would in its crudest form be an injunction to Officers of the Government to prevent them carrying out an act of State.

The remaining defendants on the record are merely nominal as signatories to the 1911 agreement and no relief is claimed as against them.

I hold therefore on the issue before me that the acts of the defendants complained of by the plaintiffs are in fact acts of State which are not cognizable by a Municipal Court.

The Crown acting through its Commissioner first made one treaty with the Masai, and subsequently, acting through the Governor, modified that treaty by another and I cannot do better than adapt to the present case the concluding words of Lord Kingsdown in giving judgment in the Privy Council in the case of *Secretary of State for India v. K. B. Sahaba*.

"It may have been just or unjust, politic or impolitic, beneficial or injurious, taken as a whole, to those whose interests are affected. These are considerations into which this Court cannot enter. It is sufficient to say that even if a wrong has been done, it is a wrong for which no Municipal Court of Justice can afford a remedy."

The action is dismissed with costs.

Against this Judgment the plaintiffs appealed to the Court of Appeal.

A. MORRISON appeared for the Appellants; R. M. COMBE, Attorney-General, for the Government and the two Government officers who had been made defendants. The other defendants were unrepresented.

MORRISON: We have here to deal with existing facts. The position is different from what it was thirty years ago. British rule and British Courts have now been established in the country. The Masai are not foreigners in the Courts and a British subject has no privilege over them. A treaty can only be entered into with an independent Sovereign State, the chief of which is not subject to the jurisdiction of the Courts as is the Chief of the Masai. See *Secretary of State for India v. K. B. Sahaba* and the *East Africa Order in Council, 1902*.

If the Masai took up arms against the Government they would be rebels, liable to penalties for treason, that is to say they have the liabilities and equally the privileges of subjects. See *Nawab of the Carnatic v. East India Co.* and Section 121. Indian Penal Code.

The existing jurisdiction of the Crown at the time of the passing of the Foreign Jurisdiction Act, 1900, must be exercised in accordance with the Order in Council, 1902. In 1902, an action for tort would have lain under the Civil Procedure Code. In 1910, the Petitions of Right Ordinance was enacted giving every private person a right to sue the Government in circumstances under which a Petition of Right could be brought in England; it would be no answer to such a suit to say to the plaintiff, "You are a protected foreigner and the act you complain of is an act of State."

The power of the Crown in East Africa is only exercisable in accordance with the law.

The Bechuanaland Protectorate Order in Council, 1891, is of more limited effect than the East Africa Order in Council, 1902.

In East Africa a Legislative Council has been established, the acts of which are binding on the Masai with whom no element of sovereignty remained. There is in fact no distinction between this Protectorate and a Crown Colony.

In the case of the King *v.* Earl of Crewe the question as to whether Sekgome was a British subject did not arise. This case should be read in the light of Calvin's case, where "alien" is defined. A Masai is not an alien in the Courts of the Protectorate; whether he is a British subject or not is irrelevant.

A protected foreigner is entitled to the full protection of his rights of the English law, a protected foreigner can bring a Petition of Right and it is no more a defence in his case than in the case of a subject to plead "act of State."

He here referred to *in re* Henry Adam, Sparenbergh *v.* Bannatyne and to Robertson's "Civil Proceedings Against the Crown." p. 365.

The 1904 agreement was merely an agreement as to tenure under which the Masai acquired legal rights enforceable in the Courts, see *Nireaha v. Baker*. Under the judgment of the High Court a squatter refusing to leave the land reserved by the agreement for the Masai could only be ejected by an act of State.

The governing principle of the Indian cases is that where the Courts have jurisdiction the Government cannot make treaties but only agreements. He here referred to *Huri Sadashir v. Shaikh Ajmuddin, Nawab of Carnatic v. East Indian Company, Forrester and others v. Secretary of State for India, and Rajah Saligram v. Secretary of State for India, also Cook v. Sprigg*.

It is not open to the Crown to recognize any part of the territory as exempt from the jurisdiction of the Courts by an Arbitrary Act. To recognize the sovereignty of the Masai, would be to oust the jurisdiction of the High Court.

Evidence should have been taken by the lower Court as to the status of the Masai, when it would have appeared that the tribe was fully administered and not a Sovereign State.

COMBE: I admit that if Masai were British subjects the plea of act of State would not have availed. The Crown exercises jurisdiction here under the Foreign Jurisdiction Act, 1890, see the recital as to foreign countries; East Africa falls under Section 1. The 1902 Order in Council and subsequent Orders are under the Act. All the legislation is here for a foreign country. It is not open to the Courts to say it is not and to force the Crown to acquire territory and subjects. Under the 1906 Order in Council Article 9, the Crown can legislate for the Protectorate by an Ordinance made in Downing Street.

Orders in Council apply to the Protectorate as a whole, no distinction is made between the territories of the Sultans of Zanzibar and Witu or of lands occupied by native tribes, but the jurisdiction of the Courts over all persons is subject to the words in accordance with English law under which Sovereigns and Ambassadors would be exempt.

There is a material difference between the position of a British subject and of a native of the Protectorate, which was distinctly mentioned in the British Protectorate Neutrality Order in Council, 1904. The Government has always recognized a concurrent jurisdiction with that of our courts in some of the native chiefs. See the Native Courts Regulations, 1897, section 46, and the Courts Ordinance, 1907, section 10. Such jurisdiction is not granted under the Foreign Jurisdiction Act.

Because it has been laid down in what manner certain powers of the Crown which it may have in a foreign country are to be exercised the Crown is not thereby precluded from exercising its other powers. The treaty-making power remains, whether it be exercised with regard to a native tribe or the Sultan of Zanzibar.

The appellant admits that thirty years ago the agreement with the Masai would have been a treaty.

There is no law to prevent the Crown using force to a protected foreigner if he is not obedient.

If necessary force could have been used to move the Masai tribe; if that is so no action will lie merely because more peaceful methods were, in fact, used.

He referred to *Buron v. Denman*, *Feather v. Queen*, and Robertson's "Civil Proceedings against the Crown," p. 640. A native member of a tribe is a subject of the head of the tribe, whether the "head" be an individual or more persons than one, and it is for the Crown alone to say with whom it will make a treaty. The treaty in question was for the removal of a tribe and cannot be read as an agreement to exchange land, and had a European remained on the land reserved for the tribe, the Crown could have had him removed through the Courts. The obligations imposed here on both parties were moral, not legal. There was no declaration of legal trusteeship by the Secretary of State. He referred to *Rustomji v. The Queen*, and *West Rand and Central Gold Mining Co. v. The King*. As regards the 20th and 21st defendants, they are protected in carrying out an act of State against persons who are not British subjects. In the case of *Walker v. Baird*, the complainant was a British subject. In any event the appellants pleaded that they acted by orders of the Secretary of State, therefore they cannot sue them in tort.

Before the passing of the Petition of Rights Ordinance the Crown could not be sued in tort inasmuch as the principles of English law applied. The Ordinance itself only allows the bringing of petitions of right by such persons as could bring them in England. Although the Crown has recognized certain persons as capable of making a treaty, it does not necessarily follow that it should recognize them as being outside the jurisdiction of the Courts with the privileges of a sovereign. See *Sekgome's case* at p. 615.

Nireaha v. Baker only decided that statute must be complied with in dealing with land. In the case of *Huri Sadashir v. Shaikh Ajmuddin*, the persons were not sovereigns but subject to the Rajah.

MORRISON (in reply): Where there is no great seal attached the presumption is that there is no treaty.

The complete exercise of the jurisdiction of the Crown in the Protectorate, in fact, places the subjects of the Protectorate on the same footing as British subjects. The sovereignty of the Masai has never, in fact, been recognized. The signatories of the 1904 Agreement were delegates of the tribe.

He referred to Hall's "Jurisdiction of the British Crown," 1894 Ed., p. 204.

The Protectorate Courts have been given full jurisdiction which they have no right to question because of a treaty to the contrary, unless the Order in Council directs that it shall be exercised subject to the treaty, as, for instance, was done in the Order in Council, 1897, with regard to Germany, which provision is kept alive by Art. 28 of the Order in Council, 1902. This Order is drawn as applicable to absolute sovereignty without any exception, whether at the coast or in the hinterland.

The Crown has assumed ownership of minerals and grants rights inland. Annexation now would merely be a formal recognition of the actual existing state of affairs.

The exercise of jurisdiction by native chiefs is only by consent of the parties and does not imply sovereignty. There is no case in which "act of State" has been successfully pleaded where the person aggrieved was an alien within the protection of His Majesty or subject to the ordinary jurisdiction of the Courts. If the Masai had been compelled to move by force and protested without resisting, they could thereafter have brought an action which would have been entertained in the Courts.

The Petition of Rights Ordinance gives a Masai the same right to bring an action in the Protectorate as he would have if living in England.

The Crown is, in fact, claiming in this case to do by prerogative powers that which it has power to do by legislative act.

At the request of the Court in order to have on the record historical and ethnographical information as to the Masai in the event of an appeal going to the Privy Council, counsel agreed on the following admissions:—

"On behalf of our respective clients we admit for the purposes of this appeal the approximate accuracy of the statements contained in Sir Charles Eliot's introduction to a work by Mr. A. C. Hollins, entitled 'The Masai' (Oxford Clarendon Press) at pages xiv, xv, xvi, xvii, xviii, and in the memorandum on the Masai, which forms enclosure No. 2 in serial No. 17 of the White Book, 'Correspondence relating to the Masai, June, 1911,' commencing at the paragraph headed 'Past History,' on page 14, and ending with the paragraph on 'Masai Migrations,' on page 15, with the omission of the paragraph headed 'Arrival of Settlers.'"

And we further admit that since 1904 the Masai have increased in population and wealth, and the result of a rough and other census in 1913 was to place the population at thirty thousand."

The Court delivered the judgments following dismissing the appeal.

MORRIS CARTER, C.J. (Uganda): This is an appeal from a judgment of the Chief Justice of the East Africa Protectorate dismissing an action brought by the Appellants "on behalf of themselves personally and on behalf of the Masai of Laikipia and on behalf of the Masai tribe generally."

The action was in substance one for damages for breach of an Agreement made in 1904 between the Government of East Africa and the Masai tribe, and in respect of stock illegally removed by the said Government and by the 20th and 21st defendants under orders of the said Government; for a declaration of certain rights under the Agreement; and, for injunctions against the Attorney-General, as representing the Government, and the 20th and 21st defendants. Certain other defendants were sued merely as signatories to the Agreement.

The action was dismissed on the grounds that the Agreement of 1904 and a subsequent Agreement of 1911 were treaties, and that any acts done in removing the Masai and their stock had been done in carrying out such treaties, and that both the treaties and the acts of the defendants were acts of State which are not cognizable by a Municipal Court.

The following are the grounds of appeal:—

1. The learned Chief Justice erred in holding that the case was not cognizable in the Courts of the Protectorate.
2. The learned Chief Justice erred in holding that protected native subjects of the Protectorate have no rights against the Protectorate Government.
3. The learned Chief Justice erred in relying without proof on statements in the Written Statement of the Defendants, and in failing to take evidence as to the alleged acts of State, and as to the status of the Masai in fact in view of the

extent to which they are governed directly by the Protectorate administration, and in failing to take judicial notice of the Protectorate legislation applied to the Masai, and of the practice of the High Court and the Courts subordinate thereto in exercising jurisdiction over the Masai.

4. The learned Chief Justice erred in holding that the Agreements of 1904 and 1911 were acts of State and not under the jurisdiction of the Courts of the Protectorate.

5. The learned Chief Justice erred in holding that the plaintiffs acquired no rights enforceable in the Courts of the Protectorate either against the Government or third parties under the Agreement of 1904.

6. The learned Chief Justice erred in holding that the Secretary of State for the Colonies can by an act of State infringe the individual rights of protected subjects in the East Africa Protectorate, and that the Courts of the Protectorate cannot interfere.

7. The learned Chief Justice erred in holding that the Masai and their chiefs are not under the original jurisdiction of the High Court of East Africa.

The question to be decided in this appeal is whether the case is cognizable by the Courts of the East Africa Protectorate.

The material portions of the Agreements of the 10th August, 1904, and the 26th April, 1911, as set out in the judgment under appeal are as follows :—

In short, by the first Agreement the Masai were to vacate the Rift Valley and to occupy two settlements, one of which was the area known as Laikipia ; they were to be allowed a right of way between the two areas ; the Government was to establish and maintain a station on Laikipia ; and officers known and trusted by the Masai were to be appointed to look after them there.

By the subsequent Agreement of 1911 the Masai were to occupy one area only ; those who had occupied Laikipia or the Northern Masai Reserve were to move to the south of the railway to land immediately to the west of the land reserved to the other section of the tribe by the 1904 Agreement.

The appellants contend that the Agreement of 1904 was a civil contract ratified by the action of all the Masai, upon which they are entitled to sue, and that the Agreement of 1911 is also a civil contract which is only binding on the individual Masai who signed it, as it was not entered into by those who by the custom of the Masai were able to bind the tribe generally, and was not ratified by all the Masai.

For the Crown it is argued that both these Agreements are treaties and consequently acts of State which are not cognizable, and cannot be enforced by the Courts of the Protectorate.

The appellants in answer to this plea maintain that the Agreements are civil contracts and deny the right of the Crown to enter into a treaty with a tribe within the Protectorate which has come under its complete administration and with which no treaty has been entered into prior to the declaration of the Protectorate or the complete administration of the tribe by the Government.

They further contend that the Protectorate is a British dominion and that the Masai are British subjects or subjects of the Protectorate and that " act of State " cannot be pleaded against subjects.

In order to arrive at a conclusion as to whether a treaty can be made with the Masai it is necessary to consider the status of the Protectorate and of the Masai.

Although the East Africa Protectorate was in existence for some years before 1902, the East Africa Order in Council, 1902, as modified by subsequent Orders in Council establishes the present system of government. The Order in Council begins with the following recital :—

" Whereas the territories of Africa suitable within the limits of this Order are under the protection of His Majesty the King, and are known as the East Africa Protectorate ;

"And whereas by treaty, grant, usage, sufferance and other lawful means, His Majesty has power and jurisdiction with the said territories ;

"Now therefore, His Majesty, by virtue and in exercise of the powers on this behalf by the Foreign Jurisdiction Act, 1890, or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council to order, and it is hereby ordered as follows :—"

The Foreign Jurisdiction Act deals with the jurisdiction of His Majesty in foreign countries, that is to say, in countries or places outside His Majesty's dominions.

The appellants call attention to the fact that by the above Order in Council a complete system of government, executive, legislative and judicial, is established and by Article 15 (1) full jurisdiction, civil, and criminal over all persons and over all matters in East Africa is vested in the High Court ;

And further, that by the East Africa Order in Council, 1906, also expressed to be made under the Foreign Jurisdiction Act, an executive and legislative Council is established.

They argue from this that full British constitutional rule has been established in East Africa, that the acts of the executive have been made subject to the legislature and that the power of His Majesty is exercisable only in accordance with law and that no arbitrary rights are left ; in fact, that there is no distinction between the Protectorate and a Crown Colony, and consequently that East Africa is no longer a foreign country but is a British dominion.

I am unable to agree with this view.

Although no doubt the Government of the East Africa Protectorate is more fully organized than that of the Bechuanaland Protectorate in 1906 I can find no such difference between the two Protectorates as to warrant this Court in coming to a different conclusion upon the question whether the Protectorate is British dominion or a foreign country than that which was reached with regard to the Bechuanaland Protectorate by the Court of Appeal in the case of *Rex v. Crewe, ex parte Sekgome*. It was there held that the Protectorate was a foreign country in which His Majesty had jurisdiction within the meaning of the Foreign Jurisdiction Act, 1890.

In that case Vaughan Williams, L.J., said, "Generally, I may say, I am of opinion that it is impossible for us to say that at the date of the Order in Council of May 9th, 1891, the territory, the subject of that Order was not a foreign country, that is a country out of Her Majesty's dominions. The territory has not been annexed so as to become part of Her Majesty's territorial dominions. Bechuanaland Protectorate is under His Majesty's dominion in the sense of power and jurisdiction, but it is not under his dominion in the sense of territorial dominion.

And Kennedy, L.J., in the same case at page 623 stated " . . . the Protectorate of a foreign country in which His Majesty has and exercises power and jurisdiction as a protecting and not as a ruling Sovereign, and which he has never annexed to the possessions of the British Crown, certainly cannot properly be treated as part of His Majesty's dominions." The learned Lord Justice arrived at the conclusion that the Bechuanaland Protectorate, including Gaborones, formed no part of His Majesty's dominions in spite of the fact that chiefs of the local tribes had in 1904 "abandoned all rights and jurisdiction in and over" a portion of the Protectorate within which Gaborones lay and that in that Protectorate "every branch of such Government as exists—administrative, executive and judicial—has been created and is maintained by Great Britain."

As in Bechuanaland so in East Africa there has been no formal annexation of the territory and as stated by Lord Halsbury in the course of the argument in *Staples v. The Queen*, which was a case governed by the Foreign Jurisdiction Act, 1890, "I never heard that you can force a Sovereign to take territory."

It is true Vaughan Williams, L.J., at page 607 in the case already cited, states, "I recognize that a country which originally was a foreign country outside the territorial dominions of the Crown might in course of time become a part of the territorial dominions of the Crown, and this by the acts of the Crown without any formal act of annexation," but he held that such had not been the case in Bechuanaland, and one of his reasons for arriving at this conclusion may be gathered from an earlier passage in his judgment at page 606 in which he assumes that "no Act of the Crown has since the creation of the Protectorate constituted a grant to the inhabitants of a constitution."

This passage has been quoted by the appellants as being in favour of their contention that East Africa has become annexed to the dominions of the Crown, because they argue that the Order in Council of 1906 provides East Africa with a constitution.

But it is clear from the continuation of the passage quoted that the learned Lord Justice referred to a constitution of which the Crown could not in any event, deprive the country, for he adds, "I assume this, because, although the grant to a ceded or conquered country of a complete system of laws may constitute an irrevocable grant of a constitution, yet there is no such grant in this case, because the Order in Council which provided a system of laws made that provision on the express condition that His Majesty might disallow wholly or in part any proclamation."

A similar power of disallowance exists with regard to East Africa; further, a power is retained of legislating for East Africa from Downing Street, and finally, the Order in Council which constitutes the alleged grant of a constitution expressly provides in Article XIX. that His Majesty, his heirs and successors in Council may at any time revoke the Order itself; a provision which clearly enables the Crown to revoke the grant of any constitution granted by such Order.

It has not been argued before us that East Africa has been acquired by settlement by His Majesty, nor has the Court been asked to take any evidence upon this point.

All Orders in Council hitherto promulgated, including one so late as 1911, have been expressed to be under "The Foreign Jurisdiction Act, 1890; or otherwise" the clear inference being that His Majesty in Council still considers the Protectorate a foreign country and so treats it. Even if it be competent to the Court to go behind this fact and find that some other acts of the Crown have amounted to annexation, as stated above, I am unable to find that such acts exist and am of opinion that the East Africa Protectorate has not become part of the British dominions but is still a foreign country.

The status of the Masai now has to be considered and this from two points of view: first, are the Masai British subjects, or British East Africa subjects; secondly, are the Masai a people with whom a treaty can be made?

As regards the first point it would seem that if East Africa which includes the land of the Masai, is technically a foreign country, a native inhabitant of that country would also be technically a foreigner in relation to the protecting State.

Counsel for the Appellants has argued that the application of the Indian Penal Code which provides *inter alia* for the punishment of persons waging war against the King and the enactment of The Petitions of Right Ordinance, 1910, have a material bearing upon this point. I do not consider however that this can be the case, as these provisions of the law apply to every person in the Protectorate, whether he be a subject or a foreigner.

I can see no such difference between the position of a Masai and that of Sekgome, who was considered by both Vaughan Williams, L.J. (at page 607) and Kennedy, L.J. (at page 619), not to be a British subject, as to justify me in holding that the Masai are British subjects, nor do I know of any such person as a British East Africa subject, or of any machinery by which a foreigner may obtain such a status. In my opinion the Masai are the subjects of their chiefs or their local government, whatever form that government may in fact take.

If the Masai are not British subjects are they in their collective capacity as a tribe persons with whom a treaty can be made ?

In the course of the arguments before this Court it was admitted by the appellants on the one hand that the Masai were a people with whom a treaty could have been made twenty or thirty years ago, and on the other hand by the respondents that the Masai in 1904, at the date of the conclusion of the first Agreement, had come under the administration of the Government, by which I understand that they were within a part of the Protectorate in which Government officials were exercising administrative questions and in which the jurisdiction of the High Court was exercised over the natives, at any rate in cases arising between members of the tribe and non-natives.

In addition to these admissions we considered it expedient to have upon the record such facts bearing upon the status of the Masai as are well known and uncontested. Both parties thereupon admitted the approximate accuracy of certain statements contained in Sir Charles Eliot's introduction to a work by Mr. A. C. Hollis entitled "The Masai" and in the memorandum on the Masai contained in serial No. 17 of the White Paper "Correspondence relating to the Masai, June, 1911" and they further admitted that since 1904 the Masai had increased in population and wealth and that the result of a rough census in 1913 was to place the population at 30,000.

From these admissions it appears that the Masai are a large nomad tribe of pastoralists and warriors who have in the past proved a terror and scourge to the surrounding peoples. Their social system is based on military ideals and their raids in the past extended from Lake Victoria to the Coast and from Mount Kenya to the middle of German East Africa. The last raiding expedition on a large scale is said to have taken place as late as 1898 and in 1902-3, when settlers were first attracted to East Africa in considerable numbers, the Masai still roamed unmolested on both sides of the Uganda Railway from Molo to Naivasha and on the South side from Nairobi to Kiu.

Their power declined in the early nineties owing to rinderpest, famine, small-pox and civil war, but their numbers and wealth have recently been on the increase.

The civil dissensions came to an end in 1908, since when the Masai have been more or less united and have followed the advice of the Laibon or head medicine-man of the tribe.

It may, I think, therefore be assumed without question that the Masai continue to possess an entity of their own as a tribe and that moreover they are a military people who could put a force of some thousands of spearmen into the field.

There can be no doubt that as admitted by the appellants the Crown could have come to an agreement in the nature of a treaty with the Masai before the declaration of the Protectorate. It consequently only remains to decide whether anything has since occurred to preclude the Crown from so acting.

A declaration of a Protectorate in itself has no such effect, as in theory such a declaration presupposes the existence of both a protecting and protected states and the continuance in the latter of some elements of sovereignty.

The appellants admit that a treaty could still be made with a tribe in the Protectorate which has not yet come under administration, if any such tribe still exists within its borders but they argue that when a protected state has come under the administration of the protecting state in the way that the Masai have done, all vestiges of sovereignty in them cease to exist. They owe obedience to the laws and to the administration and are amenable to the Courts of Justice of the protecting state, in fact they do not exercise the three elements of which sovereignty is composed.

There is much force in this argument but I am not satisfied that it is correct.

Treaties are the subject of international law which is a body of rules applied to the intercourse between civilized states and it is said by Mr. Hall, at page 126 of the 8th edition of his work on international law, that "International law touches

Protectorates of this kind (Protectorates over uncivilized and semi-civilized peoples) by one side only. The protected states or communities are not subject to a law of which they never heard, their relations to the protecting state are not therefore determined by International law."

If this be correct, it would seem that an agreement between a civilized State and an uncivilized community is not governed by international law. It must, however, I think, be taken to be governed by some rules analogous to international law and to have similar force and effect to that held by a treaty, and must be regarded by Municipal Courts in a similar manner.

The declaration of a Protectorate over an uncivilized region is deemed by Mr. Hall and Mr. Westlake to carry with it the obligation of establishing the authority mentioned in Article 35 of the Berlin Act. The method of establishing that authority and the extent to which the protecting State goes in that direction must vary in different cases, but the establishment of Courts to which a foreigner can resort for justice against the native is an essential element in the establishment of such authority.

Some exercise by the protecting State of all the three elements of sovereignty must, I take it, be necessary in uncivilized countries where no machinery for their exercise exists otherwise; further, however far that exercise goes, until annexation takes place the territorial sovereignty must be taken to be in suspense or it, or some part of it, must be taken to remain in the native authorities.

As Mr. Westlake observes at page 184 of his "International Law": "Until there is annexation, formal or otherwise, a protectorate is a foreign country, and the rights held over it are still distinguished from territorial sovereignty by however thin a line."

If, as would appear to be the case in India, as hereinafter mentioned, sovereignty can still be retained by a State which cedes by treaty part of its territory with full jurisdiction in that part, there would seem to be no difficulty in holding that, where an exercise by a protecting State of the three elements of sovereignty takes place by sufferance: (1) that exercise should not be deemed to carry with it more of the sovereignty than is necessary; (2) it is competent to the protecting State to permit some vestige of sovereignty to remain in the native authority; and (3) the protecting State must be taken to have permitted this, unless and until it has assumed full sovereignty by annexation.

In India, it would seem that where a British railway passes through a native State agreements have been made by which the State cedes the land in perpetuity to the British Government with full civil and criminal jurisdiction. Sometimes the grant is stated to be with full sovereignty, sometimes there is an express reservation of sovereignty. ("The Criminal Law of India," Maine 3rd edition, page 280.)

All the Indian cases which have been quoted to us, in my opinion, show that where an individual holds his office or territory by way of grant from a sovereign power an agreement made with him is a civil contract, but that where the individual is regarded as holding such office or territory as a sovereign an agreement made between him and a sovereign power is a treaty. In some of the cases the amount of sovereignty remaining is exceedingly small and the position occupied is one which comes very near to complete dependence.

During the course of the argument with regard to treaties or agreements I took occasion to refer to the agreements with native chiefs in Uganda, another Protectorate under the appellate jurisdiction of this Court (in which there is an Order in Council similar to the East Africa Order of 1902, though there is no executive or legislative council) and to state that the jurisdiction of the High Court in Uganda is regarded as subject to these agreements or treaties.

If reference be made to one of these agreements—concluded seven years after the declaration of the Protectorate—the Ankole Agreement, 1901, it will

be found that it was executed in the presence of the Sub-Commissioner of the Western Province and the Collector of Ankole, both officers in charge of the administration of the Ankole tribe. ("The Laws of the Uganda Protectorate," 1910, page 1005.)

No record of any other agreement or treaty with Ankole appears in Hertslet's "The Map of Africa by Treaty," and so far as I am aware no agreement had ever been previously concluded between the Crown and the Ankole tribe; it is thus clear that in practice the making of a treaty with a tribe which is under the active administration of the government of a Protectorate is no new thing even where no treaty has been entered into with it before it was brought under administration.

For the above reasons I consider that the Masai are still a tribe with which it is competent to the Government to make a treaty if it elects to do so.

In this connection it is further to be noted that concurrent jurisdiction by the Masai over native cases was recognized by Section 46 of the Native Courts Regulations, 1897, and these regulations remained in force till 1907, when they were repealed by the Courts Ordinance, 1907, which, however, provided in Section 10 that nothing in the Ordinance should affect the power of the Governor to recognize the jurisdiction of tribal chiefs. It is at least arguable that this is a recognition of a jurisdiction pre-existent to and apart from jurisdiction conferred by the Order in Council, and is a remnant of sovereignty still remaining in the Masai; if this be so a further reason is furnished for considering that a treaty might be made with the Masai.

The power of making a treaty with the Masai being recognized, it remains to consider whether the agreements are, in fact, treaties or are merely civil contracts.

In my opinion they are in the nature of treaties; I am unable to agree with the argument that they are merely contracts with regard to land which could have been made under the Crown Lands Ordinance, 1902; clearly they are not made under that Ordinance and I can find no section in the Ordinance under which they could appropriately be made. Further, I am unaware of any provision of law which would authorize certain members of a tribe to enter into a civil contract which would bind all the members, unless such members form a central authority in the nature of a government, in which it may be presumed some elements of sovereignty would exist. Such a position is obviously inconsistent with the contention of the appellants.

On the assumption that no such element of sovereignty exists, it has been argued that the first agreement has been ratified by all the Masai because they have all acted upon it; the appellants would find it impossible to prove that each and every Masai had acted upon the agreement, and it would seem that if any Masai has not acted upon it, it could not be held to be binding upon the tribe generally. Further, even if all the Masai had acted upon it, the question of their right to bind all those who are not *sui juris* would remain to be considered.

The agreements have not the appearance of being mere contracts relating to land. The first agreement *inter alia* provides for the establishment and maintenance of a Government station and the appointment of officers to look after the Masai; an arrangement in other words for the government and administration of the country. It is, moreover, to be observed that the documents would not seem to have been regarded as civil contracts by the parties; that the Crown considers them as treaties is clear from the pleadings; the appellants also described the first document as a treaty in their concise statement. It would further appear that no stamp duty has been paid upon either agreement yet; if the agreements were civil contracts they would *prima facie* operate as exchanges, in which case under the Stamp Act duty is payable by the parties in equal shares in the absence of any agreement to the contrary (Section 29 of the Indian Stamp Act).

If the agreements are treaties I am of opinion that the Court cannot go into the question of whether the Government has selected the right persons with whom to make such treaties. I may, however, add that in my opinion such an Ordinance as the Village Headmen Ordinance, which deals with the appointment of headmen for villages, has not the effect which the appellants attach to it, of precluding the Government from recognizing persons as chiefs of a tribe.

Further, it is not within the province of the Court to enquire whether a treaty has been obtained by duress; a circumstance which is so frequently present at the conclusion of a treaty.

The appellants contend that the Petitions of Right Ordinance, 1910, precludes the Government from pleading that the petitioner is a protected foreigner and that the act complained of is an act of State.

The material section of the Ordinance reads as follows :—

“ 3. All claims against the general Government of the Protectorate, being of the same nature as claims which may be preferred against the Crown in England by petition, manifestation or plea of right, may, with the consent of the Governor, be preferred in the High Court in a suit instituted by the claimant as plaintiff against the Crown Advocate as defendant, or such other officer as the Governor may, from time to time, designate for that purpose.”

The Ordinance is entitled “ An Ordinance to make provision relating to suits by and against the Government and to the costs thereof.” It is clearly an Ordinance designed to alter the procedure existing in the Protectorate by virtue of the application of the Indian Civil Procedure Code. It is open to doubt whether it was intended to effect or did effect any alteration in the substantive law of the Protectorate, which, so far as it related to actions against the Government, was governed by the common and statute law of England at the commencement of the East Africa Order in Council, 1897, subject to any treaties for the time being in force relating to the Protectorate (Article 11 (a) of the East Africa Order in Council, 1897, as saved by Article 28 (1) of the East Africa Order in Council, 1902).

Petitions of right, however, do not apply to torts, and whatever may be the effect of the Ordinance as regards the plea of act of State in matters coming under the Ordinance, it would seem extremely doubtful whether it could be held to have any effect as regards the plea of act of State in respect of a tortious act committed by a servant of the Crown.

But it does not appear to me to be necessary for the point to be decided in this case, as in any event the Ordinance cannot be held to prevent the Crown from making a treaty which it could otherwise make, and it is clear no action is maintainable in a Municipal Court to enforce the performance of a treaty as against one of the contracting powers. I therefore consider that the judgment of the Lower Court is correct in so far as it dismisses that part of the suit which is a claim in respect of the 1904 Agreement.

In so far as the suit is a claim against the Government in respect of tortious acts, it is clear that the appellants cannot succeed; a claim of such a nature is not permitted by the law of England, which applies in this respect to East Africa.

As to the defendants 20 and 21, it is admitted that anything done by them was done by them as agents of the Government acting in pursuance of orders. It also appears to have been done by them for the purpose of carrying out the Agreement of 1911.

In my opinion an action will not lie against these defendants for doing these acts which are acts of State and not cognizable by the Court as being committed in a foreign country against foreigners who belong to the tribe with whom the treaty was made.

The case of the Secretary of State for India *v. Kamachee Boye Sahaba* shows that where an act injurious to a foreigner, and which might otherwise afford a ground of action, is done by the orders of Government in a foreign country it is an act of State, and exempts from all liability the person who commits the trespass; and the case of *Buron v. Denman* is authority to the same effect.

I do not consider it necessary to deal with the grounds of appeal seriatim, but desire to state with regard to the second and seventh grounds that I do not find that the Chief Justice of the East Africa Protectorate has found that protected native subjects have no rights against the Protectorate Government or that the Masai and their chiefs are not under the original jurisdiction of the High Court.

All that was decided was that treaties had been made with the Masai, and that they could not be enforced by Municipal Courts and that acts done by officers of the Government in carrying out these treaties were acts of State and not cognizable by the Courts.

It is clear that the Masai as a whole are subject to the original jurisdiction of the High Court. It might possibly, however, be arguable that if there were a sovereign ruler of the Masai he might claim to be exempt from the jurisdiction. On the other hand it might be contended that he has acquiesced in the jurisdiction of the High Court being exercised over all the Masai including himself; the point, however, is not now before the Court.

Although I cannot agree that the learned Chief Justice has held that protected native subjects of the Protectorate have no rights against the Protectorate Government, yet if the law as laid down in the case of *Buron v. Denman* applies in its entirety to acts committed in East Africa against a native of the Protectorate, it would seem that a native has no rights which he can enforce in a Court of law in respect of any kind of tortious act committed upon the orders of or subsequently ratified by the Government; he has no remedy against the Crown in tort, and if he brings an action against an individual the latter can plead orders of the Government, whereupon the act becomes an act of the Government and one for which the only remedy is an appeal to the consideration of the Government; the other remedies of diplomacy and war which might be available to a foreigner, the subject of an independent State, not being available to a native of the Protectorate.

In this connection I will again quote the words of Vaughan Williams, L.J., in the case of *Rex v. Earl of Crewe*: "The idea that there may be an established system of law to which a man owes obedience, and that at any moment he may be deprived of the protection of that law, is an idea not easily accepted by English lawyers. It is made less difficult if one remembers that the Protectorate is over a country in which a few dominant civilised men have to control a great multitude of the semi-barbarous."

While I have felt it right to deal with this matter in connection with the second ground of appeal, it is to be observed as regards the case now before the Court that the appellants' counsel has admitted that everything which has been done in moving the Masai could have been effected by legislation, in which event the Masai could have had no recourse to the Courts.

If in the interests of peace and good government it was considered necessary that the Masai should be moved, it was a natural and politic course for the Government to come to an agreement with them with this object in view.

Conferences took place between certain of their chiefs and the Government at which the subjects were discussed, and, as a result, treaties were concluded between the parties.

The interests of the tribe were in my opinion as likely to receive adequate consideration at such conferences as they would have received in the course of a discussion at a legislative council at which the chiefs might not have been present.

On the grounds already stated I consider that the claim in this case is not cognizable by the Courts and that the appeal should be dismissed with costs.

BONHAM-CARTER, J. : I agree.

It is necessary to arrive at the true status of the East Africa Protectorate, the individual Masai and the Masai tribe.

The root of the government of the East Africa Protectorate lies originally in the Foreign Jurisdiction Act, 1890, and then in the Order in Council, 1902. The High Court of East Africa was established under this Order, and this Appeal Court was established under an Order in Council enacted under cover of the Foreign Jurisdiction Act. The Foreign Jurisdiction Act has no power except in foreign countries, and the Orders in Council under cover of that Act can only apply in foreign countries.

This Court cannot of its own act deny its own root of title, and therefore it is bound to hold that the East Africa Protectorate is a foreign country.

It has been argued by Counsel for the appellant that the East Africa Protectorate is not a Protectorate but a British dominion, in that since the protecting Government has assumed that whole of the bundle of powers that make up Sovereignty the State of a Protectorate cannot exist.

It was held in *R. v. Crewe (Earl) (a)* that the Bechuanaland Protectorate was a Protectorate. Kennedy, L.J. stated: "In the Bechuanaland Protectorate every branch of such government as exists—administrative, executive and judicial—has been created and is maintained by Great Britain. What the idea of a Protectorate excludes and the idea of Annexation on the other hand would include, is that absolute ownership which was signified by the word '*dominium*' in Roman Law and which though perhaps not quite satisfactorily, is sometimes described as territorial sovereignty. The protected country remains in regard to the protecting State a foreign country; and this being so, the inhabitants of a Protectorate, whether native born or immigrant settlers, do not by virtue of the relationship between the protecting and protected State become subjects of the protecting State."

In the same case L.J. Vaughan Williams held: "Bechuanaland is under His Majesty's dominion in the sense of power and jurisdiction, but is not under his dominion in the sense of territorial dominion—and generally I think that the Foreign Jurisdiction Act, 1890, and the proclamations thereunder are in respect of the Bechuanaland Protectorate to give His Majesty absolute power, subject to the provisions of any Act of Parliament, to say from time to time what law should be applied in these territories outside His Majesty's dominions, just as if the territory had been the subject of absolute conquest, since in my opinion there has been no annexation and no Constitution has been granted."

By all the Orders in Council up to the present date this Protectorate has been treated as a foreign country and I am unaware of any Act amounting either to annexation or conquest. Such Acts cannot be presumed. Lord Halsbury in *Staples v. The Queen* laid down this in the following words: "I never heard that you can force a sovereign to take territory."

It is clear to my mind that the East Africa Protectorate is not British dominion but is a foreign country.

As to the personal status of an individual Masai I find it to be so similar to that of Sekgome in *R. v. Crewe (Earl)* that I am unable to distinguish between them and in that case L.J.J. Vaughan Williams and Kennedy clearly held that Sekgome was not a British subject. The facts in the cases are so similar that I do not consider it necessary to quote any further authority for deciding that a Masai is not a British subject.

There is now the status of the Masai tribe. The constitution of the Masai tribe is not one familiar to European ideas and was not a very rigid one, and owing to the nomad and truculent nature of the race the central authority had not a very great power; the main power rested with the warriors, who gave utterance to their wishes through their elected chiefs. There was also an individual called Laibon (Ol-oil oni) whose office was hereditary and who had great power over the whole of the Masai owing to his supposed supernatural powers. The Laibon ruled more as a spiritual than a temporal chief.

Whatever the interior economy of the Masai was they were the *de facto* rulers and occupiers of a large tract of country and were sovereign over all the tracts of land included in the documents of this case.

It is not denied that thirty years ago the British Government could have entered into a treaty with the Masai tribe and if it had so entered no question could have arisen in the Municipal Courts as to the right of the British Government to select the signatory to the treaty.

In later times the Protectorate Government has completely administered the Masai tribe and the Masai are entirely under the jurisdiction of the Protectorate Courts.

The Masai tribe has never been abolished nor ceased to exist as a tribe. The "dominion" which has not vested in the Protectorate Government remains with the Masai.

The Masai must be held to be a protected State having "dominion."

The appellants claim that the two documents in the case are civil agreements; the respondents that they are treaties.

The first document is dated 10th August, 1904; the second 26th April, 1911.

The object of the first document was expressed to be to remove the Masai into definite reservations away from the railway line and away from any land that may be thrown open to European settlement.

This object was purported to be effected by the Masai agreeing to vacate the Rift Valley and retire into two reserves, one north of the line, called Laikipia or the Northern Masai Reserve, and the other south of the line called the Southern Masai Reserve. A road of communication was reserved between the two districts.

The object of the second document was expressed to be to reunite the Masai tribe and this object was purported to be effected by the Masai of the Northern Reserve, or Laikipia, agreeing to vacate Laikipia and occupy a reserve south of the railway line and directly east of the original Southern Masai Reserve.

The document of August 10th, 1904, was entered into between "the Lybon and chiefs (representatives) of the existing clans and sections of the Masai tribes" and Sir Donald Stewart, His Majesty's Commissioner for the East Africa Protectorate and was approved by the Secretary of State.

As I have already found the Masai to be a protected State, I am of opinion that this document is a treaty between the protecting and protected States and the Municipal Courts have no power to enquire as to the authority of the signatories.

The document of 26th April, 1911, was entered into by "The Paramount Chief of all the Masai and his regents and the representatives of that portion of the Masai tribe living in the Northern Masai Reserve" and "Sir Edouard Percy Cranwill Girouard on behalf of His Majesty's Government"—this document appears to me to be equally a treaty with the document of 10th August, 1904.

The Municipal Courts have neither power to enquire into the validity of these documents nor into the authority of the signatories.

These two documents are treaties and acts of State.

It has been further contended that even if the two documents are treaties this does not entitle the Crown to act otherwise than by the legislature in compelling the Masai to act under them and *Walker v. Baird* has been quoted as an authority. In that case the plaintiff was a British subject and it was held that the Crown has no right to compel its own subjects otherwise than by legislature. There is, however, the case of *Buron v. Denman*. Captain Denman, of H.M. Navy, seized and destroyed certain barracoons of the plaintiff, a Spaniard, on the West Coast of Africa. The action was not to be justified by any law or treaty but was subsequently approved by the Crown and it was held that it was a wrong no longer actionable. This principle was apparently extended in Scotland in the case of *Poll v. L.A.* Following *Buron v. Denman* I am of opinion that the Municipal Courts have an authority to interfere with the actions of the Crown done under the treaties with relation to a Masai, that is to say a foreigner.

The treaties are not contracts enforceable in Municipal Courts and therefore any action that lies must be in tort and no action lies against the Crown in tort even by Petition of Right (*Feather v. The Queen*). No action in this case lies therefore against the first defendant. The 2-19 defendants are only sued as signatories to a treaty and therefore no action lies against them by appellants.

The appellants plead that the 20th and 21st defendants are acting under orders from the Crown and therefore following *Buron v. Denman* no action lies against them.

KING FARLOW, J. : This is an appeal from a decision of the Chief Justice of the East Africa Protectorate, upon a preliminary objection by the respondents that the action out of which the appeal arises is not within the cognizance of the Court.

The suit is based upon two written agreements, one of 1904, and the other of 1911, between the Government of the East Africa Protectorate and the Masai tribe, and breach of contract on the part of the Government is alleged.

A claim in tort is also brought against the Government and against two officers thereof, referred to on the record as the 20th and 21st defendants, in respect of wrongful acts alleged to have been done by them while carrying out the Agreement of 1911.

Certain other defendants, Nos. 2 to 19, appear upon the record; but they are joined merely as signatories on behalf of the Masai to the Agreement of 1911.

The plea of the respondents is one in bar and has been properly raised (*Musgrave v. Pulido*).

The substantial question to be decided appears to be : Were these agreements, in fact, treaties, and as such not cognizable by the Courts of the Protectorate ?

I am of opinion that upon this preliminary objection it is for the Court to enquire into the circumstances in which these agreements were entered into and into the nature of the agreements themselves. Also into the position and character of the parties particularly of the appellants, who have been permitted by the Court to sue on behalf of the Masai tribe generally, and are proceeding against the Government of the East Africa Protectorate with the fiat of the Governor of the Protectorate under the Petitions of Right Ordinance, 1910.

I also think the constitution and jurisdiction of the Courts of the Protectorate should be considered. I will deal with this first, as it involves reference at some length to statutes and Orders in Council which appear relevant to the general enquiry.

The Court before which this suit was brought was established by the East Africa Order in Council, 1902, in accordance with the provisions of the Foreign Jurisdiction Act, 1890. This statute recites : "Whereas by treaty capitulation grant usage sufferance and other lawful means Her Majesty the Queen has jurisdiction within divers foreign countries and it is expedient to consolidate the Acts relating to the exercise of Her Majesty's jurisdiction out of her dominions ;" and proceeds to enact by Section 1 that "It is and shall be lawful for Her Majesty the Queen to hold, exercise and enjoy any jurisdiction which Her Majesty now has or may at any time hereafter have within a foreign country in the same and as ample a manner as if Her Majesty had acquired that jurisdiction by the cession or conquest of territory."

Section 10 gives power to revoke or amend any Orders in Council made in pursuance of this Act, and Section 11 provides for the laying before Parliament of Orders in Council which thereupon shall have effect as if enacted in this Act.

In Section 16 the expression "foreign country" is defined as "any country or place out of Her Majesty's dominions."

The expression "British Court in a foreign country" means any British Court having jurisdiction out of Her Majesty's dominions in pursuance of an Order in Council whether made under any Act or otherwise. The expression "jurisdiction" means power.

I do not think that this Act, despite the language of certain sections, can be held to contemplate jurisdiction over British subjects alone, and not over the native inhabitants of a "country out of Her Majesty's dominions." I adopt

the view expressed by L.J.J. Vaughan Williams and Kennedy in *Rex v. The Earl of Crewe: Sekgome, ex parte* and by Professor Westlake, in chapter IX. of his work on "International Law" in this connection.

The East Africa Order in Council, 1902, recites that "Whereas the territories of Africa situate within the limits of this Order are under the protection of His Majesty the King and are known as the East Africa Protectorate; And whereas by treaty grant usage sufferance and other lawful means, His Majesty has power and jurisdiction within the said territories.

"Now, therefore, His Majesty, by virtue and in exercise of the powers on this behalf by the Foreign Jurisdiction Act, 1890, or otherwise in His Majesty vested, is pleased by and with the advice of the Privy Council to order." Article 1 defines the territories within the limits of the Order and provides that "If His Majesty is pleased to direct that any other territories, for the time being under the protection of His Majesty, shall form part of the East Africa Protectorate, those territories shall, from and after a date to be fixed by an order of the Secretary of State, be deemed to be within the limits of this Order.

"In like manner, if His Majesty is pleased to direct that any territories for the time being forming part of the East Africa Protectorate shall cease to form part thereof, those territories shall, from and after a date to be fixed by an order of the Secretary of State, cease to be within the limits of this Order."

Article 12 provides for legislation by Ordinance by the Commissioner for the administration of justice, and generally for the peace, order and good government of all persons in East Africa, subject, however, to the power of the Secretary of State to disallow any Ordinance wholly or in part.

Article 15 (1) provides "that there shall be a Court of Record, styled 'His Majesty's High Court of East Africa' . . . with full jurisdiction, civil and criminal, over all persons and over all matters in East Africa, and Section (2) provides in what manner such civil and criminal jurisdiction shall be exercised."

Article 18 provides that Courts subordinate to the High Court and Courts of special jurisdiction may be constituted by or under the provisions of any Ordinance as occasion requires.

Article 7 provides for the vesting in and exercise by the Commissioner appointed in accordance with Section 4 under the Sign Manual and signet of His Majesty of all rights of His Majesty in respect of any Crown Lands, which are defined as "all public lands in East Africa which are subject to the control of His Majesty by virtue of any Treaty, convention or agreement, or of His Majesty's Protectorate, and all lands which have been acquired by His Majesty for public service or otherwise howsoever," and s.s. 4 of s. 7 declares that "all mines and minerals being in, under or upon any lands in the occupation of any native tribe, or any members thereof . . . shall vest in the Commissioner . . . in like manner as the mines and minerals in, under or upon any Crown Lands."

Article 28 repeals various Orders in Council, including the East Africa Order in Council, 1897, subject to the following proviso (s.s. 1):—

"Where other provision is not made by Ordinance any law practice or procedure established by or under the said repealed Orders . . . shall remain in force until such other provision is made."

The East Africa Order in Council, 1897, by Article 11 thereof provides that His Majesty's criminal and civil jurisdiction in the Protectorate shall be exercised "subject . . . to any Treaties for the time being in force relating to the Protectorate" and by Article 3 (X.) "Treaty" includes any convention, agreement or arrangement with any state or government, king, chief, people or tribe made by or on behalf of Her Majesty or to the benefits of which Her Majesty has succeeded.

This "practice or procedure," therefore, of the exercise of jurisdiction by the Court subject to any such treaties would appear to have been preserved in the Order in Council, 1902.

By the Crown Lands Ordinance, 1902, provision is made concerning "conveyance, leases, and licences for the temporary occupation of Crown Lands."

By the East Africa Order in Council, 1906, provision is made for the appointment of a Governor in place of a Commissioner of the Protectorate and for the creation of an Executive Council and also a Legislative Council in and for the Protectorate.

By Article VIII. the Legislative Council is empowered to establish such Ordinances and to constitute such Courts and officers and to make such provisions and regulations for the proceedings in such Courts, and for the administration of justice as may be necessary for the peace, order and good government of the Protectorate.

By Article IX. not only is power reserved to the Crown to disallow any such Ordinances, but also to make through the Privy Council all such laws and Ordinances as may appear necessary for the peace, order and good government of the Protectorate.

By Article XI. the Governor is empowered to make grants of any lands within the Protectorate which may be lawfully granted or disposed of by His Majesty, in conformity with Orders in Council or with instructions addressed to him, "under His Majesty's Sign Manual and signet or through one of His Majesty's Principal Secretaries of State."

By Article XIX. power is reserved to the Crown to revoke, alter or amend the Order itself.

By the Courts Ordinance, 1907, Courts are constituted subordinate to the High Court. Section 10 provides (1) "Nothing herein shall affect the power of the Governor to recognise the jurisdiction of a Tribal Chief or Council of Elders . . . over the members of his or their tribe . . . or the exercise by such Tribal Chief or Council of Elders . . . of such authority as may be vested in him or them by the custom of his or their tribe or as may be granted to him or them by the Governor" and (2) "All jurisdiction granted by the Governor under the above sub-section shall be exercised in accordance with rules made by the Governor."

Provision is also made for the enforcement of the orders of recognised Tribal Chiefs and Councils of Elders, and for the supervision by Subordinate Courts of the procedure, orders and punishments of any Tribal Authority.

By Section 42 certain Ordinances and Regulations are repealed including the Native Courts Regulations, 1897, whereunder the concurrent jurisdiction, both civil and criminal, of various Tribal Chiefs in territories in the Protectorate outside the Mohammedan coast region had been recognised, including the Chiefs and Elders of the Masai in the Kenia district.

By the Village Headmen Ordinance, 1902 (of which Section 6 authorising the hearing of native cases by Headmen is repealed by Section 42 of the Courts Ordinance, 1907, just referred to), provision is made for the appointment of any natives to be official Headmen of any village or group of villages.

A further Order in Council respecting the extent to which the law of England shall be in force in the Protectorate was issued as recently as 1911.

This Order, like all those preceding it, it is to be observed, is expressed to be made under the Foreign Jurisdiction Act, 1890, a statute which can only have application to a foreign country.

From this bare recital it is clear that the Government of the Protectorate of East Africa, which was established in 1893, has been provided with wide executive

and legislative powers, including the control of certain lands and of all minerals, and with a complete system for the administration of justice with jurisdiction over all persons, including natives, and all matters in the Protectorate.

It has been contended by the applicants that what in substance amounts to a constitution has been granted to the country, that no arbitrary rights have been left in the Crown, and that its powers must be exercised in a particular way, *i.e.*, under Orders in Council and the Ordinances.

They maintain that the Masai are not now foreigners in the Protectorate Courts, whatever their status may be in the English Courts, and point out that their chiefs are under the jurisdiction of the Courts of the Protectorate. They admit that some 30 years ago the Masai were an alien tribe possessing sovereign rights, with whom the Crown could enter into a treaty which the Court could not question. At the present time, however, they say the sovereignty of the Crown in the Protectorate is complete, and just as the Masai were formerly subjects of their chief (Calvin's case), so they are now necessarily subjects of the Government of the Protectorate, if not actually British subjects.

It is admitted by the respondents that the Masai were under administration by the Government at the date of the Agreement of 1904; and by the appellants that the Crown would be at liberty to enter into a treaty with a tribe in the Protectorate which has not been brought under administration.

The appellants maintain that the Government possesses ample powers to do what it pleases by legislative act, and that the claim by the Crown to exercise the prerogative of making treaties with the Masai in the circumstances of this case cannot be supported.

The respondents admit that there is nothing to show that the Crown has ever surrendered its prerogative rights in the Protectorate, particularly that of recognizing sovereigns and making treaties with them. The Crown, they maintain, has not deprived itself of this inherent right, because it had chosen to provide for the exercise of other powers by the Government in a particular way.

The Masai, they say, are foreigners in a foreign country under the protection of the Crown, and the Crown is at liberty to select representative chiefs and others from among them, and to enter into treaties with them which are binding on the whole tribe.

If the Masai are British subjects the plea of the respondents of treaty or act of State would appear to be of no avail. To this question I will refer later.

To arrive at a correct decision on these points the judgments of the Appeal Court in the case cited above of *Rex v. the Earl of Crewe* may be considered. In that case it was held that the Bechuanaland Protectorate was a foreign country, and that its native inhabitants were foreigners for reasons which appear to be applicable to the case of the East Africa Protectorate. Lord Justice Farwell, at page 611, in the course of his judgment points out, while speaking of the British Protectorate in Bechuanaland, that the country was, and is, territory inhabited by natives who vastly outnumber the white population and proceeds: "There is no statutory definition of a Protectorate, nor has it received any judicial interpretation, but it is clear that, for the purposes of the Foreign Jurisdiction Acts, it means territory outside the dominions of the Crown, but over which the Crown exercises some jurisdiction."

Lord Justice Vaughan Williams, at page 603, in the course of his judgment, says: "The territory constituting the Protectorate of Bechuanaland had not been annexed so as to become part of Her Majesty's territorial dominions," and he adopts the statement of Lord Crewe that "the territory of Bechuanaland Protectorate is foreign territory under His Majesty's protection; it has never been acquired by settlement, or ceded to or conquered or annexed by His Majesty, or any of his royal predecessors, recognized the same as, nor is it, part of his dominions, but he has power and jurisdiction within the same."

The learned Lord Justice had previously stated that provision had been made for a complete system for the administration of justice in the Protectorate. At page 606 of the report he goes on to say: "The . . . contention of the Crown is that the arrest and detention of Sekgome" (a native inhabitant of the Protectorate who was applying for a writ of *habeas corpus* to the Secretary of State for the Colonies) "are acts of State which cannot be questioned in the Law Courts. I am inclined to think that, assuming the Protectorate of Bechuanaland is a country which has never been annexed, this contention is well founded. I am assuming that no act of the Crown has, since the creation of the Protectorate, constituted a grant to the inhabitants of the Protectorate of a constitution; I assume this because, although the grant to a ceded or conquered country of a complete system of laws may constitute an irrevocable grant of a constitution, yet there is no such grant in the present case, because the Order in Council which provided a system of laws made that provision on the express condition that Her Majesty might disallow wholly or in part any proclamation."

He then proceeds to refer to the fact that the Bechuanaland Protectorate has never been acquired by settlement by His Majesty.

Substantially all the conditions referred to above appear to be present, as I have already indicated, in the Protectorate of East Africa, with similar consequences in law.

The judgment of Lord Justice Kennedy in the case I have been citing, at page 619 of the report, throws further light upon the question under consideration. After pointing out that the features of Protectorates vary greatly and that the one common element in Protectorate is the prohibition of all foreign relations except those permitted by the protecting State, he proceeds: "Within a Protectorate the degree and the extent of the exercise by the protecting State of those sovereign powers which Sir Henry Maine has described ('International Law,' page 58) as a bundle or collection of powers which may be separated one from another, may and in practice do vary considerably. In this Bechuanaland Protectorate every branch of such government as exists—administrative, executive and judicial—has been created and is maintained by Great Britain. What the idea of a Protectorate excludes, and the idea of annexation on the other hand would include, is that absolute ownership which was signified by the word '*dominium*' in Roman Law, and which . . . is sometimes described as territorial sovereignty. The protected country remains in regard to the protecting State a foreign country; and, in this being so, the inhabitants of a Protectorate, whether native born or immigrant settlers, do not by virtue of the relationship between the protecting and the protected State become subjects of the protecting State. As Dr. Lushington said in regard to the inhabitants of the Ionian States, then under a British Protectorate, in his judgment in the *Ionian Ships*, 1855, allegiance in the proper sense of the term undoubtedly they do not owe; because allegiance exists only between the sovereign and his subjects, properly so called, which they are not. A limited obedience the dwellers within a Protectorate do owe, as a sort of equivalent for protection."

At a later stage in his judgment, on pages 622 and 623, the learned Lord Justice indicates that in his opinion the Bechuanaland Protectorate does not form part of "His Majesty's dominions," which he holds to mean "regions over and in which His Majesty has and exercises the whole collection or bundle of separate powers (to borrow the phraseology of Sir Henry Maine) which constitute territorial sovereignty"; and proceeds as follows:—

"The Protectorate of a foreign country in which His Majesty has and exercises power and jurisdiction as a protecting and not as a ruling sovereign, and which he has never annexed to the possessions of the British Crown, certainly cannot properly be treated as part of His Majesty's dominions."

In the case of the East Africa Protectorate there has been no annexation, and this in view of the observation of Lord Halsbury in *Staples v. The Queen*: "I never heard that you can force a Sovereign to take territory," cannot be assumed to have taken place merely because certain wide executive, administrative and judicial powers, revocable at the pleasure of the Crown, have been conferred on the Government of the Protectorate.

The words of Lord Justice Vaughan Williams, at page 608 of the report of *Rex v. Earl of Crewe*, seem to apply with equal force to the East Africa Protectorate. "I do not find any evidence leading to the conclusion that the Bechuanaland Protectorate has ceased to be a foreign country outside the territorial dominions of the Crown."

I am unable to hold that "by the acts of the Crown without any formal act of annexation" that the East Africa Protectorate has become a part of the territorial dominions of the Crown, although British subjects may have permanently settled there to a considerable extent with the assent of the Crown. The revocable character of the so-called constitution conferred upon the Protectorate and the power to legislate from Downing Street reserved by the Crown, seem a fatal objection to this contention.

That it has been acquired by settlement or conquest has not been argued. The power and jurisdiction exercised by His Majesty is that of a protecting and not of a ruling Sovereign.

As a protecting power in Africa, we are bound by solemn compact with other civilized nations, to establish and maintain a complete system of judicial administration in this Protectorate.

In these circumstances I hold the East African Protectorate to be a foreign country under His Majesty's protection and not part of "His Majesty's dominions," and that the Masai, as native inhabitants thereof, are not British subjects, or subjects of the East Africa Protectorate Government, as has been suggested, but foreigners under the protection of the British Crown.

I will next consider the position of the Masai as a tribe, and the question whether a treaty could be entered into with them as a tribe or otherwise by the Crown.

For the purposes of this appeal it is admitted that the Masai consist of a tribe roughly estimated by a recent census at about 30,000, and that they have long been one of the most important races of East Africa. They are savages of nomadic habits with a social system based on military ideals.

Certain ritual customs of a character peculiar to the tribe are observed by them, and they speak a common language. The ruling authority among the Masai is represented by their warrior class, with elected chiefs and a chief medicine-man or Lybon acting as an advisory and semi-controlling force.

In the past they lived largely by raiding and by looting. The ravages extended over a wide area and were accompanied by much bloodshed and destruction of property.

Since about 1898 the Government of the Protectorate and the Masai have been on what may be regarded as friendly terms, largely owing to the control exercised over the tribesmen by their then Lybon, one Lenana, who may be regarded as a paramount chief.

Between 1902 and 1904 the Masai were wandering with their flocks and herds in the neighbourhood of the Uganda Railway, in districts to which white settlers were being attracted. They were also in the habit of occupying, in the course of their migrations, a tract of country known as the Rift Valley which was well adapted for stock-raising

It is true they were subject to the jurisdiction of the Protectorate Courts, and to the control of the administration, but in the absence of annexation and of an irrevocable constitution I am unable, as I have indicated above, to find that the Crown had acquired that absolute ownership or "*dominium*" over the territories of the Protectorate, including these important districts, which is necessary to create territorial sovereignty, and to convert its native inhabitants into subjects of the protecting State. They are still the subjects of their chiefs, even though the latter may be taken to have submitted to the jurisdiction of the Protectorate Courts.

A sufficient degree of sovereignty was in my opinion left in the Masai, a definite foreign people occupying an extensive and valuable area in a foreign protected country, to justify the Crown in holding that a treaty could be entered into with them as a sovereign power, should such a course be thought desirable.

Circumstances pointed in this direction. It was obvious that the Masai, with their roving habits and warlike traditions, were not desirable neighbours for white settlers, and that their presence along the recently constructed railway was hardly consistent with the public interest.

In the result the Government entered into the agreement, referred to above as that of 1904, with the tribe.

The question arises : Was this a treaty ? or was it a civil contract enforceable at law ?

A treaty is defined by Wharton as "a compact between nations" and a nation is distinguished as "a people distinguished from other people, generally by their language, origin or Government" or as "an assembly of men of free condition, as distinguished from slaves."

It is an act of State entered into between parties possessing sovereign rights, which can only be enforced by diplomatic representations or in the last resort by war.

Municipal Courts have no jurisdiction to enforce engagements between sovereign parties founded on treaties (*Raja Saligram v. The Secretary of State*).

It is clear that the degree of sovereignty which a party to a treaty must possess may be extremely limited ; this is strongly borne out by some of the Indian cases which have been referred to in argument, *e.g.*, *Secretary of State for India v. K. B. Sahaba*.

It is also clear that the Crown in making a treaty can select or recognize such persons as it may think fit as representatives to bind the other high contracting party. I see nothing in the Village Headmen Ordinance, 1902, cited *supra*, to prevent the Government from selecting chiefs or other persons from among the Masai to represent the Masai people.

I am also of opinion that the Masai are a nation within the definition I have quoted above.

Was not this agreement in the circumstances an act done by the State in the Protectorate which was necessary for the public safety or *ne quid detrimenti res publica capiat* ?

Lord Justice Farwell in the course of his judgment in *Rex v. Earl of Crewe*, points out that when the State takes over the responsibility of a Protectorate over a territory inhabited by native tribes who largely outnumber the white population, its first duty is to secure the safety of the latter.

I am of opinion that the Government in discharge of this duty was compelled to enter into this agreement as an act of high policy or necessity and were at liberty at their discretion to proceed by way of treaty in preference to legislation.

Moreover a treaty, preceded by adequate discussion of its details by the representatives of the tribe and of the Government, might well be regarded as an even more appropriate instrument in the circumstances than an Ordinance passed by a Legislative Council.

Looking at the document itself (Exhibit A in the Appendix to the plaint) it is to be observed that it is signed by Lenana, Lybon of all the Masai, the Lybon of Naivasha and the chiefs of the sections of the tribe occupying the districts I have referred to and under it these sections agreed to remove "their people flocks and herds into definite reservations away from the railway line and away from any land which may be thrown open to European settlement." These definite reservations were in what is known as the Laikipia district well to the north of the Uganda Railway line.

By the removal thither of the sections concerned the tribe would be split into two main divisions occupying two large areas of land at a considerable distance from each other.

The appellants contend that this agreement was nothing more than a civil contract, *i.e.*, an arrangement concerning the tenure of land such as the Government might then have been making with, say, a Land Syndicate, partly British, partly foreign. In thus dealing with the Masai the Government, they say, purported to give and receive a legal title and intended that the Masai should acquire legal rights enforceable at law in the Laikipia area and that the Government should acquire similar rights in the area taken from the Masai in exchange.

The document on the face of it appears to be different from an ordinary contract for the exchange or sale of land or interests therein or from such contracts with regard to land as are contemplated or provided for under the Crown Lands Ordinance, 1902, cited *supra*. It purports to bind all the members of the tribe inhabiting certain areas through the act of their chiefs, the signatories. If it were nothing more than a civil contract I fail to see how it could be held to bind all the members. The appellants contend it was ratified by all the Masai because they acted upon it after the matter had been well considered by the tribe.

The proposition that they had one and all acted upon it would obviously be difficult of proof, apart from the position in law of infants and others not *sui juris* in such a case.

It deals with matters of Government administration "as a most important point in this arrangement." It bears no sort of stamp. In their "concise statement" the appellants themselves describe it as a "treaty."

I am of opinion that the document in question is in fact a treaty. Entering into it was an act of State and that and the enforcement of its provisions are matters outside the jurisdiction of the Court.

I agree with the view expressed by the respondents that it imposes moral obligations on both the contracting parties; these however are not cognizable in a Court of law.

I am equally of opinion that the agreement of 1911 (Exhibit B in the Appendix to the plaint) is a treaty with similar consequences attaching thereto so far as the jurisdiction of the Court is concerned. On the face of it it is a treaty between the Crown and "the Masai people" as represented by their chiefs, regents and heads of clans, for the uniting of the Masai in one reserve, south of the railway line and for the addition of upwards of 3,000 square miles to the country already in their occupation to the south of the railway.

The allegation contained in the plaint that the Government acted in an unfair or arbitrary manner towards the appellants in connection with this treaty and the question of its validity cannot be considered by the Court.

Nor is there in my opinion anything in the contention of the appellants that these agreements cannot be recognized as treaties because they are not under the Great Seal in accordance with the Act of Union of England and Scotland, 6 Anne, c. 11, Article XXIV.

This Article is merely declaratory as to the manner in which the Great Seal of the United Kingdom is to be used after the Union and does not prescribe that the treaties shall not be made otherwise than thereunder. Nor does it invalidate treaties not so made. It is clear that a large number of treaties, particularly with native tribes and sovereign potentates in Africa, India and elsewhere have been entered into without this formality being observed and have been recognized as binding upon the high contracting parties.

Further, a treaty is none the less a treaty because it is entered into with a tribe or community, which, by reason of their being uncivilized, may not be recognized as coming strictly within the Rules of International Law.

There remains to be considered the claim for damages against the Crown and the 20th and 21st defendants on the record for alleged tortious acts in connection with the carrying out of the said treaties.

Inasmuch as it is settled law that the King can neither do nor authorise a wrong, I hold that the claim against the Government in tort cannot be sustained.

As to the 20th and 21st defendants, it is admitted by the appellants that the acts complained of were or are intended to be committed by them while acting upon the orders of the Crown in carrying out the agreement of 1911; and it is alleged that they are personally liable for any loss caused by such acts.

The said defendants plead in substance that the orders of the Crown were given in accordance with the terms of the treaty of 1911 and that this treaty and the acts done by them in carrying out its provision under the orders of the Crown of which the appellants complain, are acts of State and that no suit will lie in respect thereof in the Courts of the Protectorate.

Having found the Masai to be foreigners in a foreign state and also the agreement of 1911 to be a treaty, I think this plea must be upheld. (*Secretary of State for India v. K. B. Sahaba* cited *supra*; and *Buron v. Denman*.)

In the latter case, which was tried at bar before the Court of Exchequer in 1848, it was held that it makes no difference whether the tortious act complained of by the foreigner in a foreign country has been originally ordered by the State or has been subsequently approved by it.

The person who commits the act is exempted from all liability by reason of such order or ratification, and the foreigner in the foreign country is left with a remedy (such as it is) against the Crown only.

This remedy, in the case of a wrong, would be merely to adopt the words of Parke, B., "by way of appeal to the justice of the State which inflicts it." It is clear that the wrong is no longer actionable.

In the present instance the 20th and 21st defendants were acting with the full authority of the Crown in doing what they did and the appellants, not being British subjects, are without remedy by action at law, and must rely upon the sense of justice of the Government in dealing with their claims.

The plea of these defendants of act of State would not avail as an answer to a claim by a British subject or a foreigner resident in England for the invasion of his rights; whether interference with the private rights of a subject by officers of the State to compel obedience to the terms of a treaty could be authorised otherwise than by the Legislature is an open question. In *Walker v. Baird* the point was discussed by the Judicial Committee but not settled.

I will now deal with the contention of the appellants that the Government are precluded from pleading act of State and that the appellants are foreigners, by reason of "The Petitions of Right Ordinance, 1910."

Section 3 provides that "all claims against the General Government of the Protectorate, being of the same nature as claims which may be preferred against the Crown in England by petition, manifestation or plea of right may, with the consent of the Governor, be preferred in the High Court in a suit instituted by the claimant as plaintiff" in the manner prescribed. The rest of the Ordinance deals with the procedure to be followed.

I can find nothing in the Ordinance which could be held to prevent the Crown from exercising its prerogative right of entering into a treaty and from raising any plea open to it in an action brought against it by a foreigner to enforce the performance of a treaty in a Municipal Court, including the plea of act of State in respect of acts done by it or its authorized officers to a foreigner in a foreign country in connection with such treaty.

As stated above, this suit has been brought with the fiat of the Governor. This consent however does not convert what is in substance an action to enforce a treaty into one of the class of cases in which petition of right is open to the subject or resident foreigner in England, described by Cockburn, C.J., in *Feather v. The Queen*, and adopted by the Judicial Committee as an "accurate exposition of the law" in *Windsor and Annapolis Railway Co. v. The Queen*.

Holding therefore, as already indicated, that the Masai are foreigners in a foreign country and that the plea of the respondents in bar must succeed, I am of opinion that this appeal should be dismissed with costs.

(Appeal dismissed.)

Conditional leave to appeal to the Privy Council was granted but lapsed, owing to the appellants failing to give security for costs.

APPENDIX 4.

STATISTICS.

- (1) ANNUAL REVENUE.
- (2) OFFICERS.
- (3) RAINFALL.
- (4) VITAL STATISTICS AND NATIVE AUTHORITY.
 - (a) Population.
 - (b) Headmen in the Masai Reserve.
 - (c) Appointments under the Native Tribunal Rules, 1913.

(1) ANNUAL REVENUE.

	1912-13.	1913-14.	1914-15.	1915-16.	1916-17.	1917-18.
LICENCE, EXCISE AND INTERNAL REVENUE:						
Porter and Labour Registration	1.50	20.50	85.50	56.50	206.50	202.50
Game Licences	1,085.00	1,400.00	340.00	955.00	1,717.00	660.00
Explosive, Gun and Ammunition Licences	40.00	78.00	116.50	112.00	146.50	183.00
Liquor Licences	—	—	30.00	110.00	130.00	105.00
Miscellaneous Licences	—	45.00	—	47.00	219.50	2.00
Registration of Documents	7.00	—	—	138.50	—	90.00
Stamp Duties	1.00	—	—	127.00	267.00	229.50
Native Hut and Poll Tax	19,230.00	21,525.00	32,190.00	36,753.00	42,105.00	46,143.00
Non-Native Poll Tax	270.00	455.00	935.00	1,235.00	1,735.00	2,140.00
Fines and Forfeitures	809.70	12,277.33	13,239.61	9,671.00	22,758.22	76,398.88
FEES OF COURT OR OFFICE:						
Fees of Court	—	27.00	112.58	135.00	478.00	629.00
Market and Cattle Pound Fees	—	7.75	38.00	—	73.25	137.00
Testing and Dipping Fees	—	130.40	—	—	2.58	—
Hospital Fees	—	—	—	27.00	—	—
Miscellaneous Fees	—	12.50	—	27.00	12.25	44.25
POSTS AND TELEGRAPHS:						
Sale of Stamps	—	—	21.42	32.00	4.00	8.00
RENT OF GOVERNMENT PROPERTY:						
Rent of Land	302.00	90.00	117.00	4.00	—	—
MISCELLANEOUS RECEIPTS:						
Sale of Stores	2.00	166.61	188.50	—	31.68	10.91
Commission and Sale of Confiscated Property	1,180.90	1,412.60	292.01	3,629.69	622.80	807.25
Sundry	—	—	0.25	7.00	1.00	—
Miscellaneous Revenue	—	—	—	—	578.61	—
TOTAL	22,930.10	37,647.69	47,711.87	53,066.69	71,088.89	127,790.29

(2) OFFICERS.

The following officers are recorded as having served in the Masai Reserve since August 1st, 1912 :—

OFFICER-IN-CHARGE :

Mr. R. W. Hemsted	1 August, 1912—May, 1918.
Mr. R. Weeks (Acting)	May, 1918.

DISTRICT COMMISSIONERS :

Narok.

Mr. R. W. Hemsted	November, 1913—July, 1914.
Mr. L. Talbot Smith	July, 1914—December, 1914.
Mr. R. W. Hemsted	December, 1914—January, 1916.
Mr. H. E. Welby (Acting)	January, 1916—July, 1918.
Mr. G. A. Fuller-Maitland	July, 1918.

Ngong.

Mr. E. D. Browne (Acting)	August, 1912—October, 1913.
Mr. M. W. H. Beech	October, 1913—April, 1914.
Mr. E. D. Browne	April, 1914—September, 1914.
Mr. H. R. Montgomery	November, 1914—December, 1914.
Mr. P. L. Deacon	December, 1914—February, 1915.
Mr. L. Talbot Smith	September, 1915—June, 1917.
Mr. S. F. Deck	June, 1917.

Mara River.

(A.D.C. in Charge) Captain A. O. Luckman	August, 1912—September, 1913.
Captain A. O. Luckman	September, 1913—April, 1918.
Mr. A. C. Kirby (Acting)	April, 1918—June, 1918.
Mr. G. A. Fuller-Maitland	June, 1918—July, 1918.
Captain A. O. Luckman	July, 1918.

ASSISTANT DISTRICT COMMISSIONERS :

Captain A. O. Luckman	August, 1912—September, 1913.
Mr. H. B. Popplewell	August, 1912—April, 1914.
Mr. S. O. V. Hodge	January, 1914—July, 1917.
Mr. H. F. G. Tudor-Owen	May, 1914—December, 1915.
Mr. H. H. Trafford	May, 1915—December, 1915, and January, 1918—April, 1918.
Mr. E. J. Dent	July, 1915—September, 1917.
Mr. G. H. C. Boulderson	September, 1915—August, 1916.

(3) RAINFALL.

NAROK.

	1914.	1915.	1916.	1917.	1918.
January	—	0-00	4-20	9-44	2-98
February	—	1-48	5-09	5-23	0-28
March	—	4-37	5-10	4-40	0-06
April	2-02	6-16	4-53	8-59	—
May	5-52	4-21	6-35	2-39	—
June	0-27	0-82	0-62	5-92	—
July	1-05	0-10	0-00	1-74	—
August	2-33	0-28	1-09	1-97	—
September	0-78	0-26	3-41	0-51	—
October	0-00	0-16	1-86	2-16	—
November	0-00	2-38	0-19	1-50	—
December	0-13	2-24	1-02	0-00	—
TOTAL	—	22-46	33-46	43-85	—

NGONG.

	1914.	1915.	1916.	1917.	1918.
January	—	0-00	3-40	4-56	1-05
February	—	0-30	1-31	4-66	0-06
March	—	4-33	4-52	6-06	0-11
April	5-29	9-89	10-90	14-09	—
May	7-22	5-25	4-96	6-90	—
June	0-19	1-95	1-22	3-56	—
July	0-42	0-00	0-00	0-47	—
August	0-44	0-00	0-87	2-40	—
September	0-85	0-48	3-20	1-36	—
October	2-00	2-95	1-15	2-68	—
November	3-12	2-67	3-98	0-24	—
December	0-15	0-48	2-17	0-00	—
TOTAL	—	28-30	37-68	46-97	—

MARA RIVER.

	1915.	1916.	1917.	1918.
January	—	2-32	5-97	4-70
February	5-03	5-60	4-16	0-78
March	8-61	3-99	2-93	0-44
April	5-32	7-55	9-59	—
May	3-14	5-56	3-16	—
June	3-62	4-05	2-61	—
July	0-32	0-49	1-03	—
August	0-99	5-43	4-53	—
September	0-82	2-71	6-73	—
October	1-81	1-62	5-32	—
November	1-69	0-98	0-36	—
December	2-79	5-06	1-33	—
TOTAL	—	45-36	47-72	—

(4) VITAL STATISTICS AND NATIVE AUTHORITY.

(a) POPULATION.

The latest statistics of population, given in March, 1917, are as follows:—

Location No.	Name of Division.	Population.	Muran.	Cattle.	Sheep.	Donkeys.
1	Siria	1,200	80	12,000	25,000	50
2	Loita	5,000	700	80,000	225,000	750
	Salei	600	50	6,000	15,000	100
	L'Otayok	800	60	7,000	18,000	100
3	Purko	16,500	2,200	375,000	1,000,000	5,200
	Il Damat	900	65	8,000	20,000	100
4	Kakonyukye	3,500	350	50,000	200,000	2,000
5	L'Odo Kilani	1,200	80	10,000	30,000	150
	Nguruman	400	40	1,000	10,000	50
6	Matapatu	2,400	160	40,000	175,000	500
7	Sighirari (Engidongi)	1,800	120	28,000	80,000	300
	Il Dala Lekutuk	700	75	6,000	20,000	75
8	Kaputisi	2,600	175	30,000	100,000	400
9	Sighirari (Laitokitok)	2,800	180	60,000	175,000	500
	Wandorobo	2,500	200	2,000	5,000	25
	TOTAL	42,900	4,535	715,000	2,098,000	10,300

(b) HEADMEN IN THE MASAI RESERVE.

Location No.	Division.	Headmen.	Date of appointment under the Nat. Anth. Ordce., 1912.	Annual Salary.	Remarks.
1	Siria	Toroni	8/8/13	Rs. 120	II Merishari.
		Nadalla Ole Ngoigilla	5/5/14 & 18/4/18	Rs. 120	—
2	Loita	Ole Endenyu	7/1/15	Nil	Siria Muran
		Senden	—	Nil	—
		Ole Kashu, Senior	18/4/18	Nil	—
		Ole Kashu, Junior	—	Nil	Muran.
		Ole Moti	7/1/15	Nil	Loita Muran.
	Salei	Oi Oi Tegum	—	Nil	Muran.
	L'Otayok	Oi Olotuno	16/2/16	Nil	—
3	Purko	Ole Galishu	18/4/18	Rs. 600	Mara area.
		Ole Masikondi	18/4/18	Rs. 600	Narok area.
		Ole Kotikosh	8/8/13	Rs. 240	Lemek.
		Ole Korio	—	Nil	—
		Ole Emboke	18/4/18	Nil	Narosura area.
		Ole Yeli	—	Paid	—
		Ole Malit	—	Nil	—
		Ole Batiet	—	Nil	—
		Ole Engoitoi	—	Nil	—
		Ole Peri	7/1/15	Nil	Purko Muran.
		Ole Morijoi	7/1/15	Nil	II Kisaruni Muran.
		Ole Emboroko	7/1/15	Nil	II Merisho Muran.
		Oi Olpejo	7/1/15	Nil	II Pelyani Muran.
		Ole Tamoo	7/1/15	Nil	L'Aimer Muran.
		Ole Leshuigo	—	Nil	Muran.
II Damat	Ole Enjogo	7/1/15	Rs. 240	L'Aimer Muran.	
	Ole Kataigo	8/8/13 & 18/4/18	Rs. 120	II Melili area.	
	Ole Moripet	7/1/15	Nil	II Damat Muran.	
4	Kakonyukye	Sironga Ole Parsitan	18/4/18	—	—
		Rasiti	—	Rs. 180	—
		Ole Sataika	7/1/15	Nil	Kakonyukye Muran.
		Ole Supeo	7/1/15	Nil	II Paragwo Muran.
		Ole Embishi	7/1/15	Nil	II Kedimmi Muran.
5	L'Odo Kilani	Ole Naibenu	8/7/14 & 18/4/18	Rs. 120	—
		Ole Gogoyi	26/10/14	Rs. 120	—
		Ole Embarie	—	Nil	—
		Ole Sangingo	—	Nil	Muran.
6	Matapatu	Ole Oiti	8/8/13	—	—
		Ole Oloderio	18/4/18	—	—
		Olia Mali	5/5/14	Rs. 120	—
7	Sighirari (Engidongi) II Dala Lekutuk	Seggi Ole Lenana	18/4/18	Rs. 1,800	Laibon.
		Ngaroya	18/4/18	Rs. 720	—
		Ole Monga	5/5/14 & 18/4/18	Nil	—
		Ole Simbanu	26/10/14	Rs. 120	Muran.
8	Kaputiei	Njeroge Ole Kani	18/4/18	—	—
		Ole Melwa	—	Nil	—
		Ole Moyeyi	8/8/13	Rs. 120	—
		Ole Nanai	26/10/14	Rs. 120	Kaputiei Muran.
9	Sighirari (Laitokitok) Wandorobo	Metiako Ole Kordello	18/4/18	Paid	—
		Ole Mago	—	Nil	Muran.
		Ole Nashioke	23/11/15	Rs. 120	—
		Ole Bayelal	—	Nil	Muran.

(c) APPOINTMENTS UNDER THE NATIVE TRIBUNAL RULES, 1913.

NOTICE.

Notice is hereby given that His Excellency the Acting Governor has been pleased to recognize the Councils presided over by the following Headmen for the purpose of the Native Tribunal Rules, 1913, and to appoint such Councils to be Collective Headmen under the Native Authority Ordinance, 1912.

Name.	No. of location.	Area of Jurisdiction.	District.	Remarks.
Ole Masikondi	No. 3	Narok area of Purko and Damat Location	Narok, Masai Reserve ..	} These four Councils may combine to exercise joint jurisdiction over the whole of the Purko and Damat Tribal Divisions.
Ole Galishu	No. 3	Mara area " " " "	Mara, Masai Reserve ..	
Ole Emboke	No. 3	Narosura " " " "	Narok, Masai Reserve ..	
Ole Kataiga	No. 3	Il Melili " " " "	Narok, Masai Reserve ..	
Sironga Ole Parsitau	No. 4	Kakonyjkye Location	Narok, Masai Reserve ..	—
Ole Kashu, Senr.	No. 2	Loita, L'Atayok and Salei Location	Narok, Masai Reserve ..	To exercise jurisdiction over the Loita, L'Atayok and Salei Tribal Divisions.
Nadalla Ole Ngoidilla	No. 1	Siria Location	Mara, Masai Reserve ..	—
Ole Monga	No. 7	Sikhirari (Engidongi) and Ol Dala Lekutuk Location	Ngong, Masai Reserve ..	To exercise jurisdiction over the Ol Dala Lekutuk Tribal Division only.
Engaroya	No. 7	Ditto	Ngong, Masai Reserve ..	} These two Councils may combine to exercise joint jurisdiction over the Sikhirari (Engidongi) Tribal Division.
Seggi Ole Lenana	No. 7	Ditto	Ngong, Masai Reserve ..	
Ole Naipenyu	No. 5	L'Odo Kilani and Inguruman Location	Ngong, Masai Reserve ..	—
Njoroge Ole Karei	No. 8	Kaputiei Location	Ngong, Masai Reserve ..	—
Ol Oloderio	No. 6	Matapatu Location	Ngong, Masai Reserve ..	—
Metiaka Ole Kordillo	No. 9	Sikhirari of L'Aitokitok Location	Ngong, Masai Reserve ..	—

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NAIROBI,

The 18th day of April, 1918.

W. J. MONSON,

Acting Chief Secretary.

APPENDIX 5.

SCHEDULE OF THE MASAI SUSPENSE ACCOUNT.

Amounts credited to the Masai Suspense Account from its commencement to March 31st, 1917 :—

Contributions by the Masai	Rs. 18,178.00
Rent of Plots	34,392.98
Sale of Trading Centre Corner Plots	150.00
Fines	46,875.27
TOTAL	Rs. 99,596.25

Expenditure charged against the Masai Suspense Account from its commencement to March 31st, 1917 :—

Construction of Mara Bridge	Rs. 1,558.84
Waterworks in the Extended Southern Reserve	13,609.62
Herdng Kakonyukye Fine Cattle	355.41
Bridge at Van de Weyer's Drift	134.00
Repairing Lemek Dams	1,070.96
Dipping Fluid for Ngong Cattle Dip	316.40
Food for the Pure-bred Bull	171.18
Construction of Ngong-Kedong Road	683.35
Cost of Water Supplied by Magadi Soda Company	598.50
Upkeep of Kijabe-Mara Road	432.66
Refund of Plot Rents	60.00
Demarcation of Trading Centres	3,165.55
	Rs. 22,156.47

Balance brought forward on March 31st, 1917 **Rs. 77,439.78**

Schedule of the Masai Suspense Account for the Financial Year, 1917-18 :—

Balance brought forward, April 1st, 1917 ..	Rs. 77,439.78
Kakonyukye Fine	2,180.00
Dipping Fees	34.38
Plot Rents, etc.	27,847.50
Enkobirri Water Pump	Rs. 1,249.36
Cost of Herding Kakonyukye Fine Cattle	20.00
Repairs to Dams	997.36
Demarcation of Trade Centres	600.95
Cost of Dipping Fluid at Ngong	907.56
Food for Pure-bred Bull	107.91
Ngong-Kedong Road	1,825.01
Repairs to Roads and Bridges	7,283.41
Weikei Drainage Scheme	1,174.45
<i>Credit</i> Mara Bridge	329.02
	14,166.01
Balance on March 31st, 1918	93,664.67
TOTAL	Rs. 107,830.68
	Rs. 107,830.68

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COLONY AND PROTECTORATE OF KENYA.

Judicial Department.

ANNUAL REPORT, 1925

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JUDICIAL DEPARTMENT.

ANNUAL REPORT FOR THE YEAR 1925.

(1)—CHANGES IN STAFF.

Mr. J. E. R. Stephens, Resident Magistrate, Jamaica, was on 19th February appointed to the post of Puisne Judge rendered vacant by Mr. Justice T. D. Maxwell's transference to Nigeria. Mr. Justice Stephens arrived in the Colony on 16th March.

Mr. Justice Pickering returned from leave on 1st February.

Mr. Justice Sheridan went on leave on 19th April and returned on 13th November.

Mr. S. H. Carnell, Resident Magistrate, went on leave on 1st April and returned on 7th November.

Mr. E. T. Johnson, Resident Magistrate, proceeded on leave on 29th November, 1925.

Mr. F. C. Gamble, Resident Magistrate, returned from leave on 16th March.

Mr. D. Edwards, Registrar, returned from leave on 28th March.

Captain M. M. Jack was appointed to the post of Deputy Registrar and arrived in the Colony on 15th May. The vacant post of Deputy Registrar to which reference was made in my report for 1924 has thus been filled up.

Mr. G. K. Knight-Bruce, who had been acting as a Resident Magistrate, left Kenya on 3rd April on transfer to Uganda as Resident Magistrate.

There were no changes of note in the non-European staff during 1925.

Mahomed bin Omar, Chief Kathi, resumed duty from leave on 20th February; Suleman bin Ali having acted for him until 19th February.

The promotion of Messrs. Noah Manasseh and Papatlal M. Mehta to the old 2nd Grade Clerical Interpreterships was not sanctioned. Increments to old 1st Grade clerks and clerical interpreters have been withheld by Government and this has caused keen dissatisfaction to the persons concerned.

(2)—HEALTH.

The health of the European staff has on the whole been good. Sixty-eight days were lost through sickness, but this figure is mainly due to Mr. Justice Sheridan having contracted illness on the ship on his return from leave and to Mr. O'Farrell having had to be operated on for appendicitis. The health of the non-European staff has been much the same as last year. Number of days lost through sickness (excluding those lost by Mr. Francis Bartholomew, who subsequently became insane and was invalided from the service on 18th January, 1926), was 168 as compared with 162 last year.

(3)—SUPREME COURT CASES.

Civil Cases.—There has been a slight increase in the number of civil cases filed in the Supreme Court. 514 civil cases were filed in 1925. This figure compares with 498 in 1924 and with 575 in 1923.

District Registries.—Of the cases filed in the Supreme Court 228 were filed in Nairobi, 216 in Mombasa, 39 in the District Registry at Nakuru, 15 in the District Registry at Kisumu and 16 in the District Registry at Eldoret. The number of cases filed in the District Registries is 70. This figure compares with 60 for 1924 and 47 in 1923. District Registries are a great convenience to the public. Their utility is, however, diminished by the fact that the District Registrars are laymen. I take this opportunity of again urging the appointment of qualified Resident Magistrates in settled areas.

Probate and Administration Cases.—The probate and administration cases filed in 1925 number 162, which compares with 167 in 1924 and 166 in 1923.

Insolvency Cases.—The number of insolvency cases filed in 1925 is 42, compared with 30 in 1924 and 54 in 1923. This increase is due to the failure in the early part of the year of some Indian merchants of Mombasa.

Trust Causes.—Three trust causes were opened during the year.

Civil Appeals.—In 1925 there were filed 43 civil appeals from Subordinate Courts compared with 44 in 1924 and 45 in 1923.

Original Criminal Cases.—On the criminal side there were 120 cases committed for trial by the Supreme Court, compared with 118 in 1924 and 138 in 1923.

Criminal Appeals.—There were 50 criminal appeals lodged in 1925 compared with 72 in 1924 and 51 in 1923.

Confirmation Cases.—The number of cases sent for confirmation by the Supreme Court in 1925 was 718, compared with 726 in 1924 and 614 in 1923.

Europeans.—There were 24 Europeans committed for trial in 1925 and two cases pending from 1924. Of these 25 were tried, of whom seven were acquitted and 18 convicted, leaving one case pending at the end of the year.

SCHEDULE OF SUPREME COURT CASES.

The details of the work of the Supreme Court compared with previous years are as follows:—

	1921. (9 months).	1922.	1923.	1924.	1925.
ORIGINAL CIVIL CASES.					
Filed at Nairobi ...	450	509	315	296	228
Filed at Mombasa ...	275	215	215	142	216
Filed at District Registries ...	40	50	47	60	70
P. & A. Causes ...	133	168	166	167	162
Insolvency Causes ...	78	74	54	30	42
Trust Causes ...	5	7	4	8	3
Civil Appeals from Subordinate Courts	42	57	45	44	43
ORIGINAL CRIMINAL CASES.					
Criminal Appeals from Subordinate Courts	80	113	138	118	120
Criminal Confirmation Cases ...	55	69	51	72	50
Criminal Revision Cases ...	417	567	614	726	718
Criminal Revision Cases ...	57	119	128	133	119
Total Cases ...	1,632	1,946	1,775	1,796	1,771

(4)—OTHER WORK OF THE SUPREME COURT.

Monthly returns of all criminal and civil cases tried were received from 111 courts.

Rules.—The following four new sets of Rules of Court were published during 1925, viz:—

- (1) Rules of Court (Fees Amendment).
- (2) Rules of Court (Application) to the Supreme Court for bail pending Appeal (Amendment).
- (3) Rules of Court—British and Colonial Probate (Amendment).
- (4) Rules of Court—(Proceedings in Arbitration).

Circulars to Magistrates.—Circulars and circular memoranda to magistrates were issued during the year by me on the following subjects, namely:—

- (1) Directions to show in monthly Civil Returns the race of any person proceeded against for non-payment of Non-Native Poll Tax.

- (2) Attachment of the salary of a servant of a State railway under Section 268 of the C.P.C.

and by the Registrar, *vis*:—

- (1) Indent for forms for Court work.
- (2) Indent for forms for Court work.
- (3) Surcharged Stamps for Court Fees.
- (4) Estate Duty (only to District Delegates).

(5)—TRAVELLING.

The time spent on circuit aggregated 228 days during which 3,284 miles were travelled by road, 4,912 by rail and 1,131 by sea.

The following places were visited:—

Mombasa, 5 times.
 Malindi, once.
 Nakuru, 4 times.
 Eldoret, 4 times.
 Kitale, twice.
 Kisumu, 4 times.
 Kampala, once.
 Nyeri, 3 times.
 Meru, twice.
 Fort Hall, 3 times.
 Kakamega, twice.
 Kitui, twice.
 Narok, once.
 Naivasha, once.
 Kisii, once.
 Embu, once.
 Nairobi, once.
 Zanzibar, once.
 Kericho, once.
 Lamu, once.

(6)—RESIDENT MAGISTRATE'S COURTS.

The work of the Resident Magistrate's Courts at Nairobi and Mombasa for 1925, together with that for the four preceding periods, is shown in the following table of cases entered:—

	1921 (9 months).	1922.	1923.	1924.	1925.
NAIROBI.					
Civil	2,905	3,523	2,951	3,082	2,480
Criminal	1,656	2,507	3,668	3,666	3,438
MOMBASA.					
Civil	1,127	1,278	1,237	1,042	1,004
Criminal	764	1,027	848	1,127	1,001

There has been a diminution in criminal cases heard both at Nairobi and Mombasa, compared with 1924. The civil cases show a decrease of 602 at Nairobi compared with the 1924 figures and a decrease at Mombasa of 38 cases.

The Resident Magistrates' Courts, at Nairobi and Mombasa are the only Subordinate Courts which for all purposes have been directly under the control of the Supreme Court during 1925.

(7)—CONFIRMATION CASES.

There were during the year under review 718 criminal cases requiring confirmation of sentences by the Supreme Court. These cases involved 913 persons and 982 convictions and sentences. Of the sentences 931 were confirmed without alteration and 26 were reduced. In three convictions a retrial was ordered and in 22 convictions the accused were acquitted. The proportion of convictions confirmed without alteration is 94.80 per cent., this figure compares with 88.37 per cent. for 1924 and 94.45 per cent. for 1923. This is satisfactory in view of the statement made in my report for 1924 with regard to the comparative falling off in the excellence of the work done by Subordinate Courts.

(8)—NATIVE SUBORDINATE COURTS.

The particulars are contained in Schedule VII. There has been no dissatisfaction expressed with regard to the work of the Native Subordinate Courts. The Liwali for the Coast continues to do useful work in inspecting these Courts.

(9)—NATIVE TRIBUNALS.

During 1925 Native Tribunals imposed sentences of imprisonment in 255 cases. This figure compares with 273 for 1924. The following shows the fluctuations in such cases for the last five years:—

	1921 (9 months).	1922.	1923.	1924.	1925.
Nyanza	27	24	155	151	176
Jubaland	9	15	—	12	3
Naivasha	—	1	1	—	—
Kenya	26	30	38 (Kikuyu)	20	8
Ukamba	20	23	51	47	63
Seyidie	—	2	1 (Coast)	10	5
Kacheliba	—	—	—	33	—
Total	82	95	246	273	255

I would again refer to the urgent necessity of bringing the administration of law by Native Tribunals on a more efficient basis.

(10)—GENERAL CIVIL WORK.

Schedule VI contains the statistics relating to the civil work of the Courts of the territory. The total number of civil cases, 8,688, shows a decrease over the corresponding figure for 1924, which was 9,820. It should be noted that this decrease is due to fewer petty cases under 200 shillings in value. All other classes of cases show an increase when compared with the figures for 1924.

(11)—GENERAL CRIMINAL WORK.

19,047 persons were brought before the Criminal Courts during 1925; of these 14,760 were convicted by the Subordinate Courts and of the 155 tried by the Supreme Court, including seven committed in 1924, 90 were convicted.

(12)—MASTER AND SERVANTS' OFFENCES.

2,135 persons were charged with offences against the law relating to Master and Servant; of these 1,533 were convicted. These figures compare with 2,073 and 1,387, respectively, for 1924.

The following are the figures of persons convicted under the Master and Servants' Ordinance for the last five periods covered by the Judicial Reports:—

1921. (9 months).	1922.	1923.	1924.	1925.
2,066	2,187	1,839	1,387	1,533

(13)—RESIDENT NATIVE LABOURERS' ORDINANCE, 1925.

During 1925 the number of persons charged under the Resident Native Labourers' Ordinance was 129 of whom 79 were convicted.

(14)—THEFT OF STOCK AND PRODUCE.

During the year under review 1,005 persons were tried for offences coming within the Stock and Produce Theft Ordinance, 1913; of these 732 were convicted. The number of convictions in 1924 was 775.

(15)—NATIVE REGISTRATION ORDINANCE.

2,894 persons were tried for offences against the Native Registration Ordinance, 1921; of these 2,530 were convicted, 171 were acquitted and 193 were discharged. The figures for 1924 were 3,201, 2,795, 95 and 311 respectively.

(16)—NATIVE HUT AND POLL TAX.

Under the Native Hut and Poll Tax Ordinance, 1910, during 1925 there were 1,070 persons prosecuted of whom 917 were convicted, 143 discharged and 10 acquitted. These figures compare, respectively, with 2,932, 2,408, 408 and 116 for 1924. The falling off since 1924 in the number of convictions is remarkable.

(17)—TOWNSHIP RULES.

There were 1,896 persons prosecuted under Township and Municipal Rules; of these 1,592 were convicted, 136 discharged and 168 acquitted. The figures for 1924 were 2,126, 1,881, 158 and 87 respectively.

(18)—HIGHWAY, REVENUE AND SOCIAL ECONOMY.

4,944 persons were prosecuted for offences against the Highway, Revenue and Social Economy Laws; of these 4,078 were convicted, 488 discharged and 378 acquitted. The figures for 1924 were 4,786, 3,976, 553 and 257 respectively.

(19)—TRIALS IN THE SUPREME COURT.

Of the 155 persons tried by the Supreme Court during 1925, 90 were convicted, 49 were acquitted; in 16 cases a *nolle prosequi* was entered.

(20)—CAPITAL SENTENCES.

In 1925 the capital sentence was imposed on 17 persons by the Supreme Court; of these nine were hanged during the year. In three cases the death penalty was commuted by the Governor or his Deputy. In three cases the Court of Appeal quashed the convictions and sentences. In the case of one person the sentence was confirmed by His Excellency the Governor on 22nd December and one appeal was pending at the end of the year. Of the seven sentences pending at the end of 1924 two persons were hanged and in five cases the sentence was commuted by the Governor or his Deputy.

(21)—RACES OF OFFENDERS.

The races of offenders tried is shown in Schedule III. Of 19,047 persons tried 1,170 were Europeans, 1,375 were Asiatics and 16,502 were natives. Of these 812 Europeans, 873 Asiatics and 13,165 natives were convicted. These figures compare with 20,901 persons tried in 1924, of whom 1,019 were Europeans, 1,153 Asiatics and 18,729 were natives. Of these 710 Europeans, 729 Asiatics and 15,121 natives were convicted.

(22)—SEX OF OFFENDERS.

568 females were tried in 1925, of whom 82 were Europeans, 13 were Asiatics and 473 were natives. Of these 59 Europeans, 4 Asiatics and 363 natives were convicted. These figures compare with 467 females tried in 1924, of whom 50 were Europeans, 10 were Asiatics and 407 were natives. Of these 36, 1 and 322, respectively, were convicted.

(23)—PUNISHMENTS.

Schedule I, Table II shows the punishments awarded in 1925 by Magistrates. Of 14,760 persons convicted 7,303 were fined and 258 were bound over or otherwise disposed of.

(24)—WHIPPING.

Sentences of whipping were imposed by Magistrates in 383 cases, the majority of the persons so punished being juveniles. In 1924 sentences of whipping were imposed by Magistrates in 366 cases. During 1925, two sentences of whipping were passed by the Supreme Court as compared with 25 in 1924. The statistics relating to whipping in all Courts for the last five periods reported are as follows:—

	<i>Natives convicted.</i>	<i>Whipping.</i>	<i>Percentage.</i>
1921 (9 months) ...	10,067	652	6.47
1922 ...	14,290	666	4.66
1923 ...	14,206	346	2.44
1924 ...	15,121	391	2.58
1925 ...	13,165	385	2.92

(25)—COURT OF APPEAL FOR EASTERN AFRICA.

His Majesty's Court of Appeal for Eastern Africa held four ordinary sessions in March, June, September and December. The total number of appeals filed in 1925 was 54, of which 21 were civil and 33 were criminal; of those 12 civil appeals and 16 criminal appeals were from the Supreme Court of Kenya. There were 6 appeals pending from 1924 and five from previous years at the beginning of 1925. Of these appeals 34 criminal and 28 civil were heard, leaving three civil and no criminal pending at the end of 1925.

(26)—ADVOCATES.

The number of advocates who have taken out their certificates is 55, the same number as for 1924.

The particulars are as follows:—

Government Law Officers	...	...	5
Barristers	...	...	21
Solicitors	...	...	27
Pleader	...	...	1
Licensed Advocate	...	...	1
			55

Eight native Vakils were licensed to practise in Native Subordinate Courts, of whom two died during the year.

There were eight Commissioners for Oaths and 14 Notaries Public practising during 1925.

(27)—LAW EXAMINATION FOR ADMINISTRATIVE OFFICERS.

Two sessions of examination were held during 1925, one in January and the other in July. Five candidates were examined, all of whom passed in all subjects.

(28)—REVENUE.

The total revenue collected by the Supreme Court and the Resident Magistrates' Courts at Nairobi and Mombasa, including the revenue of the Court of Appeal, was Shs. 289,076/98. This figure is comparable with Shs. 284,064/72 for 1924.

(29)—LAW COURTS.

I again have to direct the Government's attention to the disgraceful conditions under which the Courts have to work in Nairobi. There has been a considerable number of statements made regarding the precedence of buildings in the proposed loan expenditure programmes. In none of such statements is it suggested that Law Courts at Nairobi should be among those buildings to be first erected. The site of the proposed new Law Courts in Nairobi has been under discussion for over 16 years and has not yet been settled. The absence of reasonably suitable buildings as Courts is marked in many centres both in settled areas and in native reserves.

(30)—CONDUCT OF THE STAFF.

The conduct of the staff during 1925 has been completely satisfactory. Nairobi.

19th May, 1926.

J. W. BARTH,
Chief Justice.

PERSONS DEALT WITH IN SUBORDINATE COURTS FOR CRIMES AND OFFENCES.

Crime or Offence.	Number.			Discharged.			Total Number of Persons Convicted.	Sentences.						
	Total.	M.	F.	For want of Prosecution.	On the Merits of the Case.	Committed for Trial.		Imprisonment.	Whipping.	Fine.	Bound over or otherwise disposed of.	Imprisonment in lieu of fine or surety.	Fine and Peremptory Imprisonment.	Whipping with Fine or Imprisonment or both.
1. Homicide* ..	98	96	2	..	..	98	..	..	..	..	..	..	..	..
2. Other Offences against the person ..	1,572	1,497	75†	464	196	10	902	300	27	330	26	73	104	42
3. Stock and produce theft ..	1,005	976	29	178	95	..	732	22	11	32	1	26	591	49
Malicious injuries to property.	205	203	2	36	25	..	144	28	2	70	..	17	24	3
4. Offences against property (other than predial larceny and malicious injuries to property) ..	2,642	2,581	61	438	287	23	1,894	1,038	125	189	13	82	406	41
5. Other offences..	450	448	2	41	33	17	359	127	8	139	8	28	48	1
Offences against the Master and Servant Act, including acts relative to indentured coolies ..	2,135	2,114	21	460	142	..	1,533	506	32	567	62	231	126	9
Offences under R.N. Lab. Ord. 5/25 ..	129	129	..	44	6	..	79	27	1	40	..	3	8	..
Offences against Revenue Laws, Municipal, Road and other Laws relating to the social economy of the Colony ..	10,804	10,429	375	960	727	..	9,117	1,249	30	5,936	148	1,599	153	2
TOTAL ..	19,040	18,473	567	2,621	1,511	148	14,760	3,297	236	7,303	258	2,059	1,460	147

* Includes murder of wife, concubine, child, and other than wife, etc., manslaughter, culpable homicide not amounting to murder, attempted murder, etc.

† One out of 75 Females includes of Supreme Court.

PERSONS FOR TRIAL IN THE SUPREME COURT.

Crime or Offence.	Sex.			Not tried (Nolle Prosequi, etc.).	Found insane before trial.	Acquitted.	CONVICTED.							
	Total.	M.	F.				Total number of persons convicted.	Death.	Imprisonment for life.	Imprisonment.	Whipping with or without imprisonment or fine or both.	Fine.	Bound over or otherwise disposed of.	Fine and peremptory imprisonment.
1. Murder of wife or concubine ..	3	3	..	..	..	1	2	2	..	..	..	..	..	..
Murder of child ..	3	2	1	..	..	3*	..	..	..	..	..	..	..	..
Murder other than wife, concubine, or child ..	54	54	..	6	..	23*	25	15	7	..	..	..	3†	..
Manslaughter ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Culpable homicide, not amounting to murder ..	14	13	1	1	..	7	5	..	..	6	..	..	..	..
2. Attempted murder ..	10	9	1	..	..	4*	6	..	..	6	..	..	..	..
Rape ..	2	2	..	..	..	..	2	..	..	2	..	..	..	..
Unnatural crime..	1	1	..	..	..	1	..	..	..	..	..	..	..	..
Other offences against the person ..	25	24	1	..	..	5	20	..	..	18	1	..	..	1
3. Stock and produce theft ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
4. Offences against property with violence to the person ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Other offences against property ..	26	26	..	..	..	5	21	..	..	19	1	1	..	..
Other offences ..	17	17	..	9	..	..	8	..	..	..	..	..	8‡	..
TOTAL ..	155	151	4	16	..	49	90	17	7	51	2	1	11	1

* Six accused persons were ordered to be detained in jail pending orders of H. E.

† Three accused persons were ordered to be detained during His Majesty's pleasure

‡ Recommended for deportation.

COMPARATIVE TABLE.

COMPARATIVE TABLE showing the number of persons convicted for various crimes and offences for the last four years.

	1925.	1924.	1923.	1922.
The number of persons convicted (including Supreme Court):—	14,850	16,560	15,631	15,481
1. Offences against the person	963	977	974	930
2. Stock and produce theft	732	775	534	532
3. Malicious injuries to property	144	156	143	128
Offences against property (other than praedial larceny and malicious injuries to property)	1,915	1,973	1,809	1,806
* 4. Other offences	367	232*	381*	323*
Offences against the Master and Servant Act, including acts relative to indentured coolies	1,533	1,387	1,839	2,187
Offences against Revenue Laws, Municipal, Road and other Laws relating to the social economy of the Colony	9,117	11,060	9,951	9,575
Offences under Res. N. Lab. Ordinance 5/25	79	..	..	..
The number of persons convicted in the Supreme Court:—	90	134	143	100
1. Murder of wife or concubine	2	..	..	..
Murder of child .. .. .	..	..	1	..
Murder other than wife, concubine or child	25	28	20	21
Culpable homicide not amounting to murder	6	41	18	29
Manslaughter .. .. .	..	2	3	2
2. Attempted murder	6	12	9	4
Rape	2	2	10	4
Unnatural crime .. .. .	..	..	..	..
Other offences against the person	20	26	39	22
Dacoity with murder .. .. .	..	9	..	6
3. Stock and produce theft .. .. .	..	..	1	..
4. Offences against property with violence to the person .. .. .	..	..	..	..
Other offences against property	21	7	20	9
Waging war against Sovereign .. .. .	..	..	13	..
5. Other offences	8	7	9	3

*Includes persons convicted of waging war against Sovereign.

SCHEDULE II.

CRIMINAL APPEALS TO THE SUPREME COURT FROM THE LOWER COURTS.

Dismissed or withdrawn.	Retrial ordered or otherwise varied.	Allowed.	Pending.	Total.
28	7	15	2	52

CIVIL APPEALS TO THE SUPREME COURT FROM THE LOWER COURTS.

Dismissed or withdrawn.	Allowed in whole or part.	Pending or remitted for trial.	Total.
34	17	9	60

CRIMINAL REVISION CASES BY THE SUPREME COURT.

Sentence maintained.	Retrial ordered or otherwise varied.	Reversed.	Total.
27	15	77	119

CRIMINAL APPEALS FROM THE SUPREME COURT TO THE COURT OF APPEAL FOR EASTERN AFRICA.

Dismissed or withdrawn.	Retrial ordered or otherwise varied.	Allowed.	Pending.	Total.
11	3	3	..	17

CIVIL APPEALS FROM THE SUPREME COURT TO THE COURT OF APPEAL FOR EASTERN AFRICA.

Dismissed or withdrawn.	Retrial ordered or otherwise varied.	Allowed.	Pending.	Total.
3	4	5	3	15

SCHEDULE III.
TABLE SHOWING NATIONALITIES OF OFFENDERS.

		EUROPEANS.		ASIATICS.		NATIVES.		TOTAL.	
		Acquitted.	Convicted.	Acquitted.	Convicted.	Acquitted.	Convicted.	Acquitted.	Convicted.
Offences against the Person.	Jubaland ..	..	..	..	..	2	..	..	..
	Kikuyu ..	3	7	..	9	82	4	2	4
	Nyanza ..	5	1	22	9	98	167	92	183
	Kerio ..	..	3	..	1	5	173	125	183
	Coast ..	5	20	49	22	141	27	5	31
	Masai ..	..	..	1	..	9	193	195	235
	Ukamba ..	7	13	36	8	109	7	10	7
	N.F.D. and Turkana ..	..	..	..	..	..	102	152	123
Districts.	Uasin Gishu ..	7	14	7	5	28	52	42	71
	Trans-Nzoia ..	3	1	1	1	17	42	21	44
	Kacheliba ..	..	..	..	..	6	4	6	4
	Naivasha ..	1	..	2	..	12	32	15	32
	Nakuru ..	6	3	1	..	33	34	40	37
	Rumuruti ..	..	..	..	..	6	7	6	7
	Moyale ..	..	..	..	..	..	2	..	2
Offences against Property.	Jubaland ..	..	..	..	..	4	10	4	10
	Kikuyu ..	4	1	..	5	103	365	112	371
	Nyanza ..	6	2	10	2	115	255	131	259
	Kerio ..	..	..	..	1	9	32	9	33
	Coast ..	..	8	21	35	118	287	139	330
	Masai ..	..	..	1	..	11	24	12	24
	Ukamba ..	6	7	26	19	184	481	216	507
	N.F.D. and Turkana ..	..	..	..	..	..	2	..	2
Districts.	Uasin Gishu ..	2	3	..	..	63	193	65	196
	Trans-Nzoia ..	..	2	1	..	15	68	16	70
	Kacheliba ..	..	..	..	..	2	4	2	4
	Naivasha ..	..	1	..	..	11	61	11	62
	Nakuru ..	6	8	..	2	62	159	68	169
	Rumuruti ..	..	..	..	..	6	21	6	21
	Moyale ..	..	..	..	..	..	1	..	1

TABLE SHOWING NATIONALITIES OF OFFENDERS.--(Contd)

		EUROPEANS.		ASIATIC.		NATIVES.		TOTAL.					
		Acquitted.	Convicted.	Acquitted.	Convicted.	Acquitted.	Convicted.	Acquitted.	Convicted.				
Offences against Stock and Produce.	Jubaland ..	..	..	..	..	4	4	4	4
	Kikuyu ..	..	..	..	..	24	71	24	71
	Nyanza ..	1	..	..	..	120	223	121	223	
	Kerio ..	..	..	..	..	10	57	10	57
	Coast ..	..	..	..	..	25	48	25	48
	Masai ..	..	..	..	..	2	23	2	23
	Ukamba ..	..	..	..	..	24	50	24	50
	N.F.D. and Turkana ..	..	..	..	..	..	..	..	..
Provinces.	Uasin Gishu ..	..	..	..	..	6	51	6	51
	Trans-Nzoia ..	..	..	..	..	18	79	18	79
	Kacheliba ..	..	..	..	..	1	10	1	10
	Naivasha ..	..	..	..	..	7	31	7	31
	Nakuru ..	1	..	..	..	20	64	21	64	
	Rumuruti ..	..	..	..	..	10	19	10	19
	Moyale ..	..	..	..	..	..	2	..	2
Districts.	Other Offences.	Jubaland ..	..	..	..	7	25	7	25	
	Kikuyu ..	27	50	17	36	166	1,455	210	1,541				
	Nyanza ..	39	25	54	63	376	1,083	469	1,171				
	Kerio ..	3	7	..	4	32	311	35	322				
	Coast ..	35	140	85	193	271	1,457	391	1,790				
	Masai ..	..	1	1	2	53	585	54	588			
	Ukamba ..	87	311	133	401	450	2,627	670	3,339				
	N.F.D. and Turkana ..	..	..	..	..	1	51	1	51
Provinces.	Districts.	Uasin Gishu ..	34	96	8	33	151	501	193	630			
	Trans-Nzoia ..	14	19	3	3	67	487	84	509				
	Kacheliba ..	..	..	..	..	9	40	9	40
	Naivasha ..	5	10	4	4	30	188	39	202				
	Nakuru ..	38	53	12	14	157	624	207	691				
	Rumuruti ..	13	6	..	..	40	156	53	162		
	Moyale ..	..	..	..	1	..	34	..	35	
	Total ..	358	812	502	873	3,337	13,165	4,197	14,850				
										Nationalities.	Acquitted.	Convicted.	Total.
										Europeans ..	358	812	1,170
										Asiatics ..	502	873	1,375
										Natives ..	3,337	13,165	16,502
										Total ..	4,197	14,850	19,047

SCHEDULE IIIA.
RETURN OF CAPITAL SENTENCES, EXECUTIONS AND COMMUTATIONS DURING THE YEAR 1925.

Serial No. of Case.	Name of Convict.	Nationality.	Date of Sentence.	If Appeal Filed, Date of Hearing.	Date of confirmation by Governor.	Manner and Date of Execution.	REMARKS
78/24	(1) Almasi bin Musa	Native.	17-9-1924	Dismissed, 3-12-1924.	The sentences of both accused commuted to 10 years R.I. by order of H. E. dated 23-2-25 Nos. S. "C." 22150/119/13 and 22150/119/14.
	(2) Asmani bin Mohamed	Native.	17-9-1924	..	..	..
84/24	(1) Khaukra s/o Kimana	Native.	13-9-1924	Dismissed, 3-12-1924.	16-2-1925	Hanged, 25-2-1925.	The sentence of accused commuted to 15 years R.I. by order of H. E. dated 28-2-1925 No. S. "C." 22150.
	(2) Wepondi s/o Wanda	Native.	18-9-1924	Dismissed, 3-12-1924.	16-2-1925	Hanged, 25-2-1925.	
89/24	Bubu wa Jilo	Native.	14-11-1924	Dismissed, 3-12-1924.	..	..
90/24	Lutenyo s/o Adambis	Native.	17-9-1924	Dismissed, 9-12-1924.	The sentence of accused commuted to 15 years R.I. by order of H. E. dated 5-3-1925 No. S. "C." 22150/121/11.
100/24	Kirkoni s/o Etumanga	Native.	1-12-1924	Dismissed, 7-3-1925.	The sentence of accused commuted to imprisonment for life by order of H. E. dated 31-7-25 No. S. 22150/128/15
93/24	(1) Othiambo alias Pina or Pioho s/o Owako	Native.	2-1-1925	Dismissed, 7-3-1925.	30-4-1925	Hanged, 29-5-1925.	The sentences of accused Nos. 1 & 3 commuted to sentences of imprisonment for life by order of H. E. dated 31-7-25, No. S. 22150
	(2) Obwaru s/o Oru	Native.	2-1-1925	Dismissed, 7-3-1925.	30-4-1925	Hanged, 29-5-1925.	
107/24	(1) Kapombe wa Magani	Native.	16-1-1925	Dismissed, 7-3-1925.	..	..
	(3) Kihuma wa Chansera	Native.	16-1-1925	Dismissed, 7-3-1925.	..	..
19/25	Mtakaonga wa Kaumbutho	Native.	28-3-1925	..	7-7-1925.	Hanged, 17-7-1925.	The Appeal was allowed by the Court of Appeal for Eastern Africa and the conviction and sentence for murder quashed on 12-12-1925.
30/25	Mwasami s/o Nandaga	Native.	22-5-1925	Dismissed, 13-6-1925.	24-7-1925.	Hanged, 10-8-1925.	
34/25	(1) Lokuru s/o Lepachul (Aterr)	Native.	21-5-1925	Dismissed, 9-6-1925.	24-7-1925.	Hanged, 10-8-1925.	
	(2) Tonya s/o Kierr	Native.	21-5-1925	Dismissed, 13-6-1925.	24-7-1925.	Hanged, 10-8-1925.	
40/25	Macholi s/o Botta	Native.	11-8-1925	..	13-10-1925.	Hanged, 17-10-1925.	
64/25	Popoti s/o Wangaye	Native.	22-8-1925	..	..	..
66/25	Mutwengu wa Kwanya	Native.	20-7-1925	Dismissed, 19-9-1925.	6-11-1925	Hanged, 20-11-1925.	The sentence of accused commuted to 14 years R.I. by order of H. E. dated 23-10-1925 No. S. 22150/154.
72/25	Tonya wa Munyanga	Native.	15-8-1925	..	..	..
75/25	Rei wa Cachongoi	Native.	27-8-1925	..	6-11-1925	Hanged, 20-11-1925	Sentence of death confirmed by H.E. on 22-12-1925. No. S. 22150/160.
79/25	Mtolimbei wa Nkunga	Native.	9-10-1925	..	..	..
86/25	Ndolo s/o Mtua	Native.	17-12-1925	Pending.
92/25	Mitau wa Mweo	Native.	19-10-1925	The appeal was allowed by the Court of Appeal for Eastern Africa and the conviction and sentence quashed on 12-12-1925
97/25	Mitau wa Mweo	Native.	19-10-25	..	..	..
							The appeal was allowed by the Court of Appeal for Eastern Africa and the conviction and sentence quashed on 12-12-1925.

SCHEDULE IIIA.—*Contd.*

RETURN OF DEATH SENTENCES, AND EXECUTIONS FOR THE YEAR 1925 BY SPECIAL SUBORDINATE COURTS APPOINTED BY HIS EXCELLENCY THE GOVERNOR UNDER SECTION 3 OF THE CRIMINAL PROCEDURE AMENDMENT ORDINANCE, 1918, (ORDINANCE No. 25/18.)

Serial No. of Case	Name of Convict.	Nationality.	Date of Sentence.	If Appeal Filed, Date of Hearing	Date of confirmation by Governor.	Manner and Date of Execution.	REMARKS.
1/22	(1) Lengewa	Native.	26-2-1922	..	..	..	Escaped from custody prior to execution. Has not been re-captured.

SCHEDULE IV.

JUDICIAL REVENUE LEVIED IN THE COURTS OF THE COLONY AND PROTECTORATE OF KENYA DURING THE YEAR 1925.

	<i>Sh.</i>	<i>cts.</i>
Court Fees	214,657	79*
Fees of Court of Appeal for Eastern Africa	14,409	90
Fines, Unclaimed and Confiscated Goods	43,899	75*
Unclaimed Deposits	7,121	04
Legal Practitioners' Rules Fees	4,200	00
Legal Library Subscription	1,020	00
Lockers' Fees	170	00
Miscellaneous Receipts, Sale of Law Reports, etc.	1,256	00
Commissioners for Oaths	30	00
Interest	892	50
Notaries' Public Fees	1,120	00
Probate Duty	300	00
Total	289,076	98

* These figures represent the revenue collected by Judicial Department only. Further figures are to be supplied by the Treasury.

SCHEDULE V.

COMPARATIVE ANALYSIS OF FEES AND FINES LEVIED IN THE COURTS OF THE COLONY AND PROTECTORATE OF KENYA FOR THE LAST FIVE YEARS.

	1921. April to Dec.		1922.		1923.		1924.		1925.	
	<i>Sh.</i>	<i>cts.</i>	<i>Sh.</i>	<i>cts.</i>	<i>Sh.</i>	<i>cts.</i>	<i>Sh.</i>	<i>cts.</i>	<i>Sh.</i>	<i>cts.</i>
Court Fees	191,088	09	415,980	57	382,203	61	200,300	41*	214,657	79*
Court of Appeal for Eastern Africa Fees	6,648	10	17,309	50	10,404	50	19,704	15	14,409	90
Fines	124,288	51	252,904	77	292,733	52	354,816	68	42,912	28*
Interest	375	00	1,250	00	4,173	29	4,873	00	892	50
Legal Practitioners' Fees	1,120	00	5,940	00	5,034	00	3,340	00	4,200	00
Miscellaneous Receipts, Sale of Law Reports, etc.	327	20	604	76	322	50	323	20	1,256	00
Unclaimed and Confiscated Goods	594	88	5,258	85	1,323	81	401	34	987	47
Legal Library Subscription	660	00	1,380	00	1,510	00	1,300	00	1,020	00
Lockers' Fees .. .. .	..	..	..	..	..	..	..	..	170	00
Commissioner for Oaths .. .. .	..	..	..	..	..	..	..	..	30	00
Unclaimed Deposit .. .. .	..	..	..	..	..	..	7,238	62	7,121	04
Notaries' Public Fees	350	00	600	00	660	00	860	00	1,120	00
Bills of Sale	3,895	50	10,484	00	2,780	00	1,715	00	..	..
Probate Duty .. .. .	..	..	..	..	1,158	27	5,725	00	300	00
Total	329,347	28	711,712	45	702,303	50	600,597	40	289,076	98

* These figures represent the revenue collected by Judicial Department only. Further figures are to be supplied by the Treasury.

SCHEDULE VI.

RETURN OF CIVIL CASES TRIED IN THE COLONY AND PROTECTORATE OF KENYA DURING THE YEAR 1925, AS COMPARED WITH THE LAST FIVE YEARS.

PROVINCES AND DISTRICTS.	Under <i>Sh.</i> 200/-.	Over <i>Sh.</i> 200 to <i>Sh.</i> 2,000/-.	Over <i>Sh.</i> 2,000/-.	Other Cases.	TOTAL.
N.F.D. and Turkana .. .. .	..	..	..	..	..
Masai Province	18	3	..	..	21
Jubaland Province	25	5	..	4	34
Coast Province	2,014	586	131	103	2,834
Kikuyu Province	387	182	1	2	572
Kerio Province	34	26	..	2	62
Naivasha District	132	64	..	..	196
Nyanza Province	698	181	7	1	887
Nakuru District	336	212	..	40	588
Trans-Nzoia District	102	67	..	..	169
Laikipia District	20	15	..	..	35
Uasin Gishu District	259	147	12	4	422
Kacheliba District	5	1	..	..	6
Ukamba Province	1,734	919	149	60	2,862
Total	5,764	2,408	300	216	8,688
1924	7,372	1,953	288	207	9,820
1923	5,876	2,332	491	283	8,982
1922	6,799	3,401	520	205	10,925
(April to Dec.) 1921	5,050	3,387	567	119	9,123
1920-1921	4,675	3,036	975	106	8,842

SCHEDULE VII.
ANALYSIS OF CONFIRMATION CASES.

	Number of		CONFIRMED WITHOUT ALTERATION.			REDUCED.			RETRIAL ORDERED.			ACQUITTAL ORDERED			REMARKS.
	Cases.	Persons.	Offences against person.	Offences against property	Other Offences	Offences against person.	Offences against property	Other Offences	Offences against person.	Offences against property	Other Offences	Offences against person.	Offences against property	Other Offences.	
PROVINCE.															
N.F.D.	3	6													In one case sentence and conviction quashed and magistrate ordered to commit the accused for trial before the Supreme Court.
Kerio	24	31													
Jubaland	4	4													
Ukamba	80	98													
Kikuyu	103	127													
Coast	99	112													
Masai	17	27													
Nyanza	171	242													
DISTRICT.															
Eldoret	80	96													
Kitale	24	32													
Kacheliba	7	8													
Nakuru	67	79													
Naivasha	17	24													
Rumuruti	22	27													
Total	718	913	121	724	86	4	18	4	..	3	..	1	19	2	
									982						

Note ~~of the number of persons, the reason being that in certain instances more than one offence was committed by the accused and in respect of which multiple-~~
punishment were awarded.

SCHEDULE VIII.

HIS MAJESTY'S COURT OF APPEAL FOR EASTERN AFRICA.

1. At Kampala on 7th March, 1925—Appeals heard	8
2. At Mombasa on 9th June, 1925—Appeals heard	19
3. At Zanzibar on 14th September, 1925—Appeals heard	13
4. At Nairobi on 7th December, 1925—Appeals heard	22
	<u>62</u>
<i>Appeals pending from previous years</i>	3
	<u>65</u>

APPEALS FROM THE COLONY AND PROTECTORATE OF KENYA.

Civil	15
Criminal	17
	<u>32</u>
Total ..	<u>32</u>

APPEALS FROM UGANDA PROTECTORATE.

Civil	6
Criminal	10
	<u>16</u>
Total ..	<u>16</u>

APPEALS FROM ZANZIBAR PROTECTORATE.

Civil	6
Criminal .. .. .	..
	<u>6</u>
Total ..	<u>6</u>

APPEALS FROM TANGANYIKA TERRITORY.

Civil	4
Criminal	7
	<u>11</u>
Total ..	<u>11</u>

The above Appeals were disposed as under :—

	Dismissed or withdrawn.	Reduced or otherwise varied.	Reversed.	Pending or retrial ordered.	TOTAL.
Civil:	12	4	10	5	31
Criminal	22	3	9	..	34
	34	7	19	5	<u>65</u>



Report
OF THE
CIVIL SERVICE
COMMISSION OF INQUIRY.

JANUARY, 1919.

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Report

OF THE

CIVIL SERVICE
COMMISSION OF ENQUIRY.

JANUARY, 1919.

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REPORT OF THE CIVIL SERVICE COMMISSION.

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THE COMMISSIONS OF INQUIRY ORDINANCE, 1912.

A COMMISSION.

WHEREAS it has been made to appear to me that there exists at the present time a feeling of dissatisfaction amongst the Civil Servants of the East Africa Protectorate in regard to the terms, conditions and emoluments of their service,

AND WHEREAS it appears desirable to investigate the reasons for such dissatisfaction, and to make recommendations where necessary for the permanent amelioration of such terms, conditions and emoluments,

AND WHEREAS it appears immediately desirable to consider the grant where necessary of additional allowances, in the nature of a bonus, to alleviate hardship caused to Government Servants in Civil Employ owing to conditions arising from the War,

NOW THEREFORE, I, CHARLES CALVERT BOWRING, Companion of the Most Distinguished Order of Saint Michael and Saint George, Acting Governor and Commander-in-Chief of the East Africa Protectorate, do by virtue of the powers conferred upon me by the Commissions of Inquiry Ordinance, 1912, by this my Commission under my hand appoint:—

HIS HONOUR R. W. HAMILTON,
HON. W. J. MONSON,
HON. P. H. CLARKE,
HON. W. MACLELLAN WILSON,
R. W. PLAYFAIR, ESQUIRE,

to be Commissioners—

(1) To consider the existing terms, conditions of employment and emoluments in the "Civil Service" of the East Africa Protectorate and to make such recommendations as may seem to them desirable for the improvement thereof with a view to securing the greater efficiency and contentment of the service generally.

(2) To inquire into the extent to which Government servants in civil employ have suffered hardship from conditions due to the War and to report as soon as may be convenient in what manner they consider such hardship may be alleviated by the grant of additional allowances, by way of bonus, and further to report to what classes of such Government servants such allowances should be made and from what date they should take effect.

AND I do hereby direct that for the purposes of this Commission the expression "Civil Service" shall mean service in any civil department of the Government and shall include service in the Uganda Railway, in the East Africa Police and in the Arab Administration of the Mainland Deminions of His Highness the Sultan of Zanzibar.

AND I do hereby direct that His Honour R. W. Hamilton be Chairman of the Commission.

AND I do hereby direct that three members of whom the Chairman shall be one shall form a quorum.

AND I do hereby direct that the aforesaid Inquiry shall be held at such place or places in the Protectorate as the Chairman may think fit.

AND I hereby command all persons whom it may concern to take due notice hereof and to give their obedience accordingly.

Given at Nairobi this 19th day of February, 1918.

C. C. BOWRING,
Acting Governor and Commander-in-Chief.

THE COMMISSIONS OF INQUIRY ORDINANCE, 1912.**A COMMISSION.**

I, CHARLES CALVERT BOWRING, a Companion of the Most Distinguished Order of Saint Michael and Saint George, Acting Governor of the East Africa Protectorate, do, by virtue of the powers conferred upon the Governor by the Commissions of Inquiry Ordinance, 1912, section 3, by this my Commission under my hand alter the Commission issued under my hand under the aforesaid Ordinance and dated the 19th day of February, 1918 (Government Notice No. 47), by appointing Thomas Shenton Whitelegge Thomas to be a Commissioner to inquire into and report on the matters the subject of inquiry of such aforesaid Commission of the 19th day of February, 1918, in the place of William John Monson, Esquire, a Commissioner therein appointed.

Given under my hand at Nairobi this 12th day of August, 1918.

C. C. BOWRING,
Acting Governor.

Report
 OF THE
CIVIL SERVICE
COMMISSION OF ENQUIRY.

January, 1919.

PART I.

INTRODUCTORY.

YOUR EXCELLENCY,

The Commission appointed by Your Excellency on the 19th February, 1918, under the Commissions of Inquiry Ordinance, 1912, called for consideration of the existing terms, conditions of employment, and emoluments in the "Civil Service" of the East Africa Protectorate, and also for inquiry into the extent to which Government Servants in Civil Employ had suffered hardship from conditions due to the war. The scope of the Inquiry.

2. As regards the latter subject of inquiry instructions were given by Your Excellency to the effect that the Commissioners should "report as soon as may be convenient in what manner they consider such hardship may be alleviated by the grant of additional allowances by way of bonus." These instructions were complied with by an immediate investigation of such matters, which resulted in the presentation of an unanimous Interim Report, signed on the 4th of March, 1918. Interim Report, dated March 4th, 1918.

3. The state of affairs disclosed to us in the investigations we made prior to the submission of our Interim Report showed that, even in normal times, the financial position of many Government servants was precarious, and that the conditions arising out of the war had induced such a degree of hardship that urgent relief was necessary. Limitations of recommendations for war bonus.

4. The investigations which we have undertaken in connection with the permanent improvement of conditions of service have been kept entirely distinct. The result of these we now have the honour to submit to Your Excellency in the form of our final report. Such being the case, we make no further allusions to the evidence or exhibits taken in pursuance of our inquiry into the second term of our reference. Inquiries into first and second terms of reference disconnected.

5. The procedure adopted with a view to the elucidation of the matters connected with the conditions of Government service which might require redress or permanent amelioration assumed two forms, *viz.*, the hearing of oral evidence and the general circulation of a request for views in writing from all sections of the Government service. The replies received to this circular are analysed in Appendix VI., where a list is given of the memoranda received and where some thirty-four memoranda, selected as typical, are printed, either in full or in extract, as indicating views emanating from members of the Service. The notes of evidence taken by the Chairman, and a complete set of these memoranda, in which similar views are frequently reduplicated, are furnished with the report, but the Commissioners do not consider it necessary that they should form part of the report as published.

6. One month after the presentation of their Interim Report the Commissioners commenced their sittings for the taking of oral evidence on the first term of their reference, and continued to examine witnesses until the 24th of April, first in Mombasa and subsequently in Nairobi.

7. Throughout this period, Your Excellency had caused certain telegraphic communications received from the Secretary of State on the recommendations contained in their Interim Report to be referred to the Commissioners for their comments, and on April 25th, 1918, we were reluctantly compelled to intimate that the apparent want of confidence shown in our endeavours to assist the Government in this matter had caused us to consider whether it would be in the interests of the public service that we should continue to devote our time and labour to any further investigation of the general question. We proposed, therefore, that our sittings should be suspended until Your Excellency had received a further communication from the Secretary of State.

8. It was not until the 12th of August that the Commissioners again met to consider the position which had been reached by the approval of the Secretary of State in a modified form of the recommendations contained in their Interim Report. We then decided that, in view of the fact that the reduction of 40 per cent. in our proposals as regards Europeans was not final, but was left open to adjustment in accordance with representations to be made by a Special Commissioner to be appointed by the Secretary of State, we should continue our work regarding the permanent conditions of service.

9. A variety of causes prevented the resumption of sittings for another two months, and the Commissioners met again in Nairobi, on October 12th, continuing their sittings until the end of November, when all necessary oral evidence had been heard. Mr. T. S. W. Thomas was appointed by Your Excellency to be a Commissioner in the place of Mr. W. J. Monson, on the 12th of August, 1918, when the latter proceeded on leave.

10. On the matters connected with this report, we have met on 27 occasions, 4 of which were in Mombasa and 23 in Nairobi; 98 witnesses in all have been heard, consisting of 77 Europeans, 1 Anglo-Indian, 7 Goans, 8 Hindus, 3 Mohammedan Indians, and 2 Arabs. Of these 92 were members of the service and 6 members of the general public.

* * * * *

11. In presenting our report it is desirable at the outset to allude to the peculiar conditions which are encountered in connection with the Government Service in the East Africa Protectorate. It must, for instance, be borne in mind that we are dealing with the service of a country which has been developing during the last twenty years with marvellous rapidity. The outbreak of the war has given it a certain check to outward appearance, but

the development has nevertheless been continuing, and with the restoration of peace there is every reason to believe that there will at once be a further rapid expansion in every direction. (See Appendix I.). The rapidity of development had been one of the difficulties with which the Government had always had to contend. Fresh requirements constantly springing up in every direction have taxed to the utmost the means at the disposal of the Government for coping with them, with the result that every department of the Government service has been perpetually driven to making bricks without straw in order to meet the ever-increasing work that has been yearly laid upon it.

12. As the expansion of the country has always gone ahead of the provisions of the Government for dealing with it, Government has had neither the means nor the leisure to devote to the requirements and the organization of its own service. As a consequence the service had grown up in a somewhat haphazard fashion, any and every material available that could be utilized to meet immediate needs has been made use of with an eye directed of necessity more to the present than the future, and as time has gone on the inevitable results of such methods have begun to make themselves felt.

Haphazard growth of service.

13. The Foreign Office in 1895 took over the old I.B.E.A. Company's servants, of whom a small number still remain in the service. From 1895 to 1905 appointments were made by the Foreign Office, since which date they have been under the control of the Colonial Office. During this time the European service has been recruited from Europe, South Africa and locally, and a certain number of Officers have been brought in from India and from the service of other colonies and Protectorates. The Asiatic members of the service are obtained both direct from India and by local engagement, local engagements being more frequent of recent years than formerly. Clerks have also been brought from Mauritius and Seychelles, but owing to the lack of local educational effort in the past the Government has been able to avail itself only to a very small extent in any but the lower grades of native born Indians, Arabs, Beluchis and Africans. (See Appendix II.).

Sources from which service is recruited.

14. Difficulties, inconveniences, and hardships experienced by individuals and classes entering the service of the Government under these conditions have been to some extent remedied by improvements, concessions and allowances in different directions. But these improvements are for the most part of a trifling nature, or but temporary expedients, and being often only calculated to meet immediate difficulties without the cause of these difficulties being dealt with have in the long run proved to be of a somewhat illusory character. Added to this there are various instances of privileges previously enjoyed which have either been cut down or taken away altogether.

Temporary expedients.

15. To govern these matters a multitude of rules have been framed which are contained in the Protectorate Code of Regulations. These rules have been and are subject to constant amendment, and they will tend to become still more complex until many of the matters to which they refer have been dealt with on more comprehensive lines and placed on a more permanent basis.

Code of regulations.

16. The rapidity of the material development of the Protectorate has also reacted in various ways on the conditions of Government service, and it is hard for anyone who is not conversant with local conditions to appreciate the extent to which government servants have been affected by changes in those conditions.

Change in local conditions.

17. It is doubtless difficult under present circumstances to exclude from a general consideration of the subject the influences directly due to the war, and to some extent it would be incorrect to exclude them entirely, for though

Effect of the war.

it is probable that the recent rise that has taken place both in wages and prices generally will sink to a more normal level it is improbable that it will sink for many years, if ever, to the level of pre-war conditions.

Situation becoming serious before war.

18. Apart, however, from influences directly due to the war, which have accentuated hardships and brought feelings of dissatisfaction on the part of the public and discontent in the service to a head, it is clear that events were before the war rapidly tending to a situation requiring urgent attention.

Before the war broke out the service generally were asking for a consideration of their grievances, and had there been no war to interfere with the Government dealing with the matter, and had it remained undealt with, the present situation would inevitably have been reached, though possibly not with such suddenness.

Main factors of discontent in the service.

19. The main factors of the discontent may generally be summed up as follows on the part of the service :—

- (1) An all-round increase in the cost and standard of living during the last fifteen years, most marked since 1910, and especially during the war.
- (2) Dissatisfaction with present pay, disappointment due to lack of prospects of promotion or betterment, and anxiety due to inability to make provision for wife and family.
- (3) Increase of work and responsibility with inadequate remuneration.

Contentions of the public.

On the part of the public it is contended :—

- (1) That an underpaid, overworked and discontented service, to the organization of which the Government has been unable to give sufficient attention, is inefficient and cannot properly serve the public interests.
- (2) That the magnitude of the interests now involved and the difficulty of the complex problems presented require a service not only contented but highly competent.
- (3) That in order to maintain the standard required for an efficient and competent service the terms offered must be such as to attract and retain the best men available, and the whole service must be placed on a more organized basis.

Higher standard of efficiency required.

20. The service and the public thus, moving from different directions, both arrive at the same point of view, viz., that a higher standard of efficiency is required now than in the past and that to obtain it the service must be rendered more attractive.

Loyalty versus necessity.

21. We have heard Government servants frequently express the interest they have in their work and their feelings of loyalty to the Government, but on the other hand many and among them men whom the country can ill-afford to lose, have often said "I should like to stay on but unless things are altered I shall have to resign, as I have not only my own future but that of my wife and family to consider."

Probable result if service not materially improved.

22. This feeling is widespread and there seems to be little doubt but that unless the service is materially improved the country runs the risk of losing many of its most energetic and competent officials, who will only be replaceable by men of a lower calibre without the knowledge gained by experience.

Two striking instances of this have recently been afforded by the departure and consequent loss to East Africa of two officers of the highest scientific attainments, viz., Mr. Montgomery, Veterinary Pathologist, and Dr. Pirie, Assistant Bacteriologist.

There is much evidence before us to show that Government servants in responsible positions in the Administration, Police, Customs, Railway and

other departments have been in debt either to the Banks or local merchants, Indians, and otherwise. It is hoped that our recommendations as to the grant of a war bonus may, to some extent, have relieved this position, but it needs no demonstration to show that if this is the case there is little or no margin between many Government Officials and want.

23. On a general review of the whole position it is clear that the Government will have to be prepared, if it wishes to place the service on a footing satisfactory both to itself and in relation to the country it serves, to make drastic reforms, some of which will entail the addition of a considerable sum of money to the annual budget.

Government must prepare for considerable expenditure in making reforms.

On the other hand it has been represented to us that certain departments of the service might with advantage be reorganized, and many of the proposals for revision of salaries put forward, go hand in hand with schemes of reorganization. A consideration of such schemes was somewhat beyond the terms of our reference, but we are satisfied that economies may be effected in a better paid service which will go towards counterbalancing the cost thereof.

24. It may be convenient at this point to consider more in detail the main causes of discontent throughout the service.

25. In the earlier days of the Protectorate, when the pay of many grades of the service was fixed, the country was poor, there was little demand for labour or house accommodation, wages and rents were low and the necessaries of life were cheap. The European members of the staff were mostly young and unmarried, and lived and dressed inexpensively, and were put to little or no cost in entertaining.

Increase in cost and standard of living.

Since then the country has become rich, and now contains a number of wealthy Europeans, merchants and planters and persons of independent means. The great demand for labour and for house accommodation has forced wages and rents up to unexpected heights, the rapid diffusion of money among all classes of the community and the growth of headquarter townships has put up the price of the necessaries of life, while in towns the cost of lighting, firing, water and conservancy are largely in excess of what was formerly paid or represents what was given to Government servants free.

26. It is true that many articles of food are produced locally now which were formerly not obtainable or which had to be imported, but as the tendency is for the price of local produce to find the level of similar imported goods the consumer does not get the benefit of reduced prices, added to which the price of meat, eggs, food and fish has risen from 50 to 200 per cent.

Situation but slightly affected by local produce.

27. Meanwhile taxation has risen also. In former times there was an allround 5 per cent. Customs duty. That duty has since been raised to 10 per cent., and the taxation on wines and spirits has been increased up to an equivalent of 50 per cent. The only direct tax that has been imposed is a poll tax of £1 per annum. New licences have either been imposed or increased on guns and dogs, and for shooting birds or game; and there has been a material increase in overseas freights, and recently a surcharge has been added on goods on the Uganda Railway.

Increased taxation and licences.

28. Many of the European staff as they have grown older have married, and instead of living in messes have had to set up and furnish separate establishments. Instead of only a few scattered European officials living in the country, there is now a large and growing community of Europeans, numbering before the war some 5,000 souls. In what was formerly wild Africa there are now towns with metalled roads, motor cars, theatres, clubs and churches, and with this marvellous change has come naturally the hundred

European staff largely married.

Growing demands with spread of civilisation.

and one demands that go with civilisation for assistance towards religious, social and philanthropic ends. It is right and proper that the Official, particularly the senior official, should take a leading part in all such objects, but they form a constant drain on his resources, added to which his position frequently calls on him to entertain in a manner that is wholly desirable but for which in former days no such call existed.

E. A. now an expensive country in which to live.

29. In fact, the conditions of life and the standard as well as the cost of living have of necessity gone up as the country has been developed, and East Africa, instead of being a cheap is now an expensive place in which to live.

As an instance of this, domestic wages may be quoted, an item which cannot be dispensed with and which forms a serious detail in the budget of a married European. The increase under this heading alone amounts to about 50 per cent.

A moderate computation of the increased cost to the European official during the twelve years prior to the war owing to the raised standard of living is one third, to which has to be added the increased cost of necessaries.

We think that 50 per cent. would be a reasonable estimate of the increase in the cost of living which had gradually occurred during the twelve years prior to the war.

Increase of rents has fallen mostly on Goans and Asiatics.

30. The foregoing remarks apply particularly to European officials, but that portion of them dealing with the increased cost of living applies equally to all officials of whatever class or nationality.

Apart, however, from European officials who are either provided with houses or a fairly reasonable allowance in lieu thereof, there is a large class, mostly Goan and Asiatic, who either have no quarters provided and no allowance or an inadequate allowance with which to provide themselves with quarters.

Owing to the great increase of rents before the war this class has suffered in a particular degree. The increased hardships of these officials has been referred to already in our interim report, and the whole question of housing is dealt with more particularly in paragraphs 114 to 120.

Lack of prospects, anxiety for wife and family.

31. We now come to the second main cause of discontent, viz. :—
“Dissatisfaction with present pay, disappointment due to lack of prospects of promotion or betterment, and anxiety due to inability to make provision for wife and family.”

This cause is common to the whole service in a greater or less degree, according as the official concerned feels the pinch in one or more of the ways referred to.

Some departments are comparatively better paid than others and offer better chances of promotion; in some the initial pay is fair, but the prospects of promotion bad; in all except the Railway, which maintains a Provident Fund for its non-pensionable servants, the inadequacy of the present rules governing pension and gratuities is keenly felt.

Certain necessary reforms.

32. In many respects the representations that have been made to us under this head appear to be well founded, and in our opinion it will be necessary (1) to make considerable revision in the scales of pay of various departments, grades and classes of officials; (2) to remove the deadening effect of blocked promotion, which is acting like a blight on the energies of

a large portion of the service; and (3) to make provision for adequate pensions and enable an official either by way of gratuity or Provident Fund to secure a moderate competence for his widow and children in the event of his decease.

33. The suggestions that have been put before us by members of the service are on the whole of a moderate character, and the evidence shows that the desire of the service generally is based on the not unreasonable argument that the Government official in East Africa should be given at least a living wage, that he should not be given a less wage than his qualifications would command in the outside market in East Africa itself or in Government service in other similar parts of the Empire, and that he, as a Government servant, should have a reasonable prospect of promotion and of providing for a wife and family. In putting forward their case, the value of pension and provision for widows occupies a foremost place, and it has been clearly demonstrated that the present value of a possible pension for junior officials under existing rules is so small as to have little weight when a man can, by leaving the service, in a year or two better his position both for the present and the future to a degree that would have been impossible had he remained in the service.

Service suggestions generally moderate.

These matters are dealt with in detail later on with particular regard to the various elements of which the service as a whole is composed.

34. It may, however, be as well at this point to consider the different nationalities and grades from which the members of the service are drawn.

Nationalities from which service is drawn.

This is set out in tabular form in Appendix II., and it is of the first importance in considering reforms of the terms and conditions of the service that they should be considered in connection with the nationality, standard of living and customs of the class of official to which they are intended to apply.

35. Broad principles on which to proceed can be laid down, but the application of these principles will have to be varied in practice according as they have to be applied to the class of the highest grade European or to the native of Africa who has received an elementary education in a Mission School.

Practical application of general principles.

36. In the table above referred to it will be seen that the total number of Government employees is approximately 20,000, of whom some 4,000 practically form the Civil Service of the Protectorate, including the Railway. Of the remaining 16,000, consisting mostly of African labour, the only employees who come within the terms of our reference are in the Police and Prisons Departments, and they will be dealt with separately from the rest of the service.

Analysis of table.

37. Now it is to be observed that as regards the 4,000 to whom the term Civil Service can be more properly applied, some 2 per cent. only are native born Arabs, Beluchis and Africans. This probably will be altered in time to come, but as matters stand to-day the service is almost entirely composed of men and women drawn from overseas, whose home is not in East Africa and who look forward at the close of their service to returning to spend their last days among their own people. There may be individual cases, both among the European and Asiatic staffs, who contemplate making their homes in East Africa on retirement, but their number is not large, and it has therefore to be remembered when dealing with the service at the present time that it is a "foreign service" to nearly all its members.

Civil Service a foreign service.

Reason for entering service.

38. The importance of this lies in the fact that the young man who goes abroad to enter a foreign service in a young country that has not got a good reputation for health is generally both ambitious and impecunious. He feels that there will be chances of doing better for himself and getting on faster in such a country, and he makes up his mind to forego the society of his family and friends and give up the life to which he has been accustomed to face the discomforts and drawbacks of life in a tropical African Protectorate. These remarks apply no less to the Indian from the Punjab than to the Scot from Glasgow; both are exiles and suffer from the climate in a greater or less degree. (See under Leave, paragraphs 122 and 123.)

Disappointed hopes.

39. It is easy to imagine what must be the feelings of the man who, after devoting the best years of his life to Government service under these conditions, realises not only that he would have been better off had he stayed at home, but that the future holds nothing for him, and that should he die in harness his wife and children will have to face the workhouse or be left to the charity of friends.

Service should offer compensating advantages.

40. Service abroad under the conditions of tropical Africa must offer some compensating advantages to the man who gives up everything for it; otherwise the country will suffer, and in the place of the energetic man who wishes to get on it will have to put up with the class of man who goes abroad because he cannot get on at home; in other words, the country, instead of getting the best, will get the worst type of official.

Service under present conditions growing in disfavour.

41. It is in evidence that the recently joined class of administrative officers, men who have received a liberal and expensive education, and have been specially selected for their fitness to service in this country are profoundly disturbed by realising soon after arrival in the country that there is no career open to them and no secure future. It is also in evidence that the East Africa Customs and Postal Services are beginning to be regarded with disfavour by possible recruits in the home services as the truth with regard to the conditions of service in this country become known at home. It is also admitted on all hands that the starting pay offered for Indian clerks will not obtain a competent man, with the result that the service contains a number of inefficient clerks, which might be considerably reduced if the conditions of service were to be made attractive to more competent men.

Variety of European Officials.

42. It will be seen from the tabular statement that there are between 1,000 and 1,100 Europeans in the service who are divided into first and second class. The first class comprises administrative officers and professional men with salaries ranging generally from £250 to £1,000 per annum. In the second class are to be found clerks and office superintendents, mechanical engineers, many officials in the lower grades of the Post Office and Railway, foremen overseers, stock and store keepers, compounders, constables and subordinate officers in the Police and Prisons Departments. The salaries of this class range generally from £150 to £400 per annum.

Different standards of living.

43. These officials are drawn from all classes and are naturally accustomed to different standards of living. There is the University scholar from Oxford or Cambridge, who wishes to give his children an education equal to his own; there is the road foreman and postal clerk who in England got 30 shillings to £2 a week; there is the decently educated Anglo-Indian accustomed to the standard of living of his class in India.

Goanese.

44. Next comes the class of Goans, who are mostly general clerks, accountants, typists and stewards of steamers and catering rooms, whose standard of living varies from that of a European clerk to that of the less well-paid Asiatic.

45. The next class, by far the most numerous, is the Asiatic, whose activities cover a wide field in every branch of the public service. Every department of the Government, and particularly the Railway, is dependent on their services, and many of them hold positions of considerable responsibility. They are drawn from many races and different localities; there are Parsis from Bombay, Mahomedans from the Punjab, Khojas, Sikhs, Hindus, Rajpoots, Pathans and Badalas, whose pay and style of living is as varied as their activities. The general range of pay may be said to be from £40 to £240 per annum.

Asiatic.

46. Finally come the native-born Arabs, Beluchis and Africans, who are mostly employed in the Administration of the Coast Provinces or as Government clerks and interpreters. Their pay ranges from that of an interpreter at £40 per annum to that of a Liwali at £500. Their style of living varies from that of the high class Arab gentleman to that of the educated African.

Native-born
Arabs,
Beluchis,
Africans.

The remaining number of other nationalities on this list are of small account and may be taken as of a like standing to the medium paid Asiatics.

47. It is consequently apparent that there is bound to be considerable overlapping between the pay and standard of living of different officials who perform similar duties, but who belong to different nationalities. For instance, a European clerk on £150 per annum is very badly off and cannot live decently on his pay as a bachelor, while a Hindu performing similar duties would live in comparative comfort and marry and rear a family on a like income.

Overlapping
of pay and
standards of
living.

Again, an European Overseer on £300 per annum is better off than a District Commissioner on £400 and an African on £100 than a Goan on £200.

48. So many factors have to be taken into account in fixing the emoluments of a service drawn from such diverse sources that the detailed application of any general scheme must and ought to be left to those who are thoroughly conversant with local conditions. However nicely such a scheme may be fitted in, a number of hard cases are sure to arise, the practical settlement of which must, subject to the broad principles which should govern the whole service, be left to the discretion of the local Government.

Local
knowledge
necessary for
application
of scheme.

49. A number of such hard cases and individual grievances have been brought to our notice. We have strictly refrained from interfering in such matters and declined to deal with them except in so far as they help to illustrate a principle, as we are of opinion that the righting of personal grievances does not come within the scope of our reference, which is directed to a consideration of recommendations for the permanent improvement of the service as a whole.

Individual
cases of
hardship not
dealt with by
Commission

50. We have therefore suggested in Part II. certain broad principles, on which we consider reforms should proceed. We next deal in Part III. with certain general matters such as Pension, Housing and Transport, which affect all classes, and finally in Part IV. deal with the service departmentally, indicating the directions in which we consider salaries should be scaled.

Plan of
report.

51. We have already expressed the opinion in our Interim Report that in normal times the margin between insolvency and solvency for a large portion of the service was perilously small. In dealing with the more permanent conditions of the service we have been impressed further by the impossibility which many, particularly of the European members of the staff, find in making any provision for the upbringing of their families whilst they themselves are on full pay. And being unable out of their

War Bonus
to be
regarded as
apart from
permanent
improvements.

salaries to pay any but the smallest premiums for insurance or to save any but the smallest sums with a view to their retirement, they have to look forward to existing thereafter on an entirely inadequate pension, or, dying and leaving their widows and children to the charity of friends.

A District Commissioner retiring to-day at the age of fifty, after twenty years' service in an unhealthy climate, with a wife and say two sons, would have the prospect of educating his boys and maintaining his wife and himself on a pension of £275 a year, which would cease the moment that he died.

If this was the position of affairs before the war it can easily be imagined how much more acute it has been rendered by the war and by the conditions which are likely to obtain for some years to come.

Report deals with permanent conditions.

52. It has been a matter of difficulty in existing circumstances to consider the question of salaries and to make suggestions for putting them on a better permanent level for the future, distinct and apart from the grant of temporary relief. We have, however, endeavoured in this report to confine our inquiries and recommendations to the permanent conditions of service alone, and it is on that basis that we would desire that they should be considered.

It must in our opinion be a matter for the Government to decide to what extent and up to what date the grant of the war bonus is to be continued in its present or in a modified form, and we would suggest such considerations be kept entirely distinct from the consideration of improvements recommended with a view to the permanent betterment of the service.

Improvements to apply to all officers.

53. On the other hand we are fully of opinion that any improvement adopted, whether of pay or pension, should, subject to the observations contained in the last part of Paragraph 81, be extended at the earliest possible opportunity to all officers in the service at the time of its adoption.

PART II.

GENERAL PRINCIPLES.

Promotion in the European branches.

54. It has been represented as a grievance that the European service is divided into first and second class officials, and that though in fact there is no bar to an official being promoted from the second to the first class, such promotions are few and far between, and the mere existence of a dividing line tends to make promotion from the lower to the higher class more difficult than would be the case were there no such division. We are of opinion that this contention is not without weight, and while it is clear that the responsible administrative and departmental posts should be filled by the persons best fitted therefor by training, education and natural ability, we are of opinion that so far from any real or imagined bar to such promotion being maintained it would be in the interests of the public and of the service that every opportunity should be offered to men in the lower ranks of the service to qualify themselves for promotion to the higher posts.

If a man is in every way suitable for promotion, the fact that he holds a lower post in the service and has given proof of his ability in it should be reckoned in his favour.

Nothing tends to the quickening of the public service more than the knowledge that it is open to any member by industry and merit to rise to the top of the tree.

55. The existing practice within the service is to designate different posts as "first" or "second" class, and the officers holding these posts have been called "first" and "second" officers. A first-class post carries with it greater privileges in such matters as ocean passages, local travelling and housing, etc., and the terms have therefore become a convenient way of expressing the class of privilege that goes with the post. And when, for example, it has been decided to increase the privileges of a second-class post in this respect, the post has been made a first-class post and the holder of it a first-class official.

Designation of first and second class officials to be abolished.

The same practical result would in our opinion be reached by abolishing the division and stating the privileges and conditions which are attached to any particular post or class of posts.

The friction to which the present dividing line gives rise would disappear and each holder of a post would know clearly the privileges to which he was entitled.

56. This brings us to the question of promotion generally throughout the service, a question which raises many difficulties, the solution for which we believe lies in the direction of the introduction of a system of grading coupled with selection.

Promotion generally.

It is obviously inequitable to have a department consisting of two or three important posts at the top resting on a gradually widening base of junior officials at the bottom who can only look for promotion by the creation of a vacancy in the post above them.

57. Take for example the Administrative Branch of the service, which at present consists of an establishment of six Provincial Commissioners on a scale of salary from £500 by £25 to £700, 44 District Commissioners on a scale of £400 by £20 to £500, and 91 Assistant District Commissioners on a scale of £250 by £15 to £400. Not only is the salary allotted to the post of Provincial Commissioner in itself but small remuneration for the length of service and amount of experience required to qualify therefor, but the scale demands that at least seven years' service in that rank shall have been performed before the maximum pension that can be drawn is attained. An officer must, therefore, in order to be able to draw his full pension at 55, have been promoted to that rank before the age of 48, yet the latest figures show that the most recently appointed District Commissioner served nine years as an Assistant District Commissioner and that the Senior District Commissioner has now more than twenty-one years' service to his credit.

Promotion in Administrative branch.

These figures speak for themselves, but they cannot be considered to give a true indication of the future position. The service is still young, and several of the present senior administrative officers have served since 1895. Subsequent increases in the staff have led to an exceptional number of men of approximately the same age being recruited in the same batch, and it must be many years yet before the position becomes stabilised. The period that must elapse before the promotion of the present Junior Assistant District Commissioners is growing annually, and may eventually be expected to be not less than 15 years provided the present establishment in all its detail is maintained. This slowness of promotion is largely due to the small number of senior posts provided for in comparison with the numbers of the administrative staff.

The position as it exists at present in the East Africa Protectorate tends, for the reasons given above, to be worse than the stabilised position will be, and the result is that the younger administrative officers view their future prospects with very natural apprehension. We have evidence to show that the block that is occurring in promotion has already induced several of these men to contemplate in all seriousness the prospect of quitting the Govern-

ment service in favour of employment which offers a brighter outlook as soon as the cessation of war conditions enables them to do so.

No argument is needed to show that such a position demands instant rectification. Some attempt has been made in the last few years to rectify the grievances of this portion of the service, but they have only been temporary tinkering which have kept the machine running for a year or two without having remedied its vital defects.

Promotion of
non-European
clerical staff.

58. As another example might be quoted the position of the general non-European clerical staff of the Government as distinguished from that of the Railway, and of what are known as the "watertight" departments, who make their own appointments and promotions. Omitting the VIth grade, which is almost entirely composed of natives, there are in the five other grades some 426 clerks who have only eight first grade appointments to which to look forward; and, appointments to a higher grade being made by seniority as vacancies occur, there is a consequent serious block throughout the establishment, and the heart is taken out of the willing worker who, entering in a lower grade, finds he has practically no chance whatever of reaching a senior post.

Principles on
which
promotion
should be
regulated.

59. In the opinion of the Commissioners the interests of the country will be best served by a system of grades with annual increments within each grade under which an industrious and satisfactory official should in the ordinary course move steadily up from grade to grade, while above the top grade there should be a fair number of senior posts which should be filled solely by selection on merit and qualifications for the post.

An official would thus know what to look forward to as a normal career, while always having before him the possibility of being selected at any time for special promotion to a senior grade or post.

On the other hand the Government should, in the case of an official who had proved himself unsatisfactory as a Government servant in serious cases, exercise its right of dismissal, and in less serious cases which called for some disciplinary action or showed general inefficiency have the right to hold back an official at any step from one grade to another for such time as it might think fit. If the official thus penalised mended his ways, he would again go forward, but if he were permanently held back for unsatisfactory or inefficient service without having done anything which would justify the Government in discharging him he would probably be thus induced to resign.

On all hands the feeling was voiced that the Government should, in the interests of the service itself no less than in that of the public, adopt measures and exercise them with justice but without hesitation to get rid of unsatisfactory and incapable officials and break down the idea that a Government appointment carries with it a freehold.

Grading.

60. Divisions in grading we consider to be necessary. Although on the one hand it may be said that a diligent and satisfactory official should move up the ladder steadily obtaining his yearly increment, it is clear that it is difficult to stop the increments of the less satisfactory official whose work has reached a certain standard but the quality of which does not justify his being paid on a higher level.

Added to this, promotion from one grade to another is an incentive to good work, and an official who knows that his promotion to a higher division depends on his own efforts is more likely to keep up to the mark than if he felt that once having been placed in a wide grade, he was practically certain, in the absence of direct misconduct, to reach the top.

61. It has been represented to us unanimously by all members of the service that adverse confidential reports made on an officer by the Head of his Department should be shown to him. With these representations we are in cordial agreement. Confidential reports.

Unless this practice is adopted, an Officer who has been adversely reported on may suffer a grave injustice, while, on the other hand, it becomes practically impossible to get rid of an official under the Colonial Office regulations on the grounds of general inefficiency.

62. The advantages of following the principles outlined above would be:— Advantages of the scheme.

- (a) Ordinary industry and special merit would receive their due reward.
- (b) Misconduct and inefficiency would meet their deserts, and the service would be kept up to the mark.
- (c) Promotion would not be blocked.
- (d) An Official entering the service would know the career that was open to him and the pension he might reasonably expect to receive on arriving at retiring age.
- (e) An Official transferred to East Africa from another colony would drop into his place without causing a block in the promotion of those below him in the service, as he does at present.

63. We may here add while dealing with the general principle on which we consider promotion should proceed that great publicity might be given locally when there is a vacancy which the Government desires to fill either from the service or from outside sources. Vacancies to be advertised in Official Gazette.

Instances have been given in which members of the service have felt aggrieved by vacancies of which they were unaware being filled without their having had an opportunity of applying for them. Many appointments must of course be made from sources outside the service, but we believe that it would be of advantage to the Government and to the service if all the vacancies for which candidates were sought were to be advertised as a matter of course in the Official Gazette.

64. The evidence of witnesses and official records, though they do not extend back over a sufficiently long period to be conclusive on the point, tend to show that the retiring age is at present unnecessarily high, both for the Europeans and non-Europeans. An European can now claim to retire at the age of fifty, though it does not appear that there is any fixed age after which he can be compulsorily retired on the ground of age. A non-European has to serve till he is 60 years old before he can, if eligible therefor, claim a pension. In the opinion of the Commissioners the Government should aim at a young and active service. The conditions of the country are such that an official's best activities are apt to decline at a comparatively early age, and steps should be taken to encourage earlier retirement than is at present the case, both by altering the retiring age and improving pensions rules. There is now a growing number of men in the service with from 20 to 30 years to their credit in East and other parts of tropical Africa who see no prospects before them, but cannot afford to retire under existing conditions. The natural inclination of such officials is merely to mark time and remain on as long as they can in the hope of increasing their small pension. Such a position of affairs is highly detrimental to the service, and it would clearly be in the interests of the public no less than in that of the official concerned to re-arrange the system of retirement and pensions, so that an official who has given the best years of his active life to the service may make room for a younger man and still not be too old to be of some service to the world in taking up work of a less exacting nature. Retirement to be encouraged at an earlier age.

It may be argued that this will be a costly matter to the Government. The Commissioners are aware that it will be so, but in their opinion not only does justice require a revision of the present rules in the interests of the officials but that to put it on the lowest ground nothing will pay the country better in attracting a good type of official and keeping the service young and active than a liberal pension scheme more general to the service than is at present the case.

Emoluments. 65. In considering the emoluments of an official in East Africa a number of factors have to be taken into consideration.

In the first place there is the outstanding feature of the service already alluded to, viz., that it is a foreign one, and further that officials are expected to take their leave out of the country.

Secondly, owing to the conditions obtaining in the country it has been necessary to make up the existing low scale of pay by the addition of allowances which are not pensionable.

Replace allowances by consolidated pensionable pay. 66. In the opinion of the Commissioners considerable benefit would accrue to the Government and to the official at a small cost to the former and with great advantage to the latter, by adopting a scheme under which the system of allowances might be almost entirely done away with and the official get them back in the shape of consolidated pay on which he would be pensionable, as should be the case, seeing that they, in fact, form no inconsiderable portion of his emoluments.

The system whereby an officer's emoluments are in part made up of unpensionable allowances seems to us to afford a reasonable ground for discontent, and it would be preferable that the Government should avoid the appearance of endeavouring to effect economies at the expense of its own servants. It is in our opinion a sounder policy in the long run for the Government to pay its servants a sufficient salary in the first instance and to leave it to them to effect their own economies.

Leave passages. 67. Leave passages will still have to be provided by the Government whenever an officer is required to take leave out of the country in the interests of his physical and mental well-being, though it is open to question whether the present frequency of such leave for Europeans might not with advantage be modified. (See Part III. (4) Paragraph 121).

Duty allowances. 68. But, on the other hand, where duty allowances to be made part of the consolidated pay of all officers receiving them, and due provision made for acting allowances, it would no longer be necessary to make the special allowances that are now made towards the cost of a wife's passage or towards the expense of an officer proceeding to the coast to meet his wife or fiancé.

Under the present system, not only do duty allowances not count towards pension, but they cease to be payable just at the moment when an officer incurs the heavy extra expenses attendant on leave. Added to this, they work inequitably in practice in so far as they represent increased pay for a junior official when acting for a senior.

Acting allowances. 69. For instance, a District Commissioner acting in charge of a Province for six months receives £5 additional and a Magistrate acting as a High Court Judge for a like period receives £15. Such allowances are ridiculously inadequate, and we would propose therefore a system of acting allowances which should be provided to meet the necessity of temporarily filling a senior post by a junior officer.

This allowance should, we think, be based on a more liberal scale, and we recommend generally the system which we are given to understand is

employed in the Federated Malay States for introduction into the East Africa service. Our recommendations are based on the principle of the grading of posts as well as the grading of officers and are of general application in two categories, viz. :—

(1) In the case of officers selected to act as heads or deputy heads of departments, whose emoluments are, in our proposals, placed on a non-incremental basis, the acting allowance should, we think, be equivalent to half the difference between the pay which the junior officer is drawing and that of the senior post. For instance, an administrative officer drawing £750 per annum in the scale of £725 to £800 and selected to act as Chief Native Commissioner at a salary of £1,300 would draw an acting allowance at the rate of £275 per annum in addition to his own pay for the time during which he was acting, while the allowance paid to a Puisne Judge of £1,200 per annum when acting as Chief Justice would be at the rate of £350 per annum.

(2) In the case of an officer of a junior grade being selected to act in a post senior to his grade, the pay he would draw while so acting would be the minimum pay of the senior grade. For instance, a Junior Assistant Treasurer selected to act as a Second Assistant Treasurer would receive pay at the rate of £525 per annum while so acting.

We consider further that any additional privileges which may be attached to the senior post should accrue to the junior officer while he is acting in that post.

70. We would here allude to a matter of which we have had some evidence and which should as far as possible be avoided, viz., that of keeping a man acting for a long time in a vacant post, or of leaving the post unfilled and putting the work of it upon a junior official without his getting any compensatory remuneration. Filling up vacant posts.

We are aware that it must at times be unavoidable that a post, particularly a senior one for the filling of which careful discrimination has to be used, should remain unfilled for an appreciable period, but if our suggestions for acting allowances be adopted, the temptation to the Government to save money by keeping a post open for an undue period is removed and the acting man receives an adequate remuneration for his work.

71. The next factor of importance in fixing emoluments and perhaps the most difficult with which to deal is that of the living and the competitive wage. In the first place it is clear that no grown man or woman should be offered a wage on which he or she cannot live in ordinary decency and comfort according to the standard of living to which they have been accustomed. But the housing, the conditions of life and the expenses of living in this country are for the European such that terms of £150 a year with free quarters, which appear attractive on paper to a man who has been receiving 30 shillings a week at home, prove in practice a far less satisfactory proposition. Not only does he find himself actually worse off at the end of the year in pocket and possibly also in health, but he has to work under trying circumstances in uncongenial surroundings without the ordinary comforts and pleasures of life to which he has been accustomed. Wages, living and competitive.

72. Whether it is in the interests of the Government to increase the numbers of European clerks and pay them more for work that could be equally well done by Asiatics or by educated natives at a less figure is a matter for serious consideration. We have had evidence to the effect that in the post office, for example, greater efficiency would probably result in using a well-selected smaller European staff to supervise the more mechanical Doubtful policy to increase number of European clerks.

routine work of the lower grade Asiatic and native employees than in putting an ordinary European clerk alongside of an Asiatic to discharge similar duties.

European should be worth post of responsibility.

73. In banks and commercial houses the European almost invariably occupies a position of authority, and it appears to us that Europeans can and should be most profitably employed throughout the service only in positions of trust and responsibility, and that it is unsatisfactory to use a man capable of holding such a position for doing mere routine work which could be equally well done by someone else at a less cost to the State. Especially must this be the case where the European is paid an insufficient wage.

Mr. Clarke and Mr. Wilson, however, are of the opinion that the advantages accruing from the employment of Europeans is so great, both as regards the efficiency, quantity and quality of their work, that this consideration should outweigh any other argument, and they consider that the number of European clerks should be increased rather than diminished.

Certain European clerks necessary.

74. Undoubtedly there will always be a certain number of posts in the clerical grades and in certain departments of the service in which it is desirable that Europeans should be placed, and as regards these it is essential that they should begin at a living wage, and have a reasonable prospect of advancement open to them.

All original appointments to be probationary and not incremental.

75. All original appointments in the service (not being transfers from home or Colonial services) should be probationary for the first three years, and we do not consider that any increment of pay should be given until a man has been confirmed in his appointment on the permanent establishment. During the first three years he is proving his fitness for the post, his adaptability to the country, and learning the language and so gradually qualifying himself for permanent employment. On appointment being confirmed an official should at once begin to draw the increments attached to his grade.

Professional men and technical experts.

76. In fixing the salaries of professional men and technical experts, regard will have to be paid not only to the income that such men might expect to command in the open market in normal times, but under the special conditions created by the war which will probably lead to increased demands for the service of skilled men in every direction. We are therefore working somewhat in the dark and our suggestions must be open to subsequent revision, but in any event the service should be made sufficiently attractive to give East Africa a fair share in a pick of the best available talent. In a rapidly developing country such as this, it is false economy not to obtain the best professional and technical experts that can be had by whose aid difficulties may be overcome, blunders avoided and knowledge gained that will repay the necessary expenditure a thousandfold.

Marriage of European officials.

77. It has been urged on us from many quarters that preferential treatment should be accorded to the European married official. The arguments that have been put forward in support of this contention have undoubtedly under the conditions at present existing in the service some weight. The main argument is that in many grades of the service the pay is insufficient to maintain a bachelor, much less a married man with a family, particularly when the married man has to provide for his wife's passage to and from Europe and Africa or to maintain two establishments.

Married officials should not receive preferential treatment.

78. While admitting the truth of the premises we conceive that the correct conclusion is not to give preferential treatment which might encourage improvident marriages and would place the bachelor maintaining his parents in a worse position than the man who maintains a wife, but

to pay the official in such a manner that he would be in a position to marry in due course without having recourse to special assistance from the State.

Added to this it would be impossible to give such assistance to one nationality only and not to another, and to make special allowances for a European if married and not for a Hindu would lead to undesirable results.

79. There is no doubt that at the present time some are prevented from marrying and others are in financial difficulties owing to their marriage, but we believe that if the suggestions we make are adopted this situation will cure itself. And we would in this connection desire to emphasise the importance we attach to the European official being paid in a manner which will enable him to marry in the ordinary course and make due provision for the future of his family.

The remedy
is better pay.

80. On the other hand evidence has been given before us to show how undesirable it is that a young officer whose duties are mostly in the field and who is liable to be posted or sent at a moment's notice to a place where a woman cannot safely be permitted to go should hamper both himself and the Government with a wife.

Undesira-
bility of
young
married
A.D.C.'s.

We are unable to ignore the weight of this contention, but are aware that there are practical difficulties in the way of making any rule on the subject effective.

The existing regulation relating to Administrative Officers being unmarried on first appointment should not, we think, be relaxed, and might with advantage be extended to some other departments, and there are good grounds for arguing that all administrative officers, while in the lowest grade, should be required to obtain the consent of the Government before marrying.

81. In making suggestions for departmental scales of pay, we have considered it our duty to recommend that representative Heads of Departments should be paid on a somewhat more liberal scale than at present. In doing so our chief object has been to provide a salary on a scale commensurate with the duties and responsibilities of the post so that the Government may obtain a good man to fill it. This will also have the further effect of securing fuller consideration of departmental representations. A Government may be able to ignore or over-ride the representations of an ill-paid young officer nominally representing a large department in a manner which would be impossible were the head of the department to be a well-paid man of weight and standing with a reputation possibly not confined merely to East Africa. We have endeavoured as far as possible to make our representations as to salaries without regard to present individual holders of posts and we desire to make it clear that we have no intention of suggesting that the existing holder of a post is qualified to receive the pay which we consider should be attached to that post, nor do we consider it our duty to offer any suggestions as to how the existing staff should be absorbed into the suggested grades and posts.

Better pay
for Heads of
Departments :
reasons for.

82. Our recommendations are confined in this respect to a treatment of departmental establishments as they appear in the estimates for 1918-1919. And though it has not been altogether easy to avoid enquiry into the kindred question of reorganisation of the service and rearrangement of certain departments we consider that if any such reorganisation be taken in hand it will not be difficult to apply to a reorganised service the principles on which the suggestions are based.

Reorganisa-
tion of
departments
not dealt
with.

The necessity for reorganisation was, however, brought so frequently to our notice both by Heads of Departments and others, and the matter is

so clearly allied with those which formed the object of our inquiry, that we consider it our duty to draw particular attention to the importance attached to it by many members of the service.

Suggested reforms to become operative at an early date.

83. We recommend that if the Government decides to make any improvements in the conditions of service on the lines of our suggestions that the benefits thereunder should be extended to the whole existing service as soon as possible.

On the other hand it would be equitable that the limitations should be imposed equally and that the Government should have the right in offering the benefits of an improved pension to call on any officer who has reached the proposed retiring age to take his pension and retire.

Similarity of treatment between departments.

84. It has been possible to recommend similarity of treatment between departments for various divisions of the service and we consider that it should be a principle to be followed as far as possible that there should be equality of treatment as between officials of similar grades in different departments. It is of course impossible that all departments should be paid alike having regard to the varying qualifications and responsibilities of the officials of whom they are composed; but we think that greater equality of treatment might be exercised than is the case at present. For instance, officials in the Railway appear to enjoy more advantages in certain respects and to be paid on a higher scale than similar officials in the rest of the service.

This is probably due to past history. There is no real reason for a railway engineer being better treated than a P.W.D. engineer, for heads of railway divisions to be better paid than heads of Government departments. Equally there is no valid reason for the non-European clerical staff to have more chances of promotion in the Customs than in the Administration.

On the other hand we are of opinion that, though reasons may be advanced for standardising the pay of heads of departments and divisions, such reasons ought to give way to the real test, which should be based on the relative importance and responsibilities attached to the different posts together with the qualifications and attainments professionally and otherwise required for their holders.

Education will help to creation of local born staff.

85. In concluding our remarks on this part of our report, it is necessary that we should make some reference to the all-important question of education. It is largely due to the lack of educational facilities in the country in the past that so large a proportion of the service has to be drawn from overseas. We have no hesitation in saying that with an extended system of education applicable to European, Asiatic and native, the service could not fail to benefit to a very great extent. With careers open to persons born in the country, there would be an all-round incentive to an improved standard of work, the Government with a wider field to choose from would be in a better position to exercise discrimination in making appointments than is at present possible, and the cost of such a service to the country would be considerably less than when as now it has to be imported from overseas and treated as a foreign service. We therefore consider it essential that the Government should use every endeavour both to train and employ the youth of the Protectorate in its service, and gradually to replace the imported staff as far as possible with a local staff. Such a staff, accustomed to the life and acquainted with the conditions of the country, must, apart from other considerations, have an initial advantage which is denied to persons imported from overseas. Time will be necessary to achieve this, but a beginning in this direction is being made and the principle can be rapidly extended.

86. During the course of our investigations we have constantly been brought in contact with two factors of great importance, which, though not peculiar to the service in East Africa, have a bearing not only on the East African service itself, but on the position of that service as part of the colonial service of the Empire as a whole.

Protectorate services a part of Colonial service as a whole

87. The first is the resulting effect on the service of the financial conditions of the country in which the civil servant is employed; and the second is that, though the colonial service of the Empire is considered as one, for the purpose of transfers and promotions, the interests of the officer transferred and of the service into which he is transferred so far from being protected, are not infrequently neglected, and the officer is penalised.

Financial conditions.

Transfers.

It is of course not difficult to realise that the conditions of service must be to some extent affected by the financial state of the Colony or Protectorate in which an officer may be serving, but on the other hand, it is clearly detrimental to colonial service generally that two officers of equal ability and attainments should be remunerated for similar work on a totally different basis and scale merely because they happen to have entered the service of different colonies, one of which is rich and the other poor.

To some extent there may be compensating benefits to the less well-paid man. In a poor colony his work is possibly lighter, his expenses of living less, and there may be also climatic disadvantages in respect of which the other man receives better pay. But there seems to be no sufficient reason for some of the great differences we have observed in the pay of officers performing similar duties in East and West Africa and no reason at all why there should be a differentiation in treatment in such matters as the provision of widows and orphans funds, and the rules for superannuation and pension.

88. An Administrative Officer transferred from another colony to the East Africa Protectorate to fill a vacancy blocks promotion of all officers junior to him on the list. While, as regards his own claim to pension, it will, should the officer live to take it, be calculated not on the average of his last two years' emoluments, but on that basis in relation to each period of service that he has done in each colony in which he has served, with the result that he is heavily penalised by reason not of his faults, but of his merits.

Results of transfer on officer's pension and the promotion of others.

There are a number of such cases in the service in East Africa, and we will take as an illustration an officer who has served 10 years in West Africa on £500 a year and then is promoted and does 10 years in East Africa on £1,000 a year. Instead of his pension being, as it would have been had he served all his time in one colony, 30/60ths of £1,000 or £500 a year, he will receive 15/60ths of £500 or £125 plus 15/60ths of £1,000 or £250, or a total of £375 only.

89. There would no doubt be some little difficulty in devising a system that would be strictly fair to each colony concerned, but there can be no doubt whatever of the unfairness in penalising an individual because he has been promoted from one colony to another. If the colonial service were regarded for this purpose as a whole, no question would arise as to the proportionate contribution required from the various colonies called on to provide an officer's pension and in the long run gains and losses should be allowed to cancel one another.

Individual should not be penalized.

90. Again, in examining the scales of pay obtaining for instance in Nigeria and in East Africa, there is observable a marked difference throughout in favour of the former. The officials for both Protectorates are chosen by the same authority and similar attainments and qualifications are required in the candidates for appointment to either Protectorate.

Comparison with Nigeria.

The conditions of life are, we believe, not dissimilar, but the revenues of Nigeria are of greater importance than those of East Africa, and consequently we are led to conclude that this is the main factor in the differentiation of salaries in favour of the former. This we consider to be detrimental not only to the East Africa service but to the service of the Empire as a whole, as the inevitable result of the inferior treatment of a part of the Colonial service is for the service of that part to deteriorate, and the best man will be unwilling to enter on a career in a Protectorate the service of which is not treated as on the same level as those of sister Protectorates and Colonies.

Other parts of the Empire might also be referred to, such as the Federated Malay States, where the officials are paid on a much more liberal scale than in East Africa, but there again the country is a wealthy one with a large revenue.

On the other hand, the important and complex administrative problems that arise daily in East Africa, where the conflicting interests of European, Asiatic and African are always in evidence, require to be handled by a highly efficient service, no less than do the difficulties that arise from the discovery of new diseases in man and beast, the requirements of modern sanitary science or the intricacy and conflict of laws.

This aspect of the case should in our opinion be kept prominently in the foreground, as we consider it to be in the interest of East Africa as well as that of the Empire as a whole, that the conditions of service in East Africa should be such as to attract the most suitable class of man.

Treatment of professional men.

91. These remarks apply with peculiar force to officers with professional qualifications.

92. Apart from the scales of pay, the rules governing retirement and allowances of years to professional men to count for pension are all more favourable in the West African Colonies and Protectorates than in the East.

Widows and Orphans' Pension Fund.

93. Finally, those colonies enjoy the advantages of a pension scheme for widows and orphans, the absence of which in East Africa we consider to be the most serious defect in this service.

Ability of Protectorate to meet cost.

94. We are aware that the Secretary of State has expressed the view that any improvements in the conditions of the East Africa service must depend on the financial ability of the Protectorate to pay for them, but we are led to believe that the Protectorate is prepared and willing to pay whatever sum may be necessary to equip her with a suitable public service, and we trust, therefore, that if East Africa is prepared to pay, our recommendations may be viewed from that point rather than from the point of increased expenditure only. Consequently we have framed our recommendations not merely on the basis of what we consider to be necessary, but of what we consider the country may properly be asked to provide.

Cost of scheme spread over a number of years.

95. In this respect we would point out that though our recommendations, if adopted, will at once throw an extra burden on the revenues, the full weight will only gradually be felt during which time there is every reason to believe that the revenues will be expanding in far greater proportion than the expenditure on the civil service.

General principle.

96. We have experienced considerable difficulty in making concrete suggestions as to rates of pay and salaries of individual posts, the reasons for which have already been alluded to. We wish therefore to make it clear that the general principles which we consider should be followed are that

the service in East Africa should be at least no worse treated in this respect than are the services in similarly situated tropical colonies and Protectorates of the Empire, and that, in any event, the pay offered must be such as to ensure efficiency. We attach special importance to paying heads of departments well; so much depends in a country such as this on obtaining the right class of man for positions of control.

97. We do not consider ourselves competent in existing conditions to deal with every department in detail or to pretend that the suggestions as to salaries which we have thought fit to put forward are anything more than tentative. But we wish to make clear our opinion that the service was poorly paid as a whole before the war, and that the conditions of service will now require to be improved materially to put East Africa in a position to compete on level terms in the market for the most suitable men after the war.

Suggestions—
tentative.

98. In considering scales of pay in this country, it must be remembered that in normal pre-war times the purchasing power of a rupee was held to be the equivalent of a shilling in England, and therefore a salary figuring at £400 on paper would only represent in fact a purchasing power of £300 at home.

Salaries—
apparent and
real value.

To-day its purchasing power has still further decreased.

PART III.

(1) PENSIONS AND GRATUITIES

(European).

99. It is suggested that considerable improvements might be made in the present scheme of pensions and gratuities by importing into it the principles accepted in the Home Civil Service and contained in 9 Ed. VII., c. 10. In a service in which no inconsiderable number die or are invalided it is imperative that special provision should be made to meet the circumstances, and it is obviously inequitable that on the death of a civil servant in harness the whole of the provision made by the Government towards his pension should revert to the Government.

Improvement
in scheme of
gratuities.

100. We avoid discussing the thorny subject of whether pension is to be regarded as deferred pay, but we propose the adoption of a method of treatment which, though not going the whole distance, has been accepted with approval by the service at home.

Pension
regarded to
some extent
as deferred
pay.

We do not consider that a man leaving the service before reaching pensionable age on grounds other than those of ill-health should receive either pension or gratuity, though Mr. Clarke is in favour of regarding pension entirely as deferred pay, and considers that any civil servant who retires at his own request before he has completed ten years' service should be entitled to such deferred pay in a lump sum, and that after ten years he should be entitled to draw the pension for which he has qualified should he wish to retire.

101. To illustrate the necessity for special pension and gratuity rules in the service we quote from the Tropical Diseases Bulletin, Sanitation No., Vol. 4, No. 4, August 15th, 1914, at p.216 :—"It is probable that, irrespective of the predisposing influence of a tropical climate, solitary life incidental to certain forms of official duty in which congenial European companionship

Climatic
reasons for
better
gratuities.

"is rare, is accompanied by undesirable introspection. Life 'in small stations' is, on this account, specially liable to excite minor phases of "nerves and mental trouble."

From the same Bulletin for the 15th of May, 1918 (where the deaths and invalidings of Europeans in the East African service are tabulated) it appears that in 1913 (the last pre-war year) deaths numbered 10.2 per 1,000 of the service and invalidings 9.0 per 1,000; and it is stated that about 50 per cent. of the invalidings are due to nervous and mental troubles.

We therefore propose that the scale of gratuities should be considerably improved in the case of invalidings, and in the case of death that a civil servant's legal personal representatives shall be paid a definite sum according to rates hereafter set out, and that this sum should be payable without requiring an officer's dependents to plead and show poverty and ask for a dole. For gratuities paid and a return of invalidings and deaths see Appendix V.

Right to commute half pension.

All posts pensionable after 10 years' service. Professional men.

Transfers.

Calculation of value of house for pension.

Proposals.

102. As regards those persons who take their pensions in the ordinary course, and who on retiring may be expected to have to set up a new home or provide for children or possibly take up some form of business, they should be permitted to commute up to one-half of their pension on a fixed actuarial calculation of its average present value. We have already expressed the view that the pensionable age should be made earlier and that the pension should be calculated on all emoluments. We are further of opinion that all permanent Government posts should be pensionable, but that no pension should be payable until after ten years' service, that temporary service if continuous with permanent service should be pensionable, that professional men should receive an allowance of years towards pension as in other tropical colonies, and that the pension of an officer transferred from another colony should be calculated on the average of his last two years' emoluments.

103. At the present time the value of a house or free quarters is calculated for pension at £80, £70, £60, £50, or £40 per annum according to the officer's salary, on a scale appearing in section 285 of the Code of Regulations. We think that a fairer method of calculation would be 15 per cent. of the average salary on which the pension is based.

104. For the purposes of comparison our proposals are placed below in parallel columns with the existing rules together with instances showing how they would work in practice.

Existing Rules.	Proposals.
<p>£E represents average annual emoluments of last two years service <i>i.e.</i>, salary plus allowance for house, but not including duty allowance.</p> <p>1. Ten years service to qualify for pension, where retirement is on grounds of ill-health.</p> <p>2. An officer retired before ten years completed service on medical certificate may receive £E/12 multiplied by the number of years service.</p> <p><i>e.g.</i> Pay £560 retired sick after 3 years. Duty 40 House 50 <u>£590</u></p> <p>Gratuity is $\frac{£590}{12} \times 3 \div 12$ or £137 10s. 0d.</p>	<p>£F Represents average annual emoluments of last two years service, <i>i.e.</i>, actual salary drawn plus 15% on annual average to represent value of house.</p> <p>1. The same.</p> <p>2. To £F/12 of number of years served add £F/20 of number of years served.</p> <p><i>e.g.</i> Consolidated salary £540 House 81 <u>£621</u></p> <p>Gratuity is $\frac{£621}{12} \times 3 \div 20$ or £248 8s. 0d.</p>

Existing Rules.	Proposals.
3. Two years service to count for three for pension.	3. The same.
4. An officer retired sick after ten years completed service gets pension only.	4. Add to pension a gratuity of £F/20 multiplied by number of years counted for pension.
<i>e.g.</i> The same officer retired sick after ten years actual service gets a pension of £550 × 15 ÷ 60 or £137 10s. 0d.	<i>e.g.</i> Pension is £621 × 15 ÷ 60 or £155 5s. 0d. to which add gratuity of £621 × 15 ÷ 20 or £465 16s. 0d.
5. When an officer dies in harness nothing is payable.	5. There should be payable after 3 years service: £F × $\frac{1}{2}$ the fraction increasing by one-sixth for each completed year's service up to 9, so that: after 9 years' service, £F × $1\frac{1}{2}$ and thereafter the fraction increasing by one-twentieth, for each completed year, so that: after 19 years' service: £F × 2
<i>e.g.</i> The same officer dies in harness after 10 years actual service and his legal representatives get nothing.	<i>e.g.</i> His legal representatives would receive £621 × $1\frac{1}{2}$ or £962 11s. 0d.
6. Where an officer dies after retirement pension ceases.	6. Where an officer dies so soon after commencing to draw his pension that the amount he has received in pension is less than the gratuity his legal representatives would have received had he died in harness on the day on which he commenced to draw pension, his legal representatives should receive the difference between such gratuity and the amount of pension.
<i>e.g.</i> The same officer retires after 10 years actual service on a pension of £137 10s. 0d. a year as above, of which he draws one quarter only and then dies. Nothing further is payable.	<i>e.g.</i> His legal representatives would receive as in rule 5 £962 11s. 0d. less one quarter's pension paid, £38 16s. 3d. <i>i.e.</i> , they would receive £923 14s. 9d.
7. Pensionable age 50 with no limit of age at which he can be required to retire.	7. Twenty years actual service or age 45 whichever comes first. No right to remain on but Government may extend service up to 5 years and in the case of Executive and Legislative Councillors and Judges up to 10 years.
8. Pension reckoned on average annual emoluments of last two years' service.	8. The same, with the additional right to commute half of pension, basis of calculation to be 'F'
9. Where an officer is transferred from another colony, each period of service is calculated on separate basis.	9. There should be one calculation only on the basis of 'F'
<i>e.g.</i> The same officer having served for 10 years in West Africa where E was 400 is promoted to East Africa where he serves another 10 years and retires with E equal to 500. Pension is £440 × 15 ÷ 60 plus £550 × 15 ÷ 60 or £110 plus £137 10s. 0d. or £247 10s. 0d. per annum.	<i>e.g.</i> Pension should be £575 × 30 ÷ 60 or £287 10s. 0d.
10. No allowance of years to count towards pension is made in the case of professional men.	10. An allowance should be made on the basis obtaining in West African Colonies.
11. Temporary service in a pensionable post continuous with permanent service in such post does not count for pension.	11. It should be reckoned as continuous service for a pension.
<i>e.g.</i> An officer temporarily employed for a year and then confirmed and serving for 10 years more is pensioned on 10 years service only.	<i>e.g.</i> Pension should in such case be reckoned on 11 years service.
12. No pensions are granted where the salary is less than £100 per annum.	12. All permanent posts should be pensionable.

NOTE. For the purpose of this table, duty allowance has been included in 'F' but the Commissioners in fact propose to abolish it altogether and increase scales of pay in a manner that will compensate for its loss. It will be noted that no mention has been made of this allowance in the right-hand column.

(Non-European).

General principles similar to those governing grants to Europeans.

105. We are of opinion that the general principles governing the grant of pensions and gratuities should be the same for non-Europeans as for Europeans, subject to certain modifications due to the fact that special regulations are necessary, having regard to the effect of the climate on Europeans, which are not necessary in the case of Asiatics or natives of Africa.

The modifications we suggest are :—

Service for pension age—60 or 30 years.

(1) The period of service after which pension can be claimed should be 30 years' service or age 50, instead of as at present, 40 years' service or age 60.

Experience has shown that these periods were fixed too high and need material reduction.

Basis of calculation 1/50th for every year served.

(2) It is not necessary that two years' service should count as three for pension, but in view of the fact that the retiring age is made 50, we recommend that pension be calculated as 1/50th of the average of the last two years' emoluments multiplied by the number of years served.

Thus a clerk retiring at age 50 with emoluments of Rs. 1,500, including value of house after 30 years' service, would receive Rs. $1,500 \times 30 \div 50$ or Rs. 900 per annum, whereas under the present rule he could not retire until ten years later, when his pension would be Rs. $1,500 \times 40 \div 60$ or Rs. 1,000.

Mode of ascertaining emoluments.

(3) In order to ascertain the value of emoluments, we consider that a 15 per cent. addition to salary should be made to represent value of quarters, as we are recommending that quarters should be given to all civil servants where possible, and if not, an allowance in lieu thereof.

No pension to exceed 2/3rds of final salary.

106. All pensions, whether to Europeans or others, should, we think, be subject to the general rule that they must not exceed two-thirds of the final salary drawn.

Pension to Police, etc., preferable to gratuities.

107. The principal of granting pensions should, we think, be extended to the police and other similar services, such as prison warders, customs watchmen, forest guards, but these would have to be governed by special rules.

There is no doubt but that a system of pensions is superior to one of gratuities in keeping an old servant in comfort and improving the status of the force in which he has served.

The existence of such men in increasing numbers in the country must also have the effect of a steadying influence on the people among whom they live.

(2) PROVIDENT FUND.

Provident Fund for Europeans

108. We have already mentioned the great importance we attach to the institution of a Provident Fund for Widows and Orphans of European civil servants, but as we understand that the Colonial Office is now engaged in accumulating data on which to base such a scheme for Europeans, which, it is hoped, may be introduced at an early date, we do not consider that any useful purpose would be served by going into the matter in detail.

We would, however, offer the suggestion that, if the actuarial figures show that it is feasible, it might be advantageous that all the African tropical colonies and protectorates should be brought under one scheme.

109. There is at the present time in existence for the benefit of non-pensionable servants of the Uganda Railway a Provident Fund that appears to give general satisfaction to the depositors therein.

Uganda
Railway
Provident
Fund.

This fund, however, is confined to railway servants only, but apart from them and the pensionable Europeans there are a large number of other civil servants to whom it might be desirable to extend similar facilities.

110. For such people the Post Office Savings Bank is not sufficiently attractive, and the bank rate for deposits is normally low, while there is a great possibility of profit and high returns with corresponding risk of loss in small sums lent or put into business.

Provident
Fund for
other civil
servants.

We consider that it would be an advantage to the service if thrift were to be encouraged by the Government contributing to a compulsory Provident Fund open to all civil servants not provided for either by a European Widow and Orphans' Provident Fund or the Uganda Railway Provident Fund.

111. It may be objected to the proposals for gratuities that they would overlap with any Provident Fund assisted by the Government in so far as the dependents of a deceased civil servant might receive both a lump payment and benefits under the Provident Fund.

Possible
objections to
scheme
outlined.

112. If these objections are considered fatal to any such combined scheme we would be prepared to recommend that such payments, excepting those made in the case of retirement on the grounds of ill-health, should be foregone in favour of a compulsory contributory Government assisted Provident Fund such as that in force in West Africa.

Provident
Fund to be
considered as
the more
important.

113. If on the other hand there are difficulties in the way of instituting a Provident Fund we would recommend that the system of lump payments be extended by paying to all officers who retire and take their pension in the normal course a lump sum down equivalent to the last year's salary.

If no
Provident
Fund, system
of lump
payments to
be extended.

In any event such payment might be made on normal retirement to all officers now in the service who would be eligible for joining a Provident Fund Scheme, who retire before its introduction.

Pending
Provident
Fund, lump
payment on
retirement.

(3) HOUSING AND FURNITURE.

114. The housing question is one that presents considerable difficulty.

Necessity for
Government
to house
servants.

This is emphatically not a country where the civil servants can be left to house themselves. As far as the Europeans are concerned they would for the most part be unable to find house accommodation unless it were provided by the Government; and as regards non-Europeans it is a great source of discontent that some receive quarters or an allowance in lieu thereof while others receive none, and all those who have to find quarters for themselves have to pay for the most part high rents for inferior accommodation. The Government should, we think, endeavour to provide housing accommodation for all its servants, and pending that position being reached should pay to all its servants for whom provision cannot be found a house allowance on the following basis:—

- Europeans, 15 per cent. on salary with a minimum of Rs. 62.50 per mensem.
- Non-Europeans, other than Africans, 15 per cent. on salary, with a minimum of Rs. 20 per mensem.
- Africans, 10 per cent. on salary with a minimum of Rs. 4 per mensem.

House
allowance.

Class of house.

115. As regards the class of house that is now provided for Europeans by the Government, Appendix III. (1) shows that it is far from erring on the side of liberal accommodation. Out of 250 houses occupied by Europeans, 116 contain three dwelling rooms or less. Three rooms is the minimum space that a bachelor living in the tropics should have, and the evidence shows that the majority of the Government houses lack the ordinary conveniences to which Europeans are accustomed, such as baths, boilers, cupboards, store-rooms, -etc.; verandahs are often non-existent or of inadequate size, still further reduced by corners being cut off for bathrooms.

The life of a married man with a family in such a house is apt to be somewhat difficult.

Health and housing.

116. The health of an officer depends greatly on his housing in the tropics, and though the cost of providing the necessary houses would not be small we believe it would prove to be a sound investment.

The medical evidence relating to this matter points strongly to the necessity for its being dealt with at the earliest opportunity with a view to improving the health of the civil servants and the consequent efficiency of the service.

The planning and designing of suitable houses, as well as the choosing of proper and convenient sites, the adequate supply of necessary fittings and furniture, appear to us to be deserving of careful attention, and a well-directed outlay in this direction would do much to remove existing sources of discontent and at the same time help not a little towards an improved service.

Development loan.

117. Capital expenditure of this nature should, we think, properly be met by loan and not come out of the annual revenues, which could only contribute a small portion each year to the total cost involved, by which method the present unsatisfactory position would be extended over a number of years.

Uganda Railway.

118. The present state of affairs as regards the housing of employees of the Uganda Railway is shown in Appendix III. (2). We also have had evidence from the European employees of the Railway in Nairobi to the effect that a number of officials in the junior grades were considerably discontented owing to the fact that they had to occupy quarters built for Asiatics, in a locality not intended for Europeans.

Shortage of house accommodation.

A comparison of the tables given in Appendix III. with Appendix II. shows the large numbers of civil servants who are unprovided with house accommodation.

Exceptions.

To the general proposals for housing there will be certain exceptions in the case of those officers, such as Surveyors, whose duties are almost entirely in the field, and we are of opinion that the existing system of a consolidated field allowance best meets the case.

Field allowance.

Furniture.

119. The question of furniture is closely allied to that of housing. At present the Government makes a bare and insufficient allowance of furniture to officers entitled to free furnished quarters according to a scale contained in Section 198 of the Code of Regulations. No charge is made for this furniture, but officers are put to considerable expense in supplementing it to bring it up to ordinary requirements, and to storing their own furniture when they go on leave. If they do not store it, officers not infrequently lock it up in a room, thus leaving the accommodation of the house seriously diminished for the person who occupies in their absence.

Officers are also put to further expense in having to move necessary heavy furniture on transfer from one station to another. This is particularly

hard on married officers; and though the Government makes allowances to meet such cases, these allowances do not by any means ordinarily cover the expense incurred.

120. We believe that the best method of dealing with this subject is for the Government to provide a sufficiency of plain serviceable furniture appropriate to the class of house furnished. For the upkeep of this furniture a percentage should be charged. Government to make charge for upkeep of furniture.

This plan is, we are informed, adopted in some of the West African Colonies, the charge being $2\frac{1}{2}$ per cent. per annum on the capital value.

(4) LEAVE.

121. After taking a considerable amount of evidence relating to the privilege leave of Europeans out of the country, we are of opinion that no sufficient reasons exist for continuing the present system of short leave, *i.e.*, of four months after twenty. Leave for Europeans.

But the general weight of evidence distinctly points to maintaining the system of six months' leave after thirty months' service.

On the other hand, it is desirable that the fourteen days' local leave a year should be insisted on.

At present it is somewhat difficult to dissociate the effects of the climate from the effects of continuous work for long periods without a break, but in so far as we were able to form an opinion on the evidence before us, we favour the above system of a regular annual holiday of fourteen days, and six months' European leave after thirty months' service.

The medical evidence supports the long leave being taken out of the country either in Europe or in some country with an European climate. It is possible that this view may in the future be modified in the light of further experience, and Mr. McLellan Wilson is of opinion that those who desire to extend their tour of service or to take their long leave in the country should be permitted to do so, unless ordered home on medical grounds.

122. Our inquiries as to the representations made regarding leave for the non-European staff engaged from India show that though the Asiatic in this country equally with the European is exposed to the influences of the climate of tropical Africa and the diseases that are common to the country, he does not suffer therefrom nearly to the same extent as does the European. Consequently he does not require the same amount of leave for recuperative purposes. Leave for non-Europeans.

We are, however, of opinion that the leave that he is now granted, *viz.*, five months after forty-three months' service, should be exclusive of the time occupied in the steamer passage to Bombay, and also that he should be required to take fourteen days' local leave each year.

On the other hand strict measures should be adopted by the Government to put a stop to the existing practice whereby Indian clerks frequently obtain extensions of home-leave on insufficient grounds.

(5) TRANSPORT AND LOCAL TRAVELLING.

123. In so far as the Government requires its servants to proceed in the first instance to East Africa, and thereafter to take the periodic leave overseas for the purpose of recuperating health, we are of opinion that it is under an obligation to provide the necessary passages as is done at present. Transport overseas.

The class of passage which the Government grants must be a matter for its own decision, but as we have already said, the class of passage should be [201489] 5

clearly attached to a post so that the person appointed may know beforehand the class of passage to which he will be entitled.

Wives and family—no passage for.

124. We do not consider that the Government should, as a general rule, be asked to provide or contribute to the cost of the passage of the other members of an officer's family beyond his own passage.

Such provision an officer will, we hope, in future be able to make without difficulty out of his improved pay.

Exceptions.

125. There will, however, be certain posts in the lower ranks of the service, the pay attached to which will not permit of an officer bringing out his wife from England or taking her home on leave. We, therefore, propose that, in respect of all posts held by Europeans, the pay of which is less than £400 a year, two second class passages may be granted on first appointment or on leave with the consent of the Government.

Local transport.

126. The representations which have been made to us as regards the cost of transport on transfer are of considerable weight. It is clearly inequitable that an officer should be out of pocket by reason of a transfer on Government service. The chief expense is due to the cost of moving furniture and household belongings, and we believe that if Government quarters are sufficiently furnished as suggested above, the hardship hitherto experienced in this matter will practically disappear.

In the meantime we would suggest that the allowance of free luggage on transfer be increased and the scale revised on a more liberal basis, keeping in view the principle that an officer transferred on Government service should not thereby be a loser.

Travelling allowance.

127. In our opinion it will be necessary to maintain the principle of granting travelling allowances. The evidence on this point was to the effect that both individual officers and the service as a whole would suffer were an attempt made to replace them by consolidated pay.

There is, however, one serious defect in the present system to which we would draw attention, viz., that though the present scale may be sufficient for safari in the country it is far from adequate to meet expenses incurred by Government servants, whose duties compel them to make use of hotels and dak bungalows. We are, therefore, of opinion that a Government servant entitled to draw travelling allowance should have the option either of drawing such allowance or of putting in a bill for reasonable hotel expenses.

Outfit allowance.

128. Although it is not strictly, but only indirectly connected with travelling, there should, we think, be an outfit allowance granted to all Europeans appointed from overseas. Such officers have to provide certain necessary articles of outfit at some little cost. This is a matter of difficulty to many and might, we think, be met by a grant of 15 per cent. on the initial salary. On an officer resigning or not being confirmed in his appointment at the end of the probationary period, the sum so granted should be returnable.

(6) CLERICAL ESTABLISHMENTS.

(a) European Clerks.

129. The European clerical establishment has grown considerably in the last ten years, and there are now no less than seven European Office Superintendents and forty-seven clerks in the various Government departments.

Their present scale of pay is from £150 to £250 a year as clerks, by annual increments of £10. Office Superintendents run from £250 by annual increments of £15 to £400.

130. We consider that the minimum commencing pay for a clerk should be £200, and that the establishment should be divided into second and first grade clerks, from whom Office Superintendents would be selected. Suggestions.

We suggest the following scales of pay:—2nd grade, £200 by annual increments of £15 to £300. 1st grade, £320 by annual increments of £20 to £400. Office Superintendents, £425 by annual increments of £25 to £500.

Promotion from the 2nd to the 1st grade would not follow as a matter of course, but would be dependent on the individual's qualifications and attainments.

The posts of Office Superintendents would be filled entirely by selection as vacancies occurred.

(b) Non-European Clerks.

131. A summary of the clerks in the various grades of the service with their respective rates of pay will be found in Appendix IV.

132. The general staff are promoted from one grade to the grade above only on a vacancy occurring in that grade, and clerks are liable to be moved from department to department. Promotions are made by a central board. The Customs and Post Office requiring specialised duties and knowledge are exempt from the general rule and promotions are made within these departments by the head of the department. This also applies to the Clerical Interpreter Staff of the Judicial Department. General staff clerks and "watertight" departments.

133. We find that the rates of pay given in the higher grades compare favourably with those given by banks and commercial houses of standing in the Protectorate, but there being only eight posts in the first grade and 59 in the second open to the general staff, promotion is blocked and will tend to become more so as the junior staff increases. We think that this should be remedied by increasing the number of first and second grade posts, and that promotion to these posts should continue to be as now by selection only; but as regards the grades below we think that the present system of promotion only on vacancies occurring will need modification. Promotion blocked.

134. To effect this we would throw the present 3rd and 4th grades into one, and also the 5th and 6th, with a dividing line at Rs. 100, the new 3rd grade going by annual increments of Rs. 7 per mensem from Rs. 105 to Rs. 175, and it should not be necessary as at present to appoint a clerk on the bottom pay of the grade to which he is appointed. This would give greater opportunity of obtaining suitable junior clerks than is at present possible, but a clerk entering at the bottom of the 3rd grade would normally reach the top of the grade after 10 years' service. Further promotion would then depend on his fitness, and were the number of 1st grade posts to be increased to 12 and the 2nd grade to 68, there would be 80 well-paid posts to which the clerks in the main 3rd grade might aspire. The numbers of the 3rd grade should not be limited, and any man whose work was worth Rs. 105 per mensem should go into that grade and know what he might look forward to in the ordinary course of events. Proposals for combining grades.

135. The service is undoubtedly now suffering through slowness of promotion with the result that an energetic and competent clerk at present getting Rs. 100 per mensem in the 4th grade and seeing no reasonable Loss of good clerks to Government.

prospect of promotion in front of him, and not being on the pensionable staff, goes elsewhere where his services will command at once Rs. 150 per mensem or more and the Government is the loser.

We believe that the recommendations we have already made as regards housing and pension, coupled with more assured chances of advancement, will render it possible for the Government to secure and retain the services of more competent men than is at present the case, and the causes of discontent will be removed.

- Proposals.** 136. The effect of our proposals in tabular form would be as follows :—
- 12 1st grade posts pay over Rs. 225 per mensem.
 - 68 2nd grade posts, Rs. 180 by Rs. 10 to Rs. 220.
- Posts in these grades to be filled by selection as vacancies occur.
- 3rd grade, Rs. 105 by annual increments of Rs. 7 per mensem to Rs. 175.
 - 4th grade, Rs. 30 by annual increments of Rs. 5 to Rs. 100 per mensem.

On any alteration of the grading of the general non-European clerical staff, the grading of specialised clerks in "watertight" departments would need to be revised on similar lines, so as to render the grades similar throughout the service.

(7) MEDICAL ATTENDANCE.

- Expenses of sickness when on leave.** 137. It has been brought to our notice by various officers who are entitled to free medical attendance that a hardship undoubtedly arises in those cases, which not infrequently occur, where an officer requires medical treatment at home or on the home journey on account of disease contracted in East Africa. In such cases the whole of the expenses fall on the officer himself, whereas had the same circumstances arisen while the officer was in the Protectorate, he would have received medical attention free.

- Instances.** 138. We will give two instances to show how an officer may thus be penalized :—

- (a) An operation is considered necessary in the case of an officer who comes before a Medical Board, who, for a variety of reasons, advise that the operation should be performed at home. The patient if operated on in East Africa would pay nothing, but if he goes home he has to pay the whole cost.
- (b) An officer after being in an unhealthy district suffers from malaria, and then goes to England on his ordinary privilege leave. While there his system breaks down and blackwater supervenes; the whole cost of medical attendance and nursing falls on the officer.

- Cost of going before medical board.** 139. Subsequently he may be called up from his home in the country to go before the Colonial Office medical authority in London and has to pay the cost of his journey.

We consider that arrangements should be made whereby the expenses entailed on the officer in cases such as these where an officer becomes ill out of East Africa should be refunded on the Colonial Office being satisfied that they are reasonable and were directly due to the officer's service in East Africa.

140. As regards the expenses entailed by an official calling in medical assistance for the confinement of his wife, the scale of charges at present in force seems to us to be reasonable, but where a doctor is required to take a journey at some distance from his headquarters for such a purpose, we are of opinion that the cost of his journey might be borne by the Government on the doctor's certificate. Confinement
of wife.

141. An official who is entitled to free medical attendance is, we consider, entitled to the best medical attendance available. Consequently we are of opinion that should a Government doctor call in an outside specialist or recommend a patient to go to a specialist, the specialist's charges should be borne by the Government and not by the official. Specialists'
charges.

(8) LANDHOLDING AND BUSINESS INTERESTS.

142. The views expressed on this matter differ widely, and it appears to us that as the country develops and the service is recruited more largely from local sources, it will become increasingly difficult to enforce the existing rule which is against civil servants holding land or business interests in the Protectorate or Uganda. Divergence of
views.

The chief arguments in favour of a relaxation of the rule are:—

- (1) That it would give civil servants a direct and more practical interest in solving the problems which exist in the development of the country and that they should have a real stake in the country's future;
- (2) That it would enable them to augment their small incomes;
- (3) That it would permit of their investing their savings in a more remunerative manner than is otherwise open to them;
- (4) That a holding in land would afford a cheap and healthful recreation;
- (5) That it would enable them to prepare a home to which to retire on the termination of their active service; and
- (6) That it would tend generally to the better exploitation and development of the country's resources.

On the other hand it is contended that:—

- (1) The whole of a civil servant's time and ability should be devoted to the service;
- (2) That it is to the benefit of the public that a civil servant should be free from any personal interest in dealing with any matter that comes before him;
- (3) That he is likely to take a longer and sounder view of the country's problems if he is not financially affected by the result of attempted solutions;
- (4) That the chances of making money are so great that he would be inevitably influenced in the direction of devoting himself to his own interests to the detriment of those of the public;

- (5) That his position would give him an unfair advantage over competitors not in the service;
- (6) That it is unlikely that European civil servants will settle in the country and their activities would tend to speculative enterprises rather than to preparing for retirement in the country; and
- (7) That to have a service above suspicion of self-interest far outweighs any disadvantage that may arise to the country from civil servants being debarred from holding land or business interests in it.

Probable solution.

143. The pros and cons may be argued at great length according to the views held by either side without a positive result being reached; and it seems clear that it will be difficult in the future to prevent a civil servant appointed from abroad from acquiring at least the same interests as are held by those who may be born and appointed from the country itself. Possibly the only safe rule will be to leave it to the Governor in Council to decide what interests a civil servant may hold, having regard to the position he occupies in the service, the principle being that permission should not be withheld where there is no danger of a clashing of public with private interests.

Government should avoid attempting to increase emoluments of service by indirect methods.

144. But of one matter we are certain, that it would be from every point of view unsound to relax the existing rules generally in order that a civil servant may increase his income, and under no circumstances should grants of land be made in substitution of or as an addition to pension.

This, we believe, could only work inequitably, and be detrimental to the service, no less than to the country.

The obligation and responsibility must rest with the Government of seeing that its service is adequately paid and pensioned, and it is, we think, clear that if the conditions of service are materially improved there will be less desire on the part of civil servants to ask for permission, or without asking for permission, attempt to improve their position by combining planting, farming, land-dealing or trading with their public duties.

(9) MISCELLANEOUS.

Establishment of permanent Civil Service Commission inadvisable.

145. After careful consideration of the proposals that have been put forward for the establishment of a permanent Civil Service Commission to deal with all questions affecting the service generally, as well as with the complaints of individuals, we are of opinion that, though much may be urged in favour of such a system, particularly in colonies enjoying a form of representative Government, it would not be suitable to the conditions of this Protectorate.

Of necessity, a Board of this nature could not take from the Government the responsibility which under our existing constitution must rest with the local Government or the Secretary of State for the appointment, promotion and dismissal of Government servants, whereas, if it were to be advisory only without any corresponding responsibility, it would inevitably fall into the state of ineffectiveness to which all such boards are doomed.

We are, therefore, of opinion that the sole authority in the Protectorate which can effectively deal with such matters is that of the Governor in Council. The more this body is strengthened the greater the respect it will command in all matters affecting the service, particularly so if it includes unofficial members.

146. A matter which has been brought to our notice by many witnesses in connection with the pay of officials doing similar work in different parts of the Protectorate, is the great difference in the cost of living in the country generally as compared with the cost at the principal towns, viz., Nairobi and Mombasa, and also the difference that exists between various stations in the country. It is difficult to devise a means of remedying these inequalities entirely, though they are to some extent eliminated through officers being posted to different stations at different periods of their career. Headquarters' allowances.

If the pay of officials is substantially improved, matters such as this become of less importance, but failing such improvement it would, we think, be necessary to attach special allowances to those posts, the holders of which are, in the opinion of the Government, necessarily subjected to greater expenses than the generality of officers holding similar positions in other parts of the country.

PART IV.

DEPARTMENTAL PROPOSALS.

147. Having already indicated the general lines which we consider should be followed in improving the conditions of service as a whole, there remain certain points which may best be referred to here in connection with proposed alterations of salary and scales of pay in the various departments of the Government.

148. Attached to this part is an outline scheme showing how we propose that our suggestions might be carried into practice. This scheme does not pretend to be in any way comprehensive or to include anything beyond what is sufficient to show the relative salaries that we consider might properly be assigned to heads of departments and the more important distinctive posts, together with the manner in which general grading within departments might be established. Outline Scheme.

149. Posts that are not therein mentioned by name can best be fitted into the general scheme by heads of departments who are most competent to judge of their various relative values, while other posts again, which it is the practice to fill by special agreement, must depend on market values. Posts not referred to.

150. We would desire to draw attention to the carefully considered proposals which have been put forward by various heads of departments, and, though some of these are in part dependent on suggested schemes of reorganisation, they largely coincide with the general principles we have endeavoured to follow. Proposals by Heads of Departments.

Salaries of
Heads of
Departments,
etc., non-
incremental.

151. It will be remarked as regards the salaries of heads of departments and distinctive posts that our proposals are not based on an incremental scale. Incremental scales we consider to be of great value in the lower ranks in a department, but we think that persons appointed to hold positions of control and importance should not only be well-paid, but should at once receive the full pay of the post to which they are appointed.

Professional
men.

152. Professional and technically qualified officers cannot, we think, be asked to accept a commencing salary of less than £400 a year, and it is possible that experience may show that this figure has been placed too low.

Unqualified
Officers.

On the other hand we consider that unqualified officers appointed to the general service of the Protectorate will be sufficiently remunerated during their probationary tour of service by a salary of £250 per annum without increments, but that on confirmation they should at once be placed on the incremental scale of £400 to £500.

Cadets.

153. An officer appointed for general service might during his probationary tour be termed a "cadet." During his first tour his work is in the nature of an apprentice's work. He has to make himself acquainted with the conditions of the Protectorate, its climate, peoples, customs and laws, with Kiswahili, the "lingua franca" of the country, and with Government methods of administration. In order that such an officer may obtain as wide an experience as possible, he should be temporarily employed in various departments, *e.g.*, as an Assistant Administrative Officer in town and country, in the Land Office, Treasury and Secretariat, and it will be possible for the Government eventually to place him in that department for the work of which he has shown most aptitude.

Female
employees.

154. As regards the pay of female employees doing similar work to that of men, we are of opinion that where, in fact, the work is of equal value it should be remunerated at equal rates.

155. These remarks, it is hoped, will be sufficiently explanatory of the outline scheme generally, but it is necessary to add a few further explanations with regard to certain departments.

Administra-
tion.

156. The grading scheme takes the ordinary administrative officer up to £800 a year, while above the grades the Chief Native Commissioner is placed at £1,300.

With an organised scheme of native administration, it would be necessary to create certain other distinct posts above the ordinary grades in connection with native labour control and inspection work. Such posts, if created, would fall into position at rates of pay of about £900 or £1,000.

Medical.

157. The European medical service as a whole is strongly in favour of special conditions of employment similar to those in force in West Africa, with regard to which they have already addressed a petition to the Secretary of State. If such a scheme has been found to work satisfactorily and with benefit to the service in West Africa, we see no reason against its introduction in this Protectorate.

158. Laboratories, Agriculture, Survey. These departments depend to a great extent on officers engaged by special agreement, and will have to offer terms in the open market which will appeal to the best class of man. Laboratories, etc.

159. The Education Department is at present in the process of reorganisation, and the whole matter is forming the subject of inquiry by the Education Commission; we have, therefore, only inserted the Director and Deputy Director at the respective salaries of £1,000 and £800. Education.

160. The proposals put forward by Mr. Church, which have been arrived at by him, in consultation with the heads of railway divisions, appear to us to be worthy of close consideration. They are the reasoned views of an expert with wide practical knowledge of the working of the railway, of which he has recently been in charge. In one respect they are, however, in our opinion, open to a criticism, of which Mr. Church admitted the force when giving his evidence before us. Uganda Railway and Marine.

The proposal to standardise the salaries of all heads of divisions, the work of which demands attainments and qualifications of different values, does not commend itself to us. In addition to this, the pay of the heads of railway divisions should be relatively proportionate to the pay of heads of Government Departments. We have, therefore, put forward alternative suggestions in respect of these posts.

161. As regards the proposals for the pay of the Uganda Railway Marine, we suggest that they should be based as far as possible on the current rates of pay in force on good steamship lines plying in Eastern tropical waters, with an additional percentage added in respect of the climatic and other disadvantages peculiar to service on the Lake. Marine.

162. For the appropriate pay of the rank and file of the police, Customs watchmen, forest guards and gaol warders, we would refer particularly to the suggestions made by the Commissioner of Police, the Chief of Customs, the Conservator of Forests, and the Commissioner of Prisons; but we would add that we consider it advisable that any schemes that may be settled for their respective pay, should contain provisions for pension. Police, etc.

163. The Arabs who assist in the administration of the coast in the capacity of Mudirs, Liwalis and Kathis do not appear as a separate department, but as individual officers in the various coast provincial administrations. Their pay is at present small and is not based on any general scheme. This, we consider, needs rectification, and we recommend that, having regard to the importance of the duties they perform as Judges, Magistrates and Collectors of Revenue, the whole service should be reconstituted on the basis of graded pay with possibilities of promotion to the more important senior posts. The present pay of Mudirs and Kathis in particular compares unfavourably with that of junior clerks. Arab Coast Administration.

164. We have insufficient information as regards the future activities of this department to enable us to make any definite proposals. Transport.

165. The pay of the Audit Department is fixed by the Audit Office in England. We are, therefore, precluded from making any suggestions. Audit.

PROPOSALS REGARDING EMOLU-

£ Per annum.	Secretariat.	Administration.	Legal.
1,900	...	...	<i>Chief Justice.</i>
1,800	<i>Chief Secretary.</i>	...	...
1,600	...	...	...
1,500	...	...	<i>Attorney-General.</i>
1,400	...	...	...
1,300	...	<i>Chief Native Commissioner.</i>	...
1,200	...	...	<i>Puisne Judges.</i>
1,100	...	...	...
1,000	<i>Deputy Chief Secretary.</i>	...	<i>Solicitor-General.</i>
900	...	...	...
850	...	...	...
800			<i>Recorder of Titles.</i>
750	{ (1) 1st Grade Assistant Secretaries.	{ (1) 1st Grade Administrative Officer.	{ (1) 1st Grade Resident Magistrates.
725			<i>Administrator-General.</i>
700			...
650	{ (1) 2nd Grade Assistant Secretaries.	{ (1) 2nd Grade Administrative Officer.	{ (1) 2nd Grade Resident Magistrates.
625			...
600			...
550	{ (1) 3rd Grade Assistant Secretaries.	{ (1) 3rd Grade Administrative Officer.	{ (1) 3rd Grade Resident Magistrates. Registrar, High Court.
525			{ <i>Principal Registrar of Documents.</i> <i>Crown Counsel.</i>
500			...
450	{ (1) 4th Grade Assistant Secretaries.	{ (1) 4th Grade Administrative Officer.	{ (1) Assistant Resident Magistrates. Deputy Registrars. Registrars of Documents.
400	<i>Press Superintendent.</i>		...
350	...	...	...
300	...	...	...
250	(3) Cadets.	(3) Cadets.	(3) Probationers.
200	...	...	...

Notes.—(1) Annual increments of £25.

(2) Posts on non-incremental rates of pay are shown in italics.

Cadets and other such probationary officials draw no increments during the probationary tour of service.

MENTS IN SKELETON FORM.

Treasury.	Customs.	Port and Marine.	Police.
...
...
...
...
...
<i>Treasurer.</i>	...	...	...
...	<i>Chief of Customs.</i>	...	...
...
...	...	...	<i>Commissioner.</i>
...
...
<i>Deputy Treasurer.</i>	<i>Deputy.</i>	...	...
...	...	...	<i>Assistant Commissioner.</i>
...
...	...	<i>Port Officer.</i>	...
} (1) 1st Assistant Treasurers.	} (1) 1st Collectors.	...	...
...
} (1) 2nd Assistant Treasurers.	} (1) 2nd Collectors.	...	} (1) 1st Grade Superintendents.
...
} (1) Junior Assistant Treasurers.	} (1) Assistant Collectors.	} (1) Assistant Port Officers	} (1) 2nd Grade Superintendents.
...
...	...	} (1) Pilots.	} (4) Assistant Superintendents.
...	} (4) Preventive Officers.	...	...
(2) Cadets.	...	...	} (5) Inspectors.
...	...	...	} (5) Assistant Inspectors.
...

(1) Annual increments of £20.
 (2) Annual increments of £15.

PROPOSALS REGARDING EMOLUMENTS

£ Per annum.	Prisons.	Forests.	Agriculture.
1,900
1,800
1,600
1,500
1,400	<i>Director.</i>
1,300
1,200
1,100
1,000	...	<i>Conservator.</i>	...
900	<i>Chief Veterinary Officer.</i>
850
800	<i>Assistant Director of Agriculture.</i>
750	<i>Commissioner.</i>	...	<i>Deputy Chief Veterinary Officer.</i>
700	...	} (1) Senior Assistant Conservators.	...
650
600	<i>Assistant Commissioner.</i>	...	} (1) Senior Veterinary Officers.
550	
500	...	} (1) Assistant Conservators.	} (1) Junior Veterinary Officers.
450	} (4) Superintendents.		
400		...	
350	} (5) Gaolers.	(4) Foresters.	...
300		} (2) Assistant Conservators on probation. Assistant Foresters.	...
250			...
200	

Notes.—(1) Annual increments of £25.

(2) Posts on non-incremental rates of pay are shown in italics.

(3) Cadets and other such probationary officials draw no increments during the probationary tour of service.

IN SKELETON FORM—*continued.*

Medical.	Laboratories.	Education.	Surveys	Lands.												
...												
...												
...												
...												
<i>Principal Medical Officer.</i>												
...												
...	<i>Commissioner of Lands.</i>												
...												
<i>Deputy P.M.O. Principal Sanitation Officer.</i>	<i>Director.</i>	<i>Director.</i>	<i>Director.</i>	...												
...	<i>Deputy.</i>												
...												
...												
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}					(1) Senior Medical Officers.	}	(1) Senior Medical Officers of Health.	...	<i>Deputy.</i>	<i>Deputy.</i>	...					
												
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}					(1) 1st Medical Officers.	}	(1) 1st Medical Officers of Health.					
												
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}					(1) 2nd Medical Officers.	}	(1) 2nd Medical Officers of Health.		} (1) Assistants.				
													
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}					(1) 3rd Medical Officers.	}	(1) 3rd Medical Officers of Health.		} (1) Assistants and Rangers.				
													
...												
...												
...	(2) Cadets												
...												

(1) Annual increments of £20.
 (2) Annual increments of £15

PROPOSALS REGARDING EMOLUMENTS

£ Per annum.	Public Works.	Post Office.	Game.
1,900	...	...	...
1,800	...	...	...
1,600	...	...	...
1,500	...	...	...
1,400	...	...	...
1,300	...	...	...
1,200	<i>Director.</i>	...	...
1,100	...	...	...
1,000	...	<i>Postmaster General.</i>	...
900	<i>Deputy.</i>	...	...
850	...	...	...
800	...	<i>Deputy.</i>	...
750	(¹) 1st Executive Engineers.	...	...
700	(¹) 2nd Executive Engineers.	...	...
650	...	...	...
600	(¹) 3rd Executive Engineers.	(¹) Chief Accountant. Telegraph Engineer. Assistant P.M.G.'s.	<i>Game Warden.</i>
550	...	...	..
500	(¹) Assistant Engineers.	(¹) 1st class Postmasters.	(¹) Game Rangers.
450	...	...	...
400	...	(²) 2nd class Postmasters.	...
350	...	...	...
300	...	(³) Postal Clerks and Telegraphists.	(³) Probationers.
250	...	...	...
200	...	...	...

Notes.—(¹) Annual increments of £25.

(²) Posts on non-incremental rates of pay are shown in italics.

(³) Cadets and other such probationary officials draw no increments during the probationary tour of service.

PART V.

CONCLUSION.

- Summary. 166. Our principal suggestions, shortly summarised, are as follows :—
- General.
- (1) Better housing to be provided for all civil servants, with house allowance in the meantime to all not so provided.
 - (2) Discontinuance of designation of first and second class officials.
 - (3) Discontinuance of system of duty pay.
 - (4) Provision of reasonable acting allowances.
 - (5) Improvement in a marked degree of pay of heads of departments.
 - (6) Improvement of promotion by system of grading.
 - (7) Pension to be attached to all permanent posts, all continuous service to count for pension.
 - (8) More liberal gratuities on retirement on medical certificate.
- European.
- (9) Improved scales of pay.
 - (10) Improved conditions of pension obtainable at an earlier age.
 - (11) Establishment of Provident Fund for Widows and Orphans.
- Non-European.
- (12) Increase in number of better paid posts.
 - (13) Improved conditions of pension obtainable at an earlier age.
 - (14) Improved leave regulations.

Conclusion. 167. We are aware that a report of this nature must be subject to many imperfections, both from the variety of details that require consideration and the want of expert knowledge on the part of the Commissioners for dealing with them.

We have, therefore, endeavoured to keep before our eyes, as far as possible, general principles which, if accepted by the Government and adapted by those most competent to do so to the needs of their several departments, will, we believe, have the effect of establishing the service on a basis suitable both to the means and requirements of the Protectorate.

The officials are, for the most part, at present poorly paid and discontented, and we believe that the acceptance of our proposals would remove this double reproach and equip the Protectorate with the efficient service which it now more than ever needs.

Acknowledgment. 168. We desire to bring to Your Excellency's notice the ready assistance that we have received from all departments and ranks of the service, as well as from independent witnesses in placing before us the fullest information at their disposal.

We have the honour to be,

Your Excellency's most obedient servants,

R. W. HAMILTON, *Chairman.*

P. H. CLARKE.

W. MACLELLAN WILSON.

R. W. PLAYFAIR.

T. S. THOMAS.

Signed by the Commissioners,
January, 1919.

G. R. SANDFORD,
Secretary, Civil Service Commission.

HIS EXCELLENCY,
THE ACTING GOVERNOR,
NAIROBI.

APPENDICES.

I.—COMPARATIVE STATEMENT OF REVENUE, EXPENDITURE, AND TRADE (IMPORTS AND EXPORTS) OF THE PROTECTORATE DURING THE LAST 21 YEARS.

✓ II.—APPROXIMATE STATEMENT OF PRESENT STRENGTH OF THE CIVIL SERVICE AND OF GOVERNMENT EMPLOYEES ACCORDING TO NATIONALITY.

III.—TABLE SHOWING THE ACCOMMODATION PROVIDED IN THE GOVERNMENT HOUSES IN THE PROTECTORATE AND IN RAILWAY HOUSES.

✓ IV.—NON-EUROPEAN CLERICAL STAFF, AS SHOWN IN THE STAFF LIST FOR JANUARY, 1918, NOT INCLUDING RAILWAY.

V.—RETURNS ASKED FOR BY THE COMMISSIONERS.

- (1) GRATUITIES PAID TO WIDOWS OR DEPENDENTS.
- (2) INVALIDINGS, SICK, AND DEATHS.

VI.—MEMORANDA.

APPENDIX I.

COMPARATIVE STATEMENT OF REVENUE, EXPENDITURE AND TRADE
(IMPORTS AND EXPORTS) OF THE PROTECTORATE DURING THE LAST
TWENTY-ONE YEARS.

	1896-97.	1906-07.	1918-19.
Revenue	£23,000	£461,000	£1,600,000
Expenditure	£89,000	£616,000	£1,600,000
Trade	£340,000	£1,194,000	£3,630,000 (1913-14)

APPENDIX II.

APPROXIMATE STATEMENT OF PRESENT STRENGTH OF THE CIVIL
SERVICE AND OF GOVERNMENT EMPLOYEES ACCORDING TO
NATIONALITY.

		<i>General Staff.</i>		
Europeans, 1st Class	...	...	...	493
" 2nd Class	...	...	...	570
Goans	...	...	...	735
Indians, Mohammedans and Hindus, including a few Parsees	...	...	...	2,057
Arabs, Beluchis and Africans	...	...	...	83
Mauritians and Seychellois	...	...	...	18
Malays	...	...	...	6
				<u>3,972</u>
		<i>Miscellaneous Employees (mostly African).</i>		
Railway, P.W.D., Police, Prisons, Sea, River and Lake services	...	...	...	15,973
Approximate total	...	...	...	20,000

APPENDIX III.

TABLE SHOWING THE ACCOMMODATION PROVIDED IN THE GOVERNMENT
HOUSES IN THE PROTECTORATE.

Number of dwelling rooms.	Occupied by Europeans.	Occupied by Asiatics & others.	Total
1 dwelling room	1	21	22
2 " rooms	45	101	146
3 " "	70	45	115
4 " "	84	4	88
5 or more "	50	3	53
Total	250	174	424

(2) Railway Houses.

1 dwelling room			204
2 " rooms			239
3 " "			189
4 " "			69
5 or more "			10
Total	150 occupied by Europeans.	532 occupied by Asiatics & others.	711

29 Railway houses are unoccupied, 20 of which are classed as European houses and 9 as Asiatic houses. Three of the former are loaned to the Protectorate.

APPENDIX IV.

NON-EUROPEAN CLERICAL STAFF, AS SHOWN IN THE STAFF LIST FOR
JANUARY, 1918, NOT INCLUDING RAILWAY.

	Grade	I	Number	8	Pay over Rs.225.		
Pensionable	"	II	"	59	"	Rs.160 by 10	to Rs.220.
	"	III	"	112	"	125 " 7-50	" 155.
Not Pensionable.	"	IV	"	186	"	90 " 6	" 120.
	"	V	"	61	"	70 " 5	" 85.
	"	VI	"	24	"	under Rs.70.	
General Staff, total	450
Customs	77
Post Office	145
Total	<u>672</u>
Total number pensionable	256

The Customs and Post Office are regarded as "watertight" departments. The former has seven first grade clerks, the latter none.

The present average period of Government service of clerks in the 1st and 2nd grades is 17½ years.

APPENDIX V.

RETURNS ASKED FOR BY THE COMMISSIONERS.

- (1) PROTECTORATE OFFICERS WHO HAVE DIED LEAVING WIDOWS OR DEPENDENTS, SHOWING GRATUITIES PAID. (PROVIDED BY THE TREASURER).

- (2) EUROPEAN OFFICIALS INVALIDED, AND PERCENTAGES OF SICK, INVALIDINGS AND DEATHS TO THE AVERAGE NUMBER RESIDENT. (PROVIDED BY THE PRINCIPAL MEDICAL OFFICER).

PROTECTORATE OFFICERS WHO HAVE DIED LEAVING WIDOWS, SHOWING GRATUITIES PAID.

	Post.	Salary.	Date of Death.	Number of years Protectorate service.	Gratuity paid to relatives, if any.	Remarks.
	Yard Foreman.	£184	13/ 3/1899	Over 2 years	Gratuity to 2 children £25 10s. 8d. & pension to widow of £30 13s. 4d. per annum from 12/3/99 continuing.	
	Provincial Commissioner.	£750	30/ 5/1900	4 yrs. 10 mths.	Nil.	Previous service also with the I.B.E.A. Coy.
	Treasurer	£800	1/ 8/1901	6 " 1 "	£400 to widow	" " "
	Collector	£400	18/ 3/1901	5 " 8 "	£200 " "	" " "
	Postmaster	£650	26/10/1903	8 " 3 "	£100 " "	" " "
	General.					
	Director of Public Works.	£600	6/ 8/1904	3 " 3 "	Nil.	
	Collector	£400	5/ 6/1905	4 " 2 "	£200 to widow.	
	Medical Officer.	£400	10/ 6/1909	" 10 "	Nil	Cost of passage home to England for widow provided.
	Stock Inspector.	£180	27/ 2/1911	1 " 8 "	£90 to widow	" " "
	Office Asst. Survey Dept. and Land Office.	£133 8s. 8d.	26/ 4/1911	4 " 8 "	£95 " "	
	1st Asst. Secretary.	£470	21/ 7/1912	6 " 3 "	Nil	Invalidated from the service a short time before his death and gratuity of £377 12s. 7d. due under Superannuation Act 1887 paid to representatives.
	District Commissioner.	£450	19/ 8/1912	18 " 5 "	Nil	Died on the date of his retirement from which he would otherwise have drawn pension at the rate of £247 10s. 0d. per annum.
	Director of Govt. Transport, Principal Immigration Officer and Coast Agent, Uganda.	£675	5/ 3/1913	16 " 3½ "	Nil	Retired from the service on 16/12/11 and drew pension of £294 per annum to 4/4/13. Widow provided passage to England.

Not Pensionable.
 General S. ...
 Customs Post Office
 Total
 Total number pensioners in the Customs and Post former has seven first grade The present average period is 17½ years.

G. McL. Tew	Asst. Supt. of Police.	£325	8/ 2/1913	11 ,, 5 ,,	Nil	Retired from the service on 28/12/10 and drew pension £107 13s. 4d. per annum to 7/2/13.
J. Donovan	Police Constable.	£119	19/ 7/1913	. 3 ,,	£59 9s. 6d. to widow.	
R. M. Evans	Asst. Customs Dept.	£275	26/ 7/1913	2 ,, 3 ,,	£137 10s. 0d. ,,	Widow provided with passage to Eng- land.
R. P. Thomas	Vety. Officer	£400	24/ 2/1913	6 ,, 22 ,,	Nil	
Hon. K. Dundas	District Commissioner.	£460	7/ 8/1915	11 ,, 4 ,,	Nil	Killed in action. "Widow" draws military pension.
Dr. W. H. B. MacDonald	Medical Officer of Health.	£650	22/ 1/1916	13 ,, 3 ,,	Nil	Retired from the service on 31/10/18 and drew pension of £224 16s. 8d. to 21/1/1916.
J. Sargeant	Accountant P.W.D.	£440	28/ 3/1916	10 ,, 9 ,,	£220 to 2 sisters.	
G. A. Stanley	Traffic Mana- ger Uganda Railway.	£750	28/ 2/1917	15 ,, 9 ,,	£375 to widow.	
H. A. Stanton	2 Grade Gaoler.	£200	12/12/1917	4 ,, 6 ,,	£100 ,, ,,	
R. G. Farrant	District Commissioner.	£480	18/12/1917	21 ,, 5 ,,	Under consideration	Widow recommended for Military pension.
A. J. Turner	Headmaster Govt. School.	£400	16/ 6/1917	13 ,, 6 ,,	£200 to widow.	
G. W. Beaumont	Asst. Surgeon	£200	31/ 7/1917	5 mths. 19 days	Under consideration	Widow recommended for gratuity £33 6s. 8d.
A. Jenns	Clerk Admin- istration.	£170	25/ 9/1917	3 yrs. 3 mths.	£85 to widow.	

B. PROTECTORATE OFFICERS WHO HAVE DIED UNMARRIED AND WHOSE RELATIVES HAVE RECEIVED GRATUITIES.

A. Beaumont	Stenographer and Typist Agricultural Department.	£150	28/ 3/1914	2 yrs. 4 mths.	£75 paid to mother.	
A. Aldridge	Bridge Fore- man P.W.D.	£180	3/ 7/1914	7 ,, 3 ,,	£100 ,, ,,	
R. Swayne	Foreman Ma- son P.W.D.	£180	15/ 8/1914	2 ,, 9 ,,	£90 ,, ,,	

[Copy].
P.O. Box 140.
Tel. No. 20.

No. 17/176.
MEDICAL DEPARTMENT,
HEAD OFFICES,
NAIROBI, 4th November, 1918.

SIR,

REF. YOUR MEMO. NO. DATED 5/3/18.

I have the honour to submit herewith return showing total number of European officials invalided since 1904, also a return showing the percentage of sick, invalidings and deaths to average number resident of European and Native Officials from 1911 to 1917.

The term "Native" Official applies to all Asiatics and to such Africans as are graded as clerks, etc., but not to Africans employed as labourers or in other menial capacity.

I have the honour to be, Sir,

Your obedient Servant,

(Signed) A. D. MILNE,

Principal Medical Officer, E.A.P.

The Secretary,
Civil Service Commission,
Government House,
Nairobi.

RETURN SHOWING TOTAL NUMBER OF EUROPEAN OFFICIALS INVALIDED
SINCE 1904.

1904	...	...	...	...	...	...	...	...	1
1905	...	...	...	...	...	...	...	...	1
1906	...	...	...	...	...	...	...	...	2
1907	...	...	...	...	...	...	...	...	4
1908	...	...	...	...	...	...	...	...	4
1909	...	...	...	...	...	...	...	...	4
1910	...	...	...	...	...	...	...	...	2
1911	...	...	...	...	...	...	...	...	4
1912	...	...	...	...	...	...	...	...	8
1913	...	...	...	...	...	...	...	...	13
1914	...	...	...	...	...	...	...	...	17
1915	...	...	...	...	...	...	...	...	26
1916	...	...	...	...	...	...	...	...	26
1917	...	...	...	...	...	...	...	...	37

TABLE SHOWING PERCENTAGE OF SICK, INVALIDINGS AND DEATHS,
TO AVERAGE NUMBER RESIDENT OF EUROPEAN AND NATIVE
OFFICIALS FROM 1911 TO 1917 IN THE EAST AFRICA PROTECTORATE.

NAIROBI, 2nd November, 1918.

Year.	SICK.		INVALIDINGS.		DEATHS.		Remarks.
	European Officials.	Native Officials.	European Officials.	Native Officials.	European Officials.	Native Officials.	
1911	2.32	*	1.03	*	1.03	*	* Figures not available.
1912	2.19	1.77	1.88	1.49	.94	.08	
1913	1.64	4.51	1.90	.82	1.03	.58	
1914	1.72	3.61	2.07	1.40	.36	.63	
1915	2.22	2.78	3.34	1.23	.39	.58	
1916	2.09	2.12	3.17	1.35	.48	.36	
1917	1.45	4.27	4.69	1.11	.42	.18	

(Signed) A. D. MILNE,

Principal Medical Officer,

East Africa Protectorate.

APPENDIX VI.

MEMORANDA.

On March 5th, 1918, a circular was addressed by the Chairman to all heads of departments and officers in charge of Provinces in the following terms:—

“ I have the honour to request you to be so good as to put in writing any views which you may desire to place before the Commission for the improvement of the efficiency of the service, and of the emoluments of Government servants and of the terms and conditions of their service in East Africa.

“ 2. Such views should not be confined to your personal views only but should be particularly directed to the manner in which you consider improvements might be introduced affecting Government employees in the department for which you are responsible.

“ 3. It would further be of assistance to the Commissioners if you would ask the staff of the separate branches of your establishment, and especially where they are of different nationalities, to elect representative committees to send in their views also in writing.

“ 4. By this means it is hoped to avoid a repetition of individual expressions of opinion and to obtain the considered opinion of the various classes of persons concerned.

“ 5. All such communications should be addressed in six copies to the Secretary to the Civil Service Commission at Government House, Nairobi, and should reach him if possible by the 1st April next.”

2. To this circular replies were received from all departments except the Transport Department, 222 memoranda being sent in, some by individuals or groups of individuals as representing their own views, some by heads of departments on behalf of the personnel of their departments, and some by representative committees chosen by the various branches of the service to put forward their case. It is not possible to give precise figures of the number of Civil servants who have thus given their views, but it may be said that each literate member of the service has had an opportunity of so doing.

3. The following analysis shows the manner in which representative memoranda were distributed.

- (1) The “ Civil Service petition,” addressed to the Secretary of State in January, 1918, signed by Mr. F. G. Hamilton as Chairman and by thirty other European members of the Civil Service.
- (2) Statement made by Mr. R. F. Gaunt on behalf of the Mombasa Sub-Committee.
- (3) The “ Non-European Civil Service Association,” signed by Mr. S. R. Rodrigues as President, and by eleven other non-European members of the Civil Service.
- (4) The “ Uasin Gishu Clerical Association,” signed by Mr. H. de Souza as Chairman, and Mr. H. T. Pereira as Secretary.
- (5) Sub-Committee of the Non-European Staff of the Post Office and Telegraph Department, signed by Messrs. K. M. R. Menon and James Bertram as Chairman and Secretary respectively.
- (6) Sub-Committee representing the European Staff of the Post Office and Telegraph Department, signed by Messrs. G. Perry Lewis, F. E. Balmer, B. Lewis, B. J. Freeman, and Miss R. E. E. Johnson.
- (7) Foresters, signed by Mr. F. L. Moon, T. Hawking, A. Wye, and Wright Hill.
- (8) Uganda Railway. 1st Class Railway Officers’ Committee, signed by Mr. M. Callagher, D.S.O., as Chairman, and by nine other 1st Class Railway Officers.
- (9) The Uganda Railway Marine, signed by Mr. J. L. Marshall, and by four other officers.
- (10) Executive Officers of the Marine Service.
- (11) 2nd Class Railway Officers, on the subject of housing and relative matters, Classification of Staff, Engine Drivers, Guards.
- (12) Delegates representing various sections of the Asiatic staff, signed by Mr. A. Almeida as Chairman and by seventeen other Non-European railway delegates.

4. The following list shows the names or numbers of persons who signed memoranda addressed to the Commission, grouped according to departments and nationalities.

(A) EUROPEANS.

Department.	Name.	Position.	
Secretariat ...	Mr. T. S. W. Thomas	Senior Assistant Secretary.	
	Mr. G. W. Knapman	Office Superintendent.	
	Mr. J. S. McGraw	} Clerk.	
	Mr. H. R. Harris		
Government Press.	Mr. N. C. Drury	Assistant Printer.	
	Mr. J. Leary	Linotype Operator.	
Native Affairs ...	Mr. J. Ainsworth, C.M.G., D.S.O.	Chief Native Commissioner.	
Administration	Messrs. C. W. Hobley, C.M.G., C. R. W. Lane, J. W. T. McClellan, H. R. Tate, F. S. F. Traill.	} Provincial Commissioners.	
	Messrs. E. de P. Power, C. S. Hem- sted, E. B. Horne, W. Pickford, G. A. S. Northcote, G. H. Os- borne, S. W. J. Scholefield, E. C. Crewe-Read, W. F. G. Campbell, P. L. Deacon, S. F. Deck, H. R. Montgomery, E. V. Himment, H. B. Kittermaster, J. M. Pear- son, and F. M. Lamb		} District Commissioners.
	Messrs. T. A. Dickson, M.C., H.E. Welby, S. H. Fazan, C. B. Thompson, A. de V. Wade, D. A. Reid, N. D. Pagden, H. H. Trafford, E. J. Dent, C. A. G. Lane, E. B. Hosking, E. J. Waddington, A. E. Kitching, R. Pedraza, C. J. T. Barton, H. L. Mood, and R. A. N. Briscoe.	} Assistant District Commissioners.	
	Treasury ...	Mr. W. A. Kempe	Deputy Treasurer.
	Customs ...	Mr. F. W. Major, C.M.G., D.S.O.	Chief of Customs.
		Mr. N. B. Cox	Deputy Chief of Customs.
		Mr. G. Walsh	Collector of Customs.
		Messrs. G. D. Kirsopp, P. D. Roch- ford, and E. G. Gulliver	} Assistants.
		Mr. J. Sutherland	Head Godown keeper.
		Messrs. J. Doherty, S. Chivers, and E. A. Shelver	} Preventive Officers.
Port and Marine	Capt. H. W. Turner	Port Officer.	
	Capt. R. G. Sargeant	Asst. Port Officer and Pilot.	
	Capt. A. N. Newitt	European Pilot.	
Audit	Mr. H. C. E. Barnes, C.B.E. ...	Auditor.	
Legal	Sir Robert Hamilton	Chief Justice.	
	Messrs. J. A. Sheridan and E. T. Johnson	} Magistrates.	
	Mr. J. W. H. Parkinson	Administrator General.	
	Mr. J. W. Barth	Attorney General.	
	Mr. A. J. Maclean	Recorder of Titles.	
	Mr. W. A. B. Pailthorpe	Acting Registrar of Documents.	

Department.	Name.	Position.
Police	Lt.-Col. W. K. Notley, D.S.O. ...	Commissioner of Police.
	Messrs. R. M. Ewart and C. S. Long-Innes	Superintendents.
	Capt. G. S. Carey, Messrs. R. T. H. Anderson and J. M. Lumley	Assistant Superintendents.
	Not given	Assistant Superintendents.
	Mr. A. E. Hudson	Inspector.
	Mr. E. G. Smith	Assistant Inspector.
	Mr. J. Glennie	1st Grade Constable.
Prisons	Mr. R. Donald	Commissioner of Prisons.
	Mr. M. Dards	3rd Grade Jailer.
Medical	Lt.-Col. A. D. Milne, C.M.G., &c.	Principal Medical Officer.
	Mr. J. S. Robertson	Medical Storekeeper.
	Dr. J. L. Gilks, Dr. R. W. Spence, Dr. H. W. Heard	Medical Officers.
	Messrs. F. Knott, and H. Ogden ...	Dispensers.
	Mrs. E. R. Barrett	Matron, European Hospital, Nairobi.
	Mlles. H. M. Whitburn, R. Paul, R.R.C., I. Wilson, Mrs. S. J. Harrison and Miss M. A. Thomlinson	Nurses.
	Messrs. P. Cairns and J. P. Cook...	Sanitary Inspectors.
Laboratories ...	Dr. J. H. H. Pirie, B.Sc., &c. ...	Pathologist and Assistant Bacteriologist.
	Mr. V. H. Kirkham	Government Analyst.
Education	Mr. J. R. Orr	Director of Education.
	Mr. R. W. Wotton	1st Asst. Master, Nairobi "A" School.
	Mr. J. W. Humphries	Headmaster, Uasin Gishu "A" School.
	Mr. R. F. Gaunt	Mombasa, Headmaster.
Post and Telegraph	Mr. L. E. Caine	Acting Postmaster General.
	Mr. F. E. Balmer	Acting Chief Accountant.
	Mr. B. Lewis	Asst. Chief Accountant.
	Mr. G. Perry Lewis	Acting Asst. Postmaster General.
	Messrs. W. Pearson and L. J. E. Denoh	1st class Postmasters.
	Messrs. B. J. Freeman and D. J. McIntyre	2nd class Postmasters.
	Messrs. L. E. Graves and G. W. Taylor	Postal Clerks and Telegraphists.
	Miss R. E. E. Johnson	Asst. Supervisor.
	Mlles. E. H. Renowden and M. E. Whittaker	Female Postal Clerks and Telegraphists.
	Mrs. Milne	Post Office, Eldoret.
	Mr. J. K. Creighton	Telegraph Engineer.
	Messrs. O. G. Harlow and A. Pickering	2nd class Telegraph Inspectors.
Land	Mr. R. B. Wright	Land Officer.
	Mr. E. Barret	Legal Assistant to Land Officer.
	Mr. J. E. Alexander	Asst. Land Ranger.
	Messrs. P. E. Wolfe and C. E. Mortimer	Clerks.
Survey	Mr. A. E. Townsend	Acting Director of Surveys.
	Mr. G. Woodruff	District Surveyor.
	Mr. J. H. Williams	Chief Computer.

Department.	Name.	Position.	
Agriculture ...	Mr. A. C. MacDonald	Director.	
	Mr. C. J. Monson	Asst. to Director.	
	Mr. W. J. Dawson... ..	Mycologist.	
	Mr. J. B. Dopwall	Foreman Plant Inspector.	
	Mr. C. B. Armstrong	Stockman.	
Veterinary ...	Mr. W. Kennedy, D.S.O.	Ag. Chief Veterinary Officer.	
	Mr. A. W. Carter	Veterinary Officer.	
	Mr. W. Kearney	Asst. Veterinary Pathologist.	
Forest	Mr. E. Battiscombe	Conservator of Forests.	
	Mr. W. B. Jackson	{ Senator Asst. Conservator of Forests.	
	Mr. C. A. Armitstead	Supernumerary.	
	Messrs. F. L. Kelly and H. M. Gardner	{ Asst. Conservators of Forests.	
	Messrs. T. Hawking, F. L. Moon, W. Hill and J. A. Wood	{ Foresters.	
Game	Mr. A. B. Percival... ..	Acting Game Warden.	
Public Works ...	Mr. W. McGregor Ross	Director of Public Works.	
	Messrs. H. M. Birch, G. H. Cresswell, A. G. Bush and L. H. Macnaghten	{ Executive Engineers.	
	Messrs. H. J. H. Stedman, J. Nicholson and B. V. Richardson	{ Assistant Engineers.	
	Mr. S. E. Howarth	Chief Accountant.	
	Mr. C. Rand-Overy	Government Architect.	
	Mr. W. M. Lynde	Quantity Surveyor.	
	Messrs. J. R. Bryant and H. G. Walby	{ Overseers.	
	Messrs. H. M. Jones, S. R. Huggins, W. G. Usher, P. C. Joubert, C. Pentimalli and A. T. Carr.	{ Foremen.	
	Railway... ..	Mr. A. F. Church	Acting General Manager.
		Mr. J. W. Sweeney... ..	Personal Assistant.
		Mr. H. H. Rushton	Acting Deputy Chief Accountant.
Mr. H. Mason		Asst. Chief Accountant.	
Messrs. V. B. Atkinson and W. J. McJannet		{ Asst. Engineers.	
Mr. G. F. W. Hartnell		Chief Mechanical Engineer.	
Mr. M. Gallagher, D.S.O.... ..		District Superintendent.	
Mr. J. H. G. Barker-Wyatt		Asst. Loco. Superintendent.	
Messrs. C. E. Rooke and R. Lane		Assistant Traffic Managers.	
Mr. W. Welsh		Assistant Store Keeper.	
Lt. R. M. Reynolds, R.N.R.		Marine Superintendent.	
Engineer Lt.-Comdr. F. W. Wildish, R.N.R.		{ Deputy Superintending Engineer.	
Lt.-Comdr. A. C. Garrett, R.N.R.		Commander.	
Lts. J. O. Buckler, R.N.R., and J. L. Marshall, R.N.R.		{ Chief Officers.	
Sub-Lt. A. F. Marsh, R.N.R. ...		Chief Officer.	
Messrs. C. A. Faulkner Simpson and F. S. Horwood		{ Second Officers.	
Mr. J. Anderson		Chief Engineer.	
Messrs. A. B. Baxter, R. Mercer and R. W. Farlane		{ Second Engineers.	
Messrs. F. Jarret and W. Reid ...		Travelling Inspectors of Accounts.	
Mr. L. M. Smart		Assistant Rates Clerk.	
Mr. A. Baldwin	Section Clerk.		

Department.	Name.	Position.
Railway... ..	Mr. C. H. Bloomfield Mr. R. Hill Mr. R. A. Lawson	Accounts Clerk. Head Printer, Uganda Railway Press. District Station Master, Port Bell, Kampala Railway.

(B) NON-EUROPEANS.

Department.	Names or Numbers.	Designation.
Clerical Staff Customs	Ten, at Malindi	—
Postmaster		
Police		
Clerical Staff	Mr. J. J. de Souza Mr. A. Aguiar Mr. L. J. Pereria	— — —
Administration	Khalfan bin Abdulla Abdulla bin Raschid Mbaruk bin Said Dalilau bin Mohamed Mohamed bin Salim	Kathi of Yakaungu. Mudir of Mtanganyika. Mudir of Tiwi. Mudir of Gazi. Kisauni.
Clerical Staff	Mr. A. M. Braganza	—
Treasury	Mr. C. K. Patel and five others Mr. A. M. Muhta	Assistant Cashiers. Cashier.
Port and Marine	Mr. A. P. de Souza... ..	Dhow Registrar.
Customs	Unnamed Swahili Askaris Umiram and others	Preventive Service. Non-European Customs Preventive Service.
Legal	Mr. J. P. Virjee Mr. P. R. Sapat Mr. P. M. Mehta	Head Clerk. — Clerk.
Judicial	Mr. J. N. Patel and eight others	—
Police	Unnamed Sub-Inspectors Sub-Inspector of Police, Malindi	— —
Prisons	Mr. L. F. Fernandez and five others Lakha Singh and another	Clerks. Warders.
Medical	Mr. Kesha Chand Mr. B. J. Parvati and five others Mr. F. X. Gama Rose and seven others. Murari Lal and two others	Sub-Assistant Surgeon. Sub-Assistant Surgeons and Com- pounders. Clerks. Sub-Assistant Surgeons.
Education	W. M. Jones and two others Duni Chand Mr. R. S. Desai Nagan Lal and three others	Teachers, Mombasa Arab School. Indian School, Nairobi. Headmaster, Indian School, Mom- basa. Teachers, Indian School, Nairobi.

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8A

Department.	Names or Numbers.	Designation.
Post and Tele- graphs.	Mr. R. W. Batty and eighteen others.	} Clerks.
	Six Mauritian clerks	
	Mr. Fred. Jacobs (Swahili) ...	Clerk.
	Mr. M. B. Correa and four others	Malay Telegraphists.
	Mr. J. M. Fernandes and twenty-three others.	} Clerks. Mauritian clerks.
Mr. G. Casse and another.		
Agriculture ...	Mr. E. de Souza	—
Veterinary ...	Mr. S. G. Hassan	Veterinary Assistant.
Public Works ...	Ten clerks (Nairobi, Head Office)...	Clerical staff.
	Eight clerks (Nairobi)	do.
	Twenty clerks (Mombasa)	do.
	Three clerks (Kisumu)	do.
	Two clerks (Naivasha)	do.
	Two clerks (Nyeri)	do.
	Three Indian Mistris	Mistris.
	Jawala Singh	Mistri
	Twenty-one Indian Artizans (Mombasa).	} Artizans. Office boys.
	Two office boys	
Uganda Railway	Mr. A. Almeida and seventeen others.	} Various.

LIST OF MEMORANDA SELECTED AS INDICATING VIEWS EMANATING
FROM MEMBERS OF THE SERVICE.

- I. Mr. C. W. Hobley, C.M.G., Provincial Commissioner.
- II. Mr. J. W. T. McClellan, Provincial Commissioner.
- III. Mr. G. A. S. Northcote, District Commissioner.
- IV. Mr. S. H. Fazan, Assistant District Commissioner.
- V. Mr. G. W. Knapman, &c., Office Superintendent and Clerks.
- VI. Mbaruk bin Said, &c., Mudirs.
- VII. Mr. W. A. Kempe, Deputy Treasurer.
- VIII. Mr. F. W. Major, C.M.G., I.S.O., Chief of Customs.
- IX. Mr. N. B. Cox, &c., Customs Department.
- X. Mr. S. Chivers, &c., Customs Department.
- XI. Mr. J. W. Barth, Attorney-General.
- XII. Mr. W. K. Notley, D.S.O., Commissioner of Police.
- XIII. Mr. W. K. Notley, D.S.O., Commissioner of Police.
- XIV. Mr. R. Donald, Commissioner of Prisons.
- XV. Dr. A. D. Milne, C.M.G., &c., &c., Principal Medical Officer.
- XVI. Mr. P. J. Parvati, &c., Sub-Assistant Surgeons.
- XVII. Mr. J. R. Orr, Director of Education.
- XVIII. Mr. L. E. Caine, Acting Postmaster-General.
- XIX. Sub-Committee, European Staff, Post Office and Telegraphs Department.
- XX. Sub-Committee, Non-European Staff, Post Office and Telegraphs Department.
- XXI. Mr. C. J. Monson, for Director of Agriculture.
- XXII. Mr. W. Kennedy, D.S.O., Acting Chief Veterinary Officer.
- XXIII. Mr. E. Battiscombe, Conservator of Forests.
- XXIV. Mr. A. E. Townsend, Acting Director of Surveys.
- XXV. Mr. E. Barrett, Legal Assistant, Land Department.
- XXVI. Mr. W. M. Ross, Director of Public Works.
- XXVII. Mr. H. M. Jones, Foreman, Public Works Department.
- XXVIII. P.W.D., Indian Artizans, Mombasa.
- XXIX. Mr. A. F. Church, Acting General Manager, Uganda Railway.
- XXX. Executive Officers, Uganda Railway Marine.
- XXXI. Engine Drivers, Uganda Railway.
- XXXII. Guards, Uganda Railway.
- XXXIII. Asiatic Staff, Uganda Railway.
- XXXIV. Non-European Clerical Association.

I.—Mr. C. W. HOBLEY, C.M.G., Provincial Commissioner.

I beg to submit the following remarks for the consideration of the Commission appointed by His Excellency on the question of the Civil Service.

I shall, naturally, only deal with the executive branch and propose to divide my remarks into two heads, firstly, its main grievances, and secondly, certain recommendations for the general improvement of the service.

As is well known, the Assistant District Commissioner commences his service on £250 per annum and rises by £15 increments up to £400 per annum. When promoted to District Commissioner he enters upon an incremental scale commencing at £400 by £20 increments up to £500.

In Mombasa and Nairobi living is increasingly expensive, and an unmarried Assistant District Commissioner in ordinary times finds it extremely difficult to live on a salary of £250. In an out-station, owing to the assistance afforded by the Travelling Allowance and the cheaper cost of local supplies, an unmarried Assistant District Commissioner can, I consider, in normal times save £40 to £50 per annum by the exercise of economy. A married Assistant District Commissioner cannot, however, I consider, live on £250 per annum at either Mombasa or Nairobi, or an out-station. I refer to actual living expenses and not to any question of saving for wife's passage.

Allowing for one child, I consider that £400 per annum is an irreducible minimum, with the strictest economy, for a young married officer in Mombasa or Nairobi. Ill-health of the wife, the necessity of a change and maternity charges will frequently necessitate an overdraft; there is no margin for contingencies.

In Europe the junior official or junior employee chooses a plane of life suited to his income. He lives in a cheap part of a town, adopts a simple and cheap form of living, and chooses cheap amusements. In settlements like Nairobi and Mombasa, unless a married couple shut themselves up and live a miserable hermit life, they have to associate with their fellows at sports clubs and live the ordinary life of the place, and which is more or less fixed at a standard over which they have no control, and in the case of juniors, is often higher than they can afford.

In colonies like this there tends in the towns to be only one scale of living for Europeans, and this makes it very hard for the lowly paid. The proportion of the salary spent on servants is now also fixed by custom, and this is a heavy and an increasing burden. Wages are steadily increasing. No servant does a day's hard work according to European standards, and the annual loss to most households through thefts is very heavy.

COST OF TRANSFERS.—The Government allowance of furniture is quite inadequate for ordinary comfort in any house, and every officer has to supplement it by private purchase, especially if married. One or more transfers may occur in a tour of service, and it usually occurs that such a transfer will cost the officer as much as £10 in expenses of removal. This is considered a real grievance throughout the service, and one which could be relieved without imposing a serious burden on Government, for Government officers have not the means to purchase or the house accommodation to display large quantities of furniture.

STEAMER FARES OF MARRIED OFFICERS.—This is undoubtedly a great burden on officers of all grades, but particularly on the junior grades. It would also prove a heavy charge on Government if entirely shouldered by the State, and, further, I do not consider it fair to ask the State to do so. I would, therefore, propose that the State should assist in the following manner:—Any married officer who wished to avail himself of Government assistance towards his wife's passage should pay monthly to Government a sum of Rs. 10 and in return for such payment should once in every 2½ years be eligible to receive a first-class passage to England for his wife, the State agreeing to make up the deficit. In the case of second-grade officials the contributions to be on a lower scale.

WIDOW AND ORPHANS' PENSION FUND.—Many sad cases have occurred where widows of officers have been left in penury, and it is, I believe, admitted by all that some amendment of the present pension scheme is necessary.

It is almost impossible without actual experience to draw up a concrete scheme satisfactory to both the pensioner and the State.

The following principles, however, should, I think, be accepted:—

1. That all pensions should be based on contributions by the individuals and the State.
2. That contributions by individuals should consider three factors, viz.: (a) the pay of the individual, (b) whether married or single, (c) whether he has children or not.
3. That upon retirement the officer should receive a certain pension, and when he dies a large proportion of it should continue to be payable to his widow as long as she remains unmarried, and to his children up to a certain age.

RECOMMENDATIONS.—It is a matter of common knowledge that numbers of the officers posted to the Administrative Service have spent several years, generally at teaching, between the time they leave the University and the date of their Protectorate appointment. This is to be deprecated, and officers should, I consider, be appointed straight from the University as Cadets.

They should, upon appointment, have a course of one year's instruction in England in Swahili, Law, Surveying, etc.; this course should not be a perfunctory matter like the old instructional course. At the expiration of the year's course, if the Cadet passes his examination, he would be sent out to Africa on, say, a salary of £250 per annum. He would remain a Cadet for two years in Africa, and, if satisfactory, would then become an Assistant District Commissioner, and his salary should then become £350 to £450 per annum.

District Commissioners should be able to rise to £600 per annum. Once Government realises the necessity and importance of decentralization, there will, I feel sure, be a greater necessity than ever for a few senior officers of higher grades than Commissioners of districts, and these should not be paid less than £1,200 per annum.

MARRIAGE OF OFFICERS.—There is a certain amount of current opinion floating about to the effect that married officers are an asset to the country. Frankly, however, I consider that married Assistant District Commissioners are not infrequently an unmitigated nuisance. Their mobility is impaired. If there are two Assistant District Commissioners in a station and one is married, there are usually difficulties about housing. No Assistant District Commissioner can afford two cooks, and if the wife of a married Assistant District Commissioner cannot accompany her husband on tour the cook is left for her use and the husband being ill provided for probably gets ill.

There are various stations in the Protectorate where the healthiness is indifferent, and other stations where life is not too safe. If an Assistant District Commissioner is married, then, generally speaking, he is not likely to be called upon to serve at either of these classes of stations, and it falls unduly hard on bachelor Assistant District Commissioners. I therefore strongly recommend that it should be clearly laid down that no Assistant District Commissioner should be allowed to bring a wife out to Africa without the permission of Government.

LAW EXAMINATION.—The present law examination is, to my mind, mainly a test of successful cramming. Considering the amount of local legislation passed annually, how any officer can be expected to memorise the essential sections in each ordinance and pass an examination in them beats comprehension. Every magistrate in the course of his duties has access to books and ordinances, and the whole root of the matter is to know where to refer and quickly.

PROMOTION.—In the selection of officers for special duty or for promotion greater consideration should be given to Administrative ability, which is the greatest asset an administrative officer can possess. It is a difficult matter to gauge by concrete tests and it is therefore the case that other and less essential virtues are often allowed to rank higher when an officer's name is under consideration.

AGE OF RETIREMENT.—It has been urged that the age at which an officer may retire on a pension should be reduced.

I consider that it might quite well be reduced to 45 years; the proviso might be added that 20 years' Government service should have been completed.

An earlier retiring age would help promotion, and after the war the junior administrative officers can hardly expect to reach the rank of District Commissioner under from 10 to 15 years' service unless a large number of District Commissioners retire or are transferred.

C. W. HOBLEY,
Provincial Commissioner.

Mombasa,
April, 1918.

II.—Mr. J. W. T. McCLELLAN, Provincial Commissioner.

PROVINCIAL COMMISSIONER'S OFFICE,

NAIVASHA,

2nd April, 1918.

GOVERNMENT SERVANTS' EMOLUMENTS, Etc.

1. The general view of Government servants is that though the incremental system is an advance on the previous position, yet there is still nothing adequate to look forward to after a life's work in Government service.

2. If an official after 15 or 20 years' service has the fortune to become a Provincial Commissioner, his salary now commences from £500 a year (instead of £600, as formerly) rising to £700, plus £60 for house. At the most he can expect to put in twenty-five years' continual service, which will give him a maximum of £475 a year pension. With present taxation this will be greatly reduced, probably to about £350.

3. It may not be generally believed, but from my own experience I would say it is practically impossible to save anything whatever on the present salary of a Provincial Commissioner if he keeps up his position in European areas. In my own case I was acting as Provincial Commissioner (six months as Secretary of Native Affairs) for upwards of five years on a salary of £400 with a small acting pay for a portion of that time. This gives me an average salary for thirteen years as Provincial Commissioner of about £560 per annum.

4. On £400 a year I had to entertain on one occasion at a cost of £20 the German Governor, the German Colonial Secretary, and their staffs.

5. The question of entertainment in general is a subject not pleasant to discuss. It has recently been publicly stated that an entertaining allowance might be necessary at Mombasa or Nairobi, leaving out other stations. If it is necessary at those headquarters, where there are many officials of different departments to entertain people passing through or visiting, it is obviously far more needed at places like Fort Hall, Eldoret, Ngong, Naivaaha, and Nakuru, where the whole entertaining falls on the Provincial or District Commissioner.

6. With all respect to the pronouncement of His Excellency the late Governor I am of opinion, after 22 years' service, an administrative officer of any rank should do his utmost to keep in touch and on the best of terms with his European population, and to do that he should frequently visit and be visited by them until they become, temporarily at least, his personal friends. I say with some satisfaction that there is no house in any Province in which I have been in which a welcome has not been accorded, and all settlers are welcomed to my own. In any case allowance or no allowance I would not have this state of affairs altered. At the same time I strongly deprecate the question of entertaining being publicly discussed. I submit it is for the higher authorities to realise the present financial position of officers in charge of districts and provinces either by personal experience or observation.

7. EXPENSES OF OFFICERS.

- (a) The greatest expenses of officers with wives and families is the cost of passages to and from Europe. Practically all the money it is possible to save temporarily has to be diverted to this purpose, leaving very little to expend on a fresh outfit of clothes, or pleasure when at home.
- (b) Movements of officers from one station to another are not only costly in actually transporting furniture, but on loss by breakage and the fresh requirements of any new house.
- (c) *Insurances.*—Insurance for this country is especially high, a premium of anything from 2½ to 5 per cent. above the ordinary rates being required.

(d) There is at present no satisfactory method of educating children in this Protectorate; they have therefore to be left in England for the purpose, practically entailing two homes, especially in the holidays. There are no schools, as far as I am aware, giving privileges to the sons of Civil Servants as in the case of the sons of members of the Church, the Navy and the Army.

(e) There are no pensions for widows of Civil Servants. I have mentioned the above expenses of Civil Servants in an endeavour to illustrate the position.

8. The married official during the last years of his service cannot help but have ever present before him the thought of the future of his wife and children if he suddenly dies. As is well known several of the highest grade officials of this Protectorate have left their wives practically paupers owing to inability to save. These wives, some over middle age, have had to start again in far from pleasing circumstances to earn their livings.

9. (a) As a step to betterment I would propose incremental salaries on the following lines:—

For Assistant District Commissioners commencing at £250 per annum by £15 to £400; for District Commissioners £400 by £20 to £600; for Provincial Commissioners £700 by 50 to £1,000, plus £100 per annum entertaining allowance. Assistant District Commissioners and District Commissioners in certain areas should also be given entertaining allowance.

(b) A minimum pension after twenty years' service of £400 per annum free of income tax. Even on such conditions the cost of educating two or three children will be a difficult matter.

(c) Pensions for all wives and children and their return passages after every two and a half years' service if resident in unhealthy areas or, if the whole tour spent in a healthy area, after three years' service.

(d) Officers placed in acting positions should receive the salary of that position and not be called on to act for years on the salary of the lower grade.

(e) All officials, including the clerical staff, living 20 miles or over from a Railway should be given a transport allowance.

(f) Wives of officials we have been frequently informed are no concern of the Government. This applies in all respects until a wife wishes to exercise her right according to English law of controlling her own income. In the Protectorate if a wife wishes to acquire property and it is found she has done so her husband is threatened with instant dismissal if the property acquired is not got rid of. This I contend is at variance with the Married Woman's Property Act. It also prohibits a woman with a small capital endeavouring to make provision for herself and her children, though Government after the decease of her husband makes no provision whatever for either of them.

10. I have frequently referred to the position of officers in the Turkana District who live under probably by far the most trying conditions in the Protectorate.

In the Northern frontier district special allowances are granted to all officers which have been denied to those in Turkana.

During the first two years, with one exception all officers have broken down and one death under tragic circumstances has resulted.

I here again put forward the claims of the Turkana staff throughout for favourable consideration.

11. Replies to the circulars dated March 5th have been sent in by several officials and are forwarded herewith.

In all instances officials have notified me that they are in accord in general with the views expressed in the petition to the Right Honourable the Secretary of State for the Colonies.

(Signed) J. W. T. McCLELLAN,
Provincial Commissioner.

The Secretary,
Civil Service Commission,
Nairobi.

III.—Mr. G. A. S. NORTHCOTE, District Commissioner.

No. 9/8/4.

DISTRICT COMMISSIONER'S OFFICE,
KYAMBU,
March 12th, 1918.

The Ag. Provincial Commissioner,
Nairobi.

*Your 1628/7/18 of 9/3/18 covering H.H. Chief Justice's Letter of 5/3/18.
Civil Service Commission.*

Civil Servants' interests are mainly concerned with Pay, Promotion and Pension.

PAY.—ASSISTANT DISTRICT COMMISSIONERS.—Had not prices risen, probably permanently, owing to the War, I should consider an initial salary of £250 sufficient for an untrained man: as things are and are likely to be I think that the initial salary should be £300, rising by yearly increment of £15 to £400. Promotion, however, is much slower: 14 years ago it averaged at about 5 years: now the 3 senior Assistant District Commissioners have 9 years to their credit. After 5 years an Assistant District Commissioner should be fully trained, and I suggest that there should be an upper grade enterable on completion of 5 years' service, but only if the Governor is satisfied that the Assistant District Commissioner is thoroughly competent and deserving of promotion: as salary, I suggest £400, rising to £500 by £20 increment. An advantage of this system would be increased promotion by merit: a rather unsatisfactory Assistant District Commissioner after 5 years' service on finding himself not promoted to the higher grade would be stimulated to learn and perform his duties: his salary would still continue to rise to £400, but he would be losing seniority as well as pay by remaining in the lower grade.

DISTRICT COMMISSIONERS bear heavy responsibilities and the scope of their work increases continually: starting at £400 he works in 5 years to £500 with £40 duty, and cannot expect promotion for at least 15 years: the 3 Senior District Commissioners all date 15 years back. Such a position is most disheartening and undoubtedly produces slack work in many cases. I suggest that there be two classes of District Commissioners, the lower starting at £500 and rising by £20 to £600 with duty allowance 10 per cent., and the second from £700 to £800 with similar duty allowance: entrance to the higher class after 7 years' service, but only if the officer is considered worthy of promotion: otherwise he would remain in the lower grade until he had rendered himself fit for the upper grade.

PROVINCIAL COMMISSIONERS.—Pay is merely farcical, e.g., the Administrator of the Nyanza Province, 21,000 square miles and over a million natives, draws pay amounting from £500 to £700, with duty £50. I suggest that no rate of pay smaller than £1,000 rising to £1,500 with 10 per cent. duty can be considered equitable; whatever the senior rank of the Administrative Officers may be in the future the first grade should, I think, be on this scale.

PROMOTION.—The three Senior Assistant District Commissioners to-day have close on 9 years' service, the three Senior District Commissioners have served in that class for 15 years. That is to say, even though the rate of promotion remains as at present, as it cannot do, a newly-joined Assistant District Commissioner must wait 24 years to arrive beneath the lowest rung of Provincial Commissionership. Allowing that he joined at the age of 24 he will by then be 2 years from pensionable age. The result is that many civil servants must be crowded out from promotion. It may not be possible to create posts in order to ensure proper promotion, but the effect on the pension of the crowded-out official is deplorable, for he retires to an existence where he has to rent a house, procure more expensive servants, etc., and drops one third of his salary.

It seems to me that if promotion, which depends on the number of posts that the country offers, cannot be amended the remedy must lie in pensions: but before passing to that subject I would deplore the rumoured details of the proposed new Administrative Service which foreshadow 1 Chief Native Commissioner and 3 Travelling Commissioners, cutting down promotion by one-third when extension is needed. In nearly 14 years' service I have only seen six promotions to Provincial Commissioner. The Hon. C. W. Hobley was senior Provincial Commissioner when I arrived, and is so still.

PENSION.—The only remedy that I can see for the above state of affairs is a flat pension such as is received in the Indian Civil Service or, at any rate, two or three grades of flat pensions, for it seems unfair that a Civil Servant who is found unworthy of promotion to the rank of Senior District Commissioner should draw the same as the worthy. Pensions, I take it, should be based ordinarily on the maximum salary that a

Civil Servant would draw if he rose to the top of the official tree, excluding such posts as Chief Native Commissioner, viz., if Provincial Commissioners can rise to £1,500 a year. hard-working officials, even if balked of promotion, should draw the pension of that rank, i.e., two-thirds of £1,500—£1,000 a year. For the officials found unworthy of high promotion I would recommend two-thirds of the top salary of the next grade, viz., two-thirds of £800, or £533 a year.

Such pensions would stimulate those who by reason of age or slowness of promotion clearly see that the top ranks of the profession are out of their reach. It would be advantageous if civil servants who wish to be released from service could retire at the age of 40 with pensions in proportion to that of their grades.

MARRIED CIVIL SERVANTS.—It is undoubtedly in the interests of the State that its servants should be married and children born within it: moreover, the State gains as the married man is better fed and looked after and, therefore, is on the whole healthier. A disadvantage is that women and children cannot be sent to dangerous or unhealthy stations: this disadvantage would be removed if the married civil servant were entitled to free passages for wife and children: on being transferred to a station where they could not go he would be able to send them home. Government would thus be freed from a considerable embarrassment that at present exists in the posting of officers, and which leads to an unfair discrimination between bachelors and married men. If the State gains by marriage it should pay for that gain.

The same argument applies to cost of transfer. The free allowance of baggage should vary with the rank and the circumstances of the officer transferred. The senior and married men are obliged to use more furniture than the junior and bachelors.

WIDOWS' AND ORPHANS' PENSION FUND.—This is so clearly necessary that no arguments for its introduction are needed here. The Indian Civil Service System is admirable.

HOUSING.—The housing, especially of senior married Assistant District Commissioners, is often entirely inadequate. Many Assistant District Commissioners' houses within my knowledge are insanitary, a fact leading directly to loss of work through sickness.

I have the honour to be, Sir,
Your Obedient Servant,
G. A. S. NORTHCOTE,
District Commissioner.

IV.—Mr. S. H. FAZAN, Assistant District Commissioner.

A MEMORANDUM SUBMITTED IN ACCORDANCE WITH THE INVITATION ISSUED IN CIRCULAR FROM THE CHAIRMAN OF THE CIVIL SERVICE COMMISSION AND DEALING WITH

AMELIORATION IN THE CONDITIONS OF OUR SERVICE.

The following notes express my own views and confine their scope to Administrative District Officers—their Pay, Promotion and other Conditions of Service.

I.—PAY.—SALARIES, INCREMENTS, ALLOWANCES, PENSIONS.

1. **SALARIES.**—Provincial Commissioners and District Commissioners ought to be placed on the same footing as the corresponding officers in the Soudan.

There ought, I think, to be a more marked difference between the pay of a Probationary and a full Assistant District Commissioner—some substantial advance to make the transition.

2. **INCREMENTS.**—District Commissioners' increments ought not to stop after five years as they do at present.

Assistant District Commissioners' increments are scarcely sufficient to keep pace with the increase in the cost of living.

3. **ALLOWANCES.**—I should like to see Travelling Allowance and Duty Allowance abolished, and some compensatory addition made to salary.

The following new allowances appear to be required:—

- (a) War Bonus for all ranks to continue till five years after the war, and then to be made the subject of Inquiry.
- (b) *Marriage Allowance* for Assistant District Commissioners' and all Junior Ranks. I expressly exclude District Commissioners, because normally they should be married men, and their permanent salary should be assessed accordingly.
- (c) *Special Allowance for Northern Frontier and Turkana*.—A substantial allowance should be given both on account of the difficulties of Transport, and also as some compensation for the amenities of civilisation which the officers stationed there have to resign. Some allowance under this head should also be made for all stations under a year old on account of faulty supply arrangements.
- (d) *Allowance for Specially expensive Stations*.—Nairobi, and possibly one or two other stations should have a distress allowance to be paid to any Junior Officer who furnishes proof that he is in need of it, but only if he has first applied for and been refused a transfer to a cheaper station.

4. PENSIONS.—Invalided Officers should be entitled to pensions whether or not they have accomplished ten years' service.

Officers who want to take their pensions and go should be allowed to do so after ten, or at all events after 15 years. There is no gain in keeping unwilling men.

The scale of pensions should be improved so that no hardship should be involved in the superannuation of any Officer on attaining a certain age.

II.—PROMOTION.

In the last twelve years promotions to District Commissioner have been at the rate of three a year, while the new appointments to Assistant District Commissioner have been at the rate of eight a year (figures from the Staff list of 1918 and worked to the nearest limit). A continuance of this policy will obviously result in an Assistant District Commissioner having to wait longer and longer for his promotion.

So long as the ratio of Assistant District Commissioners to District Commissioners is maintained at 2—1, and the ratio of Assistant District Commissioners to all senior administrative ranks at not much below that figure, it will follow, as soon as the fruits of the present policy have had time to show themselves and there are no new districts to be opened, that an officer will be an Assistant District Commissioner for nearly two-thirds of his time—at a moderate estimate, say, 15 years out of the normal 27 years of service (age 23-50).

It seems that either public notice should be given of this fact by the insertion of a paragraph in the pamphlet given by the Colonial Office to all persons contemplating joining the Service, or else promotion should be made more rapid by decreasing the ratio of Assistant District Commissioners to District Commissioners from that of 2—1 to 3—2. A smaller proportion than that would probably be found unworkable.

A MINOR POINT.—A minor point which I think should not pass without mention is that, while promotion in the Army in peace time was slow, yet there were many milestones on the road to cheer the wayfarer—from Lieutenant to Captain, Captain to Major, and so on; whereas to most of us in this Service promotion only comes once—from Assistant District Commissioner to District Commissioner—for only with exceptional luck, health, and attainments can one aspire to look further.

Some sub-division of the present ranks into senior and junior with possibly separate names for each grade might lighten the tedium of the journey. I would propose five ranks—Senior and Junior District Commissioners, Senior and Junior Assistant District Commissioners, and Probationers, with some corresponding differentiation of functions and powers.

III.—OTHER CONDITIONS OF SERVICE.

BREVET RANK.—Any officer acting temporarily for an officer of senior rank should during the time which he is acting draw the full pay and emoluments of that rank.

ACTING RANK.—Without reason stated no more junior Assistant District Commissioners should ever be given acting rank as District Commissioner when there is a more senior Assistant District Commissioner available. Similarly with District Commissioners acting for Provincial Commissioners.

Any Assistant District Commissioner in charge of a station over 100 miles from his District Commissioner's station ought to have acting rank. Lokiriama is 160 miles and

Kolasia about 100 miles from Kacheliba. Yet there is no acting allowance. The Assistant District Commissioner in charge of Lokiriama has to send through a corner of Uganda in order to communicate with his District Commissioner.

TRANSFERS.—Only rarely and with definite reason stated should any officer be transferred out of a province except on the recommendation of his Provincial Commissioner or on his own application.

STATIONS.—Officers should be encouraged to record their preferences in regard to stations.

LOCAL LEAVES.—More facilities should be granted for taking the annual fortnight's leave, which at present it is often difficult to obtain. I, for instance, have never had mine, though in 1913 I had five days.

I also think that officers should be allowed to visit their Provincial Headquarters for a week-end once in every three months, if the distance is less than 50 miles from the District border.

HEALTH.—I give two instances in which I think the Medical arrangements leave scope for criticism. Both occurred in North Turkana.

- (a) The S.A.S. in sole charge of the health of two Europeans, 80 police and a station population of about 213 in Lokiriama, a new and extremely unhealthy station in North Turkana, 162 miles from the nearest East African station or post, received a letter forwarded through me from his Medical Officer, stationed at Nakuru, about 500 miles away, to the effect that he must be more neat in sending in his monthly returns as "his chances of promotion mainly depended on that."
- (b) In October, 1916, the S.A.S. of Lokiriama and myself, being both down with fever, and Dr. Williams, of the Uganda Medical Service, happening to be available, he very kindly attended us. He signed a paper stating that I had malaria, but when I sent it to Nairobi to be entered upon my sick sheet the entry was refused. So also was another entry made by myself, when I got fever on safari with no doctor available. Thus, according to my sick sheet I appear to have been well on those dates.

Of the above remarks, those dealing with promotion, brevet rank, and acting rank contain the points which I consider the most important.

S. H. FAZAN,
Assistant District Commissioner.
March 20th, 1918.

V.—Mr. G. W. KNAPMAN, &c., Office Superintendent
and Clerks.

THE SECRETARIAT,
NAIROBI,
27th March, 1918.

The Chairman,
Civil Service Commission,
through the Hon. Acting Chief Secretary
to the Government.

SIR,

As requested in your Circular of the 5th instant we, the undersigned second-class officials of the Secretariat have the honour to append a statement of our views in connection with the more important of the many matters requiring improvement, and which are to be considered by the Civil Service Commission.

SALARIES.—As regards salaries we should like to state that in our opinion Rs. 350 per mensem, plus house or allowance, is absolutely the minimum salary on which a married official can live in any way resembling comfort. This figure does not, however, include any sum for passages, and only includes a minimum amount for insurance.

We would venture to suggest that the minimum salary for an European entering the Service should be £200 per annum (*i.e.*, Rs. 250 per mensem) plus house or allow-

ance. Should, however, the official marry before his monthly substantive salary has reached the sum of Rs. 350 it should be immediately raised to that amount even should he have served one year only.

We would submit that an equitable scale of salary for European clerks would be £200 by £20 to £350 per annum, plus house allowance, and for Office Superintendents £350 by £20 to £500 per annum, plus house allowance. We base our figures partly on the question of the adequacy of remuneration for services rendered and partly on the fact that every official should be furnished with some measure of compensation for the disabilities of residence in British East Africa.

HOUSE ALLOWANCES.—The present scales of house allowances are not nearly commensurate with the rents obtaining in Nairobi, and the official in receipt of house allowance is unduly penalised when compared with his more fortunate *confrere* occupying government quarters. European officials who are drawing house allowance on the lowest scale cannot possibly find suitable houses without encroaching on the amounts of their substantive salaries, and when in addition to this it is realised that they have to provide the whole of their furniture, the more fortunate position of the occupant of government quarters is apparent. In the first place the latter's substantive salary is left intact and, in addition, he receives a certain, though decidedly inadequate, amount of furniture.

We would suggest that the minimum amount of house allowance should be raised from £40 to £60 per annum and in addition the recipients of house allowance should, we submit, receive the same allowance of furniture as that to which they would be entitled if in occupation of government quarters.

One further point in connection with the housing question might be noticed, and that is that houses occupied by first-class officials are fitted with electric light by Government, but should a second-class official occupy a government house and desire a similar convenience he must pay for it himself. We submit that this is a most unfair tax on the resources of the lower paid official, and is a matter in which all classes should be treated on a precisely identical basis.

PASSAGES.—As regards passages we desire to express the opinion that the question as to whether or not an European should be entitled to first-class travelling privileges should be decided by the amount of salary received and not by grade. We would suggest that all Europeans on a substantive salary of £240 and upwards per annum should be given the option of travelling first-class. This would mean that the man appointed on the minimum salary of the suggested clerical staff scale would not be entitled to first-class travelling privileges until he had proved his worthiness for retention in the Service. Further, the fact that proof of such worthiness would entitle a man to greater privileges should be an additional incentive for a man to give of his best.

We further submit that Government should pay the whole of the cost of the passages of officials' wives and at least a substantial proportion of the cost of passages for their children.

In the event of the members of the Commission deciding that officials should still be responsible for the passages of their wives and children then we would submit that the minimum salary required by a married man should be based on a higher figure than that previously suggested, and that all officials entitled to first-class travelling privileges should not be compelled to travel first-class but that married men should be permitted to travel second-class if they so desire and devote the amount thus saved to meet the cost of the passages of their wives and children. It is at present the case that the insistence on an official travelling by the class to which he is entitled often involves him in serious financial embarrassment.

MEDICAL.—We consider that all medical attendance (including maternity work) on officials, their wives and families should be free.

As regards maternity cases the present system whereby officials are dependent on the generosity or otherwise of individual medical officers is decidedly unsatisfactory, for where one Medical Officer charges a fee of Rs. 50 only another charges Rs. 150, or more, both these fees being for officials on the same scale of salary.

PROMOTIONS.—We are of the opinion that all non-technical posts should be looked upon as legitimate opportunities for the promotion of junior members of the Service. No outsider should, we consider, be brought in to fill a senior post unless and until it has been proved that no junior member of the Service has the requisite qualifications.

In the filling of first-class vacancies in the past we submit that "social qualification" has been too great a factor. That second-class men, however, do possess social qualities fitting them for higher grade posts seems to have been conceded in the last year or two when certain second-class officials have obtained promotion. We contend that the door thus thrown open for promotion should not again be shut while there remains in the lower grade a man having the requisite qualifications for a first-grade post. We feel that we are not overstating the position when we assert that there are not wanting in the lower ranks many officials who are both educationally and socially

fitted for promotion to the vacancies of a less technical nature occurring from time to time. There seems to exist an attitude by virtue of which because a man enters the Service in the second grade, that grade should suffice for whatever ambitions he may have. An attitude of greater injustice it is difficult to conceive. If, however, a man were working in the sure knowledge that when a vacancy presented itself in the higher grade an application of his was not foredoomed to failure merely because he did not happen to enter the Service in that grade, a great incentive would be given to his becoming efficient in the shortest possible time.

STATUS OF EUROPEAN CLERICAL STAFF.—There is a tendency amongst the senior members of the Service to look upon clerical work as requiring no special training, with the result that while printers, mechanics, carpenters, store-keepers, elementary school teachers and accountants have been granted first-class status such status has been consistently denied to the senior members of the clerical staff—i.e., Office Superintendents—although at the same time the latter are in receipt of higher salaries than some of the officials whose duties are looked upon as being sufficiently important to carry first-class status and privileges.

As a case in point, it might be mentioned that a storekeeper was given first-class status while the office superintendent in the same department—who formerly held the post of storekeeper and was *promoted* thence to that of chief clerk—was denied equal status on the ground that a storekeeper might make a good office superintendent but that it would not follow that an office superintendent would make a good storekeeper. This is a contention with which, as fully-trained clerks, we are entirely at variance, and we think that any commercial man would uphold our view.

We trust the Commission will give this question of the status of the clerical staff their careful consideration as it is a fact that the training required of an office superintendent is in no way inferior and, in many respects, immeasurably superior to that required of an assistant accountant, storekeeper or Treasury Assistant, all of whom are given first-class status as a matter of course.

The clerical branch of the Service is one which will grow in greater proportion than any other, and in order to attract a suitable class of man the present inferred stigma attaching to the designation "clerk" must be removed, and further, as it will be impossible to promote every clerk to posts at present carrying first-class status, it should be possible for a clerk to have prospects within his branch equally as good as those obtaining in any other branch. This improvement of prospects in the clerical branch should not, of course, place any obstacle in the way of a man desiring transfer to another branch should he feel that his abilities would be better employed therein.

WIDOWS' AND ORPHANS' FUND.—In this connection we have nothing to add to the views expressed in the petition submitted by members of the Civil Service.

GENERAL.—Our previous remarks on promotion and status are, of course, based on the conditions at present obtaining, but we beg to express the hope that all cause for dissatisfaction in these respects will be removed by the abolition of the present system of grading the European members of the Service as a result of the findings of the Commission. The sole utility of the system appears to lie in the ease with which it can be used to raise odious comparisons.

As regards the questions of travelling and baggage allowances, we are in complete accord with the signatories to the petition.

In conclusion, we would venture to reiterate the fact that as regards the clerical staff of the Service the increase of the present rates of pay is not all that is required to ensure their contentment. It must be clearly shown to them that the way to the top of the tree is open to all, and that proved merit and capability are the sole qualifications required.

We have the honour to be, Sir,
Your obedient servants,
G. W. KNAPMAN,
Office Superintendent.
J. S. MCGRAW,
Clerk.
H. R. HARRIS,
Clerk.

MEDICAL.—Since typing this memorandum we have ascertained that a scale of fees for maternity work is in existence, issued by the Uganda Railway Medical Department in November, 1904, based on the different scales of salary then obtaining. It would appear, however, that some of the medical officers do not consider the scale to be applicable at the present time.

Secretary, Civil Service Commission.

Forwarded.
W. J. MONSON,
Acting Chief Secretary.

VI.—MBARUK BIN SAID, &c., Mudirs.

MOMBASA,
4th April, 1918.

The Secretary,
Civil Service Commission,
Through the Honourable the Provincial Commissioner.

MOMBASA.

SIR,
We beg leave most respectfully to approach you with the following requests in reference to the terms of service for Liwalis, Mudirs and Kathis of the East Africa Protectorate.

2. INCREASED SALARY.—We have to request that we be given an increase of pay; and in support of this request we beg to point out that within recent years, even before the War, there has been admittedly, we think, a great increase in the cost of living, so that what used to be pay commensurate with the position is now quite inadequate. We would point out, too, with every respect, that the pay is that of a very junior 4th grade clerk, while we have—and we willingly bear—responsibilities and duties which are not expected of junior clerks drawing similar salaries to us. Having regard to our magisterial duties and also to the fact that large amounts of revenue and duties pass through our hands, we submit that a salary of Rs. 300 per mensem would not be excessive.

3. TRADE.—We beg respectfully to emphasize that we are forbidden to engage in trade or to accept employment or emolument from any person or association whatsoever without the consent of the Governor, so that we have to depend entirely on our salaries for our support, for even if we would and had the required consent there is but little time or opportunity left us after we have attended to Government duty in which to engage in trade or any other work.

4. PENSION.—We beg further to point out that at our present rates of pay there is no possibility of Mudirs being entitled to pension, in which respect also we are not so favourably placed as clerks of the Protectorate.

5. LEAVE.—With regard to the terms of leave we have to request that there should be no distinction between 1st Grade Liwalis and 2nd Grade Liwalis, Mudirs and Kathis. In this connection we beg to point out that clerks are more favourably treated in the matter of leave than we are, they being entitled as, we believe, the rest of the subordinate staff to five months' leave after forty-three months' service. We request further that all leave should be on full pay, and the requests contained in this paragraph are supported on the main grounds set out in the second paragraph hereof.

6. HOUSE OR ALLOWANCE IN LIEU.—We have also to request that in our several districts we be given a house, or if that is not practicable, we be given house allowance in lieu of house. The districts to which we are stationed are districts to which, speaking generally, we are strangers, and in many instances the lack of proper housing accommodation has been a great inconvenience. Obviously the inconvenience is the greater the farther one is stationed from, say, Mombasa.

7. FURNITURE.—In order to preserve our prestige and dignity in the eyes of the public, as well as to ensure a degree of comfort to ourselves, we submit, as a corollary to the provision of suitable house accommodation, some necessary furniture be issued to us.

8. TRAVELLING OR SUBSISTENCE ALLOWANCE.—With regard to the (travelling) subsistence allowance we have to request that the rate for Mudirs and Kathis be raised from Rs. 2 to Rs. 4 per night. This request is based chiefly on the considerations previously referred to in the second and fifth paragraphs hereof.

9. TRANSPORT.—In this connection we would bring to notice the fact that we have in the course of our official duties in all sorts of weathers, to walk considerable distances on foot, and we submit that some sort of animal or mechanical transport is essential. This privilege would be a great relief to us and will undoubtedly facilitate Government business very considerably.

10. CLERK.—When the Mudir is away from headquarters there is no suitable person to leave in charge of the station and the Government material and stores. In our opinion it would add to the efficiency of the service if each Mudir is provided with an intelligent young man as clerk.

11. ASKARIS.—To preserve peace and good order the number of askaris at present allotted to each Mudir be adequately increased, and we consider that six askaris would be a fair number.

12. MEDICAL TREATMENT.—We suggest that sufficient quantities of necessary medicines and dressing be supplied to each Mudir on Indent. We are practically outside the sphere of Government Medical Officers, and we have suffered considerably for want of medicines and treatment. A supply of medicines and dressing would be a great privilege to provide for the treatment of common ailments and accidents.

We trust that the Commission will appreciate the position and circumstances which prompt this application and consider favourably our requests.

We remain, Sir,

Yours obediently,

MBARUK BIN SAID, Mudir of Tiwi.

DAJILAU BIN MOHAMED, Mudir of Gazi.

MOHAMED BIN SALIM, Kisauni.

VII.—Mr. W. A. KEMPE, Deputy Treasurer.

NAIROBI,

15th August, 1918.

To the Chairman,
Civil Service Commission.

SIR,

I have the honour to lay before you my views on some points connected with the emoluments of Government servants and the terms and condition of their service in East Africa, in compliance with the request contained in your circular letter of the 5th of March, 1918. I trust that it will not be taken amiss if I deal with matters which are not strictly within the scope of your enquiry as it is addressed to me, but I feel that there are aspects from which the problem before you has to be reviewed which you would not make the subject of a general enquiry throughout the service.

2. You doubtless have cognizance of many instances of the opportunities which are presenting themselves for more lucrative employment outside the Government service, and are in my opinion largely responsible for the dissatisfaction which exists at the present time. I have been informed that salaries of £600 per annum are being offered for plantation managers, posts which many Government officials drawing half the salary should be competent to fill.

I have noticed an advertisement in the "Daily Leader" of the 3rd of April, offering £600 to £800 per annum for a mechanic to look after machinery on sisal plantations, a post which might, I should think, be capably filled by several of the Assistant Engineers of the P.W.D., who are receiving £300 to £400 per annum, with little prospect of advancement. A Goan clerk in the Treasury who was drawing Rs. 80 per mensem, and was, in my opinion, below the average capability of Government clerks drawing similar pay, has recently obtained a post with a commercial firm in Nairobi at a salary of Rs. 150 per mensem.

Such salaries as these appear to me to be out of proportion to the services required, and are due, I think, to the recent appreciation of the value of European supervision of native labour at a time when it is difficult to obtain, and to a shortage of clerks owing to the military demand and the increased business activity in the towns. I question, however, whether these rates will be maintained for long after the war is over. If Government substantive salaries are increased to meet a temporary emergency it will not be easy to reduce them again.

My conclusions on this point are that a temporary demand is going to entice away Government servants for a time when the present restrictions are removed and they are allowed to go, and that this is a difficulty which the Government cannot wholly combat, but will ultimately right itself to some extent.

3. The question of East African salaries cannot be dismissed without a comparison between the position of East Africa Protectorate officials and that of other officials of other Crown Colonies and Protectorates, because the Secretary of State is not likely to accept a scheme which is out of proportion to these.

On the whole I do not think that East African conditions compare very unfavourably, but lower paid European posts are more numerous here, and they are difficult to adjust in relation to the minimum cost of living, which is very high, and the present salaries of the higher grade posts. On the other hand, although I have had very little experience of work under other Colonial Governments, I believe that the work here, owing to the rapid growth of the country and the numerous emergencies which arise, is harder and more responsible in comparison, and that a greater efficiency is demanded.

4. It is an unfortunate but indisputable fact that it is in these early days of a progressive country that there is the greatest need for a high standard of efficiency to deal with the many problems which present themselves, and that owing to the limited financial resources this time is the most difficult in which to realise this efficiency.

I very much doubt whether the Protectorate's financial position will allow of a sum of money being available in the near future for substantial increases in salaries all round.

5. As there are such difficulties in the way of keeping up efficiency, which is undoubtedly in peril, by an adequate support of increased salaries, every effort will have to be made to devise other means of dealing with the problem. I have already mentioned the case of lower paid Europeans as a stumbling-block; their present position is not satisfactory and their wages are inadequate to preserve the dignity of the European and of the Government service. Of recent years it has been in accordance with the policy of the Government and the desire of public opinion to employ Europeans in preference to Asiatics, but this can be carried too far. I suggest that some of the lower paid European posts could be more suitably filled by Asiatics with greater economy (in passages, housing, and allowances as well as in salaries), equal efficiency and less dissatisfaction from the persons employed.

The persons to fill these posts should not be taken from the existing staff, but, after careful selection, they should be recruited from India, or, when the war is over, picked out of the Asiatic staff employed by the military, among whom there must be many capable men.

6. In other respects the efficiency must be maintained as far as possible by making the conditions of service unimpeachable for their fairness, and offering reasonable prospects for the future.

It is not to be expected that Government employment will offer the same salaries or possibilities as private employment, though this does not appear to be generally realised, but one of the attractions of Government employment should be a sense of security, and this is, in my opinion, the reason why the Government would be justified in listening to the universal request throughout the service for increased pensions and for a Widows' and Orphans' Fund.

The latter is in existence in many other Colonies, but they are all inadequate to permit of any European in the Colonial Service who retires when he is no longer fitted for work, unless he reaches one of the higher posts of the service, supporting himself with comfort and dignity in his old age.

7. I forbear from suggesting to you, as appears to have been done elsewhere, the long list of changes which would give satisfaction to Government officials, and content myself by bringing to your notice three points in which the terms of service, in my opinion, call for amendment.

Your attention is invited to Sections 174 and 194 of the Code of Regulations which deal with travelling allowances.

It is laid down in the latter section that lodging expenses for an officer when travelling on duty are intended to be covered by his travelling allowance. Whenever lodging expenses are incurred the travelling allowances are insufficient to cover them alone, and I consider that lodging expenses should be granted in addition to travelling allowances on the lines of the latter part of Section 194. Again the rates of Rs. 4 p.d. for first class Europeans, other than heads of department, and Rs. 2.50 for second class are not sufficient to cover expenses of food at hotels and dak-bungalows. I have found from experience that Rs. 4 p.d. is quite sufficient for a "safari" of anything over three weeks.

As a remedy I suggest that either a special rate might be allowed for persons travelling on the railway or staying in hotels, or else that the allowances be increased and that certain travelling appointments (such as District Commissioners when travelling within their own districts) should be given consolidated allowances. In relation to

these allowances I would draw your attention to the restriction in Section 174 by which officers may only draw the full allowance during seven days' stay at any one place, and thereafter they may draw half the full allowance for another 14 days' stay at that place; on the expiry of 21 consecutive days spent in the same place the allowance will cease entirely. This restriction was, I believe, introduced because an officer drew travelling allowance for four months whilst staying at Kilifi, calling his headquarters Mombasa.

I have known genuine cases in which this restriction has borne very hardly, for unless an officer transfers his whole household his expenses are not diminished after remaining for more than seven days in one place, and the result is liable to be that work may be scamped in order to get away or a specious excuse invented for a quite unnecessary move in order to break the sequence of residence. The prevention of the above should be in the hands of the head of department who should consider whether it is worth the Government's while to transfer the officer's whole household or to pay him travelling allowance, or at least exceptions to this rule should be freely admitted after scrutiny.

8. In 1914 I was a member of a Committee which considered a petition from the non-European clerical staff, and made some recommendations for amelioration of their terms of service which were generally accepted. It was felt by this Committee that the housing arrangements of the non-European clerical staff were not satisfactory, and that as the accommodation which could be hired was not only expensive but also inadequate, the proper remedy lay in the Government undertaking the building of quarters rather than giving financial assistance which would tend to raise the rents without improving the accommodation. The Secretary of State agreed with this view and considered that a building programme should be undertaken by Government, which it has unfortunately been impossible to realise owing to the war. My views on this subject have since been rather strengthened than otherwise, and I strongly recommend that the building of quarters for non-European staff be proceeded with as soon as possible, a measure which should also benefit others than the Government servants on account of the accommodation which should be set free.

9. The regulations under which some of the junior members of the Government service are called upon to pay a premium for insuring the Government against loss caused by their own dishonesty have been the subject of another Committee on which I have served in 1916. The amounts vary from 5s. to £5 per annum, and I consider it a hardship that a person who is in a post of financial responsibility should be worse off than a person who is not.

It may well happen that of two clerks with the same length of service in the same grade and on the same rate of pay, one is selected for a post of financial responsibility as being the more reliable, and he is consequently worse off to the extent of £5 per annum, on account of his efficiency. The principle is, however, laid down by Colonial Regulations 332, and is strongly upheld by the Secretary of State. A small expenditure on the part of the Government of about £300 per annum in paying the premiums would remove this imposition.

I have the honour to be, Sir,

Your obedient servant.

W. A. KEMPE,

Deputy Treasurer.

To the Chairman,
Civil Service Commission.

VIII.—Mr. F. W. MAJOR, C.M.G., I.S.O., Chief of Customs.

MEMO. BY CHIEF OF CUSTOMS ON IMPROVEMENT OF CIVIL SERVICE.

I submit that it must be accepted as a fact that the Colonial Civil Service, viz., that of Crown Colonies and Protectorates under the Colonial Office, is a miserably paid one.

I do not hesitate to say that it is not possible for a married officer in this Protectorate to live on his pay and at the same time effect any savings to provide for a rainy day, unless he leads a dog's life and cuts himself off from all social intercourse with his

fellow-men or sponges on them. In many cases he runs into debt. This has been the case for years past; it is now aggravated by conditions brought about by the war, and the public officers' position is getting, if it has not already got to be, a most unpleasant one and, from the Government's point of view, a very dangerous one. I have heard of more than one instance where an officer has been offered bribes, and it speaks wonderfully well for the integrity and honesty of public servants struggling through life on a mere pittance that these bribes have been refused. Not only is the pay inadequate, but no provision has been made in this Protectorate, at any rate, for the widow and orphans of an officer, and the so-called pension scheme is one in name only. An officer cannot retire until he reaches the age of 50. He may have spent half these years or more in the Government service, in many instances starting in some colony at a very small salary. If he has any enterprise and accepts appointments from time to time in other colonies, he receives, when retiring, a pension from each colony in which he has served a contribution of so many sixtieths of the salary drawn whilst in the service of that colony. Thus, as an instance, an officer enters the Colonial Civil Service in a colony with a salary of £250 a year. He serves perhaps five years in that colony. He is transferred to another at £300 and he serves five years. He is then transferred to another at a salary of £500, serving for 10 years, and finally to the last at £800, where he serves 10 years before retiring. Instead of getting 30/60 of £800 = £400 per annum, he gets only 5/60 of £250 + 5/60 of £300 + 10/60 of £500 + 10/60 of £800 = in all £222 10s. 0d. Had he done all his service in one colony, rising to the figure given, he would get £400 per annum. The foregoing figures will of course be altered accordingly to the number of years an officer serves in West or East Africa, for which extra years are allowed. This tends to induce an officer to stagnate in one colony, and does not, in my opinion, conduce to efficiency in the public service. An officer may serve in a colony which has its own pension scheme. In such a case if he goes on to another colony he loses for pension all the years' service in the colony possessing its own pension scheme.

I consider one of the first things to do to improve the service is to provide better pension conditions and to arrange for a widows' and orphans' fund.

Experience has shown that long service in the tropics, especially in Africa, affects a man's health to such an extent that very few pensions are drawn for more than a few years, and that in some instances, owing to death, the pensioner does not draw a penny of his pension. The utmost relief that the widow has been given is six months of her husband's retiring pay, and then only if she has made a declaration that she is utterly destitute. I can hardly imagine anything more cruel and wanting in consideration for the widow of a public officer who has performed hard and faithful work for the Government during the best years of his life. Mr. Asquith has, I believe, stated that pensions are deferred pay. Why should the Government in such cases as I have mentioned pouch the whole of the deferred pay, why should not the pension go at least to the widow? One is almost inclined to apply the words of a distinguished preacher, who, in referring to Governments, said "that in their case it was a matter of co-operative guilt with limited liability."

I have had an opportunity of reading the memoranda prepared by members of different sections of my department, and I agree generally with a good deal of what they have placed on record, but I must take exception to the remarks made by the preventive officers in their memo. under the head *Promotions*. There has been no caprice about any of my selections during the whole of my service as head of a department, and I can claim with pride that neither the Government nor I have had reason to regret the promotion of any officers whom I have selected for recommendation. Every consideration is given by me to seniority, having due regard to efficiency and general qualifications.

Officers holding 2nd class appointments are not debarred from promotion to the 1st class if they possess the necessary qualifications.

I would also like to remark with regard to paragraph 7 of the 1st Grade Customs Officers' memo. of the 21st March, 1918, that Mr. Walsh, the officer referred to, was selected by me to carry out the work in German East Africa under my advice and instructions, and with the assistance of Mr. Kirsopp and a small staff of trained Asiatics. Mr. Walsh is a most efficient officer, possessing a thorough knowledge of the Customs system in British East Africa. He, therefore, voluntarily carried out the whole detail of inauguration on British East Africa lines without assistance from me, having the B.E.A. Customs Code to work on, reporting to me from time to time, and sending me copies of proclamations, etc., to which I had very little, if any, criticism to offer. He thus relieved the head of the Customs Department in British East Africa of an immense amount of work at a time when my hands were very full and rendered invaluable service, being afforded the opportunity of showing what a thoroughly capable officer he is. He certainly should have received special remunera-

tion, but neither the civil nor military authorities in German East Africa would grant it. Mr. Walsh's good service, however, will, I think, not be forgotten by me when an opportunity for bringing it forward arrives.

To revert to the question of adequacy of pay, take the item, wives' passages. I honestly do not know how some officers manage to put up the money. I know that in my own case, holding an appointment in a class which has been in the commission's recommendations debarred from receiving a war bonus on the erroneous supposition that officers in this class are suffering no hardships, that in order to provide for my wife's passage in 1911, I had to sell at great loss the whole of my furniture, which it had been necessary for me to purchase to supplement the few sticks of so-called furniture supplied by the Government in a so-called furnished bungalow. I have known of cases where a 1st grade officer, who is not allowed to travel 2nd class on a steamer, and who has not had the money to pay his wife's 1st class fare, has himself travelled 1st class and his wife 2nd class in the same boat.

The result of all this parsimony is to bring the Colonial Civil Service into disrepute and contempt, especially with the trading community in the colonies. One continually sees attempts made, sometimes with ulterior objects, sometimes out of pure generosity and good fellowship, by the trading community to press kindnesses on Government officials, who in most cases have to refuse as they are not in a position to return hospitality and other attentions.

The Colonial Civil Service is a distinctly poorly paid one, and with a colony such as British East Africa, I submit immediate improvement is necessary. I say so because I hold the opinion very strongly that in a pioneer country which shows any promise, and this does, it is most important that in its pioneer stage the very best men obtainable should be sent out to it. It is in the pioneer stage of a colony I submit "that the win or the loss of the race" is decided. When things are cut and dried a colony is much easier to run. Pay your men, but see that you get your money's worth. Do not let us go on with the old and present system under which once a man gets on the permanent staff it is impossible to kick him out unless he is guilty of a criminal offence. Why cannot the Government service be run on business lines? No commercial house would run its business on Government lines. It was laid down centuries ago that the labourer is worthy of his hire. Why not pay a man what he is worth? Give him his commercial value; if he has none, get rid of him. But surely it is fatally wrong to put a mass of poorly paid men on the permanent staff blindly trusting that out of the ruck some may be found willing to and capable of working faithfully, loyally and efficiently for the good of the State, although inadequately remunerated. I write strongly perhaps, but I claim the right to do so. I am recording my opinion when I am pretty nearly at the end of my tether, after 33 years of hard and conscientious work in the Government service, having received, like probably many others, much effusive praise of my services, but miserable recognition of them in the way of pay, with no prospects on retirement, but a pension on which I cannot exist, and with, in the event of my death, a wife totally unprovided for by the Government, as my pension dies with me. Mine is not the only case. There have been many others.

I do not propose in this memorandum to draw comparison between the actual emoluments drawn by Government officers and merchants' managers and clerks, as I presume the Commission have obtained plenty of evidence on that point. I would merely remark that from what I have been told a merchant's European clerk, after a few years' employment in this Protectorate, draws about two-thirds of the pay attached to the heads of important Government Departments of many years' service, and considerably more than is paid to Government officers in the 1st grade who have special training and hold responsible positions of trust and have to deal at any rate in my department with a very critical and intolerant public. The pay of heads of Government Departments is grotesque when compared with business managers' salaries and allowances.

As for the non-European staff, my trained clerks in receipt of Rs. 90 a month are continually being offered Rs. 120 to Rs. 200 per mensem by members of the mercantile community.

I claim that I am justified in stating that Government servants are badly paid, and that it is time that the Government considered the desirability of changing its present parsimonious policy.

I submit copy marked "A" of correspondence dated 1911. From it the Commission will see that as far back as 1911, when the cost of living was at least 100 per cent. less than it is to-day, the question of better pay was under consideration. It does not appear to have got beyond the consideration stage. I attach a proposed staff list, which I have drawn up after careful consideration.

I have not suggested a large increase in the higher classes of non-European clerks, as I consider their pay compares favourably with what is paid by employers outside the Government service, but I am distinctly of opinion that they should all be eligible for pension, and that they all should be granted free quarters or an allowance in lieu thereof. I have not touched on the question of leave, leave pay, climatic allowances, etc., to which the non-European staff have referred in their memorandum, as I imagine these will be dealt with by the Commissioners as a whole. I would, however, express the opinion that it is of the utmost importance that the conditions of service should be made as attractive as possible to this branch in the Customs Department where training and integrity are essential, and that much might possibly be done in the directions to which clerks have referred.

I also consider it important that all members of the preventive service should be given quarters, and where no quarters are available an allowance in lieu.

CUSTOMS DEPARTMENT.

Chief of Customs	... ..	£1,000 by £50 to £1,500
Deputy Chief of Customs	... ..	£700 by £25 to £900
Collector of Customs	... ..	£600 by £25 to £700
Assistants:—		
Senior	... ..	£500 by £25 to £600
Junior	... ..	£400 by £25 to £500
European Preventive Officers	... ..	£300 by £20 to £400
European Head Godown Keeper	... ..	£300 by £20 to £400
Head Clerk and Accountant	... ..	£250 by £20 to £300
1st Grade Clerks	... ..	£200 by £12 to £250
2nd Grade Clerks	... ..	£150 by £8 to £200
3rd Grade Clerks	... ..	£120 by £6 to £150
4th Grade Clerks	... ..	£80 by £4 to £100
5th Grade Clerks	... ..	£60 by £4 to £75
6th Grade Clerks	... ..	Under £60

I would propose to further effect improvement by increasing the number of 1st, 2nd and 3rd grade clerks with corresponding reduction in the 4th, 5th and 6th grades.

Crane Engineers, 1st Class	£108	} They draw a considerable amount of overtime.
Crane Engineers, 2nd Class	... ..	£80
Stokers	... ..	£42

CUSTOMS DEPARTMENT.

European Inspector of Customs Watchmen	... ..	£300 by £20 to £400
Assistant Inspector	... ..	Rs. 1,500 Rs. 125 p.m.
Jemadars	... ..	Rs. 900 Rs. 75 p.m.
1st Class Sergeants	... ..	Rs. 660 Rs. 55 p.m.
2nd Class Sergeants	... ..	Rs. 444 Rs. 37 p.m.
1st Class Corporals	... ..	Rs. 348 Rs. 29 p.m.
2nd Class Corporals	... ..	Rs. 324 Rs. 27 p.m.
1st Class Lance-Corporals	... ..	Rs. 300 Rs. 25 p.m.
2nd Class Lance-Corporals	... ..	Rs. 276 Rs. 23 p.m.
1st Class Watchmen (Asiatic)	... ..	Rs. 264 Rs. 22 p.m.
2nd Class Watchmen	... ..	Rs. 252 Rs. 21 p.m.
3rd Class Watchmen	... ..	Rs. 240 Rs. 20 p.m.
1st Class Watchmen (African)	... ..	Rs. 240 Rs. 20 p.m.
2nd Class Watchmen (African)	... ..	Rs. 228 Rs. 19 p.m.
3rd Class Watchmen (African)	... ..	Rs. 216 Rs. 18 p.m.
Head Watchman in Uganda	... ..	Rs. 16 to Rs. 18 p.m.
4th Class Watchmen in Uganda	... ..	Rs. 15 p.m.
5th Class Watchmen in Uganda	... ..	Rs. 10 to Rs. 12 p.m.
Boatmen, Office Boys, Gharri Boys, Sweepers and Lampmen	... ..	Increase in Grant from £446 to £550

[Copy].

M.P. No. 2280/10.

THE SECRETARIAT,
 NAIROBI,
 April 7th, 1911.

Confidential.
 Circular No. 35.

Sir,

It has been proposed that the appointments in the Protectorate Service should be standardised as follows:—

STAFF POSTS. At varying rates of pay exceeding £700 a year duty pay 10 per cent. of minimum salary.
 SCALE C.1. £600—£700 by £25.
 £60 duty.
 SCALE C.2. £500—£600 by £25.
 £50 duty.
 SCALE B. £400 to £500 by £20.
 £40 duty.
 SCALE A. £250 to £400 by £15.

I should be glad to know whether you can fit the existing appointments in your Departments to the above scale without any large increase on the emoluments at present drawn.

Your reply, which should be furnished on the accompanying form, should reach this office not later than the 17th instant.

By Order,
 (Signed) W. J. MONSON,
 Secretary.

The Honourable,
 The Chief of Customs,
 Mombasa.

Secretariat No. 4.

THE SECRETARY TO THE ADMINISTRATION,
 NAIROBI.

Confidential.

In reply to your Confidential Circular No. 35 of the 7th instant I find it difficult to fit the existing appointments in my department to the scales proposed.

May I be allowed to suggest the following scales in substitution for those proposed.

SCALE 1. At varying rates of pay £700 and over.
 Duty pay 10 per cent. of minimum salary.
 Increments of £50 a year.
 Two years to reach maximum.
 SCALE 2. £600 to £700 by £25.
 £60 duty pay; 4 years to reach maximum.
 SCALE 3. £500 to £600 by £25.
 £50 duty pay; 4 years to reach maximum.
 SCALE 4. £400 to £500 by £20.
 £40 duty pay; 5 years to reach maximum.
 SCALE 5. £300 to £400 by £20.
 £30 duty pay; 5 years to reach maximum.
 SCALE 6. £250 to £300 by £10.
 5 years to reach maximum.

(Signed) F. W. MAJOR,
 Chief of Customs.

Custom House,
 Mombasa,
 17th April, 1911.

[Copy].

Secretariat No. 6.

THE SECRETARY TO THE ADMINISTRATION,
 NAIROBI.

In continuation of my Confidential Minute No. 4 of this day's date I desire to suggest that it be laid down that no officer drawing less than £400 a year shall be permitted to marry except with the consent of the Governor or Secretary of State first having been obtained.

2. I also submit for consideration the question of the desirability of providing a Widows' and Orphans' Fund by monthly deductions from officials' salaries of all ranks,

say 2 per cent. to 3 per cent. thereof, such deductions to be added to a sum which the Government would have to provide as a nucleus to the fund.

3. An alternative would be to compel European officers to insure their lives in companies to be approved by the Governor for an amount equivalent to three times their annual salary, the Government paying half premiums, such contribution to cease on an officer taking pension.

4. This latter suggestion has the advantage of providing to a certain extent for an outside guarantee of an officer's fitness for service in British East Africa.

5. Officers already insured and who have paid premiums for a number of years should, I think, be given special terms.

(Signed) F. W. MAJOR,
Chief of Customs.

Custom House,
Mombasa,
17th April, 1911.

IX.—Mr. N. B. COX, &c., Customs Department.

MOMBASA,
21st March, 1918.

Sir,

With reference to the Circular issued by you dated 5th March, we respectfully desire to bring to notice the present disabilities of service in the Customs department of the East Africa and Uganda Protectorates from the point of view of an officer on first-class appointment who has been seconded and who may possibly subsequently be transferred from the Imperial Customs Service to the Customs Service in East Africa, and we further desire to offer some suggestions for the amelioration and improvement of present conditions and the consequent promotion of efficiency in the department.

2. In order to arrive at a just estimate of such an officer's position it may be desirable to give some details of his prospects in the home service.

3. METHOD OF ENTRANCE INTO IMPERIAL SERVICE.—Entrance into the Imperial Customs Service is gained by open competitive examination, the proportion of successful to unsuccessful candidates being usually about 1 in 15. The Service (excluding the Preventive Branch, which is recruited by nomination and elementary non-competitive examination and which does not participate in any appointments outside its own branch) is divided into three principal grades, viz., Officers, £80 by £7 10s. and £10 to £330; Surveyors, £320 to £600; and Collectors £500 to £1,100, in addition to which the higher appointments of Commissioners, Principal of the Statistical Branch, Accountant and Comptroller General, etc., with salaries up to £2,000, are also filled by men who entered the service as officers. It is necessary for an officer to pass a departmental examination before being promoted to the position of Surveyor, all subsequent promotions being made by selection.

4. SELECTION OF CANDIDATES FOR APPOINTMENT IN THE COLONIES.—In filling posts in the Colonial Customs from the personnel of the Imperial Service it has been the practice to circularise all officers, giving details of salary and prospects of the appointment offered and qualifications desired, and from the list of applicants to select a certain number for a personal interview with the Board of Customs and Excise at which a representative of the Colonial Office is present. From this number a choice is made and the officer so selected is seconded for one tour of service with the Colonial Government, at the expiration of which he is at liberty either to return to the Home Service or permanently to transfer to the Colonial Customs Service. It will thus be seen that such an officer must not merely have been successful in passing the competitive examination on entrance but must also have been the candidate selected above his fellow officers, and it is therefore reasonable to suppose that he does not leave England to bury a bad reputation, but rather to enhance a good one.

5. **INDUCEMENTS OFFERED.**—In some cases the salary of £250—£400 has not been sufficiently attractive to induce certain of the eligible men to offer themselves as candidates; in fact, articles have appeared in the Civil Service Press of the United Kingdom written with the express purpose of dissuading officers from volunteering for these posts. In other cases an officer wishing to see something of the world and to gain useful experience volunteers his services with an open mind, knowing perfectly well that he can return to the Home Service at the end of his first tour if he so desires. He may find that his appointment in the Colonies with its increased responsibility and greater opportunity for constructive work is preferable to the routine life of the Home Service, but he is forced to realise that a permanent transfer is likely to result in actual monetary loss, without consideration for the various drawbacks inseparable from life in the Tropics. As a result, such an officer either decides to revert to the Home Service, or, following inclination in contradistinction to expediency, takes up a permanent appointment in the Colonial Service at a salary which he knows to be inadequate. It is submitted that to offer such an alternative is unfair both to the officer concerned and to the service to which he belongs.

6. **QUALIFICATIONS AND REMUNERATIONS.**—In illustration of the qualifications required and of the inadequate remuneration offered, it may be stated that one officer when seconded from the Imperial Customs Service and receiving a salary of £280 was called upon to undertake for a period of 10 months the duties of Acting Chief of Customs, a position of very considerable responsibility, requiring not only a thorough knowledge of Customs procedure and local conditions, but also one in which the possession of sound judgment and strict impartiality was essential. For this work he received no extra salary beyond an additional allowance of £20 per annum, a total remuneration of £300 per annum.

7. Another officer, with seven years' service in the United Kingdom and three years' service in the East Africa Protectorate, and in receipt of a salary of £295 per annum, was called upon to undertake the work of inaugurating a Customs service in the occupied territory of German East Africa. Apart from the original Proclamation imposing Customs duties and a broad line of procedure laid down by the Chief of Customs of the East Africa Protectorate who was first called in in an advisory capacity, no laws or machinery of any kind for the control of Customs revenue existed, and it therefore devolved upon the officer in question to draft all subsequent proclamations, and regulations required, engage staff, open Customs stations, etc., a work requiring in addition to the most rigid honesty, an all-round technical knowledge of Customs procedure and considerable executive ability. For this work no increase of salary was approved, the only additional remuneration being a temporary allowance of 10s. per diem to cover travelling expenses and the extra cost of living in the occupied territory.

8. In both the above instances the duties undertaken would have been performed in the Imperial Service by very senior and highly paid officials. The fact that the appointments quoted were of a temporary nature is immaterial, and it is essential to the conduct of the department that officers should be fully qualified to take up such posts, and, in fact, similar qualifications are required in the positions usually filled by the officers in question.

9. It may be observed that whilst a young officer is only too glad of the opportunity of showing his merit by acting in a superior capacity, the trust reposed in him should be recognised by a material increase in his salary and emoluments.

10. The inadequacy of salaries in the Customs department is reflected in the fact that, before the war, in more than one instance officers received from commercial firms of some standing definite offers of positions at more than double their Government salaries at that time.

11. **SUGGESTED IMPROVEMENTS.**—With a view to the permanent well-being and consequent increase of efficiency in the Customs department we respectfully suggest that the salaries of officers on 1st class appointment should be made commensurate with the work undertaken by them, and in this connection we submit Schedule A, which is a comparative statement showing salaries and duties of Imperial and Colonial Customs appointments, together with suggested scales of salaries which we would put forward for the most serious consideration of the Commission as being the minimum requisite to secure permanent improvement of conditions of service and to offer an inducement sufficient to enable the department to obtain the services of officers of sufficiently high standing and ability.

12. In connection with the Schedule marked "A" the following points should be observed:—

(a) The duties of junior officers of Customs at home are carried out in this Protectorate by 2nd class officers and Asiatics.

(b) Increment must be more rapid in Colonial appointments owing to shorter period of service as compared with length of career at home. It therefore follows that the superior appointments in the Colonies will be filled by younger officers than would be the case at home.

(c) The comparisons are made without any regard to various disabilities consequent upon service abroad or conditions arising out of increased cost of living during war time, but are made solely in relation to similarity in nature and responsibility of relative duties.

(d) In a comparison of Imperial and Colonial appointments, it may be urged that by reason of the magnitude of home departments the corresponding posts in the Colonial service are not so responsible, but on the other hand it must be observed that while appointments at home are shared with many responsible colleagues, in the Colonies they usually involve individual and isolated responsibility. It will also be found that commercial firms pay their employees on this assumption, and a clerk appointed from home to manage a Colonial branch receives the salary that would ordinarily be paid to a manager.

(e) We have not included duty allowances as we do not consider these to be an equitable method of remuneration. It is suggested that if an officer is called upon to act in a superior capacity he should be paid, from funds estimated and provided for annually, one-half the difference between his salary and that of the officer for whom he is acting.

13. We would further respectfully urge that in order to obtain a more efficient and contented service it is desirable that Colonial officers be treated by the Government on more sympathetic and generous lines than has been the practice in the past. We believe that a considerable amount of the dissatisfaction which at present prevails is due to the feeling which has steadily gained ground in recent years that apart from general disabilities officers are most ungenerously subjected to narrow and limited, and from their point of view, questionable, interpretations of the regulations which can only give rise to feelings of bitterness. It cannot be denied that in this country climate tends to have a deteriorating effect upon character, which unless fostered by loyalty and *esprit de corps* called into being by generous and equitable treatment is apt to turn a discontented officer into a rebellious one.

14. The above statement is made with particular reference to conditions of service of Imperial officers in the Customs Department of this Protectorate which have not been specifically dealt with in the Civil Service Petition to the Secretary of State and to which we also subscribe.

15. The undersigned would esteem it a privilege to be examined by your Commission on any matter relating to the permanent improvement of conditions of service for officers of the East Africa Protectorate.

We have the honour to be, Sir,

Your obedient Servants,

N. BLAKISTON COX
Deputy Chief of Customs.

G. D. KIRSOPP,
Assistant to the Chief of Customs.

P. WALSH,
Collector of Customs, Mombasa.

NOTE.—Mr. G. D. Kirsopp's name has been appended to this statement as the matters referred to have been discussed with him and are in accordance with his views.

The Chairman,
Civil Service Commission,
East Africa Protectorate.
[201489]

SCHEDULE A.

COMPARATIVE SCHEDULE SHOWING THE NATURE OF DUTIES OF IMPERIAL AND COLONIAL CUSTOMS APPOINTMENTS,
TOGETHER WITH A SUGGESTED MINIMUM SCALE OF SALARY.

Imperial Appointments.			Colonial Appointments.			
Designation.	Salary.	Nature of Duties.	Designation.	Present Salary.	Suggested Salary.	Nature of duties.
<i>Executive Appointments.</i>						
Commissioners of Customs	1,200-2,000	Executive under authority of Treasury.	Director or Chief of Customs.	600-20-800 80 Duty and House.	1,000-50-1,200 and House.	Executive under authority of Governor.
<i>Administrative Appointments.</i>						
Departmental Controllers	800-1,200	Organisation and Staff duties.	Deputy Director ...	400-20-500 40 Duty and House.	700-25-900 and House.	Acting for Director. Organisation and Staff duties.
Inspectors and Collectors	500-1,100	Inspection, District and Port control.	Collectors	250-15-400 and House.	600-25-700 and House.	Inspection, District and Port control.
<i>Supervising Appointments.</i>						
Surveyors	320-600	Branch control, Supervision of Junior Officers' routine duties.	Senior Assistants ... Junior Assistants ...	250-15-400 and House. " "	400-20-500 and House. 340-20-400 and House.	Branch control and Supervision of routine duties of Junior Officers and Asiatic Staff.

X.—Mr. S. CHIVERS, &c., Customs Department.

H. M. CUSTOMS,
MOMBASA,
March 28th, 1918.

The Secretary to the
Civil Service Commission,
Government House,
Nairobi.

SIR,

In conformity with the request of the Chairman of the Civil Service Commission in his circular, dated the 5th instant, we wish to place before you the following suggestions of reform in the lower European grades of the Customs Department which, in our opinion, would be beneficial to the Officers concerned and to the Department and the Service generally.

EMOLUMENTS.—The salaries paid to these Officers have never been adequate to meet the cost of living in this country. The distress caused thereby became more acute with the advent of war and the consequent rapid rise in prices. At the present time every lower grade European official in the Department is either living on savings earned before joining the Customs Service of this country, or is hopelessly in debt.

We would respectfully draw the Commission's attention to an excerpt from a minute of the Board of Stamps and Taxes, dated June 23rd, 1842, and embodied in Imperial Treasury minute, dated November 30th, 1868, which reads:—

“An efficient performance of his Official duties is not to be expected from any person in pecuniary difficulties, as the time and thoughts of such a person, instead of being engaged in his official business, must necessarily be occupied in constant efforts to meet the exigencies of the day: and further, it is highly inexpedient that any such Officer should be placed in a position of trust.”

We submit that this excerpt is applicable to the present conditions of the lower grades of the Customs European staff, all of whom, although in receipt of poor salaries, occupy responsible positions of trust.

The salaries of these officers compare very unfavourably with those of the higher grades of the coloured staff, and we most respectfully ask that this state of affairs be put an end to and the initial salary of the Europeans raised to at least £300 per annum.

APPOINTMENTS.—A good deal of discontent might be removed if candidates from other countries were informed that they were being given second-class appointments and truthfully told of the conditions (social and otherwise) and the prospects to be expected in the event of their accepting these appointments. This would have the effect of preventing men, who had reasonable prospects and opportunities of advancement in their own country risking their chances in life by accepting employment in British East Africa.

PROMOTIONS.—The present system of promotions appears to be capricious inasmuch as reasonable regard is not paid to the claims of seniority and tends to generate an absence of confidence which cannot but be detrimental to the efficiency and content of the Department. While endorsing the views expressed in this respect in Chapter 16 of the petition to the Right Honourable the Secretary of State for the Colonies, we would respectfully draw the Commission's attention to the success which elsewhere in the Public Service has attended departmental examinations, held to gauge the qualifications of officers in certain stages in their career. We refer not to competitive literary examinations, such as men of a certain age and position could not be expected to undergo, but to examinations strictly limited to tests applied by a Committee of superior officers to the practical merits of candidates for promotion. Such tests might, with success, be applied to the lower grades of the Customs European staff and some scheme of promotion, based on these examinations, might be formulated whereby a second-class officer could rise to the higher grades as vacancies occurred.

Although vacancies frequently arise in the first-class official grades no opportunity is given to the second-class officials of obtaining any of the vacant appointments. It therefore would appear that a Customs Officer on a second-class appointment is never to be given the opportunity of rising to the first-class grade, notwithstanding any qualifications which he may hold.

We ask that the classes be entirely abolished and a clearly demarcated field of promotion opened up for every second-class officer in the Department, based either on seniority or the tests above-mentioned, and we respectfully submit that keenness, con-

fidence and ambition, which in present conditions cannot exist, would be encouraged in the staff and would be reflected in the increased efficiency of the department.

While endorsing all the suggestions put forward in the petition to the Right Honourable the Secretary of State for the Colonies, the above are the main points which we wish to place before the Commission, and we should feel grateful if Mr. Doherty be permitted to give evidence upon them on our behalf.

We have the honour to be, Sir,
Your most obedient Servants,
SYDNEY CHIVERS.
J. SUTHERLAND,
J. DOHERTY,
E. A. SHELVER.

XI.—Mr. J. W. BARTH, Attorney General.

ATTORNEY-GENERAL'S OFFICE,
NAIROBI,
BRITISH EAST AFRICA,
March 28th, 1918.

The Secretary,
The Civil Service Commission,
Government House,
Nairobi.

SIR,

With reference to the circular letter of the 5th instant from the Chairman of the Civil Service Commission, I have the honour to state that the chief matters which affect the efficiency of the Civil Service are the lack of any provision for widows and orphans, and the inadequacy in many cases of the emoluments received. The absence of any provision by the State for widows and orphans is a source of constant worry to those civil servants who are married unless they are possessed of means apart from their salaries. It becomes necessary for a civil servant without private means to insure his life in order to make some provision for his wife and children. Owing to the exiguity of the salaries paid it is impossible for civil servants even in the highest posts to afford the premiums on any sum which would yield anything like sufficient capital to provide an income on which to support his dependants comfortably. Most men struggle to pay premiums on sums which will yield a totally inadequate return and in the meantime find the burden of such premiums on their limited resources almost unbearable, especially as it is accompanied by the necessity for saving money to pay very expensive ocean passages for their families. The effect on their efficiency is obvious. The introduction of a widows' and orphans' pension fund is, in my opinion, a primary and essential feature of any scheme for the improvement of the service.

2. The increase of the cost of all the necessities of life during the last ten years indicates that salaries must be proportionately increased. The war is responsible for a very material increase during the last two years, an increase which is likely to continue, but before the war the cost of living was on a constantly rising scale, especially in towns like Nairobi and Mombasa. Rents and wages have steadily risen in those towns with a corresponding reaction on the cost of everything. It is unlikely that the cessation of hostilities will bring any immediate relief, or in fact, any relief at all. Wages are unlikely to go down either at home or in the Protectorate, and consequently the cost of commodities will not be greatly affected, especially if ocean freights remain at anything like their present high level. My own experience shows that it is absolutely essential that Europeans working in offices should go home at fairly frequent intervals if their health and mental vigour is to be maintained. Children should not be kept in the country after they have reached the age of seven or eight. It then becomes necessary to provide a home for them in Europe, unless one is prepared to take the risk of experiments in Darwinism for the evolution of a white race adapted to the Protectorate. To the best of my knowledge and belief nowhere has a white race flourished and perpetuated itself unmixed with coloured blood within five degrees of the equator. The necessity for these migrations involves very considerable additional expense and such necessity should be taken into consideration in computing scales of salary. At present the anomaly exists that persons holding the highest permanent posts in the Civil Service must be penurious in order to meet their necessary expenses.

Apart from the cost of living I am of opinion that the pay of an officer should depend to some extent on the amount and nature of the work devolving upon him. The progress of the Protectorate is within the knowledge of your Commissioners, and the increase both in the amount and in the importance of the legal work naturally keeps pace with such progress. The salaries which, in my opinion, would more nearly approximate at the present time to an adequate return for the work done by the members of my department would be not less than—£1,800 per annum in the case of the Attorney-General and £1,200 per annum in the case of the Solicitor-General, with corresponding duty allowances. An alternative to raising the salaries paid to something approaching adequate remuneration for the work done would be to allow the law officers to undertake private practice as is the case in other places. The Crown Counsel's salary should, in my opinion, be on a scale of £500-700.

3. A source of considerable hardship which I think should be removed is the fact that when an officer acts for another he has to assume all the responsibilities of the post with no extra reward other than the difference between the duty allowances of his own substantive post and of the post in which he is acting. Thus a Magistrate may act as a Judge and receive only extra remuneration at the rate of £30 per annum. The senior Puisne Judge would receive extra remuneration at the rate of £20 per annum for acting as the Chief Justice. The Attorney-General would, under similar circumstances, receive £10 per annum. Such instances can be multiplied. In my opinion any officer acting for another in a superior post should receive pay at the full rate estimated for such post. The necessary provision should be made in the annual estimates.

4. Another grievance which I think has some foundation is caused by the fact that when transferred from one station to another an officer must, under the existing regulations, be put to very considerable expense. The regulations should, in my opinion, be altered so as to admit of an officer having such a liberal allowance of goods carried free that the average man would be put to no expense.

5. I have not dealt with allowances for passages for a wife and children because I am of opinion that salaries should be based on a sufficiently liberal scale to enable a man to save enough for such passages. It may be necessary, however, for your Commission in dealing with the lower paid posts to consider the advisability of some such allowance.

6. My Indian staff proposes to submit views in a separate communication.

I have the honour to be, Sir,
Your obedient servant,
J. W. BARTH,
Attorney-General.

XII.—Mr. W. K. NOTLEY, D.S.O., Commissioner of Police.

EAST AFRICA POLICE.

SUGGESTIONS FOR THE IMPROVEMENT OF THE EFFICIENCY AND OF THE EMOLUMENTS AND OF THE TERMS AND CONDITIONS OF SERVICE.

A.—PAY.

(1) ASSISTANT COMMISSIONER.—Present pay, £400 × £20 to £500 + £40 duty allowance.

This officer is the second senior executive officer of the force, and to a large extent shares the duties and responsibilities of the Commissioner, for whom he acts during the former's absence, either from the Protectorate or headquarters. He is responsible to the Commissioner for the whole of the routine work of the headquarters office, in itself no small responsibility with a force approximately 2,300 strong.

I consider that the duties and responsibilities of this appointment are such that the pay should be £600 × £25 to £700.

(2) SUPERINTENDENTS (9).—Present pay, £400 × £20 to £500.

Recommended in order to encourage zealous and efficient performance of their duties and the retention of the best men in the service that Superintendents be divided

into two grades; one-third of the total establishment of Superintendents to be 1st grade, the remainder 2nd grade; pay of 1st grade to be £500 × £25 to £600, whilst that of 2nd grade remains as at present.

Seniority alone to carry no claim to promotion to the 1st grade, appointment to which should be by selection.

(3) ASSISTANT SUPERINTENDENTS (12).—Present pay, £250 × £15 to £400.

Recommended that the scale of pay be amended to £250 by a first increment of £30, and thereafter by increments of £20 to £400. In the event of a block occurring in promotion, the present small increment has a deadening and disheartening effect, and salary does not progress in the same ratio as an officer's utility.

In the event of an Inspector on a higher rate of pay than the initial pay of an Assistant Superintendent being promoted to that rank, he would commence on the next highest scale to that he was drawing, e.g., an Inspector on £270 per annum on promotion to Assistant Superintendent would receive £280.

(4) QUARTERMASTER (1).—Present pay, £300 × £15 to £400.

Recommended that increment be increased to £20 per annum.

(5) INSPECTORS (8) AND SENIOR SERGEANT-INSTRUCTOR.—Present pay, £200 × £10 to £250 + £10 uniform allowance.

Recommended £250 × £10 to £300 + £10 uniform allowance.

This rank represents the senior non-commissioned rank of the force, and the highest to which a considerable number of the European constables can hope to rise. As time goes on it will contain men of many years' service, whose knowledge of their duties and the country will be invaluable; the pay should be made sufficiently attractive to keep these men in the service and to permit of them receiving a reasonable pension on retirement. It is to be anticipated that the majority will be married men.

(6) ASSISTANT INSPECTORS (14) AND JUNIOR SERGEANT-INSTRUCTOR.—Present pay, £150 × £10 to £200 + uniform allowance.

Recommended £200 × £10 to £250 + uniform allowance.

These N.C.O.'s are almost invariably men who have served their apprenticeship in the rank of constable, and have earned promotion by their own exertion; their duties include the taking charge of a Police Station (Charge Office) and prosecution of police cases in Court.

(7) EUROPEAN CONSTABLES, 1ST GRADE (6).—Present pay, £146.

Recommended £192 (approx. 10s. 6d. p.d.) + £6 per annum uniform allowance.

EUROPEAN CONSTABLES, 2ND GRADE (10).—Present pay, £128.

Recommended £164 (approx. 9s. p.d.) + £6 per annum uniform allowance.

EUROPEAN CONSTABLES, 3RD GRADE (17).—Present pay, £118 12s. 6d.

Recommended £144 (approx. 8s. p.d.) + £6 per annum uniform allowance.

The present rates of pay were fixed in 1909, when living was very much cheaper than it is ever likely to be again; it has proved to be totally inadequate.

Recommended that the establishment of 1st grade constables be one-third, and that of 2nd grade constables two-thirds of the establishment of the 3rd grade.

(8) SUB-INSPECTORS, 1ST GRADE (4).—Present pay, Rs. 1,650 (Rs. 137.50 per mensem).

Recommended, Rs. 2,000 (Rs. 166.66 per mensem) + £4 per annum uniform allowance.

SUB-INSPECTORS, 2ND GRADE (6).—Present pay, Rs. 1,500 (Rs. 125 per mensem).

Recommended, Rs. 1,620 (Rs. 135 per mensem) + £4 per annum uniform allowance.

ASSISTANT SUB-INSPECTORS, 1ST GRADE (9).—Present pay, Rs. 1,200 (Rs. 100 per mensem).

Recommended, Rs. 1,320 (Rs. 110 per mensem) + £4 per annum uniform allowance.

ASSISTANT SUB-INSPECTORS, 2ND GRADE (13).—Present pay, Rs. 900 (Rs. 75 per mensem).

Recommended, Rs. 1,080 (Rs. 90 per mensem) + £4 per annum uniform allowance.

As in the case of European constables the present rates of pay are highest permanent since when the cost of living has advanced very materially. Expenses of the force are also increasing.

that they are insufficient to attract the right class of man or to induce him to stay, and they do not bear comparison with the rates paid by commercial or professional firms.

Recommended that the establishment of Sub-Inspectors be half that of Assistant Sub-Inspectors, and that 1st grades be two-thirds of 2nd grades.

(9) INDIAN POLICE.—

	Present rates.	Recommended.
Sergeants, 1st grade (3)	Rs. 45 p.m.	Rs. 50 p.m.
„ 2nd grade (2)	Rs. 35 p.m.	Rs. 40 p.m.
Constables, 1st grade (5)	Rs. 30 p.m.	Rs. 35 p.m.
„ 2nd grade (9)	Rs. 25 p.m.	Rs. 30 p.m.
„ 3rd grade (20)	Rs. 21 p.m.	Rs. 25 p.m.
Recruits (5)	Rs. 16 p.m.	Rs. 20 p.m.

These rates were fixed in 1909—the increase recommended is on account of the enhanced cost of living.

(10) AFRICAN POLICE.—

	Present rates.	Recommended.
Sergeants, 1st grade (3)	Rs. 45 p.m.	Rs. 45 p.m.
„ 2nd grade (26)	Rs. 35 p.m.	Rs. 35 p.m.
„ 3rd grade (60)	Rs. 25 p.m.	Rs. 28 p.m.
Corporals (137)	Rs. 19 p.m.	Rs. 22 p.m.
Constables, 1st grade (257)	Rs. 16 p.m.	Rs. 18 p.m.
„ 2nd grade (473)	Rs. 15 p.m.	Rs. 17 p.m.
„ 3rd grade (995)	Rs. 14 p.m.	Rs. 16 p.m.
Recruits (200)	Rs. 12 p.m.	Rs. 12 p.m.

The above rates of pay were fixed in 1909. Economic conditions have, however, changed very materially since these rates were regarded as an adequate wage, and it is becoming increasingly difficult to compete with other and better paid employment.

B.—GENERAL.

1. ACTING (OR DUTY) ALLOWANCE EUROPEAN STAFF.—I am in favour of an acting allowance of the difference between the minimum rate of pay of the higher appointment, the duties of which are being performed by a man of lower rank, and the substantive pay of such junior official being paid when senior appointments are held temporarily by junior men and prefer this system to duty allowances. It has been a very real grievance in the East Africa Police, and especially amongst Assistant Superintendents, of whom there are always two, and at present actually four holding appointments which should be filled by Superintendents, that a junior man gets no extra pay for the additional responsibilities he is compelled to assume when performing the duties of a higher appointment, and I consider it essential that the cause should be removed either in the manner I suggest, or failing that by granting duty allowance to the senior appointments.

2. PENSIONS—EUROPEAN STAFF.—In my opinion pensions for wives and families in the cases of married men and for “dependents” in the case of an unmarried man will do more for the efficiency of the service than any other reform. Under existing conditions the mental worry caused to men who have dependents, whether they are wives or children or parents or sisters, etc., owing to their inability to make reasonable provision for them, is considerable and in time reacts on the quality of work performed.

3. MARRIED ALLOWANCE—EUROPEAN CONSTABLES.—A number of the European constables, although entirely efficient in that rank, are quite incapable of performing the more responsible duties attaching to the rank of Inspector and Assistant Inspector, it is therefore necessary to hold out sufficient inducements to such men with a view to their adopting the profession of a policeman as their life's work, and to keep them in the force until they reach the retiring age. It is only reasonable that such men should be placed in a position to marry, and to this end I recommend that a married allowance of £4 per mensem be paid to all European constables married on the strength subject to the provision that no man can draw the allowance during his first tour of service, and that the “married strength” shall not exceed one-fifth of the establishment of European constables.

4. RETIRING AGE.—I am firmly of the opinion that it should be competent for a man the pay should be reduced after 20 years' service, irrespective of whether he has reached

(2) SUPERINTENDENT or not, similarly that Government should be able to retire a man who has completed 20 years' service; such a provision in the conditions of service would enable a man to leave, when he sees no future prospects, before he

becomes a time-server, and Government would be able to dispense with their mediocre officials to make room for more talented and energetic juniors. The knowledge that he might be retired compulsorily would be an incentive to a man who wished to remain in the service to put the whole of his energy and ability into the performance of his duties.

5. HOUSING.—Adequate housing, which should include at least three-roomed quarters for all married Europeans, for all ranks of whatever nationality, is a matter of the first importance and sufficient funds should be provided annually to ensure this end being accomplished within a reasonable number of years.

Plans and estimates for a new Police Station at Nairobi had received the sanction of Government before the war, and I can only urge that the full amount necessary be replaced upon the estimates so soon as the state of the Protectorate's finances render such a course practicable, efficient work in the cramped and insanitary building which constitutes the present Nairobi Police Station is not to be expected.

It is realised that permanent buildings cannot be erected immediately an out-station is opened; I would, however, urge that steps be taken, as funds permit, to provide suitable police stations and quarters on the same premises at all outstations at which European police are posted.

6. TRAVELLING ALLOWANCE—(a) EUROPEAN STAFF.—The present scale is entirely inadequate when travelling on the railway or detention at one of the larger centres (entailing hotel expenses) is involved.

(b) SUB-INSPECTORS.—A point has been made by Sub-Inspectors that they do not get travelling allowance. This is not entirely correct, as each case in which a Sub-Inspector travels beyond the jurisdiction of the Police Station at which he is posted is considered on its merits, and he almost invariably receives travelling allowance for such journey; as, however, it would remove an apparent grievance, and as the duty of a Sub-Inspector seldom includes much travelling, I recommend that Sub-Inspectors be granted travelling allowance on the same scale as the rest of the non-European staff of the Protectorate.

7. PENSIONS—SUB-INSPECTORS AND INDIAN POLICE.—I recommend most strongly that all Sub-Inspectors and Assistant Sub-Inspectors and all Indian police be granted pensions on the same conditions, with the exception of the rate of pay necessary to qualify for a pension, as appertains to the remainder of the non-European staff of the Protectorate.

It is of the utmost importance if Asiatic police are to be really efficient that they should have an intimate knowledge of both the language and the customs of the country. It has been proved that Indian police seldom remain longer than six years, and the reasons almost invariably given is that no provision is made for their old age. Every man in the Indian police can qualify for a pension, which after 30 years' service = 30/60ths of his average pay for the last three years of his service.

8. RE-ENGAGEMENT PAY—INDIAN AND AFRICAN POLICE.—It will probably be admitted by everyone that within certain age limits and subject to physical fitness, it is in the interest of the community that policemen should be retained in the force for as long a period as possible, for not only is the initial cost of training, which is heavy, saved, but his knowledge of criminals, their habits, the law and his duties generally increases in ratio to his length of service. The principle is so far admitted that exemption from Hut or Poll Tax is granted after nine years' service, a gratuity after 12, a meritorious service medal after 15, and increased gratuity after 21 years. I consider, however, that the valuable services of many trained men could be retained at small cost by granting re-engagement pay. I recommend, therefore, that re-engagement pay on the following scale be approved for all Asiatic and African police below the rank of Assistant Sub-Inspector:—

Re. 1 per mensem on re-engagement after three years' service.

An additional Re. 1 per mensem (making a total of Rs. 2 per mensem), after seven years' service.

An additional Re. 1 per mensem (making a total of Rs. 3 per mensem), after twelve years' service.

AFRICAN POLICE.

9. GRATUITIES.—I see no reason why the East Africa Police should not be treated as generously as the King's African Rifles in the matter of gratuities, and recommend that the present scale be amended accordingly.

10. LOCAL ALLOWANCE—EUROPEAN STAFF.—The members of the European staff stationed at Nairobi are penalised owing to the additional unavoidable expense of living; moreover, the work is not only more arduous but far less congenial. As a compensation for these disadvantages I recommend that a local allowance on the following scale be granted:—

Officers	... ..	£50 per annum.
Inspectors	... ..	£30 "
European constables	... ..	£24 "

W. K. NOTLEY,

Commissioner, East Africa Police.

117/18/18.
13th April, 1918.

Sir,

Since writing the enclosure to my P. 117/15/18 of the 9th April, 1918, I have the honour to inform you that it has been brought to my notice that the period of service of an African member of the King's African Rifles is now three years, which period is the same as that for which an African member of the East Africa Police is enlisted.

Under Section 18 of the King's African Rifles Ordinance, 1912, any native member of the King's African Rifles is entitled to three months' leave on full pay or six months' leave on half pay after each term of service, *i.e.*, after each term of three years; I consider that African members of the East Africa Police should be treated similarly and recommend that the Leave Regulations, Section 30 (3), East Africa Police Ordinance, 1911, be amended by the substitution of the words "full pay" for the words "half pay" in the last line, *i.e.*, that African members of the East Africa Police receive full pay whilst on leave instead of half pay as at present.

I have the honour to be, Sir,

Your obedient Servant,

(Signed) W. K. NOTLEY,

Commissioner, E. A. Police.

The Secretary,
The Civil Service Commission,
Nairobi.

XIII.—Mr. W. K. NOTLEY, D.S.O., Commissioner of Police.

117/24/18.
1st June, 1918.

The Secretary,
The Civil Service Commission,
Nairobi.

PENSIONS—AFRICAN POLICE.

Sir,

Since forwarding the memorandum which formed the enclosure to my P. 117/15/18 of April 9th, 1918, I have the honour to inform you that I have been approached by a number of the senior African N.C.O.'s of the East Africa Police on the subject of a pension scheme for the African Police.

There appears to be a very general feeling amongst the African Police that the Government utilises their services whilst they are physically fit for the strenuous duties of a police officer and that it discards them without making adequate provision for their old age when they are unable to perform these duties and when the gratuity which is granted them is of little practical value as they are unfit to make a new start in life.

2. It is pointed out that police officers are not permitted to trade and that the pay does not permit of their saving sufficient to keep them after they are past work, and that in consequence African police are compelled to leave the force whilst they are still young enough to start in business for themselves.

[201489]

3. I pointed out in paragraph 8 of my previous memorandum how desirable it is to retain the services of trained men, and in view of these representations I desire to support most strongly the request of the African police that a pension scheme for African police be introduced (I understand that the Somali police in Somaliland are pensionable) as early as possible.

4. I suggest the following main points for consideration:—

- (1) Up to 12 years gratuity as at present but on K.A.R. scale.
- (2) Over 12 and under 20 years gratuity as in (1) or invalid pension on medical certificate of incapacity for further service, calculated by multiplying the average emoluments of the last three years' services by the number of completed years of service and dividing by 60.
- (3) After 20 years' service a retiring pension of 1/60th of the average emoluments of the past three years' service for each completed year of service, with a maximum of 30/60ths.

I have the honour to be, Sir,

Your obedient Servant,

(Signed) W. K. NOTLEY,

Commissioner, E. A. Police.

XIV.—Mr. R. DONALD, Commissioner of Prisons.

Prisons,
43/1/5/18.

OFFICE OF THE COMMISSIONER OF PRISONS,
NAIROBI,
2nd April, 1918.

The Chairman,
Civil Service Commission.

Sir,

In answer to your letter of 5th instant, I have the honour to submit my views for the improvement of the efficiency of the prison service, and the betterment of the prison staff as follows:—

SUPERINTENDING STAFF.—PERSONAL EMOLUMENTS.—COMMISSIONER OF PRISONS.—To be on a consolidated salary of £800 per annum plus £80 per annum duty allowance.

ASSISTANT COMMISSIONER AND SUPERINTENDENT OF NAIROBI PRISON.—Salary to be £650 plus £60 per annum, duty allowance.

SUPERINTENDENT, MOMBASA PRISON.—Salary to be £300 to £450 per annum by increments of £15 per annum. Duty allowance £30 per annum, and £30 per annum as Quartermaster of Prisons.

For purposes of comparison I would here insert Tables A, B and C.

A. Showing present scale of salary of the above officials.

B. Scale of salaries of corresponding grades in Home Prison service.

C. Scale of salaries of corresponding grades in Indian Prison service.

2. EXECUTIVE STAFF.—EUROPEAN.—(GAOLERS).—1st Grade Gaoler. The number to be increased to two, and the salary raised to £250 per annum to £300 by £10, plus £25 per annum duty allowance.

2nd Grade Gaoler. Salary to be £240 per annum. No duty allowance.

3rd Grade Gaoler. Salary to be £200 per annum. No duty allowance.

Gaolers of all grades to receive as at present free quarters, uniform allowance of £10 per annum, and medical attendance.

The promotion of a 3rd grade gaoler to 2nd grade to be automatic after three years' approved service.

Service not to be approved until the man has passed the lower Swahili examination, and a departmental examination in his duties.

Unsatisfactory conduct to retard promotion at the discretion of the Commissioner.

I would here insert statement put forward by Gaoler Dards marked D. With his recommendations I am in full accord, with the exceptions of Nos. 3 and 8. The duty allowance given to 1st grade gaolers will sufficiently meet the case, and I consider the scheme of remuneration I have submitted to be more equitable.

In the case of all members of the European staff I would also strongly recommend that where married, free passages to and from Europe should be provided for the wife and family of an official at the same time that such is provided for himself.

It is also highly desirable that pensions or gratuities according to scale should be provided for the widows and young children of officials who die in the service.

3. MISCELLANEOUS STAFF.—This staff includes both clerical and industrial employees. I would here insert a statement marked "E" put forward on behalf of the clerical staff. As the interests of these men will no doubt be looked after by the Chairman of the Clerical Board, I offer no remarks further than to remark that, in the prison department they are somewhat better off than in other departments, as they are issued with free uniform and some of them are provided with quarters.

I strongly recommend that the two clerks performing the duties of ration and store clerks at Nairobi and Mombasa be each granted a duty allowance of Rs. 10 per mensem.

Foremen of Industries.—These men are not on incremental salaries, nor do I recommend that they should be placed on such. Their remuneration very much depends on the rate of pay governing their particular trade in the open market, and their present rates compare very favourably with those obtaining outside. The master tailor and carpenter at Nairobi are also provided with quarters as long as they are available, but no quarters are provided for the Mombasa staff. The men composing the latter might get a small increase in their present salaries.

4. ASIATIC AND AFRICAN STAFF.—CHIEF WARDERS.—1st Grade Chief Warder. Salary to be raised to Rs. 90 per mensem to Rs. 170 per mensem by triennial increments of Rs. 20 per mensem.

Appointment to be pensionable after salary has reached Rs. 125 per mensem, in addition to the gratuity given by section 38 of the Prison Ordinance, 1914.

These terms might induce a good class of men capable of performing clerical work to join and remain in the service.

2nd Grade Chief Warder. Salary to be raised to Rs. 50 per mensem.

5. ASIATIC AND AFRICAN STAFF. WARDERS.—I would strongly recommend that the present classification of warders into six grades be abolished and the classification now given be substituted therefor for the following reasons:—

A fairly large number of prison warders are composed of ex-soldiers or policemen. These men are used to and carry with them into the prison service the army nomenclature of the different grades, such as sergeant or corporal. They naturally dub the senior warders sergeants or corporals as they see them performing similar duties to those performed by those ranks in the army. It is very confusing at present and difficult to know who is referred to when a junior warder informs you he was ordered to perform a certain duty by Sergeant Ali, who may be either a 1st, 2nd, or 3rd grade warder. For the staff included in the estimates for the coming year I would substitute:—

- 8 Sergeants at Rs. 35 per mensem.
- 18 Corporals at Rs. 25 per mensem.
- 60 Warders, 1st Grade, at Rs. 21 per mensem.
- 120 Warders, 2nd Grade, at Rs. 17.50 per mensem.
- 160 Warders, 3rd Grade, at Rs. 15 per mensem.

The local allowance of Rs. 2 per mensem granted to men in Mombasa and Kisumu still to be retained and any men not accommodated with quarters to be given a lodging allowance of Rs. 2 per mensem. The warders to be given a khaki uniform with putties and to be armed with a light Martini-Enfield or Lee-Metford carbine, cavalry pattern, instead of with the present ungainly and cumbersome Martini Henry, which is also generally ineffective from wear and tear.

I would here insert a statement put forward on behalf of the warder staff marked "F" and signed by Chief Warder Lakha Singh and 1st Grade Warder Ali.

If No. 4 be acceded to, I am in full accord with all the demands put forward.

6. These recommendations, if carried into effect, will, I have no hesitation in saying, convert an ill conditioned and dissatisfied staff into a highly efficient and contented body of public servants. The increased cost to the Government would not be very great, and would not at a rough calculation exceed for the first year the provision made in the current year's estimates by more than £1,250 even if carried into effect from 1st April, 1918.

7. In this connection it must not be forgotten the Prison department is also Revenue earning. In 1916-17 the net profit from Prison Industries amounted to £268, and the Revenue from this source is capable of being greatly extended if the distribu-

tion of prison labour is left solely in the hands of the Commissioner of Prisons, as the law ordains it to be. At present, through a faulty system of accounting, labour is supplied free to all public departments, and no entry whatever showing the value of the labour so supplied is shown either in the accounts of the prison department or in those of the departments receiving such labour.

This is entirely wrong, and should be rectified in the near future. In 1915-16 it was estimated that at Nairobi Prison alone free labour to the value of Rs. 52,532.91 was supplied to other departments.

8. I mention the foregoing merely to show that the small increase asked for as necessary to ensure efficiency and contentment in the prison department will not press so heavily on the public purse as it ostensibly would appear. The contentment secured will react in increased production, and I firmly think it would be extremely unwise to disregard the natural aspiration for more liberal treatment which is certainly felt by a hard-working and most deserving body of officials.

R. DONALD,
Commissioner of Prisons.

EAST AFRICA PRISONS.

DETAILS OF ESTABLISHMENT AND RATES OF PAY.

EUROPEANS.

1 Commissioner	£500 × £25—£600—£50 Duty—£100 Personal	
1 Asst. „	£400 × £20—£500—£40 Duty.	
1 Superintendent	£250 × £15—£400—£25 Duty.	
1 Gaoler, 1st Grade	£240—£24 Duty allowance	} Plus £10 Uniform allowance.
2 „ 2nd „	£200—£20 „ „	
2 „ 3rd „	£180 „ „	
1 Matron	£120	

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ASIATIC AND AFRICAN.

9 Chief Warders, 1st Grade,	Rs. 80 per mensem, by triennial increments of Rs. 20 to Rs. 140 per mensem.
5 Chief Warders, 2nd Grade	at Rs. 45 per mensem.
5 Warders, 1st Grade,	at Rs. 30 per mensem.
11 „ 2nd „	Rs. 25 „
35 „ 3rd „	Rs. 21 „
90 „ 4th „	Rs. 16 „
100 „ 5th „	Rs. 15 „
125 „ 6th „	Rs. 14 „
3 Wardresses	Rs. 15 „

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Of the above Warders and Chief Warders 220 stationed at Nairobi, Mombasa, and Kisumu receive, in addition, local pay at Rs. 2 each per mensem to meet the extra cost of living.

MISCELLANEOUS STAFF, INDIAN AND GOAN.

1 Clerk, 2nd Grade	at Rs. 200 per mensem.
1 „ 3rd „	142.50 per mensem.
1 „ „ „	132.50 plus Rs. 10 duty per mensem.
1 „ 4th „	107 per mensem.
1 „ „ „	96 per „
2 „ „ „	90 per „
2 Master Tailors	105 per „
1 „ Carpenter	105 per „
1 „ „ „	90 per „
1 Mason	75 per „

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SALARIES OF GOVERNORS IN ENGLISH PRISONS.

£260 to £300 p.a.	£310 to £350.	£360 to £450.	£500 to £650.	£700.	Remarks.
Governors of :—	Governors of :—	Governors of :—	Governors of :—	Governors of :—	In Prisons where the Governor draws £700 as salary a Deputy Governor is also appointed, salary £250 to £300.
Bedford 44	Bristol... .. 169	Cardiff... .. 300	Aylesbury F. ... 95	Holloway ... 710	
Bodmin 39	Canterbury ... 140	Hull 271	Chelmsford ... Mil.	Dartmoor ... 784	
Brecon 18	Exeter 72	Knutsford ... 184	Durham ... 500	Manchester ... 1,010	
Cambridge ... 49	Lancaster ... 77	Lewes 110	Maidstone ... 438	Liverpool ... 1,051	
Carlisle 58	Leicester ... 108	Lincoln ... 184	Stafford ... Mil.	Pentonville ... 884	
Carmarthen ... 62	Northallerton ... 112	Newport ... 205	Wakefield ... 650	Parkhurst ... 771	
Carmarvon ... 26	Northampton ... 81	Preston ... 274	Birmingham ... 338	Portland ... 700	
Dorchester ... 42	Nottingham ... 137	Warwick ... 122		Wandsworth ... 774	
Ruthin 28				Wormwood ... 825	
Ipswich 91					
Oxford 35					

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The number given opposite each Prison represents the average daily population, 1916.

Average daily population, Nairobi, 1916-17 764

" " " Mombasa " " 176

Chairman Prison Board £1,800 per annum.

Prison Commissioners (3) £1,000 " "

Secretary and Inspector £700 to £300 " "

INDIAN PRISONS.—MADRAS PRESIDENCY.

SALARIES AND ALLOWANCES, 1916.

Inspector-General of Prisons ...	£1,440 × £40 to £1,600.
Superintendent Central Jails (9)	
Non-Medical, 1st class...	£480 × £40 to £800.
Non-Medical, 2nd class ...	£360 × £24 to £480.
Superintendent District Jails ...	£280 × £16 to £360.

GAOLERS.

First Grade	£200 per annum.
2nd „	£160 „ „
3rd „	£140 „ „
4th „	£120 „ „

HEAD WARDER.

Rs. 30 to Rs. 40 per mensem.

WARDERS.

1st Grade	Rs. 12 per mensem.
2nd „ „	11 „ „
3rd „ „	10 „ „
Wardresses	Rs. 10 to Rs. 14 per mensem.

XV.—Dr. A. D. MILNE, C.M.G., &c., Principal Medical Officer.

MEDICAL DEPARTMENT,
HEAD OFFICES, NAIROBI,
28th March, 1918.

SIR,

For a number of years there has been a growing sense of dissatisfaction with the conditions which govern service in the Protectorate Medical Department; a feeling which, some 12 months before war broke out, culminated in a departmental petition being presented to the then Governor for inquiry and redress, and which was entirely fruitless in results.

2. The exceptional experiences of the past four years, during which time the tide of war effectually absorbed the energies of the Department, could not but accentuate almost daily the contrast in the terms of service pertaining to the East African Protectorate and those which governed the prospects of Medical Officers in the four following services:—

Royal Army Medical Corps.
Indian Medical Service.
South African Medical Service.
West African Medical Service.

3. It was not till last year when the ebb and flow of the main military operations had been far removed from this Protectorate that the sense of disabilities under which all the East African Colonies laboured again crystallized out into formulating a petition which is in process of being submitted for presentation to the Secretary of State for the Colonies. This petition particularly emphasizes the fact that, though put forward for present consideration, during war time, the signatories trust that their loyalty may not in any way be questioned for raising these issues as they fully realise that it may not be possible to give any decision until peace is declared. In embodying the specific points put forward in this petition, so far as they affect the scope of your enquiry, I trust it will be understood that the same proviso remains.

4. In the following pages I have endeavoured to set forth the disabilities which militate against the efficiency and attractiveness of the service. Owing to the fact that many of the members of the Department are still widely scattered throughout the theatre of war, and the slowness of communication both in these and in the Protectorate

it has not been possible to ascertain the views of all members of the different grades in this department, so that what is represented cannot claim to be a complete exposition of what it is endeavoured to rectify.

A.—MEDICAL OFFICERS.

5. CHANCES OF PROMOTION.—The following Table contrasts the existing grades with what is proposed should be laid down:—

Proposed.	Existing.
(1) 2nd grade M.O.	Medical Officer.
(2) 2nd grade M.O.H.	M.O.H.
(3) 1st grade M.O.	Nil.
(4) 1st grade M.O.H.	One Billet at £600.
(5) Dental Surgeon.	Dental Surgeon.
(6) Senior M.O.	Senior M.O.
(7) Senior M.O.H.	Nil.
(8) Prov. M.O.	Nil.
(9) P.S.O.	P.S.O.
(10) Dy. P.M.O.	Dy. P.M.O.
(11) P.M.O.	P.M.O.

6. It is proposed (1) that there be two ranks of Medical Officers, a first-class and a second-class; the latter to be for a minimum period of five years. (2) That no Medical Officer be promoted from the second-class to the first except for a definite combination of ability and services rendered. (3) That no Medical Officer be promoted from the first-class to the higher grades unless he has attained the rank of first-class within 10 years.

7. Leaving out of account the last three head appointments (9, 10, and 11, *vide* paragraph 5) it will be seen that the chances of promotion in the East African Service as at present constituted are very poor, and are confined to

- 2 Senior Medical Officers at £500-£600 per annum.
- 1 Medical Officer of Health at salary of £600 per annum.

8. PAY.—The following table contrasts the present scale of salaries with what is proposed, and is what the staff has submitted:—

Existing.	Proposed.
1. P.M.O £700-£900, Duty Allowance £70 ...	£1,000, Duty Allowance £200.
2. Dy. P.M.O. £600-£700, Duty Allowance £60.	£800-£900, Duty Allowance £160.
3. P.S.O. £600-£700, Duty Allowance £60 ...	£800-£900, Duty Allowance £160.
4. Snr. M.O.'s £500-£600, Duty Allowance £50 ...	£600-£700, Duty Allowance £60.
5. M.O.'s £400-£500, Duty Allowance Nil ...	£400-£500, Duty Allowance £40. £500-£600, Duty Allowance £50. £600-£700, Duty Allowance £120.
6. M.O.H. Mombasa, £500-£600, Duty Allowance £50.	
7. M.O.H.'s Mombasa, £400-£500, Duty Allowance £40.	As for M.O.'s., but with 20% Duty Allowance.

I have the following observations to make on these proposals:—

(a) It is doubtful if the proposed pay for the Principal Sanitation Officer really meets the importance of this office. It is the prevention of disease in this new and rapidly developing country which is going to demand the greatest effort; and in calculating what is a fair remuneration in an office of this importance, the square mileage of the country, the number of inhabitants, and the infancy of its development ought all to be contrasted with what is paid to the Principal Sanitation Officers in charge of other Colonies and Dependencies of less or equal size.

(b) It should be pointed out that while the Nigerian scale is adopted generally the pay of the three most senior posts has been fixed at a lower rate.

(c) There ought to be provision for Senior Medical Officers of Health. The Table adopts the Nigerian post of Provincial Medical Officers. I hardly think the creation of this is necessary at the present stage of the country. Increasing the number of Senior Medical Officers and Senior Medical Officers of Health would give additional chances of promotion.

(d) As there is the grade of Senior Medical Officer on the medical side, so there should be the same on the sanitation side at the same rate of pay, but with a 20 per cent. duty allowance—all Medical Officers of Health being forbidden private practice.

(e) There should also be the two grades of Medical Officers of Health as is proposed for medical officers, but here again their duty allowance should be on the 20 per cent. scale.

9. The proposed emoluments show a decided increase on those obtaining at present which latter are not calculated to attract the best men, nor to keep them satisfied when they have settled down in the service after the first four or five years.

10. The present rate of salaries for Medical Officers of Sanitation was fixed about 1905, when the Colonial Office took over the Protectorate from the Foreign Office. It has not conformed to the same ratio of increase as has the pay of Medical Officers in other Colonies (*e.g.*, West Africa). In Great Britain the remuneration attached to Institutions, Asylums, Hospitals, etc., even in pre-war days all showed a tendency to double in value, and have now trebled. Surgeons of the Mercantile Marine whose pay used to be from £8-£10 a month now draw double and more with a fixed scale of fees for passengers thrown in. The introduction of panel practice in England has enabled a very large number of practitioners to earn a comfortable living at home who might otherwise have been attracted abroad in search of higher pay.

11. DUTY PAY AND ALLOWANCES.—(a) *Duty Pay* is 20 per cent. on the West Coast for all appointments, whereas on the East Coast it is 10 per cent., and is attached only to the following officers:—

Principal Medical Officer.
Deputy Principal Medical Officer.
Principal Sanitation Officer.
Two Senior Medical Officers.
Three Medical Officers of Health.
Two Nurses.

Of all officers in the Protectorate Staff list with a salary of £400 and over, Medical Officers are in the minority of those who do not receive a duty allowance. I submit that this is a matter which should be rectified, and that the scale should be as laid down in paragraph 8.

(b) *Travelling Allowances*.—The Staff consider that these also require revision and the scale allowed should be:—

Principal Medical Officer	...	...	Rs. 15 p.d., maximum 150 days.
Dy.	"	"	Rs. 10 p.d. " 150 "
Principal Sanitation Officer	...	...	Rs. 10 p.d. " 150 "
All Ranks M.O.'s. and M.O.H.'s	...	...	Rs. 5 p.d. " 100 "

The above are less than those laid down for the West Coast. When on military duty in the field the allowance should be at the rate of 10s. extra a day. During the war here Medical Officers were denied the travelling allowance of Rs. 4 p.d. if in receipt (as he necessarily had to be) of rations, the face value of which was Rs. 1.50

(c) *Acting Allowances* are not recognised in the Protectorate. The best that can happen is for an officer who is carrying on the duties of two posts to be granted the privilege of drawing both duty allowances. If he acts only for the higher post he can draw the difference between the two duty allowances. This means in practice that the Deputy Principal Medical Officer who had to undertake the vastly increased responsibilities of my office as Acting Principal Medical Officer during my absence on sick leave is remunerated to the extent of a £10 note for 15 months' work.

It seems to me that it would be fairer to consolidate all duty allowances (I am talking of the revised scale) into the pay, and estimate each year for acting pay, which should be calculated on the minimum rate of pay of the rank held.

12. The reasons for such a marked discrepancy as between East and West are not obvious. I have heard it said that, for one thing, it is because Medical Officers are allowed private practice. The only places in the country where private practice is at all a factor are Mombasa and Nairobi, and to a less extent Nakuru; elsewhere it can only be regarded as incidental. There are possibly greater chances of private practice on the West Coast.

13. (a) It has been alleged that climatic and health conditions are much worse on the West Coast than on the East. While admittedly the conditions on this side of Africa are less trying, it would be possible to mention places in the East Coast which are as bad as the bad places in the West. I suppose the great difference between the East and the West is that there the heat is moist while here it is dryer in the inland regions, and therefore more supportable.

(b) Even in the Highlands of this Protectorate, the climate of which has earned for the country a somewhat extravagant reputation, it is, I think, continually forgotten that we are living on the Equator and that the conditions of health are only modified by altitude and certain meteorological and other factors. There are well-known physiological changes dependant on life at a high altitude—the majority of Europeans here live at a height above that of Ben Nevis or Snowdon—and the dividing line where these changes become pathological not infrequently becomes evident in the consulting room.

(c) Another pronounced factor which I think deserves mention is that the well-known nervous irritability, engendered by continuous residence in the tropics, is in this country, I think, unusually prominent, and is sufficiently notorious to be a matter of common talk. When it is the season of the dry weather, with its intensely hot, very dry stimulating wind ceaselessly blowing, the effect on those whose duties prevent them from getting frequent changes of scene and occupation is a tendency to bankrupt an individual's nervous force. The climate of the highlands is tonic and stimulating, but just as the law holds good that for every form of over-indulgence nature sooner or later exacts her penalty, so may continuous exposure to this climate on the average person induce all those forms of slight or pronounced mental irritability, nervous breakdowns and excitability, neurasthenia, neuralgia, neuritis, even leading up to and sometimes beyond the border line of insanity. In making this statement it must be understood that I am deliberately excluding many factors which should all be weighed before a true perspective can be arrived at on the part played by the climate in governing the conditions of health, *e.g.*, temperament, over-work, responsibilities, housing and surroundings, diseases (*e.g.*, malaria), contact with inferior races with the inevitable lowering of one's moral ideas and the question of alcohol. I feel that I am in a position to record these views, because owing to having been invalided out of the country for 15 months, it has struck me on my return very forcibly that the nervous energy of all those officials who are long overdue for leave after a very exceptional period of stress and overwork has markedly deteriorated.

(d) To put it shortly, one of the main methods by which the efficiency of the Government service in this country can be ensured is by the strict application of the leave rules. The present maximum of a 30 months' tour is the limit, and it is wise provision that allows an earlier departure if the need arises.

14. Another factor influencing health which must be taken into consideration is this, that of the whole continent of Africa probably no portion of it is so exposed to the recurrence of epidemic diseases, both stock and human, as the East Coast. It is a perfect hothouse for the propagation of communicable diseases—malaria, dysentery, beri-beri, tick fever, cerebro-spinal meningitis, small-pox, anthrax, and plague, with, so far, no cases of yellow fever; and I should imagine East Africa is earning a more unenviable reputation in this respect than any other African colony.

15. DUTIES.—There can be no comparison between the standard of the responsibilities a Medical Officer was called on to accept at the time the rate of pay was fixed, and what obtains now. The enormous development of the country which has taken place during the last decade has involved an increase in the number of Government Departments, an enlargement of their staffs, *e.g.*, such large employers of labour as the railway, prisons, police and the public works department and an ever increasing demand for additional medical assistance and supervision throughout the administrative areas.

16. The obligations imposed on the Medical Staff in this Protectorate are, I think, notable. In other African Colonies the duties of a Medical Officer are related to the care of (a) the indigenous pagans with a sprinkling of educated natives and small bodies of foreigners, such as Syrians, etc; (b) Europeans, the great bulk of which is largely official, the remainder being traders, companies, etc., limited in number. Here we have (a) the natives, (b) Europeans, the great bulk of whom consists of a large and influential class of farmers, large and small, traders, companies and the professional classes, with relatively a small body of officials. Added to this is (c) a large community of Indians with important stakes in the country requiring constant watchfulness so as not to upset the customs and susceptibilities belonging to that country. All these three classes mean a vast increase in official correspondence, returns and reports, and has necessitated the creation in the Medical department of such branches of work as the Sanitation Division—which alone is bound to attain to very large dimensions—boards affecting the outside public, *e.g.*, registration of medical practitioners and dentists, chemists and druggists, drugs and poisons, opium, and the Public Health Ordinance.

17. PENSIONS AND GRATUITIES.—The staff submits that this should be the same as for the West Coast.

(a) At present a medical officer joining the East Coast service cannot obtain a pension at the earliest, unless invalided, before he is 50 years old. He may have to do 27 years' service or more in a tronical climate before he can claim a pension; on the West Coast a pension of £1 a day can be granted after 18 years' service.

(b) If an officer is invalided from the West Coast service after seven years' actual service he obtains a pension of just over £100 a year, whereas in East Africa as an act of grace he may receive a maximum gratuity of £291 13s. 4d., or the equivalent of one month's pay for each year of service and which is the equivalent of £15 per annum.

(c) Should a medical officer elect to retire after nine years' actual service, not having been invalided and not having arrived at 50 years of age, he is entitled to a gratuity of £1,000, and after 12 years' service to £1,200, whilst, should an East Coast Officer do the same, he is entitled to nothing whatever.

(d) The staff is further informed that, in the event of a medical officer dying in West Africa after nine or twelve years' service, his widow is granted his bonus of £1,000 or £1,200, while the next-of-kin of the East African medical officer may under exceptional circumstances and on the plea of poverty, receive a maximum compassionate grant of a single payment of £250.

(e) There is no Widows' and Orphans' Fund. So far as I know the Uganda Protectorate officials submitted a scheme as long as 1904, which was squashed.

I may say it has twice fallen to my lot to collect from the public subscriptions to help out the poverty of medical officers' widows.

18. HOUSING.—Free quarters partially furnished on a published scale are allowed in East Africa. The scale is a bare minimum, and provides chairs and a dining table for the dining room and the ordinary equipment of one bedroom. I consider that all the rooms in the house should be furnished on this limited scale, and that the kitchen, pantry, bathrooms, store-houses, should be provided with such ordinary fittings as sinks, cupboard, meat safes, baths, etc. It is a great strain for a man on, say, £400 a year, especially if married, to complete the furnishing of a house, always aware of the fact that he has no security of tenure for his tour of service in that particular house owing to the possible exigencies of Government service. Great hardships have arisen on this point in the past, and the fact remains that the often impossibility of producing the most ordinary surroundings of a home militates against a man's efficiency and health. Another serious drawback to this country is that, if a man proceeding on leave wishes to store his lares and penates so as to vacate the bungalow for his successor, he can only do so by locking them up in one of the rooms, thus limiting the accommodation, or pay heavily to private firms to store them. A store house should be provided at Mombasa, Kisumu and Nairobi for this purpose.

19. PASSAGES FOR WIVES AND CHILDREN.—This means that every penny an officer can save is swallowed up in providing the means to take his family home at the end of his tour of service. It means a disposition to prolong the tour of service until such time as the price of the passages has been saved.

It means, not unusually, that all his household effects have to be sold to enable him to take advantage of his leave—to save money generally means economising on the biggest items of household expenditure, food and stores. In a country where the wages of cooks are higher than those paid in well-to-do middle class families in England, the digestion may be at the mercy of self-taught Africans with a monotony of indifferently cooked meals. My advice has always been to officers—even on £250 a year—that as health is always the first consideration, it is an insurance for them to spend £40 to £45 a year on a good cook.

20. STUDY LEAVE.—Medical men who are interested in the advances made by their profession feel the need of, from time to time, undertaking courses of study. The opportunities now afforded by this Protectorate for the purpose can be only described as meagre and involve a sacrifice of a considerable portion of earned leave. Such attitude on the part of the authorities is, in my opinion, one which is calculated to foster the spread of ignorance. When men proceed to Europe on leave they are in need of rest so that their energies may be recuperated; the existing provision, however, makes no allowance for such necessity. Study leave should be a thing apart from "vacation" or "return" leave. Medical Officers should at least be made to take out a comprehensive post graduate course every ten years; and this apart from studies related to public health, the special qualification in which latter subject will, of necessity, be held by all members of the Sanitation Division of the Medical Department, if the proposed revised conditions of service are accorded approval.

(b) 21. OFFICE SUPERINTENDENT.—I have repeatedly asked that this office in the Medical Department should be a first-class appointment. I am unaware of the reasons against it. I do not think it is realised the enormous and varied amount of work that has to pass through his hands. The holder must be possessed of considerable medical knowledge and tact in dealing with the clientele of the department. As regards work, all that has been said in paragraphs 15 and 16 apply with equal force to him, as it all comes first under his review. He has, in addition, the preparation of all the material for the production of the Annual Medical Report, a copy of which, for 1915, I attach. The accounts of the Medical Budget, amounting to £77,000 for 1918-19, are under his supervision, and he is Secretary of all the various Boards enumerated in paragraph 16. The position is an onerous one, and, I think, should be considered for an increase in salary as Office Superintendent and Accountant.

The present emoluments attached to the post are:—

Office Superintendent, £250-£400 × £15 per annum.
Clerk of Health Board, £24 per annum.

In any case there should be a 10 per cent. duty allowance.

22. MEDICAL STOREKEEPER.—This is a first-class appointment, and the present pay compared with corresponding billets in other departments is as follows:—

Chief Storekeeper, Uganda Railway, £550-£700 × £20; duty allowance, £55.
Deputy Chief Storekeeper, Uganda Railway, £450-£550 × £20; duty allowance, £45.
Assistant Storekeeper, Uganda Railway, £300-£450 × £20.
Chief Storekeeper, Public Works Department, £400-£500 × £20; duty allowance, £40.
Quartermaster Police, £300-£400 × £15; duty allowance, £30.
Medical Storekeeper, £250-£400 × £15; duty allowance, nil.

The medical storekeeper must be a certificated dispenser. The number of items which he has to control the issue and receipt of runs into millions and includes poisons. The salary attached should be not less than:—

£350-£450 × £20; duty allowance, £35.

23. LUNATIC ASYLUM.—The salaries in connection with this institution are:—

Superintendent	...	...	...	...	£200 per annum.
Matron	...	...	...	...	£120

These were fixed when the Asylum was in its infancy. Considerable additions have since been made to it, and if it is to keep abreast of the growing needs of the country, a considerable expansion will have to be faced in the near future. It is unnecessary to record the responsibilities of those charged with the care of mental cases, but perhaps it is well to state that the utmost difficulty is experienced in obtaining the services of those willing to undertake them. It is notorious that Asylum appointments are always well paid. At the present moment the Medical Officer in charge of the Native Civil Hospital has to undertake the responsibilities of the institution in addition to all his other duties. These responsibilities are heavy, as apart from the medical charge of European, Indian and African patients, considerable care is required to comply with the intricacies of the legal procedure; until such time as a Medical Officer is definitely appointed to the Asylum (a scheme for which is now under consideration) the Medical Officer in charge should be allowed an acting allowance. The pay, I would suggest as probably sufficient to meet the next few years, is:—

Medical Officer: Acting allowance, £150.
Superintendent: £300-£400; duty allowance, £30.
Matron: £200-£300; duty allowance, £20.

24. EUROPEAN DISPENSERS:—

Men: Salary, £200 per annum.
Women: Salary, £120 per annum.

These are non-pensionable posts. The men dispensers have numerous other duties to perform in addition to dispensing medicines, *e.g.*, clerical, quartermaster's duties, night duty, and disciplinary control in absence of Medical Officer. The hours are sometimes very long.

The one woman dispenser is solely for dispensing.

As it is probable that after the war the class of trained military dispensers will be available for service here, to make the post more attractive they should be pensionable, and the salary I would suggest, is:—

£250-£350 × £15.

Women dispensers, if undertaking all the duties the men are called on to perform, would come under the same rate; if only employed for dispensing, £150 per

annum, or whatever is considered to be the minimum living wage of white women in this country, should be allotted.

(c) 25. ASSISTANT SURGEONS, SUB-ASSISTANT SURGEONS AND HOSPITAL COMPOUNDERS.—The first two of these classes are recruited from two sources, viz., one from the Indian Subordinate Medical Department—it has been my chief aim to obtain the services of these men, in preference to engaging them from anywhere and anyhow, which constitutes the second source. The terms of service of these seconded men have been very definitely laid down by the Government of India. I understand that since the war broke out that Government has effected several drastic improvements, the effect of which will be to lower the attractions of the Protectorate service in comparison with its own Indian home service.

26. The following table contrasts the conditions of service—that laid down by the Indian Government and that offered by this Protectorate:—

Conditions.	I.S.M.D.		E.A.P.	
	Assistant Surgeons.	Sub-Assistant Surgeons.	Assistant Surgeons.	Sub-Assistant Surgeons.
1. Period of engagement	3 years plus from station in India to Mombasa.		3 years from date of arrival at Mombasa.	
2. Travelling allowance in India.	Regulated by Indian Civil Service Code.		Double, 2nd class and 12 cts. by road.	Double intermediate and 12 cts. by road.
3. Passage by sea ...	2nd class with food ...		2nd class with food.	
4. Travelling allowance in E.A.P.	Regulated by E.A.P. Civil Service Code. Free passes for families and 2 servants on Uganda Railway.		Regulated by E.A.P. Civil Service Code. Free passes for families and 2 servants on Uganda Railway.	
5. Outfit allowance ...	£20	£10	Nil.	
	For each tour of service.			
6. Ration allowance ...	£40 per annum.	£12 per annum.	£25.	£25.
			Only allowed to those in the Northern Frontier District.	
7. Horse allowance ...	£20 per annum.	£12 per annum.	Nil.	
8. Quarters or allowance in lieu.	£40 per annum.	£16 per annum.	£40 per annum.	£16 per annum.
			If engaged before 1909.	
9. Pay ...	£200 per annum.	Double Indian rates, i.e., approximate per annum 1st Class S. S. A. S. £200. 2nd Class S. S. A. S. £176. 1st Class S.A.S. £152. 2nd Class S.A.S. £120. 3rd Class S.A.S. £96.	£200—£240.	£104—£192.
10. Leave and Leave Pay	3 months on Indian rate of pay on completion of 3 years' service.		5 months on half pay after 43 months service, if on permanent roll.	
If broken period or invaliding.	7 days for each completed period of 3 months, on Indian rate of pay.		3 days for each completed period of one month on half pay if on permanent roll.	
Extension of leave ...	At rate of 75 per cent. of Indian rate of pay.		3 months with quarter pay.	
11. Pension and Gratuities	Contribution payable by Protectorate at the rate of ¼th Indian grade pay.	Payable by S.A.S.'s at same rate if salary exceeds Rs. 100 p.m.	On pensionable staff after a probationary period of 3 years F.O. Regulations, 1st September, 1900, and 15th May, 1903.	
12. Transhipping charges	£2.	£1.	Nil.	

27. Thus reducing all the allowances to a money basis, and including the legitimate charges connected with one tour of three years' service, both in coming to East Africa and returning to India the emoluments per annum of these subordinate medical officials as laid down by the Indian Government and the East Africa Protectorate work out approximately as follows:—

PAY AND ALLOWANCES (EXCLUSIVE OF OUTFIT ALLOWANCE).

I.S.M.D.		E.A.P.	
Assistant Surgeons.	Sub-Assistant Surgeons.	Assistant Surgeons.	Sub-Assistant Surgeons.
£300.	1st class S.S.A.S. £240 2nd class S.S.A.S. £216	£240 minimum. £280 maximum.	£104 minimum. £192 maximum.
	1st class S.A.S. £192 2nd class S.A.S. £160 3rd class S.A.S. £136		

28. One reason for the retention of the different scales, as between the Indian Government and the East Africa Protectorate, is that one is more certain of getting a better stamp of man from a disciplined army than one picked up by chance; but the lower rate pertaining to this country militates against the seconded or retired man transferring permanently to this service. I consider that it would be better if the one scale for each class be laid down and that as settled by the Indian Government and all the allowances put into a consolidated pay.

29. It must be remembered in fixing the rate of pay of assistant surgeons and sub-assistant surgeons that these men have all undergone a definite medical course at recognised medical colleges, and are passed out with their diploma or certificate. In the case of the former the training is of four years, with the qualification of L. M. & S., registerable in India, of the latter of three years. Without detracting in any way from the many admirable merits possessed by the large clerical staff in this country, it cannot be held that the criterion of pay laid down for the clerks is what should govern the standard for professionally trained men.

30. Another point which presses hardly on them is the pension age limit. To keep a native of the Indian continent on till he is 60 years old does *not* help the efficiency of the service; it forces one to keep old men in posts where the climate and work won't kill them, and throws the burden of staffing the unhealthy stations on a limited number of willing horses. A period of 30 years' service and an age limit of 50 years would be fairer.

31. Promotion of sub-assistant surgeons to the grade of assistant surgeons, and of compounders to that of sub-assistant surgeons has been sanctioned in three instances only, for reasons of very exceptional ability, and in one case for obtaining an additional tropical degree. The principle of recommended promotion in this country is wrong, as promotion should be dependent on examination. Until the country can command an Educational Medical College, I do not think that anything definite can be laid down.

32. HOSPITAL COMPOUNDERS.—This class does not possess any certificate from a recognised college, but are mostly men who have been trained in India Hospitals and Dispensaries. They are not eligible for pensions, but I think they should be. Their pay has recently been fixed at Rs. 75 × Rs. 5 to Rs. 120 per mensem.

33. As regards the clerical staff, I do not propose to enter into the disabilities under which they labour; they will doubtless be better represented by other departments of wider experience of routine clerical work. But having trained a man in the intricacies of medical nomenclature, to recognise the very unfamiliar words and terms inseparable to the ordinary work of the office, the preparation of reports (*e.g.*, the Annual Medical Report), posological and metric expressions, it is somewhat aggravating to find that a clerk's sole chance of promotion to a higher grade of a necessity involves his transfer to another department. It means that his special technical training, which constitutes one of the oiled wheels tending to the efficiency of the medical department is lost to it, is no gain to the other department, except from the point of view of breadth of experience. It seems to me that in considering the system of promotion for the clerical staff some means should be devised whereby promotion

can be granted in the department in which he has already proved his use, without the necessity of a bewildering and disheartening set of changes. This should, of course, only refer to certain highly technical departments. The railway, for instance, is allowed to train and keep its own clerks in a continuity of ideas and service, which is surely for the advantage of the service.

(d) 34. NURSING SERVICE.—On the occurrence of a vacancy in the nursing staff of the Protectorate the particulars of the appointment are forwarded to the Committee of the Colonial Nursing Association, to whom is delegated by the Colonial Office the duty of selecting candidates. Preference is given to candidates between 28 and 35 years of age with recent training in a large general hospital, and with some experience in the nursing of cases of tropical diseases. Nurses selected for employment are expected to attend a tropical nursing course of instruction, the fee whereof may be refunded to them by the Government.

Nurses selected for appointments are required to enter into an agreement with the Crown Agents whereby they undertake to serve the Protectorate Government for a period varying between 20 and 30 months. They receive salary at the rate of £165 per annum, together with £10 a year uniform allowance.

A nurse placed in charge of the European Hospital, Mombasa, with other nurses under her, is paid a duty allowance at the rate of £20 a year for the period during which she is in charge.

A nurse is engaged on agreement in the first instance for one term or period. The engagement may, with the approval of the Governor and the consent of the nurse, be renewed for a second term or period, but not for a third, unless the nurse can be taken on the pensionable establishment.

A nurse cannot obtain a transfer from one Protectorate to another. She must first resign and be then appointed.

A limited number of pensionable appointments for nurses has been established; these include that of Matron and two Nursing Sisters. They are reserved for cases of exceptional merit, and no nurse can base any claim to be placed upon the pensionable establishment on the fact that her engagement has been renewed for a second tour, or that she has served for several tours in various Protectorates or Colonies.

The following table shows the salaries at present enjoyed by members of the nursing staff and the rates of pay it is recommended should be substituted, viz. :—

Rank.	Present Rate per Annum.	Suggested Rate per Annum.
Matron, European Hospital, Nairobi.	£190 and £10 Uniform allowance	£240—£340 × £20 with £40 Duty allowance.
Nursing Sister in Charge, European Hospital, Mombasa.	£165, £20 Duty allowance, and £10 Uniform allowance.	£170—£200 × £10, £20 Duty allowance and £10 Uniform allowance.
Nursing Sisters ...	£165 and £10 Uniform allowance	£170—£200 × £10, and £10 Uniform allowance.
V.A.D.'s. ...	£90 inclusive of Uniform ...	£60—£80 × £10, and £10 Uniform allowance.

MESSING.—At present it costs each nurse about Rs. 70 per mensem. They are allowed one mess servant only, and have to pay for their own washing.

The disadvantage of this system is that the Matron, who buys in bulk for the hospital, also buys for the nurses' mess and has to keep two separate accounts. It is sometimes exceedingly difficult to apportion these accounts, *e.g.*, deducting the items belonging to the Sisters from the cook's bill. It would add greatly to the attractiveness of the service if messing were free. In the Q.A.I.M.N.S., nurses are allowed a weekly allowance up to 21s. a week, which also includes washing.

WASHING.—This is another item which the nurses pay for out of their present salaries, say, approximately Rs. 15 per mensem. In order not to confuse the hospital account with the official dhobie, they have to arrange for their private dhobie.

ATTENDANCE.—Only one boy is allowed the staff mess, which means the nurses have to engage their own personal attendants. In an emergency this means that

their personal boy is called occasionally into the wards to help. This staff mess has the use of the hospital cook. This further adds to the confusion, because the Sisters buy their own food, which is issued to the cook along with the hospital stores, and this has to be kept separate, adding to the difficulty of explaining to the boys which is which.

QUARTERS.—The Sisters occupy the partially furnished quarters on the scale laid down by the Public Works Department. This means that the Sisters have to pay the Matron an upkeep allowance of so much a month (usually about Rs. 3 each) to provide for the furnishings of their sitting room—curtains, tables, chairs, all the mess crockery, cutlery, table linen, etc. Each nurse provides her own bed linen.

These four items—messing, attendance, washing and equipment—all add immensely to the trouble of running the domestic economy of the hospital. On top of it there is again no security of tenure, as owing to casualties, leave, etc., a nurse is liable to be transferred from one hospital to another, and loses the benefit of all these things for which she has subscribed for her own comforts and that of her mess.

There is nothing which would add more to the attractiveness of the service if all these disabilities were removed, and I, therefore, advocate that the terms of service for all the nursing staff should include free messing, free attendance and free equipment of quarters on a more generous scale than that now allowed.

This question has been already raised by the Colonial Office in its despatch No. S. 8101/22 of April 14th, 1915, to which a reply on the above lines (excluding pay) was sent.

35. SANITATION DIVISION.—Dissatisfaction is generally expressed at the lack of opportunity for promotion.

The Medical Officers of Health and Sanitary Inspectors are denied private practice, and the general scope of their relation with the public tends to and renders their position onerous and difficult; and the actual dangers they are called upon to encounter in the prevention and treatment of infectious diseases is greater than that of the Medical Officer.

With the exception of one special appointment, restricted to one person and one locality, the Medical Officer of Health, though possessing special qualifications, is actually penalised, as his emoluments equal that of a Medical Officer with but £40-£50 duty allowance in lieu of private practice.

RECOMMENDATIONS.—The promotion of three grades of Medical Officers of Health:—

1. 2nd grade Medical Officer of Health, £400-£500, plus duty allowance, £80.
2. 1st grade Medical Officer of Health, £500-£600, plus duty allowance, £100.
3. Senior Medical Officer of Health, £600-£700, plus duty allowance, £120.

SANITARY INSPECTORS.—The formation of two grades:—

- (a) Sanitary Inspector, £200-£250.
- (b) Senior Sanitary Inspector, £250-£400.

Uniform allowances to remain as at present.

Generally the recommendations as to Widows' and Orphans' Fund, passages for wives and families, adequate quarters, increased house allowances, possibility of retiring prior to the age of 50 years with either pension or gratuity, contribution towards expenses incurred on transfer from one station to another, are urged by the staff for consideration.

36. In conclusion I have to state that I have attached, in conformity with the instructions contained in the circular, statements in sextuplicate forwarded by Medical Officers, nurses, medical storekeeper, European dispensers, Sanitary Inspectors, sub-assistant surgeons, clerical staff and hospital compounders.

I have the honour to be, Sir,
Your obedient servant,

A. D. MILNE,
Principal Medical Officer, E.A.P.

The Secretary,
Civil Service Commission,
Nairobi.

XVI.—Mr. B. J. PARVATI, &c., Sub-Assistant Surgeons.

The Medical Officer,
Native Civil Hospital,
Nairobi.

NAIROBI,
18th February, 1918.

SIR,

I have the honour to enclose herewith a memorial and request that you will be pleased to transmit the same to Principal Medical Officer.

The memorial is signed by the Sub-Assistant Surgeons and Compounders in Nairobi; subordinates in out-stations have expressed desire to sign it; a copy is in circulation, which will be forwarded later on, when the same is back to my hand, which takes time.

The grievances noted in this memorial are as regards pay, pension, leave and quarters only; and the list is not complete. Individuals and groups of individuals have put forth suggestions to include a number of their grievances, such as transfer from unhealthy stations after a year, revision of scale of fees in private practice, accelerated promotion for low-paid compounders, mule or mule allowance in out-stations, etc.

These grievances though genuine have been excluded from this memorial; the grievances of man never end till he dies, even if all the blessings of this world are thrown at his feet. The main desire of the memorialists has been to keep their list of grievances within reasonable limit confined to main ones only.

The memorialists will be much obliged to you, if their memorial is forwarded to Principal Medical Officer.

I beg to remain, Sir,
Your most obedient and humble Servant,
B. J. PARVATI,
Sub.-Asst. Surgeon.

The Principal Medical Officer,
Nairobi.

NAIROBI,
18th February, 1918.

SIR,

We, the undersigned, Sub-Assistant Surgeons and Compounders, beg to submit the following memorial, and pray that our grievances noted herein will receive your sympathetic consideration.

First of all, we respectfully beg to state that we work here at pecuniary disadvantages in comparison to our brethren in India. During the last 10 years, the education of the Sub-Assistant Surgeons has greatly improved. The creation of State faculty to grant diplomas of L.C.P. & S. and M.C.P. & S. and the new Medical Registration Act have contributed to raising the standard of medical education. The curriculum has been raised from three to four years. Together with the improvement in our education, our material prospects have made progress. In India, the new scale of pay gives a maximum of Rs. 110 per mensem to Civil Sub-Assistant Surgeons and Rs. 125 per mensem to Military Sub-Assistant Surgeons. Besides, the civil Sub-Assistant Surgeons get a number of allowances and have an unlimited field of private practice; the pay of the Military Sub-Assistant Surgeon is supplemented by substantial regimental allowances. An important concession of raising a selected number of Sub-Assistant Surgeons to Assistant Surgeons has been granted, and has already been put in practice. The Sub-Assistant Surgeons get, on an average, two months' leave a year, and can retire on pension after 25 years of service at 55 years of age. These, in brief, are the prospects which Sub-Assistant Surgeons get in India.

Leaving our home we have come here buoyed up by hopes of better pay and prospects which we have not and for the realisation of which we trust to your sympathy. Therefore, we earnestly pray:

1. That you will be pleased to fix the maximum of our pay at Rs. 250. At present, in this respect, we are worse off than the members of clerical staff who rise up to Rs. 220, though our duties and responsibilities are more onerous, and our education superior.

2. That members of our class of tried and advanced experience and who have given you satisfaction should be promoted to the rank of Assistant Surgeon to a maximum of Rs. 300 per mensem.

3. That full pension should be granted to us on attaining the age of 50 years. The present age limit of 60 years is unattainable; the chances are that the majority of us now in your service will be long dead by that time. If, in India, the subordinates can actually retire at the age of 53 (first on furlough for two years and then on pension), how necessary the lowering of the age limit is in this country where the climatic conditions are more unfavourable than in India.

4. That leave rules should be more liberal—6 months on full pay after the completion of 30 months of residential service, inclusive of the time occupied in journey or 5 months exclusive.

5. That quarters should be provided to members of our class, or an allowance in lieu of, at current market rate should be granted.

6. That Compounders of proved abilities should have the prospects of rising up to Rs. 220 like the members of the clerical staff, as the former, besides possessing the knowledge of dispensing, are not in any way inferior to the latter in point of general education.

7. That wounds and death in action on military service should be provided with pension on some such scale as the military Sub-Assistant Surgeons in India get. So far as we are aware no such provision exists.

8. That compassionate gratuity should be granted to our dependents if we die of an infectious disease, contracted in the discharge of our duties, as we get no epidemic allowance as in India.

Consistent with the hard duties which we have to perform while in charge of out-stations, and consistent with the increasing cost of living, our remuneration and prospects are not commensurate proportionately. Time after time we have been thinking of putting our grievances before you, either individually or collectively, but since the outbreak of war, we ourselves have thought that the time is not suitable of pressing our demands on your attention. Now our hearts glow with gratitude towards the Government for having appointed the commission to inquire into our grievances; to you we respectfully submit this memorial and pray that our grievances will be sympathetically and generously treated, for which act we shall ever be grateful.

We beg to remain, Sir,

Your obedient and humble Servants,

B. R. KAPUES, S.A.S.,
G. V. VINOD, S.A.S.,
B. J. PARVATI, S.A.S.,
A. AHMED, Chief Vaccinator,
B. J. P. for T. D. NAIR, S.A.S.,
J. CHALUSTHEY, H.C.

XVII.—Mr. J. R. ORR, Director of Education.

CIVIL SERVICE COMMISSION.—EDUCATION DEPARTMENT.

GROUNDS OF DISSATISFACTION.—All ranks complain of lack of prospects and, in many cases, of absence of incremental scale.

(a) Women—Salaries fixed at £150, £135, £120 and £100. One woman who has served the Department for eight years complains that her salary is still £135: that there is no reward for length of service or meritorious service; that she is on an equal footing with the youngest woman engaged, and that there is no prospect of increment for pension.

The only exception to the above is one post at £180, rising to £200 by £10.

(b) Men—Assistants £200 by £10 to £250. Complaint that the maximum is reached after 5 years and there are no further prospects; that the salary is not sufficient for an educated man to marry in reasonable comfort.

The only exception to the above is one post at £250 to £400 by £15.

(c) Headmasters.—£250—£400 by £15. Complaints that men of all types of education and qualifications are upon the same grade, e.g., elementary teachers, technical instructors, University graduates are all on the same grade as office superintendents in other departments.

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(d) General.—That lower salaries are deemed adequate for the teaching profession than for any other department. For instance, a teacher with a B.Sc. degree is paid £200—£250; officers with the same degree are paid £400—£500 for routine work in the Government Analyst's office. The salary drawn by the head of the department is not considered adequate for any other head of a department nor even for the second-in-command thereof, and until this is improved, it is difficult to attract good men in the lower grades.

REMARKS ON ABOVE.—The shortage of staff throughout the department, mainly owing to the lowness of salaries offered, is becoming extremely serious, and should be dealt with immediately. It may be asked why no action has been taken. The reason is that for over two years Government has been considering the reorganisation of the department. The Education Commission was first publicly mentioned in March, 1917, and it was thought advisable to deal with all matters under one head. When application is now made for the improvement of salaries, Government replies that the Secretary of State has ruled that no individual salary shall be improved until the report of the Civil Service Commission has been received.

3. WHAT PRINCIPLES SHOULD DETERMINE THE CONSTRUCTIONS OF SCALES OF SALARY.—The Board of Education recently appointed a departmental Committee to consider the construction of scales of salary in elementary schools. The report which has lately come to hand contains principles applicable to all Government departments. That for Secondary Schools has not yet arrived. An abstract of the report is as follows:—

If a given sum of money is to be distributed in annual payments over a long period of years so that payments may rise in value from a minimum to a maximum, the scale can be arranged so that the maximum comes (1) late, (2) early, (3) at an intermediate point in a career.

We do not favour either of the first two methods.

(1) If the maximum comes late, it must be reached by very small stages and after a very long period of service. The maximum may be larger when at last it is reached, but the scale as a whole will not be attractive. It is not well adjusted to the needs of the teachers, especially in the case of men, and fails to comply with the requirements of a good salary.

Example.—A teacher in Hastings takes 42 years to proceed from £80 to £150, rising annually by £5 for twelve years and thence by £2 10s. 0d. every five years for the next thirty years.

(2) A scale under which the maximum is reached early is also unsuitable.

(a) It is unnecessarily costly to Government, as large salaries will be provided for young and inexperienced teachers who may not remain in the service.

(b) It is not satisfactory to teachers who remain in the profession, for though they enjoy a large salary early in life, they do not find any improvement as their responsibilities increase. (Note.—English Public Schools particularly offend in this respect.)

(c) It is not in the interests of education generally that teachers as a whole should lose too early in life such encouragement to continued effort as comes from the hope of financial improvement.

(3) We have no hesitation in recommending a scale of the intermediate kind.

Men teachers.—We prefer a scale which begins with annual increments for not less than twelve years, followed by increments at intervals of not more than three years for a further period of about ten years. Thus if a teacher begins at the age of 21 or 22, such a scale would provide a fairly substantial salary at the age of about 33 or 34 and a gradual increase till 45. It would enable a man to marry at the age of 27 or 28 and to rely upon such improvement in his salary as would enable him to meet his growing responsibilities. For the average man the period of stress appears to fall between the ages of 35 and 45.

Women Teachers.—The scale should be on the same lines, but the maximum should be reached at an earlier age. Actuarial investigations show that of women who enter the service at the age of 21, 50 per cent. drop out within the first 20 years and four-fifths of this exodus takes place in the first twelve years. In other words, women who marry or drop out of the service do so before they reach the age of 30 or 32, and we think it a reasonable assumption that the financial responsibilities of those who remain do not increase at a rapid rate after this date. We therefore recommend that the scale for women should provide annual increments for about eight years and increments every third year for a further period of about ten years.

Thus a woman who enters the service about 21 obtains a reasonable salary at the age of 30, with a maximum at about 40.

(b) SHOULD INCREMENTS BE GIVEN AT A UNIFORM RATE?—The Committee is not in favour of giving large increments at the commencement. In all departments a certain number of persons drop out or are transferred early in their career—especially women—by marriage; it appears expedient to divide increments into two periods, giving the larger increment in the second period.

Illustrative scales showing the principles upon which scales should be constructed are as follows:—

ILLUSTRATED SCALES FOR MEN AND WOMEN CERTIFICATED CLASS TEACHERS.

Year of Service for the purpose of the Scale.	I.		II.		III.		IV.		V.	
	M.	W.	M.	W.	M.	W.	M.	W.	M.	W.
1	100	90	100	90	100	90	100	90	100	90
2	105	95	105	95	105	95	105	95	105	95
3	110	100	110	100	110	100	110	100	110	100
4	115	105	115	105	115	105	115	105	120	105
5	120	110	120	110	120	110	120	110	130	110
6	125	115	125	115	130	115	130	120	140	120
7	130	120	130	120	140	120	140	130	150	130
8	135	125	135	125	150	130	150	140	160	140
9	140	130	140	130	160	140	160	150	170	150
10	145	—	150	140	170	150	170	160	180	160
11	150	—	160	—	180	—	180	170	190	170
12	155	140	170	—	190	—	190	—	200	180
13	160	—	180	150	200	160	200	—	210	—
14	—	—	—	—	210	—	210	180	220	—
15	—	150	—	—	—	—	220	—	230	200
16	170	—	190	160	—	170	230	—	240	—
17	—	—	—	—	220	—	—	190	—	—
18	—	—	—	—	—	—	—	—	—	220
19	180	—	200	170	—	180	240	—	260	—
20	—	—	—	—	230	—	—	200	—	—
21	—	—	—	—	—	—	—	—	—	240
22	190	—	210	—	—	—	250	—	280	—
23	—	—	—	—	240	—	—	—	—	—
24	—	—	—	—	—	—	—	—	—	—
25	—	—	—	—	—	—	—	—	300	—

N.B.—The black line under the figures in the above scales show the points at which the larger increments begin.

(c) OFFICERS OF SPECIAL MERIT.—In the East Africa Protectorate, as elsewhere, it often happens that officers of recognised merit reach the maximum of a scale and have to face another 20 or 25 years of service without advancement because there is no vacancy suitable for them. The Committee considered this aspect carefully and recommend that there should be an additional grade for the recognition of long and meritorious service.

(d) MAINTENANCE OF EFFICIENCY.—The withholding of an increment is regarded as so serious reflection on an officer's work and ability that increments in Government service may be said to be automatic. The Committee have considered whether a more searching test is required and appear to have avoided the issue by throwing the responsibility on the head teacher. It is open to question whether, in the interests of the public service, an extended review should not be held at intervals concerning an officer's work by a competent body in order that officers may realise that increments are not given as a matter of course. Second class clerks in the Civil Service proceed from £70 to £300. Orders in Council have laid down that there shall be an extended review of the whole career at £130 and again at £200. It is understood that few fail to pass, but the mere fact of review is a stimulus to effort. After each review an "efficiency bar" is awarded. The principle appears worthy of notice. It should, however, be remembered that if an officer is penalised by the loss of an increment, it should be doubly restored when he again qualifies; otherwise he will lose £10 or £15, per annum throughout his career, making a total loss of £150 or £200. This is too severe a penalty.

(e) SHOULD WOMEN RECEIVE LESS SALARY THAN MEN?—The Committee has considered the question whether women doing the same work with same qualifications and efficiency as men should receive less salary. Their evidence and conclusions are as follows:—

EVIDENCE FOR EQUAL SALARY.

- (1) Distinction based on sex alone is unjust; it is out of date and contrary to the social development of the age.
- (2) It tends to keep women in a position of economic dependence; it creates antagonism between men and women teachers, between women teachers and other workers.
- (3) It tends to restricted attainments, impaired health and early breakdown.
- (4) Salary should be determined by qualifications and the value of work done. Social or customary responsibilities of men as compared with women should not enter into the question.
- (5) If these responsibilities are considered, it is not true that women teachers as a class have to provide only for their own maintenance. Family obligations press very heavily upon many unmarried teachers, upon some married teachers, and upon all teachers who are widows with children.
- (6) It is not right that an unmarried woman teacher who devotes her life to education and cannot look for help from children should be handicapped in respect of making provision for old age.

EVIDENCE AGAINST EQUAL SALARIES.

- (1) The chief reason for paying women less is that they accept less.
- (2) A man expects to have to cover more with his salary than a woman. He will not enter the profession unless the salary enables him to marry.
- (3) Many women enter the profession never intending to remain in it for life, but only until they marry.
- (4) Men have more frequent minor calls for expenditure—some based on duty, others on social custom or inclination than women.
- (5) The deficiency of men in the service is greater than that of women, and a higher salary is needed to attract them.
- (6) A woman is a less useful teacher than a man, as she is physically weaker; she is more often absent from duty; and she leaves the service in order to marry at a time when her value is increasing.

CONCLUSION OF COMMITTEE.—Any scale of salary must be good enough to attract a sufficient number of recruits suitable for the work to be done, to retain them while other careers are still open and to service of the desired quality.

Government cannot be expected to pay salaries—either for men or women—higher than are sufficient to ensure the above, and we are satisfied that in the existing circumstances a scale which is adequate for women is not adequate for men.

QUESTIONS FOR DEPARTMENTAL CONSIDERATION.

1. Should teachers in elementary schools (5-14 years) be paid at the same rate as those in secondary schools (12-18)?
2. Should women teachers receive the same grades of salary as men?
3. Should teachers in country schools receive less than those in town schools?
4. How should salaries of heads of elementary schools compare with those of heads of secondary schools?
5. In the case of head teachers is the custom of grading schools and salaries according to the number of pupils fair and just?
6. Should heads of technical schools (Native, Indian or European) receive the same remuneration as those of schools providing general education?
7. Should men with technical qualifications be handicapped in point of salary because they are engaged in teaching and not in the routine work of their profession?
8. Should the maximum of an incremental scale be reached late or early or at an intermediate point in a career?
9. What rates should teachers' salaries in the Colonies bear to scales adopted in England and in India?

ADMINISTRATION.

DUTIES ASSIGNED TO HEAD OFFICE.

Staff Director of Education, 2 4th grade and 1 6th grade clerks.

(A) OFFICE ROUTINE.

1. RETURNS.

(a) Inward Returns from Schools.

Monthly returns of fees.

Expenditure of books and stationery.

Quarterly returns of arrears of fees.

List of breakage and stock on hand in boarding schools. Monthly and half-yearly.

Checking of furniture issued by P.W.D.

To members of the staff.

Termly returns of numbers in attendance in classes.

(b) Outward Returns.

Register of Europeans and Non-Europeans in the department.

Checking of staff list.

Blue book returns.

Quarterly returns of European and Non-European staff.

Arrears of fees to audit department.

Returns of mules and live stock.

2. TEACHING STAFF.—Application for employment, correspondence *re* engagement of European, Asiatic, Swahili and Native teachers, determining rates of salary, increments, medical papers, vital statistic forms, leave when due, provision of substitutes, provision of quarters, supervising of agreements, arrangement of work, complaints, resignations, and reporting same to Treasury and Secretariat.

3. SCHOOL COMMITTEES.—Arranging agenda for Nairobi School Committee. Submitting applications for admission of pupils with information thereon. Arranging for tenders for supply of provision to school and correspondence concerning same. Correspondence with parents *re* admission. Correspondence with Ladies' House Committee and forwarding or suppressing recommendations.

4. PUBLIC WORKS DEPARTMENT.—Informing Public Works Department of school buildings required. Approving plans of Government architects. Correspondence *re* repairs to buildings, drainage, etc.

5. CIRCULARS.—Dealing with, replying to, and forwarding to schools, Secretariat, Treasury and Medical circulars. Issue of departmental circulars to parents and staff.

6. FINANCE.—Drawing up of annual estimates with correspondence *re* additional services previous to same. Informing schools of substance of their votes. Checking monthly paysheets. Checking of vote book and departmental account books. Issue of financial statement to schools half-yearly. Revised estimate of revenue and expenditure. Replies to treasury and audit queries. Indents on Crown Agents for books, stationery. Signing and checking all vouchers throughout the department. Financial statement for annual report.

7. STORES.—Arranging for the purchase of all school equipment, books and stationery. Issue of same to schools. Supervision of correctness of store ledger.

(B) INSPECTION AND EXAMINATION.

Inspection and examination of all schools throughout the department, including methods of teachers and progress of pupils.

Arrangement of curricula for European, Indian, Arab and Native schools.

Correspondence with Cambridge Syndicate and College of Preceptors *re* yearly examinations.

Arrangement of inspection or examination of and payment of grants to assisted schools, *e.g.*, Y.M.C.A., Y.W.C.A., mission industries.

(C) DIRECTION OF EDUCATION.

Study of reports and publications from Great Britain and other countries concerning latest development of educational thought. Especially directed towards:

Suitability of education of national life and ideals of European, Indian and Negro races.

- (1) Theory of organisation of schools, *e.g.*, buildings, furniture, school books, medical attendance, curricula, salaries, training of teachers, etc.
- (2) Educational methods—study of educational journals concerning improved methods of teaching and directing attention of staff to same.
- (3) The share of the State in elementary and secondary education. School life in the tropics. Hours of school attendance. Provision of playgrounds. Fees.
- (4) Methods of administration. Cost of education in various countries. Length of school life. General and vocational training.

SUGGESTED REORGANISATION.—The backbone of the Educational Department should be an Examining Board, and I would earnestly ask for the appointment of a capable body of inspectors, who will be continually on tour and will ensure that the teaching from the highest class in Nairobi to the humblest native bush school is satisfactory. I would strongly recommend that such men be obtained from New Zealand and their salary be from £600—£800. My chief reason for asking for the appointment of an Examining Board is that the present system of external examinations (Cambridge Local and College of Preceptors) tends to mere cramming and not to education. These inspectors should be of sufficient number and standing that their certificates may be recognised by education authorities of other countries. Their function will then be threefold.

- (a) To inspect the methods of teaching in each school and to criticise the suitability of the curriculum.
- (b) To examine in conjunction with the staff of each school and adapt the examination to the curriculum and not the curriculum to the examination.
- (c) To assist and examine the training of teachers.

TRAINING COLLEGES.—The only training afforded in the Protectorate is given, as far as I know, at Frere Town and at Buxton High School. The following recommendations are now put forward:—

- (a) European Schools.—All teachers shall, if possible, be obtained from England. Teachers appointed after a general education at the University shall be required to pass a departmental examination in the History of Education, Psychology, the Theory and Practice of Teaching, School Organisation, and the method of teaching those subjects on which they are engaged. This should be necessary before confirmation of their appointment, unless they hold English diplomas.
- (b) Indian and Native Schools.—Every Missionary Society shall be encouraged to found its own training college, which shall be maintained by Government grants and shall be under the supervision of the Head of the Government Training College and inspectors of the department. A Government Training College should be established which shall train Indian teachers and provide a higher certificate for Native teachers trained either within the college itself or the Mission Schools.

OFFICE ROUTINE.—The Education Office should be staffed similarly to other offices, by the addition of a qualified European accountant and storekeeper. The head of the department should be set free for the organisation and direction of education and the editing of the Journal of Education.

CONTROL.—In many colonies and in all dominions the control of education is closely connected with national development, and is vested in a Board which is representative of the interests of the country. The constitution of a Board similar to those established in Australia and New Zealand is attached. It meets once a year to consider the report of the Director of Education and outline the policy for the future. Below the Council of Education are governing bodies and school committees, working in touch with inspectors. It has for a long time been a matter of dispute whether the above-mentioned bodies should be executive or advisory. After study of the practices prevailing in many countries, I recommend that executive work shall be left to the permanent officers of the department and that all bodies except the supreme council shall be purely advisory and shall represent the criticism of public opinion, but that executive officers shall be required to submit to the various bodies all proposals for approval before execution. A suggested scheme of control and salaries is attached.

PROPOSALS PLACED BEFORE THE EDUCATION COMMISSION FOR A
PROPERLY ORGANIZED DEPARTMENT.

EDUCATION DEPARTMENT, EAST AFRICA PROTECTORATE.

I. CONTROLLING AGENCIES.

(A.) COUNCIL OF EDUCATION.—The Hon. the Chief Secretary (Chairman); the Director of Education; the Hon. the Treasurer; the Hon. General Manager, Uganda Railway; the Director of Public Works; the Hon. the Director of Agriculture; the Hon. the Commissioner for Native Affairs; the Minister i/c Church of England; the Minister i/c Church of Scotland; one representative Mombasa C/Commerce; one representative Nairobi C/Commerce; three representatives Settlers' Industrial and Agricultural Associations or non-official members of the Legislative Council; one Missionary appointed by Church Missionary Society; one Missionary appointed by Church of Scotland; one Missionary appointed by Roman Catholic Societies; two Educational Inspectors; two members of the Protectorate Teaching Staff.

N.B.—All bodies throughout the Protectorate to be fully represented. Indians to be represented either directly or through the Chambers of Commerce.

Function of Council.—To lay down a definite policy for European, Indian, and Native Education; to prepare the Estimates; and to advise on all proposals put forward by the Executive.

(B.) EXECUTIVE AND ADMINISTRATIVE.—I. THE DIRECTOR OF EDUCATION.—Defines the general policy; engages and dismisses teachers; lays down the curriculum for European, Indian and Native Education; exercises control over all forms of education, training and apprenticeship throughout the country—general, agricultural and industrial, subject to the approval of the Council of Education.

Salary—£1,000, rising to £1,200.

2. INSPECTORATE.—Central Examining Board for all schools—from chief Protectorate European Secondary School to Training Colleges. Lecturers in Training Colleges and schools on methods of Teaching. Inspectors of all schools—European, Indian and Native, including Mission bush schools.

Ten Inspectors at £600, rising to £800.

N.B.—Must be men with University degree.

TEACHING STAFF.

PROTECTORATE EUROPEAN SECONDARY SCHOOLS.

A. Boys.

Headmaster	... ..	£800 rising to £1,000
Senior Assistants (after ten years)	... ..	£600—800
Junior Assistants	... ..	£300—500

B. Girls.

Two-thirds of Men's salaries.		
Headmistress	... ..	£600—800
Senior Assistants (after ten years)	... ..	£400—600
Junior Assistants	... ..	£200—400

N.B.—All the above to possess University degrees.

Elementary European Schools.—(Certificated Teachers).

Headmaster (with English experience)	... ..	£400—500
Assistants	... ..	£250—400
Headmistress	... ..	£300—400
Assistants	... ..	£150—300

2. Arab and Native Education.

Coast Area.		
Head of Coast Industrial Boarding School and Organiser and Controller of Coast Education	... ..	£600—800
One Assistant	... ..	£300—500
Industrial Instructors	... ..	£250—400

Central District Industrial Schools.

Headmaster	£400—500
Assistants (European)	£250—400
Assistants (Native)	From Rs. 75 according to certificate.
Training College Superintendent...	£300—500

3. Indian Education.

Secondary Boarding School—	
Headmaster (European)	£300—500
Elementary Schools—Indian Teachers.	
Nairobi and Mombasa, 1st Grade Clerks.	
Other schools, according to attendance.	

4. Grants to Mission Schools.

Staff grants to Mission schools to be sufficient to enable them to rank with corresponding grade of Government schools.

BRITISH SOUTH AFRICA COMPANY.

EDUCATION DEPARTMENT, SOUTHERN RHODESIA.

GRADES, QUALIFICATIONS AND SALARIES OF TEACHERS.

The schools for Europeans in Rhodesia range from the one-teacher schools on farms and small mines to schools which embrace work up to the standard of matriculation in the University of the Cape of Good Hope.

They are graded as follows:—

Grade "A."	Boys' High School, Salisbury. Milton High School (Boys), Bulawayo. Eveline High School (Girls), Bulawayo.
Grade I.	Girls' High School, Salisbury.
Grade II.	Umatali High School. Gwelo Public School. Primary School, Bulawayo.
Grade III.	None.
Grade IV.	Melsetter, Gatooma, Enkeldoorn, Que Que, Public Schools.
Grade V.	Two-teacher schools.
Grade VI.	One-teacher schools.

The Boys' High Schools in Salisbury and Bulawayo have an attendance of about 200 boys.

SALARIES.

Principals.

Grade "A."	Men, £500 by £20 to £700.
Grade "A."	Women, £400 by £20 to £500.
Grade II.	Men, £420 by £15 to £510.
Grade IV.	Men, £300 by £10 to £360.
Grade V.	Salaries range from £180 by £6 to £210, to £270 by £6 to £300.
Grade VI.	Salaries range from £150 by £6 to £180, to £180 by £6 to £210.

Assistants.

Grade "A" Schools (Men).	
1st Class.	£420 by £15 to £510.
2nd Class.	£330 by £15 to £420.
3rd Class.	£270 by £10 to £330.
Grade "A" and Grade I. Schools (Women).	
1st Class.	£330 by £15 to £420.
2nd Class.	£270 by £10 to £330.
3rd Class.	£240 by £6 to £270.
4th Class.	£210 by £6 to £240.

Head Kindergarten Mistresses rank as 2nd Class Assistants.

Grade II. Schools.

1st Assistants (Men).	—£330 by £15 to £420.
2nd Assistants (Men).	—£270 by £10 to £330.
1st Assistants (Women).	—£240 by £6 to £270.
2nd Assistants (Women).	—£210 by £6 to £240.
3rd Assistants (Women).	—£180 by £6 to £210.

Grade IV. Schools.

1st Assistants.	—£240 by £6 to £270.
2nd Assistants.	—£210 by £6 to £240.
3rd Assistants.	—£180 by £6 to £210.
4th Assistants.	—£150 by £6 to £180.

Grade V. Schools.

1st Assistants.	—£180 by £6 to £210.
2nd Assistants.	—£150 by £6 to £180.

BOARDING HOUSES.

There are Government Boarding Houses in connection with the High Schools at Salisbury, Bulawayo, Umtali, and the Public Schools at Gwelo and Plumtree. Any teacher is liable to be called upon to take up the duties of resident teachers, who have to pay £48 per annum for board. The equivalent to the assistant resident teachers of board, accommodation, etc., is about £120 per annum.

For married male Principals who are Superintendents of boarding houses the equivalent is about £360 per annum.

For lady principals the equivalent is about £200 per annum.

SUGGESTIONS SUBMITTED TO GOVERNMENT FOR IMMEDIATE ADOPTION, JUNE 1st, 1918, AND REFUSED.

CLASSIFICATION OF SCHOOLS AND SALARIES OF TEACHERS.

FIRST GRADE SCHOOLS—OVER 200 CHILDREN.—(NAIROBI EUROPEAN SCHOOL).

Headmaster	... ..	£500—£700 by £25
Headmistress	... ..	£400—£500 by £20
Assistant Masters	... ..	£400—£500 by £20
Assistant Mistresses	... ..	£300—£400 by £20

SECOND GRADE SCHOOLS—OVER 100 CHILDREN.

(None).

Headmaster	... ..	£450—£550 by £20
Headmistress	... ..	£350—£450 by £20
Assistant Masters	... ..	£350—£450 by £20
Assistant Mistresses	... ..	£250—£300 by £10

THIRD GRADE SCHOOLS—UP TO 100 CHILDREN.

(ELDORET AND NAKURU).

Headmaster	... ..	£400—£500 by £20
Headmistress	... ..	£300—£400 by £20
Assistant Masters	... ..	£300—£400 by £20
Assistant Mistresses	... ..	£200—£250 by £10

Teachers of Farm Schools to be rated as Third-Grade Assistants, preference being given to women.

NOTE.—Where extra supervision work is involved in boarding schools, no charge should be made for board and lodging.

MR. LOW'S RECOMMENDATIONS.—EUROPEAN SCHOOL, NAIROBI.

Headmaster	... ..	at least £600—£800
Second Master	... ..	£300—£500
Four Assistant Masters	... ..	£250—£400
Senior Mistress	... ..	£200—£400
Five Assistant Mistresses	... ..	£200—£300

The salaries of Matrons should also be revised and a European Drill Sergeant appointed who could do some office work and control the menial staff.

RECOMMENDATIONS FOR IMMEDIATE ADOPTION.

1. That Mr. Low's recommendations for the European School, Nairobi, be accepted.
2. That if possible men and women with University degrees only be admitted.
3. That no appointment be confirmed nor increment given until an officer can show a diploma of any recognised University in the history of education, psychology, theory and practice of teaching and school organisation.
4. That on confirmation of appointment previous increments be paid in a lump sum.
5. That it be clearly recognised that the work of all officers is subject to an extended review every five years before further increment is sanctioned.
6. That assistants who can show fifteen years' meritorious service may proceed to a maximum of £600 for men and £500 for women.
7. That the above apply to all Central Schools carrying education up to the age of 18.
8. That in cases where schools carry education only up to the age of 14 the scale recommended to the Education Commission for elementary European schools be adopted.

XVIII.—Mr. L. E. CAINE, Acting Postmaster General.

POSTMASTER GENERAL'S OFFICE,
 NAIROBI,
 30th March, 1918.

Registered No. 290/18.

CIVIL SERVICE COMMISSION.

Sir,

In reply to your circular letter of March 5th, I have the honour to forward herewith my views with reference to the improvement of the efficiency of the service and of the emoluments of Government servants and of the terms and conditions of service.

2. I also forward reports from certain members of the staff, but am not referring directly to these, as it is understood from paragraph 3 of your letter that such reports are required to be forwarded direct, and that my report should reflect my own views.

3. As I am only acting as head of the department I am naturally diffident in forwarding recommendations, but doubtless Mr. Gosling's views will also be at the disposal of Government before any decisions are arrived at. Mr. Gosling is, as is well known, responsible for having raised the department to its present dimensions. It was a very small department when he first came to the country in 1904.

4. Doubtless there are many ways in which the department could be made more efficient, but increased efficiency cannot, I am afraid, be obtained without increased expenditure. This, however, will be chiefly on account of the reduced purchasing value of money. Salaries which were fixed several years ago have not now the same purchasing power, so that many appointments have depreciated since the salaries of the same were fixed.

5. The first necessity for increased efficiency is a sufficient, willing and contented staff; the latter qualification must be understood in a limited sense, as an absolutely contented staff is probably unattainable. To be contented is to be without ambition.

6. I presume that elaborate detail as to suggested improvements is not required; an endeavour will therefore be made to be as concise and brief as the subject permits of.

7. Grievances undoubtedly extend to all the conditions of service, but perhaps the strongest is on account of the comparatively low rates of salaries and house allowances. A real grievance in this respect exists, on account of the greatly enhanced cost of living and the high rents which now rule.

8. I am not, however, dealing with the question of the increased cost of living as a result of the war, as I understand that relief in this respect is proposed by means of a war bonus.

9. There are two ways in which the conditions of service may be improved: one by an increase in salaries and the other by means of concessions, with reference to allowances, housing, leave and passages.

10. I am in favour of concessions in both directions, as more satisfactory to both the Government and the employees. A substantial increase in salaries would mean an enormous immediate increase in the expenditure of the Protectorate, but by proposing a lesser increase in salaries, combined with concessions in other directions, the increased expenditure may be distributed over future years.

11. I would therefore suggest in the first place concessions as follows:—

(a) Payment by Government of the passages of the wives and children of officials to and from the Protectorate.

(b) House allowances to be increased in accordance with local rents, and more Government houses to be provided for officials.

(c) Officers' pensions to be continued to their widows.

(d) An education grant in respect of children being educated away from their parents.

(e) A revision of travelling regulations in order that the same may cover actual travelling expenses.

(f) Improved office accommodation at most of the larger Post and Telegraph Offices where it is difficult to perform efficient work under the crowded conditions which exist at many of these offices at present.

SALARIES—EUROPEANS.

12. Perhaps the most important point in connection with improved conditions of service is to fix the minimum salary at which Europeans can live in this country in reasonable comfort. Up to the beginning of the war the lowest commencing salary in this department for men was fixed at £130, and for women at £110. At present the lowest salaries are fixed at £140 and £120 respectively, but we have actually no men on the permanent staff employed at less than £170.

13. The minimum salary for men should now, I consider, be fixed at £200, and for women at £140. The former could perhaps be a fixed rate for the first tour of service.

14. One of the most necessary conditions for securing a fairly contented staff is to provide a sufficient salary to start with and reasonable prospects of advancement in the service. Adequate salaries for skilled and qualified men must be offered if fully competent officers are to be obtained and retained. This applies more particularly to the higher grades.

15. I would propose that the salaries of the following appointments be readjusted as follows:—

Assistant Postmasters-General	£400 to £500 (1 additional)
Chief Accountant	£400 to £500
Senior Assistant Chief Accountant	£300 to £400 (additional)
Savings Bank Accountant	£250 to £300 (additional)
Matron Housekeeper	£140
Telegraph Engineer	£450 to £550
Assistant Telegraph Engineer	£350 to £450 (additional)
Sub-Telegraph Engineers	£250 to £300
Electric Inspector	£250 to £300
Chief Electric Mechanician	£300 (additional appointment)
Chief Telegraph Inspector	£250 to £300

16. Duty allowances to be attached to the posts of Assistant Postmasters-General and First Class Postmasters.

17. I am not dealing with the Postmaster-General's or my own salary, but proportionate increases in these must necessarily be included in any general scheme of increases.

18. The following additional appointments are also required for the purpose of meeting the increased business of the department:—

- 1 Office Superintendent.
- 2 First Class Postmasters.
- 2 Assistant Chief Accountants.
- 2 Second Class Postmasters.
- 5 Postal Clerks and Telegraphists.
- 1 Assistant Telegraph Storekeeper.

The additional senior appointments are required in connection with inspection duties, which have perforce been much neglected during the last three years.

19. I also consider that in order to compensate to a certain extent for the reduced purchasing power of money as compared with 5 or 10 years ago, that all the European employees who have served in the department for over 5 years should be granted a 20 per cent. increase in their present salaries within the limit of their grade or above proposed regrading.

RETIREMENTS.

20. Another point which is perhaps worth consideration is that of retirement.

21. Compulsory retirement on attaining a certain age would in many cases make for efficiency in that it would remove men who were passing their period of maximum usefulness and improve the prospects of the younger men below them.

22. Compulsory retirement on what might be an inadequate pension would in some cases amount to a decided hardship. I would therefore suggest that perhaps some inducement to retire might be offered in the form of a retiring gratuity or grant of land. Such a scheme might embody a sliding scale whereby a gratuity or alternately a grant of land would decrease in value in proportion to the increase of age at retirement. Thus an official between the ages of, say, 50 and 52 might be made eligible for, say, three years' salary in the form of a retiring gratuity, but after that age it might be reduced to two and one proportionately until after, say, 55 no gratuity or grant of land would be obtainable.

23. Compulsory retirement might then perhaps be made effective at 57.

24. It should be to the advantage of the country and official alike if the latter were encouraged, by means of some such scheme as outlined above, to retire and settle in the Protectorate.

NON-EUROPEAN STAFF.

25. With reference to the conditions of service for the non-European staff I consider that more 2nd grade and 3rd grade appointments are required, and also that after the initial tour of service all employees should be embodied in the "Special Staff" of the department. The initial tour should decide whether the clerk has the special qualifications required by the department, and if not his services should be transferred to another department or else dispensed with. It is waste of efficiency to train a man for the special requirements of the department, and then after several years' service transfer him to another department where the postal knowledge which he has acquired will not be utilised.

26. It looks as though it was going to be impossible in the future to obtain good Asiatic clerks at the rates offered under the 5th and 6th grades. These, however, could, I think, be filled by native trained telegraphists if greater facilities were available for obtaining and training Africans.

27. I consider that reasonable house allowances should be granted to non-European clerks in cases where house accommodation is not provided. Non-Europeans have been hit by the rise in prices as well as the Europeans.

28. The question of hours of working is a difficult one, inasmuch as in other departments non-European clerks keep, for the most part, similar office hours to those of their European officers. The hours as laid down by Mr. Gosling appear to me reasonable, and I do not consider a 7 to 8-hours' day other than reasonable for men working under their natural climatic conditions. The Post Office, telegraph and sorting staff have the advantage of payments for overtime, which are not in force in other departments except the Customs. Perhaps the difficulty of hours of duty could be met by a slightly higher scale of salaries for our special staff.

29. As in the case of Europeans I would propose an increase of salary to all non-European employees who have been in the service for over five years. The increase in their case to be 10 per cent., as they have not been as hard hit by the rise in prices as have Europeans who depend upon Europe for most of their importations.

30. In order to increase the efficiency of the department and to provide promotions for deserving clerks on the 3rd and 4th grades, I would suggest increasing the number of 2nd grade appointments to 16 and of 3rd grade appointments to 45.

AFRICAN TELEGRAPHISTS.

31. This source of supply could, I think, be greatly enlarged if a practical School of Telegraphy was established in the Protectorate. This school would, however, require to teach natives to read and write as well as telegraphy, as we cannot and perhaps should not depend upon missions for a supply of partially educated natives for training as telegraphists.

32. Some of our native telegraphists have turned out to be excellent operators, many have been failures, and few, if any, seem capable of being trusted with financial responsibilities.

STAFF GENERALLY.

33. I consider that great credit is due to the present staff for the manner in which they have endeavoured to carry on the work of the department under the very adverse conditions which have existed since August, 1914, conditions which have steadily become worse as the European skilled staff of the department has become less.

MAIL SERVICES.

34. Another direction in which the service might be improved is in the manner of conveyance of mails to out-stations. The runner mail service has been on the whole satisfactory, but there are times, though very rare, when the native runner will drop his mails on the road and disappear, or when additional runners to carry an exceptionally heavy mail cannot be procured without considerable delay. Where roads exist the delivery of mails could with advantage be effected by means of motor vans. Such vans deliver a considerable proportion of our mails to out-stations in Uganda, where vans are run by the Uganda Transport Department, and which of course deal with goods and passengers as well as mails. I would suggest that a similar service be introduced in East Africa.

TELEGRAM DELIVERY.

35. The delivery of telegrams by means of cyclist messengers who can read and write is very necessary and is under consideration. The additional cost, however, as compared with delivery by illiterate natives will be very considerable.

ENCLOSED REPORTS.

Reports signed by the following are forwarded herewith:—

Mr. J. K. Creighton, Acting Deputy P.M.G. and T.E.
 Mr. F. E. Balmer, Acting Chief Accountant.
 Non-European Staff of Chief Accountant.
 Mauritian Clerks of Chief Accountant.
 Mr. G. Perry Lewis, Acting Assistant Postmaster-General.
 Native Telegraphists, Kampala.
 Non-European Clerks, Kampala.
 Non-European Clerks, Mombasa.
 Messrs. Dench and Freeman, Nairobi (1st and 2nd Class Postmasters).
 Mauritian Clerks, Mombasa.

I have the honour to be, Sir,

Your obedient servant,

L. E. CAINE,

Acting Postmaster-General,

British East Africa and Uganda Protectorates.

The Chairman,
 Civil Service Commission,
 Nairobi.

XIX.—SUB-COMMITTEE, EUROPEAN STAFF.

POST OFFICE AND TELEGRAPHS DEPARTMENT.

NOTE.—The signatories of this memorial desire to call attention to the scale of salaries subjoined to the end of each section, which scales should be regarded as tentative proposals only. Furthermore, if any cognate scheme of salaries be formulated hereafter, which would be applicable to every department of the Civil Service, they would wish to reserve the right to reframe the scale of salary proposals set forth in this memorial to bring them into line with those generally adopted.

Nairobi,
 1st October, 1918.

GENERAL POST OFFICE,
 NAIROBI,
 June—1st October, 1918.

Chairman, Civil Service Commission.

(Copy for the Central Civil Service Committee, Nairobi.)

Dear Sirs,

We, the undersigned, who have been formally constituted as a Sub-Committee to represent the interests of the whole of the European staff of the Post Office and Telegraph Department—with the exception of those officers who are stationed at Mombasa, and who are, we understand, submitting their views directly to the local Sub-Committee—beg to submit for consideration and transmission to the Civil Service Commission the following proposals which have been framed with a view (a) to the improvement of the conditions of our service in this department, and (b) to the securing of the maximum efficiency consistent with economy.

2. We would ask that the accompanying proposals be read and considered in conjunction with the various suggestions formulated by various officers of this department in response to the Civil Service Commission Circular dated the 5th March, 1918.

3. A copy of our present proposals is enclosed for retention by the Civil Service Committee.

4. At the outset it is desirable that we should describe in popular language the prominent, nay the essential, part played by this department in not only the political, but the economic and social life of the community. It is not too much to claim that so far from this department being susceptible of description as merely one of the wheels of the machine of state, it may, on the contrary, be not inappropriately described as the arterial system of the community; for, deprived of the means which we afford of communication between persons through the medium of posts, telegraphs, telephones and the facilities which we afford for remitting and saving money, etc., Government would be difficult and uncertain; commerce placed under the disadvantages under which it laboured in the early history of the world; and social life confined to a severely restricted area.

5. Moreover, we should, in fairness to ourselves, make it clear that whilst the Post Office is situate in the Protectorates of British East Africa and Uganda, it is only in a limited sense of these two Protectorates. That is to say, unlike, for example, the Land Department, our responsibilities are not confined to ministering to the needs—political, economic and social—of the communities of the two Protectorates; by reason of the fact that we are concerned with the disposal of international postal and telegraph traffic, we assume international responsibilities for which we are, in the contingencies of failure or delay, etc., liable to be called to account not only by the postal administration of the other country concerned, but possibly through diplomatic channels.

6. To mention another aspect of our essential importance in the scheme of things, we may remark, and especially in these days of increasing imperialistic tendencies, that our daily duties, routine and mechanical as they seem to the man in the street, have, as their outcome, that constant and uninterrupted communication between the metropolis of the Empire and the local centre of Government, and also the economic and social life of the community of a Colony, without which the term imperialism would lose most of its meaning.

7. It is desirable, too, that we should emphasise the fact that this department has to provide a post and telegraph service, not only for the East Africa Protectorate, but also for the separate Protectorate of Uganda so that we are called upon to meet not only those of one, but the requirements of two countries. Moreover, to mention one point only, the nature of the country in Uganda calls for the provision of a network of runner services, thus differentiating it to some extent from British East Africa where the conditions of transport are different. With the exception of the amalgamated Customs Department, which is only in its infancy, and of the Uganda Railway where apparently authority is delegated to a greater extent than in this department, we know of no other department of the Protectorate, the work and scope of which is added to, and the difficulties, etc., accentuated by having to cater for the needs of another and different Protectorate.

8. And at the risk of making our introduction somewhat tedious, we would like to add that our departmental organisation is concerned with that vast territory which extends from Wadelai on the Nile to the Southern Border of Uganda, and from Fort Portal on the Belgian Congo Border to the Northern Frontier District, Kismayu and

Mombasa, viz., 309,119 square miles. It is unnecessary to emphasise the wide differences which exist between the modes of transportation in such a territory and the local conditions generally.

9. Having regard to the varied character of the work of the department, it is desirable and at the same time convenient to present our case under three separate heads:—

- (a) That of the administrative, executive and operative branches;
- (b) That of the accounting branch; and
- (c) That of the telegraph (and telephone) engineering branch.

At the same time a great deal of what has been written under heads 1 and 2 applies to the whole of the staff.

SECTION I.—ADMINISTRATIVE BRANCH.

10. As supporting our case for consideration, it is as well that we should deal, as briefly as may be, with the history of this department—at any rate since it was reorganized in 1904.

11. At that period the European staff numbered six; the authorised establishment (1917-18) is now 95. There were then five Departmental Post Offices open in British East Africa and Uganda; there are now 113. The volume of mail matter was, as will be seen on reference to departmental records, negligible as compared with that now dealt with. Whole districts, *e.g.*, the Uasin-Gishu, which are now, relatively speaking, covered with a network of mail services were then unsettled, and, consequently, did not exist so far as this department was concerned. As a result, the work of preparing mails was of a straightforward nature as compared with that of the present day when the circulation of correspondence is so varied, and almost weekly undergoes some alteration, *e.g.*, when the sorting carriage system was introduced.

12. The telegraph traffic has vastly increased. While at the period mentioned there were no Telephone Exchanges in East Africa and Uganda, there are now six with a total of 726 subscribers. The postal order system had not then been introduced.

13. Since the outbreak of war radio-telegraphic stations have been established, and there is likely to be a deal of development in this connection.

14. It is noteworthy that possibly no other department of the Government service has undergone so many changes in the matter of the scope of its duties, and, in the nature of things, may be expected to undergo a further transformation. To be more definite, it is not at all impossible that; to take one subject, further developments in commercial wireless telephony may result in this Protectorate and Uganda being equipped, in the rural districts such as Limuru, for example, with apparatus of this nature, so obviating the necessity for expensive metallic circuits (*i.e.*, the two lengths of wire which now connect the subscribers' telephone with the Exchange), and affording the settler facilities for speech with the nearest Post Office, his neighbours and the local Railway Station, etc. And it may even be the case that the same principle may be so applied as to allow of the provision of trunk facilities between centres such as Nairobi and Nakuru, those facilities again being obtained without having to provide and erect expensive copper wire between such places, communication being obtained by means of radio-telephone apparatus. Their operation and the care of such apparatus will throw additional responsibility upon, and call for more technical knowledge on, the part of the European officers. As now, the Postmaster at, say, Kisumu, must be prepared to turn from, say, the scrutiny of a technical and complicated account to whatever branch of the office work may be the more exigent. In the hypothetical case mentioned above, he will probably be required to ascertain why the radio-telephonic communication with, say, Nakuru has suddenly failed and to do his best to remove the cause, so enabling a mercantile man to speak to his chief at Nakuru, who is also waiting and whose time represents money.

15. Radio-telegraphs may—and most certainly will in Uganda—be expected to obtain considerable use in this department. If the radio-operator at, say, Jinja suddenly falls sick it will devolve upon the local Postmaster, or one of his European staff, to attend to the working of the apparatus, or the result of non-communication with an outlying station in the Protectorate or the Congo may be serious.

16. Having regard to the additional branches of business which are entrusted to the Post Office of the United Kingdom in consequence of its accessibility, so far as the general public are concerned, and the ability of the staff to deal with such matters, it is highly probable that, as a result of the present war, the work of paying pensions to retired soldiers who have removed to East Africa may be allocated to this department. Old age pensions may also come within our scope; and it seems almost certain that

some provision will have to be made for the payment locally of interest upon the various war loans. Such work might be entrusted to the banks; but they will, in all probability, require remuneration out of all proportion to the sums concerned, and for various reasons it seems exceedingly probable that the Post Office will be instructed to assist.

17. All or any of the foregoing duties will, of course, add to the volume and complexity of the work both at headquarters and the local Post Offices.

18. A great deal might be written in this connection, but sufficient has, we think, been said to indicate that the work of the department is by no means at a standstill as regards its volume and scope.

19. We feel that it is only right that we should point out that a very varied and thorough training is required to fit an officer to perform efficiently the work of the Postmaster at, say, Kisumu. He must, to mention only a few points, be capable of supervising the various branches of postal work, the telegraph and telephone traffic, the performance of the counter duties—important because they so directly affect the public and the reputation of the department, and the supervision—and, frequently, undertaking—the preparation of the numerous accounts. But it may be stated that the opinion has sometimes been expressed that it requires five years' training to fit a telegraphist for his work; and it is to be remembered that if his supervision is to be really efficient the Postmaster should be possessed of wider experience and even more knowledge than the expert telegraphist. The same consideration applies to the working of a Telephone Exchange; and, of course, more or less to the other branches of the Postmaster's daily duty.

20. Mention should also be made of the financial responsibility which every Postmaster has. Beyond remarking that it is not the practice of commercial firms to entrust large sums of money to employees who are not paid commensurate salaries, it is not necessary to say much on this subject. But it should be added that the presence of a Surveyor (*i.e.*, a Departmental Inspecting Officer) who, as is explained below, is constantly travelling and inspecting, would prove of great advantage and assistance to a busy Postmaster who had not the time to check the account and other financial records so fully as he could wish.

21. At this point we would take occasion to emphasise, as strongly as possible, the need, in our considered opinion, for the early appointment of one or more Surveyors (*i.e.*, Travelling Inspectors) who should be entrusted with fairly large powers if their work is to be of the greatest practicable value. We make this recommendation for two somewhat different reasons:—

- (a) In the interests of the State, that is to say primarily the department; and
- (b) In our own interests.

22. As regards (a) we, as already indicated, refer to the desirability of preventing and detecting cases of fraud and also irregularities—whether culpable or inculpable—in connection with the conduct of the general work of the department at out-stations.

23. By (b) we desire to convey that a Surveyor or Surveyors who would be more or less constantly travelling would, so far from being considered by the staff solely as a sort of detective, whose one aim was to detect some irregularity, the more serious the better, be regarded in the light of a counsellor and a guide. Coming as he would from recent close contact with (.) the headquarters office and (..) other Post Offices in the Protectorates, such an officer would be able to act, *inter alia*, in the rôle of a liaison officer as between (.) headquarters and the Postmaster whom he is visiting and (..) the Postmaster-General, or, to adopt popular language, the Post Office and the local public. Accordingly, while in a position to solve any problems brought forward by the local Postmaster, he could, at the same time, tender advice respecting any point which arose in the course of his survey; this altogether apart from his work in the matter of checking accounts, etc.

24. The foregoing procedure, if carried out with any degree of regularity, will, we submit, have the threefold effect of ensuring the greatest possible efficiency—and this term connotes economy—in the conduct of all classes of Post Office business; removing any impression the local Postmaster would possibly form if correspondence is his only channel of communication with headquarters that the true place of his office and its intrinsic importance in the "scheme of things postal" is not fully appreciated; and removing, so far as human nature will permit, erroneous impressions on the part of the local public that the department has no sort of regard for its interests and convenience, etc.

25. In making the foregoing proposal we do not claim any originality; the system which we have so briefly outlined has been in force in the British Post Office for, roughly speaking, a hundred years, and we speak with first hand experience of its useful and efficient results.

MATTERS TO BE REMEDIED.

26. There are one or two matters in this connection which we would like to bring to notice. The first is a somewhat intangible one, which, nevertheless, we regard as being of a most serious nature. It is an undoubted fact that, for some obscure reason, the Post and Telegraph Department is not regarded as being on the same plane as other departments of the Government service. It is difficult to say precisely why this should be the case, but we are inclined to think that there are two principal reasons for this: (1) the ignorance of the public and, we fear, other Government Departments respecting the value and nature of our work; and (2) the salaries paid in the case of all grades of this department.

27. Dealing with the first reason, we fear that it will be regarded as an extreme statement when we say that the value to the State of services of the department is not properly appreciated by the public. It is a well known phenomenon that the attitude of the general public towards a Post Office Department of whatever country or nationality is almost invariably lacking in consideration and reasonableness. No doubt in some instances the system may be somewhat at fault, but this does not prevent a member of the public from frequently regarding any official whom he may interview as wholly responsible for an error of service and from laying all the blame on that unfortunate individual. Moreover, ridiculous as it may seem, cases have been known of a person who has been the unfortunate victim of some blunder or other on the part of the Post Office allowing the incident to influence his future attitude towards the staff of this department to such an extent as to become almost an obsession. The result is that the unfortunate Post Office officials are saddled with much the same sort of reputation as attaches to the defrauder of a bank or the widow and orphan.

28. One practical suggestion may be made in this regard: it is that all Postmasters should, when posted to another station, be "gazetted" accordingly, as is invariably the case with, say, executive engineers. We feel that the importance, from both a departmental and a public standpoint, of any station at which it is deemed necessary to station a European Postmaster, is quite sufficient to warrant a brief notice in the official gazette that, for instance, Mr. John Brown has been posted to Kisumu as Postmaster with effect as from the 1st of June, 1918. We consider that this procedure should be adopted irrespective of the substantive rank of the officer in question; and we anticipate that the effect would be the two-fold one of bringing the appointment more prominently to the notice of the local community, whether official or non-official, and so impressing upon them the real importance of the post, and, concurrently, allowing the officer to take up his duties with the consciousness that the department, or rather the Government, really appreciate the fact that he has been entrusted with important duties.

29. A brief reference must be made to the manner—doubtless unwittingly—in which the staff of this department have, generally speaking, been treated in the matter of the allocation of housing accommodation as compared with other departments. We recognise, of course, that the allocation of suitable quarters is by no means an easy matter; but we do ask that we shall receive equitable treatment, and we cannot refrain from remarking that in the case of several departments in Nairobi, for example, the rules laid down by Government for the guidance of the housing authority are more honoured in the breach than the observance. There is no need to labour the point, but we would add that Treasury officials have for some years past been allocated so-called Treasury bungalows at times when their seniors in other departments have been still awaiting similar provisions. A similar practice has been followed in the case of the Secretariat, Audit, Public Works, Native Administration and Legal Departments.

30. As the question has arisen, we would point out that the nature of the duties of the average post official, involving as they do frequent attendances in the course of one day and at unseasonable hours, are such as to warrant exceptional consideration being given him in the foregoing regard. Since the alternative is virtual residence in the office for a long spell each day, possibly ten hours or more, it is not unreasonable to ask that a Postmaster shall be allocated a Government bungalow, which is as near to his work as considerations of health will permit. Since this matter is one affecting the interests of the whole of the community—for the constant attendance of postal officials is inevitable on the occasion of the arrival of a heavy mail or at times of pressure—we sincerely trust that it will receive earnest and most sympathetic consideration.

31. While dealing with the subject of our status, it seems desirable that we should lay stress on the fact—of which so many persons seem to be totally ignorant—that our work is, on several grounds, of such a nature as to entitle us to claim with justice to belong to one of the professions and to ask for all the advantages that this connotes. In the first place a really efficient Post Office official is highly skilled technically. Moreover, to be really useful, a senior official must possess knowledge varying from that of a lawyer to that of an electrician, from that of an engineer to that of a linguist, from that of an accountant to that of an architect and builder, and from that of a rhetorician to that of an auditor and actuary. We do not, of course, claim that all this knowledge is possessed by the average senior official, but we do contend that, to be really efficient and successful, he must have an elementary knowledge at any rate; and in any case the foregoing is, or should be, the goal of an officer who is at all keen upon his profession. And be it remembered that, as already stated in this paragraph, in addition to the foregoing, an officer must have a practical and theoretical knowledge of all branches of his profession which may briefly be described as postal, savings bank, money orders, postal orders, accounts in general, telegraphs (*i.e.*, line and wireless), telephones (line and wireless). We make no apology for mentioning this matter under the present head for the newest joined postal clerk and telegraphist is, or should be, a potential Postmaster-General.

32. To take the second point in paragraph 26, it is undoubtedly the case that the treatment of an officer, and especially in the social world, depends in a great degree upon the amount of his salary. After all, since human nature is constituted as it is, this attitude is not altogether unreasonable, for the "outsider" (we use the word in no invidious sense) naturally argues that the Deputy Chief Accountant of the Uganda Railway, who draws an initial salary of £550 per annum must necessarily have far greater responsibilities than those of the Chief Accountant of the General Post Office, whose initial salary is only £385 per annum. As a matter of fact it is indisputable that the converse is the case, but that is beside the present point. For this reason, if for no other, we submit that our scales of pay should be revised in accordance with our essential qualifications and manifold responsibilities.

33. Another point which has some bearing on this matter, and is the underlying reason for our having suggested alterations in the designations of certain appointments, is that in the mind of the average man, be he a Government official or otherwise, the use of the term "Postmaster," whether alone or in a combination, such as "Assistant Postmaster-General," is usually associated with an Indian postal clerk, who is in sole charge of a small Post Office and has no assistant. It may be thought that this point is not worth discussion, but our united experience is quite otherwise. We believe, therefore, that the use of the amended designations indicated at the conclusion of this section would go far to improve the attitude, both mental and otherwise, of the general public towards the senior officers of this department.

34. We think it not inopportune to point out that it does not appear to be the practice to consider this department in the matter of the requisitioning for extra departmental duties. For example, when the Government finds it necessary to appoint a Commission or Committee of Enquiry, etc., it could, we point out with the highest respect, do worse than apply to the head of this department for the loan of the services of one of his highly trained officers. We do not wish to claim that the average postal official is of a far better calibre than the average official from another department, but we consider, nevertheless, that it is not altogether out of place to remark that the average postal official has had his mind and judgment broadened by experience of a—to the outsider—bewildering variety of duties, and that the nature of his work has, perforce, induced him to develop the qualities of resource, initiative and prescience since emergencies and exceptional and unparalleled situations are of almost daily occurrence in his working life. And trained as he has been in that school of the strictest economy and accuracy—*viz.*, the British Post Office—he has come to possess, *inter alia*, a keen sense of the value of cash and stores, and so is as much concerned with the strict accounting for, say, one rupee as the average Colonial officer would be for Rs. 100.

PROMOTIONS.

35. A generally discussed question in this department is whether its officials are eligible for promotion to other departments in this service. We would point out that, whilst we do not aspire to posts in such technical departments as the Traffic Department of the Uganda Railway, for example, nevertheless there are many vacancies in the Colonial service arising from time to time, which we are confident could be efficiently filled by officers of this department. For example, a senior appointment in the

Treasury, the Accounting Department of the Uganda Railway. Since transfers from other Departments are not infrequently made—particularly, we observe, from the Audit Department—we feel that we may not unreasonably ask that we may likewise be considered.

36. If, however, it is replied that the Post Office being a highly technical department must be regarded as water-tight, then assuming such to be the case two corollaries follow. One is that the salaries paid to Post Office officials should be such as to constitute tangible recognition of the technical value, etc., of the services remunerated. The other is that since a Post Office official may not look for promotion to another department, then all vacancies within the Post and Telegraph Department should be filled by the existing staff and not by importation from the British Post and Telegraph Department, except, of course, in the case of the lowest paid appointments.

37. There is also the question of appointments in the Colonial Postal Service, *e.g.*, the Federated Malay States, etc. We feel that notwithstanding the principle of promotion within the department which has been enunciated above, some consideration should be given to this department when any senior post becomes vacant in another Colonial Postal Service. At present many of these posts appear to be filled by direct appointments from the British Post Office. The result is that the official versed in Colonial conditions, and, moreover, possessed of an all round training, who is not averse from service elsewhere, is placed at a considerable disadvantage, and is likely to become disheartened.

38. Whilst we hesitate to make any definitive suggestion, recognising as we do that the matter is one wholly within the competence of the Secretary of State, nevertheless, we venture to recommend that, in the interests of efficiency and the officials already in the Colonial service, when an appointment of a certain value falls vacant, it should be offered to, say, the Postmaster-General of the Federated Malay States or East Africa, in case he should be in a position to recommend any of his staff who are qualified for the post, and would benefit financially from the transfer. This precedent will have a twofold effect, for it would bring trained and new blood into a Colonial service, and, moreover, tend to stimulate the flow of promotion. We would say, in conclusion, that we think that special consideration might not unreasonably be asked for in the case of this department, since it has more European staff than any other Crown Colony, and, moreover, is the only Colonial Postal Administration employing European postal clerks and telegraphists; and we would suggest that it would make for efficiency generally if this particular postal service were regarded in the light of a training school for all the Crown Colonies.

ADMINISTRATIVE (EXECUTIVE AND OPERATING).

Male Staff.

Surveyors of Posts and Telegraphs, in lieu of Assistant Postmasters-General: £600 × £25 to £700; duty allowance, £120.

Provincial Superintendents of Posts and Telegraphs, in lieu of 1st Class Postmasters: £500 × £25 to £600; duty allowance, £100.

District Superintendents of Posts and Telegraphs, in lieu of 2nd Class Postmasters, £400 × £25 to £500; duty allowance, £80.

Postal Clerks and Telegraphists: £300 × £20 to £400.

SECTION 2.—ACCOUNTING BRANCH.

39. It will be observed that the opening portion of this memorial deals, historically, with the work of the department from more or less an administrative standpoint. Working in conjunction with the administrative side of the department, there is a large Accounting Branch divided into no less than six sections dealing with a vast miscellany of work infinitely more complicated than a layman could possibly conceive.

40. The present accounting system is one which has more or less grown up with the gradual increasing distribution of Post Offices throughout British East Africa and Uganda during a period of over seventeen years. In 1901 five Post Offices existed—at that time Uganda did not form part of the present postal system and had not added to our responsibilities as is the case at present—whereas to-day there are, including Postal Agencies, 113 offices. From an accounting point of view the whole of these offices are controlled by the Headquarters Accounts Branch. It is therefore obvious

that the bulk of the accounts work is very considerable, and, as will be seen from the subjoined comparative statement for the last five years, is rapidly increasing:—

Classification.	Volume or Amount in 1913.	Volume or Amount in 1917.	Increase per cent.
Total Cash Revenue	£38,867	£58,738	51 per cent.
Total Expenditure	£42,540	£62,014	45 " "
Postal Cash Revenue	£25,600	£33,622	27 " "
Telegraph and Telephone Cash Revenue	£11,890	£24,319	104 " "
Amount of Customs Duty collected ...	£4,404	£12,738	190 " "
Value of Money Order business:—			
Gross Transactions	£320,152	£572,215	79 " "
Balance due to Savings Bank Depositors	£32,308	£77,800	141 " "
Number of Post Offices, etc.	104	113	9 " "
Correspondence dealt with	4,449,063	7,621,217	71 " "
Number of Parcels dealt with	59,586	124,004	108 " "
Number of Active Post Office Savings			
Bank Accounts	2,066	5,049	144 " "
Telegrams dealt with	199,900	632,714	217 " "
Telephone Calls dealt with	505,948	831,830	64 " "

We, therefore, purpose to outline its salient features. From these it will be gathered that long and highly technical training is essential in order to cope with and organise all the various classes of work which flow to the common accounting centre at headquarters. This work can be enumerated briefly as follows:—

(a) Checking and bringing to account the charges levied on 230,441 private forwarded telegrams per annum.

(b) Tabulating and preparing inter-departmental accounts in respect of 162,126 State and Military forwarded telegrams per annum.

(c) Collection of "Transit" charges on all telegrams transmitted by other administrations through the medium of the department.

(d) Allocation and reconciliation of the proportion of the charges due to, and from, the Cable Companies in respect of 39,206 forwarded cablegrams per annum amounting to £36,388.

(e) Checking and bringing to account the Customs charges, amounting to £16,000, collected on £67,764 incoming parcels from overseas per annum.

(f) Collection of revenue accruing from telephone rentals, local, trunk and call office calls, removals, repairs, and other sundry charges. Recovery of the capital cost of telephone instruments installed in other Government Departments.

(g) Monthly payments of the salaries of a staff numbering 780, including menials, and the detailed disbursement of all monies voted for expenditure amounting to £65,000 (approximately) per annum.

(h) Responsible accounting check of local international money orders—the gross transactions of which amount to £583,000 per annum—settlement of the relative international accounts and compilation, for revenue purposes, of all attendant commission.

(i) Checking all surcharges collected on underpaid correspondence.

(j) Collection of revenue accruing from registered telegraphic addresses, private boxes, bags and locks.

(k) Organisation and control of Savings Bank with 6,000 active accounts, comprising monetary transactions to the value of £110,000 per annum, and standing investments with fluctuating interest, amounting to £78,000.

(l) Keeping the main stock of postal orders, the value of which is £20,000, and supplying such orders to the various Post Offices in British East Africa and Uganda, amounting to £7,500 per annum.

(m) Keeping the main stock of stamps, the value of which is £380,000, and supplying stamps for postal, revenue and fiscal purposes to the various Post Offices

and other Government Departments in British East Africa and Uganda, amounting to £135,000 per annum; also a subsidiary stock of stamps from which indents to the extent of £83,000 a year are executed.

41. The foregoing thirteen classes simply relate to routine accounting duties, and should, for the purpose of this memorial, be separated from those appertaining to higher finance, which may be summarised as follows:—

(a) International accounting with the British Post Office, India, South Africa, Egypt, Sudan, Italy (including Italian Somaliland), British Somaliland, Portuguese East Africa, Belgian Congo, and the conquered territory of German East Africa—in pre-war days with Germany and France. This work consists of the settlement of mail transit dues, telegraph terminals, parcels post terminals, sea postage and bounty fees, liquidation of money order accounts and reconciliation of postal order accounts. In connection with these accounts it might be mentioned that a thorough knowledge of the Universal Postal Convention of Rome, the International Convention of Lisbon, the Radio-Telegraph Convention and the specific conventions entered into with the various foreign administrations with whom the department has direct money order and parcel post relations, is essential, together with the ability to conduct this business in the official language of the Universal Postal Union, viz., French.

(b) Observing the fluctuations in the rates of exchange with a view to obtaining the most favourable terms in our monetary transactions with other foreign administrations.

(c) Formulation of revenue and expenditure estimates under 96 different headings entailing a great deal of careful judgment and foresight.

(d) Compilation of monthly statistics relating to the aforementioned work, together with the Annual Report, Blue Books returns, Berne Statistics and various sections of the Post Office Guide and Handbook.

(e) The four immediately preceding accounting sections are rendered further complicated by the fact that the requirements of two separate Governments, viz., British East Africa and Uganda, have to be met.

42. During the last two years the staff available to cope with the large increase of work defined in the comparative statement (*vide* page 12) has consisted, on an average, of three Europeans—only two of whom can be classified as trained accountants—and 18 non-European clerks, the majority of whom are very indifferent local applicants, as compared with 11 Europeans (seven of whom were trained accounting officers from the British Post Office), and 17 non-European clerks in the year 1913. The totally inadequate European trained accounting staff has, in addition to bearing the strain imposed by the responsibilities and multifarious duties of the branch, been called upon to formulate Rule Books and circular instructions for the guidance of the officers in charge of the 113 offices, designed with a view, if properly observed, to the reduction of fraud to a minimum. In regard to the possibilities of fraud there is no ground offering more scope in this respect than the Savings Bank, and in order to safeguard the department against such speculation it is absolutely essential that there should be adequate European staff to supervise efficiently the work and to design effective preventive measures against fraud. But ever since the Savings Bank was established in 1910, there has only been sufficient staff available to “keep things pulling through somehow,” and the department can regard itself fortunate that it has escaped serious loss of public monies by fraud in this respect. The following comparative statement shows how short staffed the Post Office Savings Bank is, as compared with the Government Savings Banks of other Crown Colonies:—

Name of Place.	NUMBER OF OFFICERS EMPLOYED IN		
	1913.	1914.	1915.
British East Africa ...	—	—	1
British Guiana ...	13	—	—
Jamaica ...	—	10	—
Mauritius ...	—	6	—
Trinidad ...	—	8	—

43. Having reviewed the scope of the work of the Accounts Branch, and to a small extent the responsibilities of the supervising officers, it will be of interest to

compare the salaries of these officers with those which obtain in other postal administrations analogous to this Protectorate:—

	British East Africa.	Federated Malay States.	Nigeria.
Chief Accountant ...	£350 × £15 to £450 £35 Duty Allowance.	£520 to £600 £125 Duty Allowance.	£400 × £20 to £500 £80 Duty Allowance.
Assistant do. ...	£250 × £12 to £300 No Duty Allowance.	£400 to £500 £100 Duty Allowance.	£350 × £10 to £400 No Duty Allowance.
Assistant Accountants	£200 × £10 to £250	—	£300 × £10 to £350.

44. This comparative statement, in itself, is sufficiently striking to prove that in other Colonies a salary is paid compatible with the nature of the duties involved and the specialised training necessary to undertake them.

45. Turning to our own Protectorate, however, the comparison is really more striking when the salaries of accountants in other public departments are scrutinised. For instance, in the Public Works Department the following salaries obtain:—

Chief Accountant, £400 × £20 to £500.
Accountants, £250 × £15 to £400.

46. In the case cited, the accountants have not been called upon to qualify by public examination, as is the case in the Postal Department. Moreover, their duties are essentially confined to expenditure work, whereas in the Post Office this only forms a minor part of the whole accounting regime. The Postal Department, as a revenue-earning department, has to cope with public requirements, and every cent brought to account is in respect of services rendered and calls for careful check and foresight in order to prevent public criticism and enquiry. In part it may be safely stated that the accountants of the Post Office have more responsibilities thrown on their shoulders, owing to the numerous interests to be observed, than any other public department in British East Africa and Uganda. Those few comparisons, therefore, amply illustrate the anomalous conditions under which the accountants of the Post Office work, and we submit that the time has now arrived for their proper value to the Protectorate and as public servants to be recognised.

47. This memorial has, we maintain, made it clear that the majority of officers in the Post Office and Telegraph Department are not paid salaries commensurate with their technical qualifications, training, responsibilities and the complicated nature of their work. The comparisons with the salaries paid to officers in similar positions in other Government Departments where these qualifications do not appear to be essentially necessary, also show that, *far from receiving any recognition in this respect, postal servants are paid at lower rates than their confrères in other departments.*

48. If, therefore, any revision of salaries is to be made, it is felt that the only equitable basis of calculation would be one which would take into consideration the salaries which the staff of the Post Office and Telegraph Department, in fairness, *should* receive, *not* the salaries they are receiving, that is to say, the existing salaries of this staff should, at least, first be brought into line with those obtaining in other Government Departments before any policy of final revision be contemplated.

49. By this means the comparative disabilities under which the staff labour to-day will, it is hoped, no longer exist after the revision has taken place.

We, therefore, suggest that the scale of salaries and designations of the posts in the Accounting Branch of this department be as follows:—

Comptroller of Accounts, £600 × £25 to £700; duty allowance, £120.
Deputy Comptroller of Accounts, £500 × £25 to £600; duty allowance, £100.
Accountants, £400 × £25 to £500; duty allowance, £80.

SECTION 3.—ENGINEERING BRANCH.

50. The salaries which we would venture to recommend in respect of the engineering staff are based on the same comparative scales as those of the executive and operative staff of the Post and Telegraph Department. That is to say, the position of a Telegraph Inspector, for instance, in the Construction and Maintenance Department is regarded as analogous in grade to that of the postal clerk and telegraphist; that of a sub-telegraph engineer to a Postmaster, and so on.

51. To the uninitiated, an officer responsible for the construction and maintenance of telegraph lines is merely a man who erects or supervises the erection of poles carrying a quantity of wire. The natural difficulties encountered in the construction of telegraph lines in such a country as this are not realised or else they are ignored. The stretches of land lines which have been erected (the construction of other lines is contemplated as soon as the cessation of hostilities render this possible) through partially civilised tracts of country, sparsely populated with natives, having a widely diverse geographical aspect, and differing widely in local conditions, are, we submit, in the nature of an engineering triumph. The task of efficient maintenance calls for the exhibition not only of the necessary technical qualifications only to be acquired by long years of practical experience, but also of a combination of foresight, adaptability and ingenuity satisfactorily to overcome the natural difficulties which confront the telegraph engineer. A comparison of the salaries paid to men of wide and long training, in this and the home services, with those of men in the employ of commercial firms in this country, such as the Nairobi Electric Light and Power Company, reveals the inadequacy of the prevailing scale of salaries in the engineering branch of the Post Office.

52. It may also, perhaps, not be out of place to compare the salaries paid to telegraph engineers on the West Coast of Africa and Ceylon with the salary paid to the telegraph engineer in East Africa. The subjoined table shows the salaries paid to these officers in the Colonies under reference:—

(a) Engineer-in-chief, Gold Coast	£820
(b) Engineer-in-chief, Nigeria	£820
(c) Engineer-in-chief, Ceylon	£700
(d) Senior assistant telegraph engineer, Nigeria	£700

It is true that on the West Coast a larger volume of construction work has been done; but the fact that telegraph construction has not been on the same scale in East Africa is really due to the employment of operators of a superior calibre in this Colony. In West Africa several wires are erected between the same stations to carry the traffic, owing to the inability of the native telegraphists employed to operate highly technical instruments. In East Africa, where skilled European operators are employed, only one wire is generally used, but up-to-date apparatus is employed to drive a relatively large traffic through that wire. Now this difference has the following effects:—

(a) The West African system leads to heavy capital expenditure and has warranted payment of liberal salaries to senior engineering officers based on the large volume of the construction work done.

(b) In East Africa both the volume of construction work and capital expenditure on telegraph lines have been kept down by use of special apparatus, involving for its maintenance a standard of engineering skill of a higher order than that required by the primitive methods of West Africa.

The anomaly of basing the engineer's salary on the volume of construction work alone is apparent, and need not be unduly emphasised. It has the practical effect of penalising engineering officers for introducing up-to-date methods in order to reduce the heavy capital expenditure consequent on the erection and maintenance of numerous and expensive telegraph lines.

53. We would venture to submit that the subjoined salaries represent a more adequate remuneration for the duties engineering officers are called upon to perform:—

Telegraph engineer: £600 × £25 to £700; duty allowance of £120.
Assistant telegraph engineer: £500 × £25 to £600; duty allowance of £100.
Chief mechanic: £500 × £25 to £600; duty allowance of £100.
Sub-telegraph engineers: £400 × £25 to £500; duty allowance of £80.
Mechanicians: £400 × £25 to £500; duty allowance of £80.
Telegraph inspectors: £300 × £20 to £400.

We beg to remain, dear Sirs,

Yours faithfully,

G. PERRY LEWIS.

B. LEWIS.

R. E. E. JOHNSON.

F. E. RAEMER.

B. J. FREEMAN.

XX.—SUB-COMMITTEE, NON-EUROPEAN STAFF.

POST OFFICE AND TELEGRAPHS DEPARTMENT,
 NAIROBI,
 25th March, 1918.

The Chairman, Civil Service Commission,
 Nairobi.

Through Le D. Mello, V. M. Jenkin, The Joint Secretaries,
 Non-European Civil Service Association,
 Nairobi.

Copy to the Acting Postmaster-General, Nairobi.

Sir,

With reference to your circular letter of the 5th instant, we, the undersigned, acting under the orders of the Sub-Committee appointed at a general meeting of the Post and Telegraph staff held on the 23rd idem, beg to lay before you the following points for the amelioration of the conditions of service, for sympathetic consideration.

WORKING HOURS OF STAFF.—There is a serious disparity between the working hours of the Post and Telegraph staff and that of the other branches of the Civil Service. The number of hours of duty allotted to the latter are six hours per day from Monday to Friday and four hours on Saturday; whereas in our case we are obliged, under the orders of the Postmaster-General, to work 48 hours a week in Nairobi; 45 in Kisumu and Uganda; and 42 in Mombasa. We would point out that the nature of the work we do entails both mental and physical strain and stress and is more arduous than that done by other departments, since it is usually performed at far higher pressure; and it will be seen, if a comparison is made, that there is a higher percentage of sickness amongst our staff than elsewhere.

Now that the time seems to be opportune we trust that this point will receive your favourable consideration, and may be settled once and for all for the benefit of all concerned. Other branches of the Civil service work 1,768 hours in the year, whilst we have to work 2,496. The difference here, it will be seen, is very great, viz., 21 weeks and 14 hours. For these extra hours of duty we are granted no special privileges, and we are allotted the same amount of leave after 43 months' service as is granted to other departments; nor is this extra service allowed for in the granting of pension to us.

We are of opinion that our working hours should be brought into line with the other departments, viz., six hours a day, with the exception of Saturday—4 hours, and that any work performed beyond that period should be paid for as overtime, irrespective of grade and the work performed by the staff. Here it is necessary to point out that those officials who happen to be in the 2nd grade are debarred from overtime payment unless they are deputed to perform any special duty not connected with their ordinary everyday work.

It is also submitted that the present rate of overtime compares unfavourably with that of the Customs Department, which is paid at a much higher rate than ours, and we would request that this difference be abolished and that the same rate of overtime paid to the Customs officials be given to us.

APPOINTMENTS OF STAFF.—At present there are a number of clerks who have served the department for nearly three years and have not yet been confirmed in their appointments. This non-confirmation cannot, it will be admitted, have a very encouraging effect upon these junior officials, because of the uncertainty whether they will be permanent members of the staff in future or not. In order to promote their taking a healthy interest in their work we are of opinion that all clerks should be confirmed in their appointments after the usual probationary period prescribed in the Code of Regulations, and that their confirmation should commence from the date of their original appointment in the service—whether they are being paid from war funds or otherwise; also that they should be granted similar privileges as the other clerks on the permanent establishment.

LEAVE TO INDIA.—It has been observed that officials who have completed over 43 months' service and are due above the ordinary five months' leave have not, unfortunately, been allowed to enjoy the full period earned by them, and have been recalled. We would ask that this system be dropped and that an official be allowed to enjoy the full leave due to him, to enable him to recuperate thoroughly and make him better fitted for his next tour of service.

Some clerks, who are on their initial tours of service, have been granted their leave to their homes, but have not been paid their salaries during their stay there. This is a distinct hardship, and should be removed. The man who is not receiving his salary has to resort to the money-lender, and when he returns he is in a far worse condition than he was when he left the country.

CASUAL LEAVE.—To use the mildest term possible, the treatment meted out to us in regard to casual leave is harsh. In some cases officials have not had casual leave for 24 months running, and when applied for the stereotyped plea of short staffedness is put forward by those in authority, and only after referring to the doctor is leave reluctantly granted. Here again we may emphasise that the work of the Post Office is more burdensome and tiring, and, of course, involving longer hours than those of other departments, and the necessity arises of our getting casual leave when it is really required.

TRANSFERS.—It is known and acknowledged that the transfer of members of the staff from one place to another, especially that made at short notice and that involving the travelling of long distances, involves heavy expenditure, and makes rather a big hole in their pockets, and in the case of those who occupy rented houses their landlord demands a month's notice, and they are obliged to pay this amount before their departure from the station to prevent the former from bringing a suit against them. It is very hard and unreasonable that we should be made to pay sums of money for privileges we have not enjoyed, *i.e.*, for houses not occupied, and our salaries certainly do not allow of this. We would ask that transfers be minimised as far as practicable.

QUARTERS.—Though this question is being taken up by the Non-European Civil Service Association, it would be well on our part to make mention of it here. Some officials are, it is admitted, being paid a house allowance of Rs. 20, while others are not. This distinction in itself is very invidious, but the point we wish to raise is, that quarters should be provided for *all* staff. More than once it has been pointed out that the work of our department puts a heavy strain on us all, and, unlike the other branches of the Civil Service, we are called out on duty at any and all hours of the day and night. It is therefore, we consider, only right and just and honourable that Government should make us a small return for the best that we give, and provide us with a comfortable dwelling to retire to after the day's heavy labour. At present we go to our wretched lodgings with far from a peaceful mind, and the combined worries of office and home tell very heavily upon us. We would ask that immediate provision be made for the erection of suitable quarters within easy distance of the General Post Office for all staff, both married and unmarried. Pending the erection of quarters a suitable allowance in lieu, which we would reckon at not less than Rs. 50, may be granted to us.

PROMOTION AND DESIGNATION OF STAFF.—The only first grade vacancy allotted to this department was abolished on the retirement of Mr. Syed Kassim, the Chief Assistant. We would ask for the provision of some first grade and a few more second grade appointments in the Post and Telegraph department. Senior men of ability who have worked well and faithfully during their long service should, we consider, be raised above and be treated on a different footing and status to that of the clerk of comparatively short service. At present these men are carrying on the duties of ordinary routine clerks, whereas their experience could be utilised in promoting the efficiency of the department. This brings us to the question of general classification, and men of seniority and experience should be given supervising duties and given a suitable designation, *e.g.*, "Supervising Clerk." We also consider that the time has arrived for grading the various post offices in this Protectorate, and the above-described men may also, with confidence, be placed at the larger and more busy and important stations which may be termed 1st class, to control the work. And the lesser stations, *i.e.*, 2nd and 3rd class post offices, may be staffed by men of lesser service and salary, and in course of time the lower paid officials may by their work and conduct be promoted to the higher stations with advantage. The term Sub-Postmaster should, therefore, be done away with and the official in charge of a post office not directly controlled by a head office should be designated "Postmaster." Only where a sub-office is really controlled by a head office, *e.g.*, Kilindini, the official in charge, may properly be termed sub-postmaster.

We would also like to point out that the transfer of a clerk to an office such as Fort Hall involves him in financial loss, for, no matter how long his hours—and rarely is the daily work performed at an out-station within the prescribed hours of attendance—he is not entitled to payment of overtime, whereas his junior at Mombasa or Nairobi, for example, can claim such payment, and thus add to his emoluments.

GENERAL AND SPECIAL STAFF.—Regarding the above, our Association would be able to put forward the memorandum that was submitted by the Post Office staff to be placed before the Commission.

GENERAL.—With reference to the other points on which we seek amelioration, which affect other departments as well as ourselves, we would respectfully refer you to our "Non-European Civil Service Association," which is taking these matters up.

We have the honour to be, Sir,

Your most obedient Servants,

K. N. R. MENON,
Chairman.
JAMES HOSKINS,
Secretary.

XXI.—Mr. C. J. MONSON, for Director of Agriculture.

THE SECRETARY TO THE CIVIL SERVICE COMMISSION, GOVERNMENT HOUSE, NAIROBI.

As instructed in your circular dated 5th instant, I have the honour to submit the following report.

I have given this matter very careful consideration, and desire it to be understood that, because I feel assured that the efficiency of the service is dependent almost entirely on the loyal and enthusiastic work of the staffs of the various departments, it is essential that the conditions under which these persons are employed should be such as conduce to that feeling of contentment which is necessary for all good service. The remarks therefore contained in this report are not made in any spirit of criticism of present conditions, but rather should be considered as suggestions whereby it is thought that a feeling of contentment and enthusiasm in my staff may be assured and the efficiency of the service increased.

COMMITTEES.—Owing to the fact that my staff is greatly scattered and the present pressure of work renders it undesirable to collect them, it was found impossible to call together meetings as suggested in your circular, and instead copies of the circular were sent to the members of the department with an invitation to express their individual views in writing. Up to date two communications have been received in response, which will be found appended.

I would in addition, however, suggest that, should any member of the department desire to privately offer evidence in person to the Commission, opportunity for this should be granted.

INDIAN, GOAN AND OTHER EMPLOYEES THAN NATIVE AND EUROPEAN.—The members of nationalities other than British and African Native are in the Agricultural Department so few that it is not proposed to make separate representations with regard to the conditions of their service, it being believed that regarding these persons suggestions will be fully detailed by other departments more largely concerned.

NATIVE EMPLOYEES.—The conditions of service of Native employees of this department are similar to those prevailing on private estates; no particular recommendations for improvement of such conditions are thought to be needed. This remark also applies to the office Native staff.

EUROPEAN STAFF GENERALLY.—To maintain an efficient staff of Europeans for the satisfactory carrying out of the work of the Agricultural Department, I am persuaded that amelioration as to the present conditions of services as detailed below would greatly add to efficiency and also tend to attract good men when the service requires new officers. I therefore suggest that as regards:—

1. APPOINTMENTS.—A large number of my staff require special technical and professional qualifications. To render a person qualified for such posts it is necessary that he should have gained previously by a prolonged period of study and practical work the required knowledge and experience, entailing a very considerable financial expenditure over a number of years by the candidate, who must also through this extended period of training be of greater age than persons who are engaged, and,

starting on the lower grades of service, earn their experience in this country; this undoubtedly under the present pension scheme is greatly against them.

Again, it has been the custom to secure the services of these technical and professional officers at the lowest possible salary which they will accept to join the service, and this salary in a number of cases is continued on the same scale for their term of service, a condition of affairs which compares most unfavourably with that obtaining in ordinary business concerns. This matter will be again referred to under incremental salaries. I am of opinion these are conditions which should receive attention when the appointment of such officers is considered, as also the value of such persons in the world's market with regard to the salaries they could command outside Government employ.

2. INCREMENTAL SALARIES.—As mentioned in my last paragraph, I consider that all salaries should, for a period, in any case, be on an incremental scale; this stimulation encourages the officer enjoying the salary to further efforts towards greater efficiency and avoids that stagnation into which persons who have no object for their further ambition, may gradually, without their own knowledge or intention, deteriorate.

3. LIVING EXPENSES.—Outside the extraordinary rise in the cost of moderate living caused by the war, during the last six years there has been a continual rise in the cost of necessities in this country. No allowance has been made in salaries for this increased cost of living. Again many officers accustomed to life in less expensive countries consider the salaries offered adequate until to their bitter regret they learn on arrival in British East Africa that the cost of living is greatly in excess of that to which they have been accustomed.

An addition to the salaries of all European officers is therefore considered most necessary on these grounds.

4. PENSIONS AND OFFICERS' SAVINGS.—For any person to work well and honestly it is most essential that he should have his future assured. The present scale of pensions is totally insufficient to provide a decent living on retirement to Government servants who have reached the age for such retirement. It is therefore necessary that every officer should out of his salary save a sufficient sum yearly to invest to augment the insufficient income of his pension; the present scale of salary does not allow for these so necessary thrifty investments or insurances. I would here once again refer to the hardness of the case of an officer who, through the conditions of his appointment, joins the service at a more advanced age than, I suppose, was contemplated, when the conditions whereby pensions are earned were arranged. The position of persons who are not placed on the pensionable staff is even more deplorable.

In the past it has been customary to reduce an officer's salary by 10 per cent. when he was placed on the pensionable list; this was, I consider, wholly inequitable, and these officers' salaries should undoubtedly be restored to their original amount.

All pensions should be increased.

5. WIDOWS' PENSIONS.—Among married officers the fact that should they die their wives do not receive pensions creates, I think justly, a feeling of discontentment, and this is one of the improvements in service conditions which requires most urgent attention.

6. WIVES AND CHILDREN'S PASSAGES.—The present allowance for these is quite inadequate, and many officers find themselves unable to meet the extra expense entailed when, for health or educational reasons, it becomes essential that their families return to their homes overseas. The position of an officer who is obliged for family reasons to maintain a separate establishment outside this Protectorate might well receive consideration.

7. DISTRICT ALLOWANCES.—As the cost of living in certain posts, Nairobi and Mombasa in particular, is much greater than throughout the rest of the Protectorate, I consider a special allowance should be granted officers during the period of their service in these expensive posts. This I believe is the case in the Union of South Africa.

8. PROVISION OF FUTURE HOME ON RETIREMENT.—As the climatic and other conditions of service in the tropics render it most probable, the period of life is considerably curtailed during which a person situated in these climes can continue to satisfactorily perform his duties, the provision of a home on retirement must be an essential matter to a sensible officer, and it is thought that it would be for the benefit of the whole community if it were allowed by the regulations that officers could make provision for their subsequent life in this country should they desire to do so.

9. RESTRICTIONS AS TO INVESTMENT IN B.E.A.—As officers are forbidden to invest their savings in B.E.A., they are obliged to invest such savings overseas (thereby depriving the Protectorate of funds earned within its territories), and are placed at a very considerable disadvantage in comparison with the ordinary individual not in Government service, who can supervise his own investments under his personal care and arrange them accordingly. Also the rate of interest obtainable from "gilt edged" investments oversea is much less than can be gained from safe investments in this country. This disability in freedom as to investment should be compensated for either by increase of salary, but preferably by declared investments in the Protectorate. It is difficult to understand why officers in B.E.A. are debarred when officers in the Zanzibar Government are allowed to invest their savings in our country.

10. GOVERNMENT HOUSES AND ALLOWANCES IN LIEU.—There exists grave inequality in these matters. Of officers of equal grade and position one may be granted an excellent six or eight-roomed bungalow and the other expected to inhabit a couple of huts. Again, should Government be unable to provide quarters, an allowance is granted in lieu, which is totally inadequate for the hiring of quarters similar to those enjoyed by the officials' fellow officers of equal grade in the same station.

11. DUTY ALLOWANCES AND ACTING ALLOWANCES.—Certain posts in the service have attached duty allowances, whereas others of equal importance have not; this does not seem equitable, and the consequence is that, when a senior officer who does not enjoy a duty allowance proceeds on leave, the junior officer who acts for him in his absence receives no additional remuneration for his extraordinary responsibility and expenses which may arise therefrom. It is thought that there should be equality throughout the service in these matters, and if possible an acting officer should receive as equal salary for the period of his so acting to that of the officer whose work he carries out.

12. LOCAL TRAVELLING ALLOWANCES.—The present scale of local travelling allowances is probably adequate when the officer travels in out-districts, but is not considered to be a fair one when he is obliged to travel on the railway or stop in places where hotel expenses must be met. In cases where an officer, while stationed at a particular post, must in the course of his duties spend prolonged periods not actually travelling but at other posts within a short distance of his station, the suggested increased travelling allowance would probably be excessive, a smaller allowance might be granted in lieu.

Officers when changing stations should be allowed the whole of their transport free.

13. FURNITURE ISSUE.—This is granted to officers occupying Government quarters, whereas those who are not provided with Government quarters do not enjoy this issue; this is a matter considered to need adjustment.

14. ENTERTAINMENT ALLOWANCES.—In certain cases the entertainment allowances are much too small. The particular case of the Manager of the Government Farm, Naivasha, may be mentioned, who, throughout the year, and at sale time in particular, is required to entertain a large number of Government guests, and receives a sum totally inadequate to recompense him for his expenses on hospitality.

15. AGE AT RETIREMENT.—It is felt that the age of retirement is too late in life for many persons to adjust themselves to totally new conditions, and I would suggest that any time after a period of service of ten years, if the exigencies of the service permit, a pensionable officer, should he desire it, be allowed to retire with the pension he has earned. I consider our officials should be placed on the same footing in this respect as military officers.

In conclusion I beg to offer my remarks on the position of each officer in my department:—

ADMINISTRATIVE DIVISION.

- (1) DIRECTOR OF AGRICULTURE.—Should receive duty allowance.
- (2) ASSISTANT TO THE DIRECTOR AND ADVISOR FOR TOBACCO.—Salary should be increased by increments to £500. General remarks apply.
- (3) THE MYCOLOGIST.—General remarks apply.
- (4) THE COFFEE PLANT INSPECTOR.—The general remarks apply to this post, but there are no specific recommendations to be brought forward.
- (5) THE OFFICE SUPERINTENDENT.—This officer should be treated on the same basis as office superintendents in the head offices of other large departments.

(6) **THE ACCOUNTANT.**—This officer's pay should rise by increments to the same maximum as accountants in the Public Works Department, viz., £400. The very varied nature of the accountancy of the department in all its divisions renders the work extensive and intricate.

(7) **RECORD CLERK.**—This officer is occupying a very responsible post and requires more training than that necessary for the ordinary clerk for purely routine work. I therefore consider this post should carry with it a higher salary than is at present attached to it.

(8) **RELIEF CLERK.**—The officer holding this post is considered as earning the necessary experience for filling a more responsible clerical position.

(9 and 10) **STENOGRAPHERS AND TYPISTS (2).**—My general remarks should apply to these officers.

(11) **HORTICULTURIST.**—New post.

(12) **PIG EXPERT.**—New and temporary post.

(13) **AGRICULTURAL INSTRUCTOR, KIBOS. (WEST INDIAN).**—The officer stationed at Kibos, in addition to supervising the agricultural experiments and seed selection, is also in charge of the educational work at the Station, and further, tours the native areas in an advisory capacity. The present holder of the post has done excellent service, which should be recognised.

(14) **FLAX INSTRUCTOR.**—Recent representations have been made for the increase of this officer's salary. Should this be given effect to no further remarks are necessary.

(15) **NON-EUROPEAN CLERK, 3RD GRADE (GOAN).**—Refer to my general remarks.

ECONOMIC PLANTS DIVISION.

(16) **CHIEF OF DIVISION.**—The present holder is retiring, and it is proposed to re-arrange this division subsequently.

(17) **TROPICAL AGRICULTURAL INSTRUCTOR.**—Vacant: general remarks apply.

(18) **FOREMAN PLANT INSTRUCTOR (WEST INDIAN) MAZERAS.**—No particular remarks to be made.

NAIVASHA STOCK FARM.

(19) **GENERAL MANAGER.**—This is one of the officers referred to in my remarks under the heading "Pensions and Officers' Savings," and also under entertainment allowances. This is an instance where the hardship involved has been great, and I strongly urge that the original salary be restored and a larger entertainment allowance be granted.

(20) **STOCKMAN.**—The pay attached to this post is much less than the present holder could command on a private estate. He has held the post for over 14 years and has given satisfaction.

NAIROBI EXPERIMENTAL FARM.

(21) **THE MANAGER.**—General remarks apply.

(22) **THE ASSISTANTS.**—General remarks apply.

(23) **CLERK.**—General remarks apply.

ENTOMOLOGICAL DIVISION.

(24) **CHIEF OF DIVISION.**—This is another officer whose salary should be restored to the pay received before he was placed on the pensionable establishment. General remarks also apply.

(25) **ASSISTANT ENTOMOLOGIST.**—The present salary of £250—£15—£300 should be continued on the same incremental scale to £400.

(26) **ENTOMOLOGIST FOR COFFEE.**—New post. General remarks apply.

(27) **PLANT IMPORT INSPECTOR.**—General remarks apply.

(28) **VETERINARY AND PATHOLOGICAL DIVISIONS.**—I understand that the Commissioner has communicated direct with the Ag. Chief Veterinary Officer, who is replying direct.

CHRIS. J. MONSON,
for Director of Agriculture.

XXII.—Mr. W. KENNEDY, D.S.O., Acting Chief Veterinary Officer.

MEMORANDUM ON THE EAST AFRICA VETERINARY SERVICE.

The present time is singularly opportune to enquire into the conditions of the Veterinary Service of this Protectorate, as the Government has recently approved generally of a scheme whereby provision is made for increased Veterinary Staff, and the efficiency of the Veterinary Department will largely depend on whether the conditions of service in the future will be made sufficiently good to attract suitable veterinary officers or not.

It is essential that veterinary officers appointed to this Protectorate be carefully selected men who have had special training in tropical veterinary science, as the duties demanded of them can only be efficiently carried out by men who have a sound knowledge of pathology and bacteriology. India and the other Colonies require men of this type also, and it will be evident that to attract suitable men to this Protectorate it will be necessary to make the conditions of service as good as, if not better, than those which obtain in other Colonies.

The main drawbacks to this service from a veterinary graduate's point of view are that his prospects are not good, inasmuch as he has nothing to look forward to in the way of promotion, no provision is made for his wife and family or other dependents in the event of his death, and he is not allowed to have any interests in the country.

In order to make definite recommendations, however, it is necessary that the whole matter be considered in detail, and it is therefore advisable to commence by considering the system by which veterinary officers are selected for service in this Protectorate.

Early in 1910 the Colonial Office instituted a system of selection of veterinary officers by which candidates were required to take a post graduate course in veterinary pathology and bacteriology and to sit an examination (written and oral) on these subjects. Those who obtained the highest marks in this examination and who were passed as medically fit for service in the tropics were selected to fill vacancies in the service.

This system was not continued after April, 1910, as, I understand, only two candidates presented themselves for examination. So far as I can ascertain the reason for this was that no remuneration was offered to successful candidates to cover the expenses of the post graduate training, and consequently suitable graduates of slender means were debarred from competing. It is interesting, however, to note that the Colonial Office recognised, even at that time, the necessity of selecting veterinary officers with great care. Since April, 1910, veterinary officers have not even been required to take a post graduate course in tropical veterinary science, and, in spite of this, the Colonial Office has been unable to fill the vacancies in its veterinary staff. Needless to say, if the standard of efficiency demanded of candidates is lowered, it is likely to seriously affect the efficiency of the service generally.

TRAINING ALLOWANCE.—It is therefore highly advisable that all candidates for Colonial veterinary appointments be required to take a post graduate course in pathology and bacteriology with special reference to tropical veterinary science and that they be required also to pass an examination on these subjects before being appointed, but, to encourage men to undergo the necessary training, a training allowance of £100 should be granted to all successful candidates. The training referred to would entail residence in London or some other large centre for three to four months, and, in these circumstances, the allowance suggested does not appear to be excessive.

PAY AND PROMOTION.—The present conditions as regards pay are briefly as follows:—A veterinary officer is appointed on a two-and-a-half years' agreement on probation. During this period he draws a fixed salary of £400 per annum, but, if he is promoted to the permanent and pensionable staff at the end of his probationary period, he is then granted an annual increment of £20 up to a maximum of £500 per annum. Beyond this he has really no prospects, and, on this account, he is liable to lose interest in his work and become less efficient. In order to obtain the best work from veterinary officers it is advisable, therefore, that incentives to increased effort be furnished in the shape of additional emoluments and opportunities for promotion.

Opportunities for promotion would be best provided for capable men by creating a grade of senior veterinary officers similar to the grading existing in the medical department. If three or four such posts were created the efficiency of the veterinary administration would be increased, as the officers holding these posts would be responsible for the internal administration of the provinces to which they were posted, thus relieving the headquarters' staff of a considerable amount of detail work and freeing it to deal more efficiently with important questions of general policy, etc.

As regards improved rates of pay, it would appear to be only equitable that a veterinary officer on first appointment should receive annual increments, after his first year's service, if his work has been carried out satisfactorily, since it stands to reason that, as his knowledge of local conditions increases, the value of his services is proportionally greater.

The following rates of pay, therefore, are suggested as likely to attract suitable men to the service:—

(a) *For Veterinary Officers on probation*:—£400 per annum by annual increments of £20 to £440 per annum.

(b) *For Veterinary Officers on the permanent staff*:—£460 per annum by annual increments of £20 to £600 per annum.

(c) *For Senior Veterinary Officers*:—£600 per annum by annual increments of £25 to £700 per annum plus £60 duty allowance.

TRAVELLING ALLOWANCE.—With regard to travelling allowances, the present rates appear to be inadequate, and the following scale is suggested:—

(a) For Veterinary Officers drawing £400 to £500 per annum, per day Rs. 5.

(b) For Veterinary Officers drawing £500 to £600 per annum, per day, Rs. 7.50.

(c) For Veterinary Officers drawing £600 to £700 per annum, per day, Rs. 10.

HORSE ALLOWANCE.—Veterinary officers are at present granted a horse allowance of £36 per annum. This allowance barely suffices to maintain one horse, and as most District Veterinary Officers require at least two horses to carry out their duties, it is suggested that, where a Veterinary Officer maintains two horses for Government work, he should be granted a double allowance, namely, £72 per annum.

OFFICIALS HOLDING LAND, ETC.—A cause of considerable dissatisfaction lies in the fact that officers are not allowed to have any interests in the country. If this privilege were granted under certain conditions it is difficult to see how it could have a bad effect on the efficiency of the service, whereas the benefits to be derived from it, through officers having a personal interest in local problems, would be considerable.

PRIVATE PRACTICE.—The question of whether Veterinary Officers should be allowed private practice or not is one requiring careful consideration. If private practice were allowed, it would be liable to result in decreased efficiency, but, on the other hand, it would appear to be anomalous that this privilege is granted to Medical Officers and not to Veterinary Officers.

PROVIDENT FUND.—With regard to adequate provision being made for an officer's dependents in the event of his death, undoubtedly the best method of arranging this would be by means of a satisfactory Provident Fund. This fund could be run either separately from the existing pension fund or in conjunction with it. In the latter case an officer on retirement could elect either to draw all monies due to him in a lump sum or to draw a proportion as a lump sum and the remainder as pension.

GENERAL ADMINISTRATION.—The present system of administration by which the Veterinary Department is placed under the complete control of the Director of Agriculture has given rise to much dissatisfaction amongst the members of the professional staff, as it is generally felt that, in view of the importance of veterinary science to the future of the Protectorate, a separate and self-contained department is fully justified. In my opinion the departments responsible for land, forestry, game, livestock and agriculture should be placed on an equal footing and their co-ordination secured by the appointment of an administrative head who might be termed Minister or Secretary of Lands.

W. KENNEDY,
Acting Chief Veterinary Officer.

XXIII.—Mr. E. BATTISCOMBE, Conservator of Forests.

FOREST DEPARTMENT,
NAIROBI,

No. 29/105/3.

April 2nd, 1918.

SIR,

I have the honour to submit my remarks and suggestions on the subject of the improvement of the efficiency and conditions of service in the East Africa Civil Service in accordance with instructions contained in Circular of the 5th instant.

2. I instructed the Foresters and Senior Assistant Conservator and Assistant Conservators to submit memoranda of their views in accordance with paragraph 3 of the circular. The memoranda have been forwarded to you by the representatives of the officials concerned.

I understand that the Goan Clerical Staff are forwarding their views through the Non-European Civil Service Association.

3. In discussing the relations between employer and employee efficiency may be said to be synonymous with contentment, for however well qualified technically a servant may be, the efforts that he may put forth to carry out the duties of his office can never be his best if he is discontented with the conditions of his service. The converse, however, does not hold good. In making the following suggestions for the improvement of the general conditions of the Civil Service and of the Forestry branch of that service in particular my whole idea is to increase efficiency and thereby to strengthen the Government by the loyal co-operation of all the units comprising the service and to increase the value and productivity of the forests for the benefit of the whole community.

I would like to remark that my recommendations are not made in a spirit of criticism of the existing conditions of service; they are put forward as suggestions for the building up of a contented, efficient and loyal staff of men whose interests are bound up with the general welfare of the country.

PERSONNEL.

EUROPEANS.—Persons appointed to administrative and executive posts in the department must be possessed of a thorough knowledge of the practice and science of forestry; such knowledge can only be acquired by careful study under competent teachers and practice in well-organised and managed forests, entailing the outlay of a very considerable financial expenditure. And while it is essential that all posts in the department should be filled by men who are thoroughly versed in the principle and science of their profession, of still more importance is it that these officers should apply their theoretical and practical knowledge gained in other countries to the conditions obtaining in this country, and by careful observation and research become of prime importance in the successful management of the forests and the development of their resources.

In order that a man should give of his best he should be offered such inducement by way of salary and other conditions of service as to enable him to look forward to a reasonable competency out of which he can make provision for the maintenance of his wife and family, the education of his children, a settlement for his widow and children in the case of his death, and of a reasonable income when the time comes for him to retire.

As to current sanctioned scale of salaries, while I am of opinion that all commencing rates should be somewhat increased, I think it is still more important to arrange for higher scales of salaries for men who have been many years in the service, in order to prevent stagnation and loss of keenness which is inevitable if a man knows that however hard he works he cannot earn more than the existing very low sanctioned maximum of his grade.

For successful forest management it is highly desirable that the policy adopted shall be continuous, and to ensure this continuity of policy it is essential that the personnel of the department shall not be subject to continual change; if, however, the inducements to remain in the service are not sufficient, members of the staff will seek more remunerative employment elsewhere, and the welfare of the forests and the output of forest products are bound to suffer.

Foresters.—A sufficient, efficient staff of Foresters is the backbone of successful forestry. The present sanctioned scale of pay for this grade is £120 by £10 to £200. I would suggest that the grade be sub-divided into Foresters and Senior Foresters, with salary of £150 by £10 to £250, and £250 by £15 to £400 respectively.

The present scale of pay is less than that sanctioned for the European clerical staff, though the Foresters are technical men and the majority of the existing staff have qualified in their profession; their responsibilities are greater and their duties are far more onerous than that of a clerk in an office.

There are, and always will be, certain forest districts in which the carrying out of the working plans demands more skill and experience on the part of the Forester than other districts; to such districts I would post the Senior Foresters.

I am of opinion that a salary of £150 should be the minimum of any adult European; on a lesser amount it is almost impossible for a man to live and to maintain his self-respect. If after ten years' good service a man has no opportunity of further promotion, if he be at all ambitious he will seek more lucrative work elsewhere or else he will stagnate and become of decreasing use to the department.

Assistant Conservators.—Candidates for appointment as Assistant Conservators should have a degree in, or diploma of, forestry, gained in a university having a recognised forestry course, and if possible an honours degree in natural science. Such a training incurs a very considerable financial expenditure (at Oxford and Cambridge the training is spread over four years). I am of opinion that such men should receive a commencing salary of at least £300 per annum, and that they should be appointed on a scale of £300 by £15 to £450, that there should be two grades, as in the case of Foresters, and that Senior Assistant Conservators should be paid at the rate of £450 by £20 to £600. I would, however, recommend that no increment be granted to newly appointed men until they have passed a test examination in Swahili.

There should be one or more Deputy Conservators on a salary of £600 by £25 to £750.

I attach to this letter a statement showing the salaries paid to forest officials in other colonies.

Forest Surveyor.—Provided that fully qualified Assistant Conservators were appointed, all forest surveys would be carried out by them. At present there is a Forest Surveyor on the sanctioned establishment; his services are of very great value, and I am of opinion that he should receive remuneration on the same scale as that recommended for Senior Foresters, e.g., £250 by £15 to £400.

Seedsman.—This post is a technical one, and the person holding it should have served an apprenticeship in some recognised seed establishment or a Government seed-testing station. He is stationed at the headquarters of the department in Nairobi, and in addition to his technical duties practically undertakes the office of Office Superintendent.

I am of opinion that he should receive the same salary as that recommended for Senior Foresters.

Accountant.—This post is purely a clerical one, and the holder should receive the same emolument as sanctioned for other European clerks of the Civil Service.

NON-EUROPEAN.—Assistant Foresters.—It was originally proposed to obtain qualified Indian Foresters from India to fill posts in this grade. The salary offered has not been of sufficient inducement to obtain candidates for appointment; it is therefore proposed to make local appointments of suitable men who are willing to learn their duties. Under these circumstances I do not see any necessity to make recommendations for increasing the sanctioned scale of salary.

In this connection, however, I would like to bring to the attention of the Civil Service Commissioners the desirability of making provision for the selection of forest probationers from among young educated Arabs with a view to their being sent to the Dehra Dun Forest College in India, where they would receive a first-class technical education on sound practical lines, and where they would receive encouragement to take part in manly sports and games among co-religionists, under the general guidance of Englishmen.

If this local material could be made use of in the forest and other technical departments, there is every reason to believe that a great economy could be effected without loss of efficiency.

Forest Guards (Africans).—These men are recruited as far as possible from among ex-K.A.R. and ex-Police Askaris. They are engaged at a commencing salary of from Rs. 12 to Rs. 15, according to their rank and record of service in the above-mentioned services. They receive an increment of Re. 1 per mensem per annum up to a maximum

of Rs. 25 and exceptionally Rs. 30, according to their abilities. The usefulness of these men depends entirely on the degree of European supervision; given adequate supervision they do most useful work, and they form a valuable item in the management and protection of the forests. At present, owing to the demands for men for the K.A.R., recruiting for forest guards is almost at a standstill. It may become necessary to increase the scale of pay, but I am averse to making recommendations for such increase until the necessity has been clearly proved.

GENERAL CONDITIONS OF SERVICE.

HOUSING.—This question is a most important one, and at present constitutes one of the greatest disabilities of which some of the Foresters complain. I am of opinion that every official should be provided with adequate housing accommodation. The majority of the forest stations are situated in the higher parts of the country where the weather conditions are often very inclement and where a good house is of the utmost importance for health reasons. In this respect the comparison of housing accommodation provided by private employers and the Government is very much to the disadvantage of the latter. I am of opinion that the non-provision of proper housing accommodation cannot be justified by any plea of economy.

MARRIAGE OF OFFICIALS.—It is highly desirable that forest officials and especially Foresters should marry. Their lives are essentially lonely, and the factor of cheerful, orderly, clean houses, with good cooking and homely surroundings, makes a vast difference to the well-being and work of a man who is cut off from the ordinary amenities of social intercourse with his equals. At present provision is made for the payment of a Forester's wife's and family's passage when proceeding to this country for the first time; I would like to see this concession extended to all members of the Civil Service.

ALLOWANCES.—Sea Passages.—The present system of granting an official a free passage for himself only is inadequate. Very many officials find the cost of passages for their wives and families when proceeding to and from leave abroad is beyond their means, and the benefits of a rest and change of climate are discounted by the cares and worries as to how to provide the wherewithal to live.

I would suggest that free passages, except on first appointment, be abolished; that an equivalent value of a double passage of the class sanctioned according to grade be added to the pensionable pay of every official and that he be at liberty to make his own arrangements to travel by whatever class he likes.

Travelling Allowances.—The present system is not satisfactory; the cost of travelling is not the same in all districts, *e.g.*, travelling on the railway is more expensive than when travelling with tent accommodation; travelling in a district where local supplies can be obtained is a very different proposition to travelling in a district where food, etc., cannot be obtained, *e.g.*, in a forest. The cost of hotel accommodation is far in excess of the allowance sanctioned for most grades.

I am of opinion that the allowances should be compounded and that the equivalent be added to the pensionable salary; of course railway and steamer fares would be free.

In the case of an official being transferred from one station to another, the whole of his expenses should be allowed free.

Acting Allowances.—I am of opinion that in the case of an officer acting for a senior officer during his absence or pending appointment to the post, he should receive the full sanctioned salary attached to the post, in return for the extra responsibility devolving upon him.

District Allowances.—It has been brought to my notice that the granting of an allowance to an official posted in towns such as Nairobi and Mombasa, where the cost of living is far in excess of that at an outstation, would relieve a real grievance; I am of opinion that such an allowance might well be made in the case of technical officials who are not ordinarily stationed in towns, but I do not favour the granting of such allowances to officials whose appointments necessarily entail permanent residence in towns.

PENSIONS AND PROVISIONS FOR RETIRING.—As already mentioned, it is essential for any official if he is to devote the best years of his life to the faithful discharge of his duties, to be assured of a reasonable income after retirement and that he may be able to make provision for his wife and family after his death and to educate his children. As the present rate of pensions is not sufficient to provide an adequate living on retirement, and moreover it ceases entirely with the death of the holder with no provision for the widow, there is an urgent need for increasing all salaries so as to enable savings to be made both for small investments and also for the payment of the insurance premia.

Of even still more importance is the institution of pensions for widows and orphans of officials, and I am of opinion that a compulsory contributory pension scheme should be devised and brought in at as early a date as possible.

RETIREMENT.—I would advocate officials being allowed to retire after eighteen years' service if they so desire, and I would also advocate the compulsory retirement of all officials as soon as they reach the age of 55 years. My reasons for advocating permission to retire after 18 years' service is that there must be, in the ordinary course of events, certain officials who have not reached the age of 50, but whose energies are declining and they are unable to carry out their duties with that enthusiasm that is essential to the well-being of the service. It is probable many such officials would be very glad of the opportunity to retire, and their retirement would benefit the service by affording chances of promotion to more energetic and capable officers. I advocate the compulsory retirement at the age of 55 to obviate stagnation and to increase the chances of promotion of younger members of the service.

EFFICIENCY.

CLERICAL STAFF.—While it must be a *sine qua non* that candidates for technical appointments should be qualified in their professions, there is no recognised standard of efficiency for candidates for non-technical appointments such as clerks. I refer more especially to the non-European clerks; very few of the men holding appointments in the lower grades have an adequate knowledge of English; it is exceptional for a man to know how to manipulate a typewriter and the drafting of simple official letters is a matter of difficulty to not a few. I am of opinion that in the interests of the service candidates for appointment to 5th, 4th and 3rd grade clerkships should be required to pass a qualifying examination. I am convinced that such an innovation would be much in the interests of the clerks themselves, as after passing a qualifying test their services would receive a definite value.

I would also recommend that local European candidates for appointments for clerical posts should be required to pass a qualifying examination.

LANGUAGES.—The importance of officials speaking Swahili and other native languages is becoming increasingly overlooked in departments other than administration and the police.

When the duties of an official entail his superintending native labour it is most essential that he should have a good colloquial knowledge of the language of the labourers employed by him or else should be able to clearly express himself in Swahili to a headman who would correctly interpret his wishes to the labourers. I am convinced that many of the difficulties experienced by officials to get good work out of their men and to keep up their numbers by voluntary recruitment is due, in a very large measure and in very many instances, to the entire lack of knowledge of Swahili or other particular native languages.

In times out of number a native is blamed and often punished for not doing a certain work, the nature of which he is entirely ignorant, solely due to the fact that he has been wholly incapable of understanding what was required of him.

A good working knowledge of colloquial, grammatical Swahili is of first importance; the argument often put forward that it is useless for a man living up-country to learn proper Swahili, for his labourers could not understand him, is absolutely fallacious. It might just as well be argued that an Englishman should speak ungrammatical English to a foreigner in order to make him understand.

I would recommend that no increments to salaries be granted until an examination in Swahili be successfully passed, the degree of the test being in relation to the post held by the candidate, and further, that candidates for promotion from a lower to a higher grade should be given to understand that other qualifications being equal, preference would be given to persons having a thorough knowledge of native languages. The system of granting bonuses to officials qualifying in languages other than Swahili should be extended.

I have the honour to be, Sir,

Your obedient servant,

E. BATTISCOMBE,

Conservator of Forests.

The Secretary,
Civil Service Commission,
Nairobi.
[201489]

SALARIES OF FOREST OFFICERS IN OTHER COLONIES AND INDIA.

	British East Africa.	Federated Malay States.	Ceylon.	Nigeria.	Gold Coast.
Chief Conservator	—	—	—	£1,000 to £1,200 £200 Duty	—
Conservator	£500 to £700 £50 Duty	£1,050 to £1,200 £200 Duty	£1,050 to £1,200	£700 to £900 £140 Duty	£800 £160 Duty
Deputy Conservator	—	£675 to £800 £150 Duty	£750 to £900	£500 to £700 £100 Duty	£500 to £600 £100 Duty
Senior Assistant Conservator...	£400 to £500	£540 to £660 £125 Duty	£600 to £700	£400 to £500 £80 Duty	—
Assistant Conservators ...	£250 to £400	—	£350 to £500	£300 to £400	£300 to £400

INDIA FOREST SERVICE.—Forest Probationers selected for the service receive state aid (£120 per annum) towards the cost of their education at Oxford or Cambridge, having previously obtained a degree in pure sciences. On first appointment in India they receive a salary of £304; from this the salary rises by regular gradations to £1,000, the pay of a Conservator, 3rd Grade. A Conservator, 2nd grade, receives £2,000, and 1st grade £3,000.

XXIV.—Mr. A. E. TOWNSEND, Acting Director of Surveys.

CIVIL SERVICE COMMISSION.

Ref.:—Circular of March 5th, 1918.

(I.). RE-ORGANISATION AND EFFICIENCY.

1. As requested in above quoted circular, I have the honour to forward a Memorandum on the points raised therein.
2. The Honourable the Land Officer, Legal Assistant, and myself discussed the matter very thoroughly with result that Legal Assistant put up a comprehensive Memorandum, dealing fully with re-organisation of the Land, Survey and Registration Departments.
3. It was considered necessary to do so before dealing with the general question of increased salaries, etc.
4. The departments concerned have long been working under a very unsatisfactory system, no co-ordination, and much unnecessary duplication of work, and the creation of unnecessary posts.
5. The system in force throughout Australasia is similar to the system recommended in the Legal Assistant's Memorandum. The question has been thoroughly dealt with and requires no further explanation from me.

(II.).—SALARIES AND ALLOWANCES.—SURVEY STAFF GENERALLY, INCLUDING SURVEYORS, COMPUTERS AND DRAUGHTSMEN.

6. The salaries of efficient and qualified surveyors in this Department compares very unfavourably with the salaries of similar officers in South Africa and Australia.
7. I would also point out that a Licensed Surveyor in the Protectorate bases his charges for survey on a fee of £5 per day, out of which sum he pays wages to his labourers. This does not include travelling expenses. It is safe to say that the surveyor expects to earn a net sum of £4 per day. This sum is considerably higher than the sum paid to the Director of Surveys.
8. The responsibilities of a Licensed Surveyor are considerably less than those of Director, Deputy Director and Assistant Director of Surveys or of a District Surveyor in charge in either Nairobi or Mombasa.
9. It must also be borne in mind that surveyors in the Protectorate service are *not pensionable*.
It is and always has been impossible to retain the services of first-class men on account of the very low salaries.
We have been successful in obtaining good men, but as soon as they discovered the conditions of the service, that no highly paid posts are obtainable, they naturally left and commenced practice as Licensed Surveyors or left the Protectorate.
10. Good surveyors remain in the Department because they have spent some years in a tropical climate, and do not feel up to the strenuous work of a Licensed Surveyor either here or elsewhere.
There are very few of such men remaining.
11. In consequence the staff generally consists of young men with very little survey experience, and very little chance of a good training in correct survey methods owing to lack of surveyors with long and varied experience whom they would and should work under.
12. I do not wish to disparage the capabilities of the young surveyors; they are unfortunately situated, they cannot receive the necessary training which all young surveyors in our self-governing Dominions are able to.
13. Most of the men have done well and accepted the hints given from time to time by older and more experienced surveyors.
The salaries proposed in the Legal Assistant's Memorandum do not include house allowance and the usual subsistence allowance.

(III.).—GRADING OF STAFF.

14. It is essential that a system of grading should be adopted and that a man should prove his fitness for promotion.

I cannot recommend the principle of promotion by seniority. Under such a system the "slacker" fares as well as the "worker."

Promotion should be by merit, and so far as the professional staff of the Survey Department is concerned, should be by examination in the first place.

15. We have a staff of Cadets, men who are being taught survey work. Such men should be required to serve three years and then pass a qualifying examination, when a certificate of proficiency would be awarded; should the candidate desire to practice as a Licensed Surveyor he could pay the prescribed fee entitling him to practice as a Licensed Surveyor.

Such men are at present in receipt of a salary of £220 per annum—this covers all allowances.

The salary is low it is true, but I would point out that in no country in the world a man receives a salary to learn his profession; he usually has to pay a premium.

COMPUTERS.

16. The salary at present paid to Computers is £250 to £350 by annual increments, £20.

This salary I consider too low. These men have to check all the work of Surveyors—licensed and official—and should be possessed of a thorough knowledge of all survey and astronomical computations.

17. It is not necessary that all Computers should be so capable, hence in this Branch there should be two grades—senior and junior.

18. The seniors should be competent to check any class of computations, the juniors being reserved for the routine type of computations and examination, each junior working under instructions from a senior man.

19. Promotion to be made on merit and not seniority; examination tests being made—the most capable to be promoted as a vacancy occurs.

20. The Chief Computer should be of equal rank with a District Surveyor, and on the same salary.

DRAUGHTSMEN (EUROPEAN).

21. The salary attached to these posts is also too low to attract good men. We have been fortunate in securing a certain number of good men, but it is due to the war we have been able to detain them.

22. The salary proposed in the Legal Assistant's Memorandum would ensure obtaining good men.

23. The Chief Draughtsman should rank with the District Surveyor.

INDIAN DRAUGHTSMEN AND TRACERS.

24. The salaries given to these men are inadequate with one exception, as, however, it is rarely we are able to secure decent Indian tracers. We have succeeded in training Indian youths from the Indian School, Nairobi; one youth is exceptionally promising, and worth considerably more than I am empowered to give him.

(IV.).—ALLOWANCES (HOUSE AND SUBSISTENCE).

25. The question of allowances is a very vexed one, but does not present any unsurmountable difficulties.

26. *House Allowance.*—The sum allowed to Protectorate Officers generally, whilst probably adequate in early days, is no longer so.

27. The amount allowed does not exceed £60 per annum or Rupees seventy-five per month. It is impossible to get a house to-day at anything approaching the above figure. Those officers who are fortunate in obtaining a Government house have also a certain amount of furniture allowed; not so the officer given house allowance.

28. In places such as Mombasa it is impossible to obtain a house, and in consequence men and their wives and families have to live in tents and bandas, their discomfort can be imagined during the rainy season.

The effect on the health of such officers is not beneficial and is a severe tax on the Departmental output.

29. More Government houses are necessary in the various districts and the scale of house allowance should be increased to be consistent with the rents now demanded; it is safe to say that no reduction in rents may be anticipated for some time to come.

(V.)—ALLOWANCES.

30. *Travelling or Subsistence Allowance.*—The above form of allowance is an anomaly. It is supposed to represent "out-of-pocket expenses," but considering the general nature of the allowance it cannot be expected to fulfil that duty.

Take the case of a man travelling frequently between Kisumu and Mombasa—the sum of Rs. 4 per day is not adequate. Should he be compelled to stay several days in Mombasa, Nairobi or Kisumu his "out-of-pocket" are very considerable; hotel charges being considerably in excess of ordinary household or camp expenses. The difference is a direct tax on his resources and is the cause of considerable dissatisfaction.

31. The Surveyor who is constantly camping off-times feels that he is in a much worse position than his brother Surveyor who is comfortably fixed up in town.

The cost of food in certain districts is very much greater than others, particularly so where it is necessary to use tinned provisions; provisions become more costly the further one is from a distributing centre.

32. I am of opinion that a camp allowance is the fairest method, a payment made to cover excessive cost of food, discomfort, and so forth. Actual "out-of-pocket expenses" to be paid full, such as hotel expenses, travelling on Uganda Railway, food at Dak bungalows, etc.

33. It must be remembered that all expenses are increased when travelling, and as an officer is travelling on Protectorate duty, I submit he should be paid a reasonable sum to compensate him.

34. The case of the man who is stationary in Nairobi, such as Computers and Draughtsmen, who, on occasion have to travel on duty, requires consideration.

These men have to pay house rent whether occupying the house or not; they have to pay the heavy charges at hotels or provide camp equipment should they be compelled to go into the country districts. They are supplied with tent, bed, table and chair, but not cooking utensils. If married, he must engage a cook and extra personal boy. He must purchase provisions which he would not use generally in his house.

35. To compensate him for this expenditure he receives a sum of Rs. 4 per day (Draughtsmen receive less. Rs. 4 is the highest rate of all, excepting for Heads of Departments). If the officer is a single man he is very similarly placed. He is usually a member of a mess, and must, of course, engage a cook-boy, probably both.

The question of allowances needs drastic modification.

36. Actual "out-of-pocket expenses" should be paid to all men, camp allowance on graduated scale should be paid to men who are constantly travelling, plus "out-of-pocket expenses."

37. The allowance should not cease as it does at present when an officer has been stationed a certain number of days in *one place*; this is considered a transfer. It is a distinct hardship and the cause of much dissatisfaction.

38. Full camp equipment should be issued to casual travellers, *i.e.*, kitchen utensils, knives, forks, plates, etc.

39. The allowance of Rs. 4 per day should be considerably increased apart from all other considerations. Rs. 4 is totally inadequate for any man.

40. The allowance should be greater in unhealthy districts than in healthy or Highland districts.

41. Surveyors are frequently camped in very unhealthy districts and must usually camp close to their work, thus frequently they have no choice as to camping in a more healthy spot.

(VI.)—DISABILITY IMPOSED ON CADASTRAL STAFF BY UNFAIR PROMOTION.

42. I would draw attention to the promotion to the post of Director of Surveys in the past. This has always been reserved for an officer in the Trig. and Topo. Branch without regard to his length of service or experience. This has caused great dissatisfaction to the whole staff. Personally, I feel that a great injustice has been done not only

to myself but to those members of the Survey staff who have had experience in survey work extending from twenty to twenty-five years. I have had experience of survey work extending from 1888 to date, and I feel that I can reasonably expect to rise to something more than Deputy Director.

43. There have been four changes in the post of Director of Surveys since I arrived in this Protectorate.

Under the scheme of re-organisation as proposed by the Honourable Land Officer the above disability would cease.

44. In conclusion I would earnestly recommend that the re-organisation be proceeded with as soon as conveniently possible, as the longer the present organisation is maintained the less efficient will the Department become, the more costly in working expenses and the greater the difficulty in reorganising.

A. E. TOWNSEND,
Ag. Director of Surveys.

XXV.—Mr. E. BARRET, Legal Assistant, Land Department.

THE CIVIL SERVICE COMMISSION.

THROUGH THE HONOURABLE LAND OFFICER.

In pursuance of the circular of the 5th March last, I have the honour to put forward a suggested scheme for the reorganisation of the Land Department of the East Africa Protectorate, coupled with some suggestions as to how the salaries attached to the various posts in such departments might be raised and regraded.

2. I propose to deal with the subject at some length, as I feel that it is one which merits the closest attention, and I trust that the views and suggestions which I have to put forward will meet with your favourable and sympathetic consideration.

3. The need for a reorganisation of this department has, I venture to submit, been felt for some time past, both with a view to obtaining greater efficiency and also providing for salaries more in proportion to the work and responsibility undertaken by the officials of such department.

4. The suggestions are by no means complete, but I am convinced that the need for reorganisation will be clearly shown by what I have to say, and that the necessity of making a change from the present system will be fully realised if the working of the Land Department is to be put upon a sound and businesslike footing.

5. As I have already remarked, I propose to deal with this subject at length, but as I cannot hope to consider in detail all the points involved therein, in the course of a memorandum like this, I would point out that, once the principle advocated is approved, then the details can be elaborated later on.

6. Firstly, I will put on record a few facts and figures relating to the area of land controlled and the revenue collected by this department.

(a) AREA OF LAND.—The total area of this Protectorate is approximately 157,000,000 acres, of which about 5,000,000 acres are alienated, and about 2,500,000 acres are surveyed ready for alienation; natives reserves amount to 20,000,000 acres and forest reserves to 2,000,000 acres, which leaves a balance of 127,500,000 acres not yet dealt with.

Of this area it is quite possible that much will be of little use, but it is certain that a good many more acres will be available for future alienation, and it is highly probable that, with scientific methods of cultivation and irrigation, etc., much land now deemed useless will be made available for agriculture of one sort or another and possibly for stock raising.

(b) REVENUE OF CROWN LANDS.—The present revenue of this department from the rents of Crown Lands, that is land leased by the Crown to members of the public, is approximately £25,000 per annum. In the year 1916-1917 the amount of rent actually collected was over £23,000, and this when the effects of the war must be allowed for; and as further lands are alienated this source of revenue will rapidly increase, as it also will when the revisable rents payable under the Crown Lands Ordinances, 1902 and 1915, become due.

The department has also further sources of revenue in the way of Stand Premia, Sales of Land, Cost of Deeds, etc., which in the year 1916-1917 amounted to Rs. 31,000, made up as follows:—

	Rs.
Stand Premia	15,203
Sales	1,868
Homesteads	3,219
Consent Fees	4,170
Cost of Deeds	6,608
	Rs. 31,000

or, say, £2,000.

So that the total revenue of the department in the year 1916-1917 was over £25,000, and once conditions are more or less normal this revenue will increase very considerably and rapidly.

7. The facts and figures as given above prove that this department is and always will be a large revenue-producing department, and if the amalgamation hereinafter suggested is brought into force, then our revenue would be further increased by the amounts collected by the Survey Department (Cadastral Branch) and the Crown Lands Registry, both of which are revenue-producing departments.

8. NEED FOR REORGANISATION.—At the present time the Land Department is in one building, the Survey Department in another adjoining, and the Crown Lands Registry in a building some distance away. The Land Officer is the head of the Crown Lands Registry, as well as of his own department, and as Section 8 of the Crown Lands Ordinance, 1915, states that he shall have charge of the administration of the Ordinance, it is to be presumed that he was intended to have control over the Cadastral side of the Survey Department, at any rate so far as the Survey matters dealt with by part 10 of the Ordinance are concerned.

I will now consider the present method of working these three departments, which are so closely inter-connected with each other by reason of their work, and endeavour to show, as far as is possible in this memorandum, that there is an urgent need for reorganisation with a view to obtaining increased efficiency.

Firstly, it is necessary to shortly consider the present Survey Department, which consists of two distinct branches, the Trigonometrical and Topographical—and the Cadastral. The personnel of the Trigonometrical and Topographical branch consists chiefly of Royal Engineers, and their work, at any rate at the present time, is entirely separate from the Cadastral Branch, which is now in a position to carry on alone; yet the head of the Trigonometrical and Topographical side is the head of the whole Survey Department. Whilst I am naturally not in a position to state that the work of the Trigonometrical and Topographical branch is no longer required, I do suggest their work should be entirely separated from that of the Cadastral side, who no longer require them, and are by reason of their work (the surveying of farms and the preparation of deeds, plans, etc.) naturally allied to the Land Department.

If, therefore, the Trigonometrical and Topographical branch were made a separate department and the Cadastral branch definitely placed under the control of the Land Department as a branch thereof, then I venture to submit the Cadastral branch would be in its proper place, that is, the place such a branch of surveying would occupy in a country like Australia.

Again, such a separation would effect a considerable saving, as the Survey Department would not be charged for the salaries of men who are doing work which is no longer required for the carrying on of the work of the Cadastral branch, nor for the benefit of the settlers; also that part of the Survey Department, rendered vacant by the removal of the Trigonometrical and Topographical branch, would be available for housing a part of the reorganised Land Department as is hereinafter suggested.

As regards the Crown Lands Registry, this is definitely stated by the Crown Lands Ordinance, 1915, Section 103 (1) to be under the control of the Land Officer; yet, as a matter of fact, the work of the Crown Lands Registry is carried on in a separate building, and is combined with the work of the Registrar of Documents, which is really Inland Revenue work; at any rate it is purely so with regard to the stamping of documents.

Therefore the Crown Lands side of the present Registration Department should be separated from the revenue side as soon as possible, and placed directly under the control of the Land Department and also accommodated in the same building.

Of course if it is not considered practicable to do this at the present time, then for the next two years the dual work of this department can still be carried on as heretofore in one office, but with that office in the same building as the Land Department if possible, and the Crown Lands Registry work done by officers who were definitely officers of the Land Department.

To show how the present system works I will give a few examples:—

(a) **PLANS ARE REQUIRED FOR FARM No. 27, W. KENIA.**—The Land Department file relating to this matter is brought up and the officer concerned instructs the Deeds and Registration Branch to indent for the necessary plans, an indent is prepared in triplicate, one copy put on the Land Department file and the two other copies sent to the Survey Department, who then get out their file, put one copy thereon and retain the other until the plans are ready, when it is returned to the Land Department together with the plans.

(b) **THE SAME AS (a) BUT THE CASE IS SOMEWHAT COMPLICATED.**—A similar procedure is gone through, but an official of the Land Department probably first interviews an official of the Survey Department and explains what is wanted, drafts a letter to the Survey Department, which is typed in duplicate, one copy put on the Land Office file, the other press copied and sent to the Survey Department, together with the formal indent. The Survey Department then put this letter on their file, and if the matter requires an answer the same procedure is gone through by the Survey Department in writing a letter to the Land Department.

(c) **THE CROWN LEASE OF FARM No. 778, NYERI, HAS TO BE REGISTERED.**—The documents in duplicate are sent with a covering letter to the Registrar of Crown Lands for registration, but as the Registrar is in some doubt as to who is to pay the stamp duty and registration fees, he drafts a letter which is typed in duplicate, one copy put on his file and the other press copied and sent to the Land Department. The question is then considered by the Land Department, a letter drafted, typed in duplicate, one copy put on the Land Department file and the other press copied and sent to the Registrar, and so on until the matter is finally settled.

(d) **THE CUSTODY OF DEEDS, i.e., OF THE COUNTERPART CROWN LEASES, DUPLICATE CONVEYANCES AND AGREEMENTS.**—At the present time these are mostly in a large safe in the Land Department, but following out the provisions of Sections 104 and 105 of the Crown Lands Ordinance, 1915, they are gradually being handed over to the Registrar of Crown Lands for the purpose of binding into and forming part of his registers; this necessitates the making of a copy for the Land Department file which it is difficult to complete, as both the original and counterpart or duplicate are handed to the Registrar for completion, by stamping and registering, and so these details are not supplied to the Land Department in the ordinary way; and if it is important to exactly verify anything, as, for example, when investigating a title or drawing a deed, an official of the Land Department has to visit the Registration Department, inspect the deed and take notes of any necessary details.

(e) **THE PREPARATION OF PLANS.**—When any plans are made by the Survey Department it is necessary to make an extra duplicate for the Land Department file, as otherwise an official of the Land Department will have to go to the Survey Department when anything is required by the Land Department in relation to such plans, and he will have to inspect the Survey Department copy, and very probably arrange for the preparation of an extra copy for the use of the Land Department.

(f) **GOVERNMENT RULINGS.**—Any general rulings of Government must be duplicated for the benefit of the Survey and Registration Department if they are in any way concerned therewith, and as it is a difficult matter to ensure that this shall always be done, it often happens that these departments are in ignorance of some particular ruling upon which the Land Department is acting, and a lengthy correspondence and possibly several interviews may be necessary before the matter is made perfectly clear to all parties concerned.

Now let us consider what would happen in the cases instanced above if the Land Department were really one with the Survey Department and Cadastral Branch and the Crown Lands Registry:—

(a) One file instead of two; no necessity for any indents, but merely minutes on the file by the officers concerned, the file itself being passed from one person to another via the records section of the department.

(b) A similar saving would be experienced here, but in addition no letters would require to be drafted, typed, press copied, delivered or filed, as minutes on the file between the various officers concerned would be all that was necessary, and if an interview was required then the officer concerned could go and see the other officer, talk the matter over with him, let him make a few rough notes thereon, and leave the file with him for attention.

(c) No covering letters to be written or letters of any kind, no drafting, fair copying, duplicating or press copying and no extra file for the other department,

but merely one file to be passed from one branch to another with the necessary minutes and instructions written thereon.

(d) No unnecessary duplication or copying, one depository for all deeds in one building with instant access for all officers concerned.

(e) Again, no duplication of plans, files, etc., but merely one file passed amongst the various branch departments concerned.

(f) No need to duplicate Government rulings, as these would be placed on the files concerned and passed to all branch departments and sections affected thereby, for the purpose of noting, and if necessary office orders would be issued to such departments and sections for their guidance.

It will, therefore, be seen that each of these departments is virtually a separate one, that there are three sets of files, three sets of correspondence clerks, three file or record rooms and three sets of messengers, etc., employed.

There are many other cases arising which would serve to show the want of efficiency at present existing, but as it would take too long to go into these in detail, I merely propose to take a general case and trace the procedure followed at the present time, and then comment on what would happen if the suggested amalgamation was brought into force.

GENERAL EXAMPLE.—THE ALIENATION OF A FARM.

- (1) It is decided to open up the N. District for alienation.
- (2) The general question is settled on a Land Department file (File No. 1) and after consultation with any other person or Government Departments concerned, the Land Department writes to the Survey Department and passes instructions for the required survey, which it should be noted is purely a matter affecting and executed by the Cadastral Branch.
- (3) The Survey Department opens a file therefor (File No. 2), and the Director of Surveys passes the necessary instructions for survey.
- (4) The survey being completed and the plans ready the Survey Department informs the Land Department accordingly.
- (5) The Land Department auctions the farm, and one of them, No. 77, is bought by Mr. Jones for Rs. 10,000 stand premium.
- (6) The Land Department then starts a file for this farm (File No. 3), and indents on the Survey Department for the necessary plans.
- (7) The Survey Department opens a file for the farm (File No. 4), and instructions are passed for the preparation of the required plans.
- (8) Plans are received from the Survey Department, the deeds prepared and duly executed, and the rent, stand premium, cost of deeds and survey fees paid to the Land Department.
- (9) The deed in duplicate with a covering letter is sent to the Registration Department for registration.
- (10) The Registrar of Crown Lands deals with the matter on a general correspondence file (File No. 5), and bills Mr. Jones, who has already had one reckoning with the Land Department for the stamp duty and registration fees.
- (11) Mr. Jones having already brought or sent the fees demanded by the Land Department has now to bring or send the fees required by the Registration Department.

This is a very simple case, but if any complications arise, as they are very liable to do, then the amount of duplication and correspondence between the three departments concerned can easily be imagined.

Now let us consider what would happen in such a case if the Land Department and the departments, which by reason of their work are so closely allied thereto, were really one complete and homogeneous whole:—

- (1) One general file for the question of the whole allotment and one file for the individual farm instead of five.
- (2) No letters to be written, duplicated, press copied or delivered between the different branches, but the individual file would be circulated between the various officers concerned, and the necessary instructions given and received by means of minutes written on the file.
- (3) One file record section and staff instead of three.
- (4) One correspondence and despatch section and staff and one set of messengers instead of three.
- (5) No waste of officials' time in drafting, approving and signing unnecessary letters.
- (6) No waste of the public's time in being sent from one office to another, but one department dealing with all land matters and having an information bureau which would find out what was really wanted in each case and pass the individual concerned direct to the official dealing with that particular matter.

(7) One accounts section at which all monies would be paid, instead of three, and one set of books only.

9. The suggestion is therefore to amalgamate the present Land Department, the Cadastral Branch of the present Survey Department and the Crown Lands Registry into one large central department to be housed in one building and to be called the Department of Public Lands, with one responsible officer in charge of the whole, who would have a seat on the Legislative Council and be directly responsible to Government for all the affairs of his department and for the general policy and line of action to be adopted therein.

This suggestion implies that these three departments will require the existing arrangements as to their accommodation to be altered and three alternatives suggest themselves:—

(1) The existing buildings are inconvenient, separate, insanitary and generally unsuitable, and the very best way of housing the suggested department would be to build a proper stone building on a suitable site, which would not only serve for the present needs of such a department, but also allow for future extension and expansion. The present offices have been built by adding on a few rooms from time to time, with the result that the money already expended would have about sufficed to build a really good building, if it had been expended at one time instead of in dribbles, and with the natural result that the present building strongly resembles a rabbit warren.

(2) But if it is not yet possible to provide a new building, then another scheme would be to rent a suitable one, such as that erected by Mr. G. S. Nair opposite the General Post Office, and if this was done ample funds for the necessary alterations, etc., could be raised by the sale of the corrugated iron sheets which compose the present building, and which would in the state of the market to-day fetch very high prices. (This suggestion emanated from Mr. C. H. Campbell, the Land Assistant to the Land Officer, who is now in charge of the Land Office at Mombasa).

(3) And if neither of these proposals is considered possible, then here is a third: If the Trigonometrical and Topographical side of the present Survey Department vacated that part of the existing survey buildings now occupied by them, then the suggested department could be housed in the buildings at present occupied by the Land and Survey Departments, and the Trigonometrical and Topographical could take over some other buildings, as, for example, the hospital erected on the opposite side of the road, which should be available at an early date now the local campaign is over.

10. REORGANISATION OF THE LAND DEPARTMENT, THE SURVEY DEPARTMENT (CADASTRAL BRANCH), AND THE CROWN LANDS REGISTRY AS:—

The Department of Public Lands.

The suggested scheme of reorganisation would work out on the lines indicated by the explanatory diagram set out on the page following and numbered 9A.

A perusal of this diagram will show that there would be one head of department with five branches, all the clerical work done through one central Secretarial Office and all the accounts work through the Accounts Office. The Mombasa Branch Office would of course have to be more or less self-contained, especially as regards its clerical work, and would require the services of one or two general clerks, but all the general work of the department would pass through the Secretarial Office to the various branches and sections for attention.

NOTE.—It should be borne in mind that although the staff of the Registration Branch is shown as consisting of four officers, yet each of these officers is acting in a dual capacity, and until such time as the Crown Lands Registry side of the Registration Department can be separated from the revenue side only half at the most of the salaries of these officers should be charged to the Department of Public Lands; and when the Registration Department is separated it will probably be found that the larger portion of the work falls on the Revenue side, and that one or two at the most of these officers will be sufficient to carry on the work of the Crown Lands Registry. At the present time the Principal Registrar of Crown Lands is also the Principal Registrar of Documents, the Registrars of Crown Lands at Nairobi and Mombasa are also the Registrars of Documents at the same places, and the Assistant Registrar of Crown Lands is also the Assistant Registrar of Documents.

11. SUGGESTIONS FOR THE REGRADING AND RAISING OF THE SALARIES OF THE OFFICERS OF THE PROPOSED DEPARTMENT OF PUBLIC LANDS.

(a) REGRADING.—The existing grades to be abolished and the following substituted therefor:—

DEPARTMENT OF PUBLIC LANDS.

COMMISSIONER OF LANDS.

Land Branch.	Survey Branch.	Legal Branch.	Coastal Branch.	Registration Branch.	
Land Officer. Senior Land Ranger. Junior Land Rangers.	Director of Surveys. Surveyors, Computers, Draughtsmen, &c.	Legal Adviser. Conveyancer.	Coast Land Officer. Chief Clerk (1st Division).	The Principal Registrar of Crown Lands.	
				The Registrar of Crown Lands (Mombasa).	The Registrar of Crown Lands. The Assistant Registrar of Crown Lands.
		Accounts Office. Chief Accountant. (1st Division Clerk). Assistant Accountant. (2nd Division Clerk).	Secretarial Office. Chief Clerk (1st Division Clerk).		
Correspondence and Despatch Section.	Records Section.	Information Bureau.	Legal Section	Establishment Section.	Statistical and Registration Section.

NOTE:—The number and disposition of the Clerical Staff amongst the various Sections, except the three First Division Clerks, has not been dealt with, as the grading into four divisions, as already suggested, would be a matter for internal arrangement, according to the importance of the work involved, and would be a subsidiary matter for consideration once the general scheme of reorganisation was approved.

- | | |
|--|-----------------------------|
| (1) Head of department. | (5) First division clerks. |
| (2) Deputy heads or heads of branches. | (6) Second division clerks. |
| (3) Senior assistants. | (7) Third division clerks. |
| (4) Junior assistants. | (8) Fourth division clerks. |

(b) RAISING OF SALARIES.—The need for the raising of salaries will be dealt with later on, so that for the present I shall merely outline the suggested scheme, which is as follows:—

- (1) £1,200 per annum.
- (2) £700 by £50 per annum to £1,000.
- (3) £500 by £25 per annum to £700.
- (4) £400 by £20 per annum to £500.
- (5) £350 by £20, £15 and £15, per annum to £400.
- (6) £300 by £20, £15 and £15 per annum to £350.
- (7) £250 by £20, £15 and £15 per annum to £300.
- (8) £200 by £20, £15 and £15 per annum to £250.

It is suggested that the present system of duty pay might be abolished, and that acting allowances should be provided in lieu thereof and paid to all junior men doing the work and assuming the responsibility of a senior; and this could be arranged for either by making up the salary of the junior to equal that of the man for whom he is acting, or by definitely attaching to each post a fixed and really adequate sum as an acting allowance, which would be drawn by any officer for the time being fulfilling the duties of the particular post.

Promotion from grade to grade to be by merit and not necessarily by seniority. If every effort was made to promote the best men who have done the best work, and if all interested parties were permitted to lay their cases before an impartial tribunal, as is suggested in the Civil Service Petition of the 7th January last, then much of the discontent and dissatisfaction at present felt regarding promotion would undoubtedly disappear.

(c) GENERAL REMARKS ON REGRADING AND RAISING OF SALARIES.—It may be thought the suggested salaries are high, but in considering this matter there are many points which merit careful attention, and I therefore propose to bring these forward and deal with them as fully as the nature of this memorandum permits, in the hope that the Commission will give them the sympathetic consideration, which I venture to submit they deserve.

(1) THE DEPRECIATION IN VALUE OF THE RUPEE.—The purchasing power of the rupee, in which currency our salaries are paid, has very seriously depreciated during the last few years, and if we take the statement made in the Colonial Office Booklet, "Notes for Officers appointed to East Africa and Uganda," compiled prior to the war, that "the rupee very nearly takes the place of the shilling," we must discount our salaries by at least 25 per cent. The purchasing power of the rupee has undoubtedly depreciated more than this, but if we take a basis of 25 per cent., then we cannot be accused of any exaggeration.

Discounting the proposed salaries on this basis, we therefore get a scale which makes the purchasing power thereof read as follows:—

<i>Grade.</i>	<i>Real purchasing power.</i>
£1,200 per annum	= £900.
£700 to £1,000 per annum	= £525 to £750.
£500 to £700 per annum	= £375 to £525.
£400 to £500 per annum	= £300 to £375.
£350 to £400 per annum	= £262 10s. to £300.
£300 to £350 per annum	= £225 to £262 10s.
£250 to £300 per annum	= £187 10s. to £225.
£200 to £250 per annum	= £150 to £187 10s.

And as it is absolutely certain that even this figure of 25 per cent. does not represent the real depreciation in the purchasing power of the rupee it must be conceded that the suggested salaries are not high, for it is what £1 will buy that represents its true value to the recipient, and if £1 only buys, at the most, 15s. worth of goods, then the real salary is only 15s., although it may be called £1 on paper.

(2) THE NEED FOR HIGHER SALARIES MORE ADEQUATELY GRADED.—The present grades of salaries are most inadequate and do not afford the individual who does good work the necessary scope; they are too limited; there is no practical encouragement for the best type of work, and the chances of promotion or even of retiring upon an adequate salary are far too small.

Take the present grading of the clerical staff, *i.e.*, clerks and Office Superintendents, and consider the poor chance a clerk has even after many years' good work of becoming an Office Superintendent. Speaking from experience I have no hesitation in saying that something should be done, and that the regrading of these officials is a matter which merits the most careful attention; many of them are really good workers with years of experience, and it is absolutely necessary that they should be given a fair opportunity of rising to an adequately paid position. After a war of attrition like

the present there must be shortage of men generally, and particularly those of the best type. Many commercial firms are already seeking to obtain the services of Government officials, and once the existing regulations regarding change of employment are removed it seems certain that Government Departments will feel the effects of the shortage, and it therefore follows that, from the point of view of efficiency alone, something should be done to retain the services of these valuable but underpaid servants of the Government.

I, therefore, venture to think that the suggested scale of salaries for these men would provide them with something better to work for and to look forward to, and would also allow merit to receive better recognition.

Consider next the present grade of £250 by £15 per annum to £400, which means that after ten years' service an officer may draw £400 per annum, but it does not follow that even then he will get promotion to a higher grade, although he may have done most excellent work; and, remembering that the purchasing power of this £400 is really only equal to £300 per annum, what chance has such a man of marrying? And, if he is married, what sort of an education can he give his children? Can he educate them according to the standard Government required from him when he entered their employment? Can he keep up any insurance or effect adequate savings? Or, in fact, do anything more than merely exist and probably get into debt?

Consider, then, the next grade of £400 by £20 per annum to £500 per annum, really representing £300 to £375 per annum, and I would suggest that an increase in the purchasing power of one's salary of £75 after five years' work is not a fair reward for good work well done. An officer is also entitled to consider what will be his prospects after the five years have elapsed, and if he makes enquiries he is probably told that something or other will turn up and that he will receive promotion in due course, but this lacks definite encouragement, and surely a good Government servant is entitled to look forward to something more definite and more substantial.

And so on through all the various grades of the service; the scope is too limited and too narrow and does not afford the really able worker a proper incentive to work and the certainty of a substantial and adequate salary after a reasonable number of years' work.

Private employers do not expect their employees to work for a bare existence wage, nor for a wage which is only just above existence level, and Government cannot reasonably expect its servants to do this. It is an admitted axiom in all successful businesses that the best work is done by the best men, and that it pays to employ the best men only; and the moment this is fully recognised by Government then the reasonableness of our arguments will require no further proof.

Let the Government demand the highest class of work from its officials and judge them by results, but also let it pay them generous salaries, amply graded so as to provide something substantial to work for, and so that during the last few years of their service they may be drawing a really good salary, which will reward them for work well done, and also provide an ample basis upon which their retiring pensions will be calculated.

(3) CONSIDERATION FOR MARRIED MEN.—Larger and more amply graded salaries are also needed to meet the requirements of married men and to enable single men to marry. The payment of pensions to the widows and orphans of officials and of the cost of the passages of wives and children would afford a thoroughly practical method of assisting the married man, but all salaries should be increased so as to permit any man of, say, over 25 years of age to marry, have children, and educate them properly and in a fitting manner suitable to his station in life.

It may be suggested that these increased salaries would benefit the unmarried man to a greater extent than his married brethren, but the remedy is obvious and, as far as one can judge, sure to come, for it seems certain that legislation will be introduced generally, in the near future, levying a tax upon the bachelor, so that this point would hardly appear to need further consideration, and any way it must be remembered that after a War like the present the obligations of many single men will be increased by the necessity of helping relatives who have been affected by the death or incapacitation of those responsible for their support in the past.

(4) GENERALLY.—Considerable money savings would be effected by the suggested re-organisation, as for example in the matter of the centralisation of the various departments and the saving in salaries by the transfer of the Trig. and Topo. branch, so that such salaries would not be a charge on a department which no longer required their services. Further, it may be pointed out that there are probably certain vacant appointments which would not require to be filled and also that it is probable that some of the Officers seconded for Military Service will not return, and that more than one Officer has already left one or other of the departments concerned, or expressed his intention of leaving, when the existing regulations are removed. But be these facts as they may, it cannot but be conceded that the officials of these departments, from top to bottom, are not adequately paid in proportion to the work and responsibility undertaken by them, and also having regard to the general cost of living in this country.

It may be suggested that this country cannot afford increased salaries, but it cannot be contended with justice that this is any real reason for underpaying Government servants, for if such servants are needed to run the country then they should be properly paid, if they are to do their work efficiently, and even if it is necessary to apply to the Home Treasury for financial assistance.

12. COMPARATIVE STATEMENT OF THE EXISTING AND SUGGESTED SALARY BILLS.—Naturally the payment of the suggested increased salaries on the new grades will involve an increased Salary Bill, but a considered comparison of the same with the existing estimates will, I venture to suggest, prove that such increase will not be nearly so large as might at first be thought. And when the increased economy and efficiency which would result from the proposed amalgamation is also taken into account then the increase must be still further discounted. Further, it should be borne in mind that a general all-round increase in Government salaries has been inevitable for some time past, if the best type of Government servant is to be retained, and also attracted to the Service in the future.

Therefore an increase is clearly bound to come and I trust that a perusal of this statement will show an increase which, whilst benefiting all officials in a fair proportion, will not be such as can cause Government to regard it as extravagant.

The figures given are, of course, only approximate but they have been carefully kept and are believed to be sufficiently accurate to enable a fair and reasonable comparison to be obtained.

(1) THE PRESENT SALARY BILL OF THE LAND DEPARTMENT, SURVEY DEPARTMENT (CADASTRAL BRANCH) AND REGISTRY OF CROWN LANDS.—It is not proposed to go into great detail but merely to give the main items so as to enable approximately correct totals to be arrived at.

It should be noted that, as far as possible these salaries have been calculated without any amounts added for house allowance, as that is merely a personal allowance which ceases when on leave and should not be permitted to affect the main question now under consideration, *i.e.*, the salaries paid and the necessity of paying increased salaries irrespective of any allowances; the general question of the provision of house accommodation or granting allowances in lieu thereof being one which merits and will no doubt receive separate and careful consideration by the Commission.

The salaries shown for Surveyors are their consolidated salaries as appearing in the Staff List.

Existing Staff as per latest Staff List.	Present Salaries as per Staff List.	Maximum as per Staff List.	Totals	
	£	£	£	£
(a) LAND DEPARTMENT.				
7 Officials	3,185	3,540		
15 Clerical Staff	2,814	3,770		
			5,999	7,310
(b) SURVEY DEPARTMENT (CADASTRAL).				
Dep. Director	650	650		
Assistant Director	540	540		
4 District Surveyors	2,200	2,200		
6 Senior Staff Surveyors	2,925	3,000		
2 do. do. do.	880	950		
8 Junior do. do.	3,510	3,680		
4 do. do. do.	1,510	1,680		
10 Assistant do.	2,200	2,200		
1 Chief Computor	400	400		
10 Computers	3,140	3,500		
1 Chief Draughtsman	350	350		
9 Draughtsmen	1,515	1,845		
1 Draughtsman's Clerk	200	200		
1 Draughtsman (Public Map Offi.)	175	205		
			20,195	21,400
(c) REGISTRY OF CROWN LANDS.				
1 Principal Registrar	540	540		
2 Registrars	590	800		
1 Assistant Registrar	265	400		
NOTE:—As this figure represents the Wage Bill of two Departments <i>i.e.</i> The Registry of Crown Lands and The Registry of Documents, at the most only half should be charged against the Registry of Crown Lands, <i>viz</i> :—	1,395	1,740		
			697	870
			26,891	29,580

(2). THE SUGGESTED SALARY BILL OF THE DEPARTMENT OF PUBLIC LANDS.

Office.	Minimum.	Maximum.	TOTALS.	
			£	£
1 Commissioner	£ 1,200	£ 1,200	1,200	1,200
(a) LAND BRANCH including COAST BRANCH.				
2 Land Officers	1,400	2,000		
1 Senior Land Ranger	500	700		
2 Junior do. do.	800	1,000		
			3,900	4,900
(b) SURVEY DEPARTMENT (CADASTRAL).				
Director of Surveys	700	1,000		
7 Senior Surveyors	3,500	4,900		
20 Staff do.	8,000	10,000		
10 Survey Cadets (Scale—4th Division Clerks).	2,000	2,500		
1 Chief Computer	400	500		
4 Senior do. (Scale—1st Division Clerks).	1,400	1,600		
6 Junior Computers (Scale—2nd Division Clerks).	1,800	2,100		
1 Chief Draughtsman	400	500		
2 Senior do. (Scale—1st Division Clerks).	700	800		
4 Junior Draughtsmen (Scale—2nd Division Clerks).	1,200	1,400		
1 Storekeeper (Scale 3rd Division Clerk)...	250	300		
			20,350	25,600
(c) LEGAL BRANCH.				
1 Legal Adviser	700	1,000		
1 Conveyancer	500	700		
			1,200	1,700
(d) REGISTRATION BRANCH.				
1 Principal Registrar of Crown Lands ...	500	700		
2 Registrars of Crown Lands	800	1,000		
1 Assistant Registrar of Crown Lands ...	400	500		
	1,700	2,200		
NOTE.—Here again in view of the dual work done and until this Branch is separated as suggested, only one half of above salaries should be debited to the vote of the New Department, namely			850	1,100
(e) CLERICAL STAFF.				
3 First Division Clerks	1,050	1,200		
5 Second do. do.	1,500	1,750		
5 Third do. do.	1,500	1,800		
7 Fourth do. do.	1,400	1,750		
			5,450	6,500
GRAND TOTALS			£ 32,950	£ 41,000

It will be seen that it is not proposed to grade the Principal Registrar of Crown Lands as a Deputy or Branch Head, but as a Senior Assistant, and this is suggested because this post is not one which can be regarded as of the same importance as the other branches. The work of this branch is necessary, under the present system, but if it was purely confined to Crown Lands Registry work it could be carried on by one, or at the most two capable assistants with the aid of a few clerks; and it should be remembered that this post is not one which calls for technical qualifications on the part of the holder, as do the other posts, for instance—the Director of Surveys must be a fully-qualified Surveyor and the Legal Adviser a fully-qualified lawyer.

(3) *Tables of Comparison.*

The existing Salary Bill of the three departments mentioned is approximately	£26,900
And when all the present grades have reached their maximum it will be approximately	£29,600
Showing an increase of	£2,700
The proposed Salary Bill of the Department of Public Lands would be, approximately... ..	£33,000
And when all the grades had reached their maximums it would be approximately	£41,000
Showing an increase of	£8,000
The immediate increase of the proposed new Salary Bill over the existing one would be approximately ...	£6,100
<i>i.e.</i> , New Bill ...	£33,000
Less Old Bill	£26,900
	£6,100

And the ultimate increase in the suggested Salary Bill over the maximums which could be reached by the existing one is approximately, £11,400

<i>i.e.</i> , New Maximums ...	£41,000
Less existing ...	£29,600
	£11,400

Therefore the general all-round percentage increase shown by the new Salary Bill over the old represents approximately 22½ per cent.
i.e., $6,100 \times 100$
26,900

And the ultimate general all-round percentage increase shown by the new maximums over the existing ones is approximately 38 per cent.
i.e., $11,400 \times 100$
29,600

Therefore if the unit of salary be taken as £100 we get a general all-round increase of £22½, rising to £38, making a new

Minimum of	£122½
Maximum of	£138

which cannot be regarded as high, especially when it is remembered that a considerable number of years must elapse before the maximum is reached.

(4) *COMMENTS ON THE SUGGESTED INCREASES.*—The suggested increases in the Salary Bill are approximately £6,100 now and £11,400 when the new maximums are reached in about eight years' time, but these should be discounted by the already sanctioned increase in the existing Wage Bill, represented by the difference between the present amount thereof and the maximum it can reach hereafter, which is £2,700, so that Government is now being asked to bring its present maximums into force now and also to increase the same by £3,400, *i.e.* :—

Suggested increase	£6,100
Less already sanctioned increase... ..	£2,700
	£3,400

And working on a similar basis the ultimate increase after allowing for the said already sanctioned increase of £2,700 is £8,700, *i.e.* :—

Suggested ultimate increase	£11,400
Less already sanctioned increase	£2,700
	£8,700

The suggested staff would number about 90 persons and this would give an average increase per person of about £38 to-day, allowing for the already sanctioned increase, and about £96 per person when the suggested maximum on the re-organised scale is reached; which I venture to submit cannot be regarded as otherwise than moderate, especially when the increased efficiency and economy obtained by the public and the improved conditions ensuing to officials are taken into account.

Dated the 17th day of April, 1918.

EDWARD BARRET,
Legal Assistant, Land Department,
East Africa Protectorate.

XXVI.—Mr. W. M. ROSS, Director of Public Works. (Extract.)

18. PUBLIC WORKS DEPARTMENT.—I now pass to some of the considerations applying specially to officers of the Public Works Department. I would represent to the Commission that the invidious distinction which prevails between the two engineering branches of the service in this Protectorate is an entirely improper one. For years the public have been receiving services from officers of this department for which completely inadequate remuneration has been given. If Government can afford to pay engineers in one department a given scale of salaries, it should not be willing to pay other engineers of similar or superior professional qualifications inferior salaries if they are engaged upon work of equal or superior responsibility. The disparity of treatment is just arbitrary, and there is no logical reason for its retention, at any rate in the present direction. If disparity in salaries in engineering posts is to be continued, the higher salaries should be paid in the Public Works Department in view of the series of important privileges which railway officers enjoy, and which public works officers do not. I would point out that I am particularly well qualified to speak upon the comparative responsibility of officers in these two engineering departments, because I have worked in both, and the arbitrary nature of the distinction which has hitherto prevailed is illustrated by the facts that officers of mine, whilst seconded to the railway have drawn higher salaries than P.W.D. officers have for more serious responsibilities of precisely similar class, and the fact that assistant engineers have been transferred from P.W.D. to the Railway and have immediately entered upon much more lavish scales of emolument, not because they had special qualifications for railway work, for some of them had no previous railway experience and were not as highly qualified as confreres whom they left behind in the P.W.D., but simply because they had joined the railway upon which Government is willing to pay higher salaries than outside it. It is a source of perpetual surprise to me that the vigour, reliability and goodwill of P.W.D. engineers should persist as it does when they see assistant engineers, transferred from their own ranks to the railway, immediately enter upon a scale of salary which carries them, as assistant engineers, beyond what an executive engineer can reach in the Public Works. I consider that there is no comparison between the arduousness or the responsibility of the duties devolving respectively upon an Executive Engineer in the Public Works department and a district engineer in the railway. The explanation that funds have been lacking to rectify the disparity of treatment cannot be expected to be very convincing to officers who find Government in possession of ample funds to pay other officers at stated figures but not to pay themselves. I trust that the anomaly will now be rectified. The engineers of the Public Works department have continually to give responsible opinions and to take action not only on a much wider professional range of issues than prevails in the other engineering branch of the service, but also upon ones which carry the grave responsibility of affecting the welfare or the cash interests of individuals not only within the service, but also residents outside it engaged in development of the country's resources.

19. In a later paragraph I state the salaries which I consider should be offered to obtain officers of the class which the highly specialised requirements of the Public Works Department render necessary. The particular point upon which I wish to lay stress is that the comparative positions of junior members of staff and the senior engineers have never been sufficiently enforced hitherto. The reputation and the value of a scientific department charged with the origination and execution of an unending programme of public works, depends primarily upon the quality of its senior engineers. No refinement or brilliance of actuarial, secretarial or administrative effort can avail to establish the full value of a department such as this in the absence of highest professional training in civil engineering, and the most thorough and extended experience, on the part of the senior engineers. The department is an engineering one first, last and all the time. Other collateral activities have to go on in conjunction with the actual execution of work, but these are secondary in their effect upon quality and speed of output, which is precisely what Government as custodian of public funds should be principally concerned to secure. A Commission charged with the duty of recommending methods for increased output and efficiency will realise that this is not to be achieved by masses of regulations, however complete and artful. Nothing is easier than to sit down and produce counsel of perfection by the ream in the shape of masses of detailed regulations and instructions as to how various imaginable contingencies have to be dealt with. Given, however, officers of the proper calibre in charge of operations, this is precisely a class of activity which is least necessary or desirable. The craze for "organisation" can easily be overdone, and it is well to remember a remark of G. K. Chesterton's, that "organisation frequently only means that a hundred or a thousand people are all doing a foolish thing at the same time." Instances have not been lacking in East African territory during the past three years in illustration of the truth of this remark. I consider that the department has on the whole

remained singularly free from that type of minute regulation for the prosecution of duties and observance of methods which applies so much more appropriately to the babu class than to the engineer class. Nothing can make good the absence of trained professional officers of reliability and originality. No effort should be spared to obtain such and the general satisfaction which may be expected to result from their employment would justify the offer of any terms within reason to procure and retain them.

20. The present requirements for candidates for the post of assistant engineer in this department have been displayed in the home professional press as follows:—

“ TECHNICAL EDUCATION OBTAINED.

(a) Preferably by attending a full course on the technical side of a modern university and graduating with special attention to civil engineering, or

(b) Pupilage with a practising firm of civil engineers or a civil engineer of standing, or

(c) By attending classes at Technical College without graduating.

In all cases candidates should possess some practical experience of engineering works, and should either be Associated Members of the Institution of Civil Engineers or should have passed some examination qualifying for admission as such.”

This is a fairly rigorous requirement, and at any rate provides a good start for the recruitment of the junior professional men of the department. The remuneration hitherto offered in the department has not always been equal to inviting men of these qualifications however. The difficulty of obtaining further staff of this or a higher level will be emphasised for some years to come by reason of the fact that civil engineering works have been so largely shut down in all parts of the world, younger staff which might have been engaged on such having been employed exclusively in military operations, and engineering colleges have been nearly emptied. These considerations should to some extent guide decision as to future salary that is to be offered for both junior and senior officers in this department. Retention of the old scales is a complete impossibility if the development of numerous projects which are awaiting execution is to proceed at all, much less proceed as it should. Without hesitation I would urge Government to offer in future the following scale of salaries. I am not particularly concerned with comparative reports as to respective positions occupied by officers of various designations elsewhere in the Empire. We do not know conditions of service or of residence which prevail to guide the adoption there of the figures which may be quoted. We do know the class of work that is required here, and the conditions of service and of residence which prevail, and I merely assert that beneficial results would generally accrue to the country as a whole from adopting for the time being the scale of salaries I specify.

SCALE OF SALARIES.—The entire staff of the department is not comprised in this list, but most of the principal posts are quoted, and others, such as steam roller drivers, sub-overseers, etc., would fall into proper position outside the range of salaries prescribed in this scale.

On the Engineering Side.

Head Instructor of African Apprentices...	£250 to £400 with duty allowance.
Foremen	£240 to £300 " "
Overseers	£320 to £450 " "
Assistant Engineers	£400 to £600 " "
Executive Engineers	£700 to £800 " "
Heads of Branches	£800 to £900 " "
Deputy Director	£900 to £1,000 " "

Collateral Activities.

Chief Accountant	£600 to £800 with duty allowance.
Accountants	£300 to £550 " "
Government Architect and Quantity Surveyor	£600 to £700 " "
Senior Architectural Draughtsmen	£350 to £450 " "
Draughtsmen	£250 to £320 " "
Chief Storekeeper	£600 to £700 " "
Storekeepers	£300 to £450 " "

One designation in the above list, namely, “Heads of Branches,” would appear to call for comment. It is already the case that the sectionalisation of work in the department has been begun, and everything points to the likelihood of its being continued further. All issues arising in connection with the development and use of electrical energy are now dealt with in the first case by an electrical engineer whose past experience and sole present duties lie in the sphere of electrical engineering. Similarly, sanction has been obtained to establish a Water Control Branch in the department, and

a hydraulic engineer will in the first case deal with the large ramification of issues which involve the use of water. It may be the case in the future that this development may be carried further, and that a separate highways branch and a separate State buildings branch may emerge, although the time for this is not yet opportune. From the officers selected for the senior position in each of these branches, there will be expected professional requirements which justify the grant of higher remuneration than prevails in the case of executive engineers receiving authority and instructions from the head office of the department, and executing sanctioned works under a prescribed scale of powers. This departure in the organisation of the department has one distinct value in that it removes the position of executive engineer from the category of "dead end" occupation which has to all intents and purposes previously characterised it, and every young professional man thereafter joining the department will have before him an enlarged sphere of advancement up to a position of considerable responsibility and professional interest. This has considerable value in attracting suitable men to adopt Government service as a life career. It may be mentioned that a gradual development is going on in connection with the stores of the department in that they are becoming a wider and more useful branch than the purely departmental concern which they formerly were, and are developing in the direction of a general store for supply of all Protectorate Government requirements other than the highly specialised ones of the railway, medical, bacteriological and one or two other departments. It may be supposed that efficiency and economy would result from developing and expediting the process now in vogue. In this case the chief storekeeper will approximate to the grade of head of a "Stores Branch" occupying a position closely analogous to that of the heads of other branches referred to.

21. "PAYMENT FROM WORKS."—There are three small idiosyncracies of treatment which are more or less special to the Public Works Department, which the considered opinion of the Commission might be useful in modifying. The first is a purely arbitrary and entirely illogical decision as to essential variation in the class of an officer's service according to the source from which his pay is met. A department whose activities are limited by a fluctuating provision of funds due to annually varying financial exigencies is under the necessity of sometimes employing a larger staff than at others. The practice therefore is to retain a small cadre of permanent officials who may be expected to be needed for even the minimum requirements of the State in a year of financial stringency, while any sudden improvement in the financial position allows of the execution of a much enlarged programme, necessitating the employment of additional staff. Such staff is paid from the cost of the loan works or revenue works upon which they are engaged, and as might be expected it has been the case that among the officers so employed there have been found some who are of sufficient value to render their absorption into the permanent staff of the department at the first opportunity, desirable. When this occurs, an irrational construction is advanced as to the value of their past service in counting for pension. They have been employed all the time, we may presume, on works of the same professional seriousness as other engineers of the department, their salary is derived from Government funds just as in the case of previous officers of the department, but the arbitrary decision is sometimes adopted, though sometimes waived, that the time of an officer so spent may not count as pensionable service. The only logical decision that can be come to on this point is that if an officer joins for a special term of service which is going to be regarded as non-pensionable under any circumstances, he should receive higher remuneration than officers already on the permanent staff, unless it is the case that Government deliberately and admittedly wishes to obtain less valuable services than those which are provided by the permanent officers. The latter is not the case, and this peculiar distinction between the value of services of one officer and another, according as to the particular sub-head of accounts in which funds for their salaries appear, is an unnecessary exasperation and unfair treatment. Only one circumstance could justify the treatment of service while paid from the Votes for Works as entitling an officer in a lesser degree to pension for the time served, and that would be that he should receive a higher rate of salary in view of his service while paid from works being of a special and temporary nature. Where this does not occur the whole time served by the officer should surely count as pensionable service, if he finally joins the permanent cadre.

22. OVERTIME.—I would urge more considerate interpretation by Government of the clause relating to the demands which it may make upon its public servants. They normally enter the service on the understanding that the whole of their time is at the disposal of Government. Nevertheless as a matter of routine, fixed hours are in many quarters of the service prescribed by Government and rigidly observed by officers. It is frequently the case in an engineering department which is, as it were, perpetually in its construction days, and which even in its maintenance operations encounters occasions when prolonged or almost day and night work is necessary, that extreme departure from prescribed hours of work occurs, under which the observance of prescribed hours of work only would be treated by an officer's official superiors as reprehensible

and in some cases criminal. For Government to retain the serene attitude that no such periods of stress are to be accompanied by any increased emoluments in one department, when at the same time they are in another department to the value perhaps of thousands of pounds a year, cannot appear to officers as otherwise than arbitrary and irrational, and give them that sense of hardship which has such a demoralising influence in any organisation where concerted "team-work" by well-affected personnel is of such extreme importance. This is one of the points upon which broad devolution of responsibility to the head of the department concerned should be made without question. If he sees occasion to have employes of his driven for a period or to an extent beyond all normal routine, he should be in a position to recognise response to an emergency of such a sort by overtime pay.

23. "PRESIDENCY ALLOWANCE."—It has universally been the case in the department that the work of the Nairobi Division has been of a very considerably greater volume than that of any other division. It usually comprises from 40 to 50 per cent. of the entire work of the whole department. The particular one of the Executive engineer who is in charge of the Nairobi Division, normally has, therefore, a considerably greater share of work and responsibility than the engineers of other divisions. In addition to this, living expenses are higher in the capital where he is stationed than at any other stations occupied by Public Works officers. A situation similar to this is met in other services by the grant of what is called a "Presidency Allowance" to the particular one officer of a class who from time to time occupies a position of greater responsibility and expense to himself, and I would urge that the adoption of some such practice in the case of the officer of the Nairobi Division should be followed. Under present scales of salary now prevailing I consider that this should be at the rate of £200 a year, as the scale of emoluments now prevailing is so seriously inadequate for such work as the officer in charge of the Nairobi Division has to discharge. With any such revised scale of salaries as is suggested elsewhere in this memorandum, I consider that the Presidency Allowance should be at the rate of £100 a year.

XXVII.—Mr. H. M. JONES, Foreman, Public Works Department.

PUBLIC WORKS DEPARTMENT,
EXECUTIVE ENGINEER'S OFFICE,
MOMBASA, March 27th, 1918.

FROM FOREMAN MR. JONES.

SIR,

I have the honour to acknowledge receipt of Circular No. 6 dated 21st March, 1918, of Head Office.

With regard to the three heads under which observations are invited, I advance the following comments:—

(a) EFFICIENCY.—(1) I suggest a greatly increased European executive staff composed of men who have previously directed skilled labour, with a corresponding elimination of the "Mistri" supervision.

To replace the "Mistri" I would re-engage tried P.W.D. artizans as working leading hands.

(2) Provision of free, rapid transport for supervisors. While engaged in Nairobi on maintenance and repair of civil buildings I calculated that 25 per cent. of my time and quite 50 per cent. of my energy was expended in getting from job to job.

(b) EMOLUMENTS.—We, Foremen of the Public Works Department, are expected to have a knowledge of the allied building trades, estimating quantities, analysis of costs, levelling, to act as clerks of works, and to be able to organise and handle Native and Indian labour.

Our maximum salary is £200, being approximately that paid to European time-keepers, storekeepers and steam roller drivers.

OVERTIME.—The hours of work of a foreman at the cost exceed those worked in any other department.

The normal working day is from 6.30 a.m. to 4.30 p.m. Saturdays, 6.30 to noon. Excluding meal times, a 44-hour week.

Since taking up duty in Mombasa in December, 1917, I have worked 111 hours over and above the normal. I suggest that foremen and overseers not on the permanent and pensionable staff be paid for overtime as in the Railways, Post Office and Customs. In two of these departments the appointments are pensionable, I believe.

(c) **TERMS AND CONDITIONS OF SERVICE.**—(1) I think we should receive better housing accommodation, to include a fixed bath.

(2) Men re-engaged for second tour to be appointed as permanent and pensionable.

I have the honour to be, Sir,

Your obedient servant,

H. M. JONES,

Foreman, P.W.D.

The Director of Public Works,
Nairobi.
Through the Executive Engineer, P.W.D.,
Mombasa.

XXVIII.—P.W.D. INDIAN ARTIZANS, MOMBASA.

PUBLIC WORKS DEPARTMENT,
EXECUTIVE ENGINEER'S OFFICE,
MOMBASA, *March 28th, 1918.*

Civil Service Commission.

Ref. your Circular No. 6 of 21/3/18.

DEAR SIR,

We, the undersigned workmen, state our difficulties which we are suffering at present.

(1) We are getting small pay in which we cannot maintain because now everything is dear and prices are gone high nearly treble.

(2) For four years we are pulling on with great difficulty owing to increase in rates of foodstuff, personal effects, rents of the houses, etc. Previously we were getting rations 12 lbs., now we get about 4 lbs., and we cannot get flour though we can pay good for that.

(3) Our fellow workmen in Nairobi are getting Government quarters and water which here we do not get. Every man here has to pay monthly nearly 4 rupees for the water. The house allowance Rupees 5 which we are getting here is quite trifling because now the rents are extremely high. Many of us have to pay monthly rent of Rupees 25, 20 and 15; besides paying a big amount of rent we do not get good houses and cannot rest comfortably.

(4) We must get the Government quarters.

(5) The men who wishes to go to India must get the leave with pay as our fellow workmen in Uganda P.W.D.

(6) The men who resigns should get their rights.

(7) Our leave should commence when we land on shores of Bombay. Many of us have requested for leave which is not granted. Some have their wives dead, some have children dead, and some have such important business to go to India, but cannot get leave. Such persons who have finished three years must be allowed to proceed to India.

(8) Our wives and children must get the passage fare when they accompany us.

(9) Now owing to great dearness of foodstuffs and other livings we have spent all our pay here, then with what money we should proceed to India.

(10) We wish to point you out that when we go on safari Government allows us only 12 cents per night which is hardly enough for a native in this country. We would request that it may be increased at least to one rupee per night.

We beg to remain, Sir,

Your most obedient servants,

(Signatures on following page).

The Director of Public Works,
Nairobi.
Through the Executive Engineer, P.W.D.,
Mombasa.

Haris Singh

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XXIX.—Mr. A. F. CHURCH, Acting General Manager, Uganda Railway.

C. 21/222/218.

April 5th, 1918.

To the Secretary,
Civil Service Commission,
GOVERNMENT HOUSE,
NAIROBI.

SIR,

CIVIL SERVICE COMMISSION.

In compliance with your circular dated the 5th March, 1918, I have the honour to inform you that I held a meeting of Chiefs of Divisions in the Railway Department, and following a full discussion on the subject of increased emoluments, we were in accord with the proposals put forward in my attached memorandum.

2. In putting forward these proposals we were guided by what we considered the market value of an efficient railway official and we were of the opinion that salaries below those suggested would not procure officers who would be able to produce the efficiency it is desired to aim at, and which is also looked for at the present moment. The present scale of salaries was fixed at a time when the railway was in its infancy and the traffic very small. The scale of efficiency in those days was not as high as is necessary at the present time. I think that it is acknowledged throughout the railway world that the salaries offered to trained and experienced men have gradually risen during the past 10 years, and will undoubtedly still tend to increase in the near future. This means that unless you offer the price you will not get the man.

3. Efficiency in supervision, although entailing heavier expenditure under personal emoluments, means in the end more economical working and is money well spent.

4. I also append copies of circulars (1) issued by me to the staff of the railway, both European and non-European. The report received from the Asiatic staff is attached. The European staff are working through their own Committee.

5. I have concluded my memorandum with general remarks on the conditions of service on the railway.

I have the honour to be, Sir,
Your obedient servant,
(Signed) A. F. CHURCH,
Ag. General Manager, Uganda Railway.

Memorandum.

UGANDA RAILWAY.

PROPOSED EMOLUMENTS FOR STAFF.

ENGINEERING STAFF.

1st Grade Officers.—The following is the sanctioned cadre and scale of pay:—

1 Chief Engineer	... ..	£700 to £900 by £25.	Duty allowance, £70.
3 District Engineers	... ..	£500 to £700 by £25.	Duty allowance, £50.
9 Assistant Engineers	... ..	£300 to £550 by £20.	
1 Sub-Engineer	... ..	£400 to £450.	

The Chief Engineer, 3 District Engineers and 4 Assistant Engineers are pensionable appointments. Two Assistant Engineers are provided for the Busoga Railway, one to act as Superintendent, with a duty allowance of £30 per annum.

Chief Engineer.—I suggest that the remuneration of the Chief Engineer's post is inadequate, and that a really good man cannot be obtained at this rate of pay. In order to obtain a man qualified for the position of Chief Engineer the salary of the post should be from £1,000 to £1,200 per annum, with a duty allowance of £200 per annum. With the completion of the Uasin Gishu Line the total mileage under his control will be approximately 1,000 miles. The duty allowance has been raised to 20 per cent. of the initial salary so as to provide suitable allowance for a District Engineer who may act in his post while the incumbent is on leave. At present a District Engineer, acting for the Chief Engineer, receives extra remuneration at the rate of £20 per annum only, which is entirely inadequate taking into consideration the extra responsibilities undertaken.

(1) Not reproduced.

District Engineers.—Should receive pay at the scale of £700 to £900, with duty allowance of £70 per annum. The present salary of £500 to £700 is inadequate for the responsibilities of the post.

Assistant Engineers.—Should be engaged on a minimum scale of £350 per annum, rising to £600.

Superintendent, Busoga Railway.—This post is now filled by an Assistant Engineer, but I consider it should have a regular incumbent. He represents the Chiefs of Divisions on the Busoga Railway and exercises supervision over the Engineering, Traffic and Locomotive departments. I consider his pay should be £700—£800, with a duty allowance of £70.

Sub-Engineer.—The Sub-Engineer was a post created for Mr. Wardle, and should be replaced by that of Assistant Engineer.

Until the completion of the Uasin Gishu Line I consider the present staff will be sufficient in number, but the working of that line will necessitate the increase of one District Engineer and two Assistant Engineers.

The suggested staff and rate of salaries now proposed are:—

1 Chief Engineer	£1,000 to £1,200 by £40.	Duty allowance, £200.
3 District Engineers	£700 to £900 by £25.	Duty allowance, £70.
1 Superintendent, Busoga Railway	£700 to £800 by £25.	Duty allowance, £70.
9 Assistant Engineers	£350 to £600 by £20.	

2nd Grade Officers.—(European).—Existing rates are as follows:—

	Proposed Rates.	
	Rs. per mensem.	Rs. per mensem.
Senior Permanent Way Inspectors	300—400	400—500
Junior " " " "	250—290	300—390
Sub " " " "	—	150—200
Works' Inspectors, 1st Grade	300—400	400—500
" " 2nd Grade	150—240	300—390
" " Sub " "	—	150—200
Sanitary Inspectors	250—400	1st Grade 400—500 2nd Grade 250—350
Water Inspectors	250—400	300—500
Draftsmen	250—400	300—500

Permanent Way Inspectors.—It has been increasingly difficult to obtain Permanent Way Inspectors at the rates offered, and with the exception of those obtained from South Africa, our latest appointments have not been successful. I consider, therefore, that the minimum rate of Rs. 300 per mensem should be offered for Junior Permanent Way Inspectors. A Senior Permanent Way Inspector should be able to rise to Rs. 500 per mensem. When he arrives at that salary he will be a middle-aged man, in all probability married, with a family. It is very seldom that a Permanent Way Inspector is fitted to be promoted to the post of an Assistant Engineer, as his experience has been confined to maintaining the track and he has had as a rule no theoretical training.

Sub-Permanent Way Inspectors.—At present all our Sub-Permanent Way Inspectors are Indians, and I am very anxious to train our permanent way staff in this country, drawing from the families of our employees. I therefore propose to institute a salary for European Sub-Permanent Way Inspectors who have passed out of their apprenticeship. This salary could commence at Rs. 150 per mensem, and rise to Rs. 200. At present, after apprenticeship, there is no post available, as he would not be fitted for the full responsibilities of a Permanent Way Inspector.

Works' Inspectors, 1st and 2nd Grades, and Surveyors.—Should be upon the same scale as the Permanent Way Inspectors. In some cases, suitable men may be found to promote to Assistant Engineers, and although the rates of pay overlap I do not anticipate any real difficulty. In the event of a Works Inspector drawing Rs. 500 per mensem being promoted to Assistant Engineer, he would enter the 1st class grade on £400 per annum. I also propose to institute a post of Sub-Inspector of Works on the same pay and for the same reasons as I propose for European Sub-Permanent Way Inspector.

Sanitary Inspectors.—At the present time our Sanitary Inspectors have no special training and are not qualified in any way for the posts, and I propose in future that these men shall be equally qualified as those employed by the Medical Department. I would therefore raise the maximum rate of pay to Rs. 500 per mensem. I propose to grade the Sanitary Inspectors in two classes, *i.e.*, 1st grade and 2nd grade, and the 1st grade men must be qualified Sanitary Inspectors. The rates of pay would be 1st grade, Rs. 400—500 per mensem; 2nd grade, Rs. 250—350 per mensem.

Water Works Inspectors.—These should be on the same scales as Permanent Way Inspectors.

Draftsmen.—A first-class draftsman should be highly technical and our present rate of pay is not sufficient to attract the properly qualified man. It is very probable that a good draftsman is eligible for promotion into the 1st grade appointments, and I consider the scale should be Rs. 300—500 per mensem. It is quite possible that a draftsman would be a fitted officer for promotion into a higher grade.

<i>Asiatic Staff.</i>			
		Existing Rate. Rs. per mensem.	Proposed Rate. Rs. per mensem.
Permanent Way Inspectors	... ..	No special rate	200—275
Sub-Permanent Way Inspectors—			
1st class	... ..	50—140	100—150
2nd class	... ..	—	60—100
Overseers	... ..	150—240	150—250
Sub-Overseers	... ..	50—140	80—140
Draftsmen, 1st class	... ..	240	150—250
2nd class	... ..	100	100—140

Permanent Way Inspectors.—There are two sections on the line which will in all probability be served by Indian Permanent Way Inspectors, viz.:—Mackinnon Road and Kenani sections. The climate and general conditions are not suitable for Europeans. At present there is no difference in scale of pay between Indians and Europeans, but the Indian has never been promoted above a junior Permanent Way Inspector.

Sub-Permanent Way Inspectors.—These should be in two classes and they are generally promoted from gang jemadars.

Overseers.—There will be always a certain number of Indian overseers. Up to the present there has been no difference in scale between Indians and Europeans but an Indian has not been promoted higher than a 2nd grade Inspector of Works.

Sub-Overseers.—Are generally promoted from mistries and artizans.

Draftsmen.—Indian draftsmen have not as a rule much technical training, and I consider the proposed pay sufficient. A 2nd class Indian draftsman would to all intents and purposes be merely a tracer. This completes the technical staff of the Department. The clerical scale for all departments will be treated later on as a whole.

TRAFFIC DEPARTMENT.

1ST GRADE OFFICERS.

Present Cadre and Rate of Pay.

1 Traffic Manager	... ..	£700—£900 by £25.	Duty allowance £70.
1 Deputy Traffic Manager	... ..	£500—£650 by £25.	Duty allowance £55.
7 Assistant Traffic Managers	... ..	£300—£550 by £20.	
1 Wharf Superintendent	... ..	£450—£600 by £20.	Duty allowance £45.

Of these the following are pensionable, Traffic Manager, Deputy Traffic Manager, and 3 Assistant Traffic Managers.

Traffic Manager.—The same remarks apply generally as I have made with regard to the Chief Engineer's appointment.

Deputy Traffic Manager.—I consider that the traffic working at present is too centralized and that it would be better to appoint District Traffic Superintendents at the principal centres, and that the appointment of the Deputy should be done away with, as the senior District Traffic Superintendent or the most capable one should act for the Traffic Manager when on leave. Three District Traffic Superintendents would be required, posted at Kilindini, Nairobi, and Nakuru. They should be upon the same standing and scale of pay as the District Engineers, i.e., £700 to £900, with duty allowance of £70.

Assistant Traffic Superintendents.—Should be on the same scale as the assistant first grade officers in other departments, viz.:—£350 to £600 per annum.

Wharf Superintendent.—This post is one of great responsibilities and requires an officer of considerable administrative capacity and tact as he has to deal direct with the mercantile and shipping community. The present salary is not sufficiently high to attract the right man, and I consider he should be placed on the same scale as the District Traffic Superintendents. It is possible that in the future the whole working of

Kilindini Port will be separated from the railway and placed under a Board of Port Control, in which case it would be highly advisable to have on the spot a fully qualified officer to hand over to the new authority. Even at the present moment it is advisable to have an assistant so that proper supervision may be exercised both in the office and on the pier working itself. He should be classed with the Assistant Traffic Superintendents. In order to effect these proposals the number of the Traffic cadre would have to be increased.

Each District Traffic Superintendent would require an Assistant Traffic Superintendent attached to his office and one Assistant Traffic Superintendent would be posted at Kampala. Three Assistant Traffic Superintendents would be necessary to fill posts of other officers proceeding on leave. The proposed staff would then be:—

1 Traffic Manager	£1,000—£1,200 by £40.	Duty allowance, £200.
3 District Traffic Superintendents	£700—£900 by £25.	Duty allowance, £70.
8 Assistant Traffic Superintendents	£350—£600 by £20.	
1 Wharf Superintendent	£700—£900 by £25.	Duty allowance, £70.
1 Assistant Wharf Superintendent	£350—£600 by £20.	

The working of the Uasin Gishu Line would not entail any increase in the above staff.

2nd Grade European Staff.

	Existing Rates. Rs. per mensem.	Proposed Rates. Rs. per mensem.
Rates Clerks	250—400	400—500
Traffic Inspectors	300—400	400—500
Assistant Traffic Inspectors	200—300	300—350
Telegraph Inspectors	250—400	400—500
Pier Masters	250—400	400—500
Asst. Pier Masters	200—250	300—390
Catering Manager	250—400	400—500
Asst. Catering Managers	180—250	300—390
Guards, 1st class (a)	120—180	140—200
Station Masters "A" (b)	250—400	400—500
Station Masters "B" (c)	200—250	300—390
Assistant Station Masters "A" (d)	200—250	300—350
Goods Agents	250—400	400—500
Assistant Goods Agents	200—250	300—350

(a) With trip allowance equal to 60 per cent. of substantive pay.

(b), (c), (d) are classifications of stations.

The following are often eligible for promotion to the 1st class grade:—*Station Master "A," Traffic Inspectors, Goods Agents and Pier Masters*, and they should be on the Rs. 400—500 scale.

Rates Clerks, Telegraph Inspectors, although not as a rule qualified to hold administrative billets, require considerable technical knowledge, and should be placed on the Rs. 400—500 scale.

The *Catering Manager's* responsibilities have increased considerably and there is a great demand for the type of man required as managers for local hotels. I am, therefore, of an opinion that he should be placed in the Rs. 400—500 scale.

Guards are not drawn from a class that has any particular technical knowledge, but a man who takes an intelligent interest in his work can fit himself for such posts as Station Master, and therefore it is not proposed to make any great increase in his scale of pay. He is able to earn an extra 60 per cent. of his substantive pay in trip allowance. It is proposed to put him on the scale of Rs. 140—200 which, with this trip allowance will give him approximate earnings of Rs. 220—280. He has then an opening to become an Assistant Station Master "A" on Rs. 300 to 350 with further promotion if he proves himself suitable.

In connection with the present salary of guards, their contribution to the Provident Fund is based on their substantive pay and they only receive their substantive pay when on leave. I consider this a distinct hardship, and that for both these purposes their pay should be reckoned at $1\frac{1}{2}$ times their substantive salary.

Asiatic Staff.

	Existing Rates. Rs. per mensem.	Proposed Scale. Rs. per mensem.
Station Masters "C" (e)	160—180	200—250
Station Masters "D" (f)	50—150	150—200
Assistant Station Masters "B" (g)	160—180	200—250
Assistant Station Masters "D" (h)	50—	90—140
Goods Clerks	60—180	150—250
Booking Clerks	60—180	150—250
Assistant Goods and Booking Clerks	50—100	90—140
Pier Clerks "A" (i)	120—180	200—250
Pier Clerks "B" (j) ... ..	...	150—190
Assistant Pier Clerks	80—100	90—140
Luggage and Parcels Clerks	50—100	150—200
Assistant ditto.	50—100	90—140
Signallers in charge	80—120	120—150
Signallers	50—80	75—110
Telephone Operators	25—75	50—75
Trains Clerks and Ticket Collectors	50—100	75—110
Yard Foremen	80—180	110—180
Assistant Yard Foremen	50—100	50—100
Goods Shed Foreman	60—180	80—180
Tally Clerks	25—100	90—150
Weighing Machine Inspectors	110—150	120—180
Guards, 2nd class (k)	80—120	100—150
" 3rd class (l)	60—80	75—90

(e), (f), (g), (h), (i), (j) are classifications of stations and ports.

(k), (l) Mileage, etc., gives extra pay averaging 40 per cent. of substantive pay.

There is a substantial increase in many of the salaries attached to the above posts, especially in the case of station masters, goods and booking clerks, pier clerks, luggage and parcel clerks, etc. Wages have increased considerably in India, and it is now impossible to recruit reliable men on our present salaries.

The guards make on an average 40 per cent. of their substantive pay by trip allowance and the same remarks apply as I have made with respect to the salaries of European guards in calculating the salary for purposes of computing Provident Fund and leave pay.

The clerical staff will be dealt with later on, when they will be treated as a whole with other departments.

LOCOMOTIVE DEPARTMENT.*1st Class Appointments.*

The present cadre and scale of salaries is as follows:—

1 Chief Mechanical Engineer ...	£700—£900 by £25.	Duty allowance, £70.
2 District Locomotive Superintendents	£500—£600 by £25.	Duty allowance, £50.
1 Workshop Manager	£450—£600 by £25.	Duty allowance, £45.
3 Assistant Locomotive Superintendents	£350—£550 by £20.	

Of these, the following are pensionable:—The Chief Mechanical Engineer, 2 District Locomotive Superintendents, the Workshop Manager and one Assistant Locomotive Superintendent.

The Chief Mechanical Engineer should be on the same scale of pay as the Chief Engineer, Traffic Manager, etc.

District Locomotive Superintendents.—There should be 2 District Locomotive Superintendents, one at Kilindini and one at Nairobi. The most efficient should act for the Chief Mechanical Engineer when on leave. When the Uasin Gishu Railway is opened it may be necessary to have a third District Locomotive Superintendent at Eldoret. They should be on the same scale of pay as the District Engineers and District Traffic Superintendents.

Workshop Manager.—A really first-class officer is required for this post, and the salary should be the same as for a District Locomotive Superintendent.

Assistant Locomotive Superintendents.—There should be an assistant for each Division, one attached to the Chief Mechanical Engineer's office and one to be an assistant to the Workshop Manager, also 2 spare officers to take the place of other officers on leave; they should all be graded on the same scale as assistants of other departments.

The proposed cadre and scale of salaries would then be:—

1 Chief Mechanical Engineer	£1,000—£1,200 by £40.	Duty allowance, £200.
2 District Locomotive Superintendents	£700—£900 by £25.	Duty allowance, £70.
1 Workshop Manager	£700—£900 by £25.	Duty allowance, £70.
6 Assistant Locomotive Superintendents,	£350—£600 by £20.	

2nd Grade European Officers.

	Existing Rate. Rs. per mensem.	Proposed Rate. Rs. per mensem.
Locomotive Foremen	300—400	400—500
Assistant Loco. Foreman	200—280	300—390
Westinghouse Brake Inspectors	250—400	400—500
Locomotive and Boiler Inspectors	300—400	400—500
Carriage Examiners	120—280	200—300
Drivers, 1st class (m)	150—250	170—270
Drivers, 2nd class (n)	80—145	100—160
Firemen, "A" class (o)	60—80	80—90
Artizans, 1st class	160—250	250—350
Artizans, 2nd class	110—150	200—240
Assistant Artizans	50—100	150—190

(m) and (n) Drivers 1st and 2nd class make about 90 per cent. of their substantive pay in trip allowance in addition.

(o) Firemen "A" class make about 80 per cent. of their substantive pay in trip allowance in addition.

Locomotive Foremen may be eligible for promotion to 1st class appointments, especially as Workshop Manager or Assistant Workshop Manager. All appointments such as Locomotive Foremen, Westinghouse Brake Inspectors, Locomotive and Boiler Inspectors are highly technical and therefore they are put on the same scale of pay as the highly technical posts in other departments.

European Drivers at the present time are making anything up to 90 per cent. of their substantive pay in trip money. They have, however, the same grievances as guards with respect to the computation of their salary for the purposes of Provident Fund and leave allowances. For the purpose of computing the Provident Fund and leave pay 50 per cent. of their substantive pay should be added.

Fireman "A" class.—Would probably be youngsters passed out of their apprenticeship.

Artizans, 1st and 2nd class are very much underpaid at the present time; they are eligible for promotion to Locomotive Inspectors, Foremen, etc.

Assistant Artizans.—Would be drawn mostly from the families of railway staff and who would have just passed out of their apprenticeship.

Asiatic Staff.

	Existing Rates. Rs. per mensem.	Proposed Rates. Rs. per mensem.
Drivers, 1st class (p)	150—250	150—250
Drivers, 2nd class (q)	80—145	80—145
Drivers, 3rd class (r)	40—75	60—80
Firemen, 1st class (s)	40—50	50—60
Firemen, 2nd class (t)	25—35	30—45
Fireman, 3rd class (African) (u)	8—20	8—20
Artizans, 1st class	160—250	180—280
Artizans, 2nd class	110—150	120—170
Artizans, 3rd class (includes Mistries, Assistant Carriage Examiners, etc.)		80—110

- (p) 1st class drivers make 90 per cent. over their pay in trip allowance.
 (q) 2nd class drivers make 90 per cent. over their pay in trip allowance.
 (r) 3rd class drivers and shunters make 80 per cent. over their pay in trip allowance.
 (s) 1st class firemen make 70 per cent. over their pay in trip allowance.
 (t) 2nd class firemen make 70 per cent. over their pay in trip allowance.
 (u) 3rd class firemen make 70 per cent. over their pay in trip allowance.

For the purpose of calculating Provident Fund contributions and leave pay, their pay should count as $1\frac{1}{2}$ times their substantive pay.

Up to the present no distinction has been made between European and Indian drivers, but as there are very few Indian 1st class drivers this class will become extinct. The same remarks apply to 1st class artificers.

ACCOUNTANT'S DEPARTMENT.

1st Grade Appointments.

The present cadre and scale of pay is as follows:—

1 Chief Accountant	£700—£900 by £25.	Duty allowance, £70.
1 Deputy Chief Accountant ...	£500—£600 by £25.	„ „ £50.
2 Assistant Chief Accountants...	£300—£550 by £20.	

The Chief Accountant and Deputy Chief Accountant are pensionable, and one Assistant Chief Accountant is a pensionable post.

Chief Accountant.—On this Railway the Chief Accountant performs very many more responsible duties than are usually performed on other railways. His is not merely an audit department, but he controls the accounts of all the other departments. The accounts office is the reference for all procedure and regulations, the clearing house, and his duties combine those undertaken on English railways by the secretary, registrar, cashier and financial adviser to the Board of Directors. He has charge of all arrangements in connection with the importation and repatriation of all Indian indentured labour. He has charge of the Railway Press and compiles all traffic statistics. Although on some railways the post of Chief Accountant does not command as high a salary as those of Chief Engineer, Traffic Manager or Chief Mechanical Engineer, the extra duties undertaken as enumerated above are to my mind sufficiently arduous and responsible as to entitle him to the same scale of pay as the above-mentioned heads of departments.

Deputy Chief Accountant.—Must be a sufficiently capable officer to undertake the duties of the Chief Accountant when on leave, and a considerable responsibility lies on his shoulders in administering a large department under the chief accountant who has obviously not the time to go into the detailed workings of his department. I therefore consider he should be placed on the same scale of pay as district traffic superintendents and district engineers.

Assistant Chief Accountants.—Should be placed on the scale of Assistant 1st Grade Officers of other departments. It would be advisable to increase the number of assistants by one, who could undertake the accounting of the Busoga and Kampala Port Bell Railways.

Press Superintendent.—I consider the present post of Head Printer should be re-designated Press Superintendent, and that the holder of this post should be a 1st class official and on the same standing as the Government printer. The work in the Railway Press is rapidly increasing, and will certainly increase considerably more. I would recommend that the post should be worth £400—£500 by £20, with a duty allowance of £40 per annum.

The proposed cadre and scale of pay would then be:—

1 Chief Accountant	£1,000—£1,200 by £40.	Duty allowance, £200.
1 Deputy Chief Accountant	£700—£900 by £25.	Duty allowance £70.
3 Assistant Chief Accountants	£350—£600 by £20.	
1 Press Superintendent	£400—£500 by £20.	Duty allowance £40.

2nd Grade European Staff.

	Existing Rates.	Proposed Rates.
	Rs. per mensem.	Rs. per mensem.
Head Accountants	300—400	400—500
Travelling Inspectors of Accounts...	250—400	400—500
Stock Verifiers	200—280	400—500

The above are highly qualified men and are eligible for promotion to the 1st class appointments.

The clerical staff will be dealt with later on.

STORES DEPARTMENT.

1st Class Appointments.

The present cadre and scale of salaries are as follows:—

1 Chief Storekeeper	£550—£700 by £25.	Duty allowance, £55.
1 Deputy Chief Storekeeper ...	£450—£550 by £20.	„ „ £45.
2 Assistant Chief Storekeepers	£300—£450 by £20.	

The pensionable appointments are Chief Storekeeper, Deputy Chief Storekeeper, and two Assistant Storekeepers.

Chief Storekeeper.—It is not the general practice to pay the Stores Department as well as the other departments—I presume their market value is not so high. At the same time I am of the opinion the duties of a Storekeeper entail a very considerable technical knowledge of railway material and stores, and a great deal of the efficiency of the railway working depends on the Chief Storekeeper. His duties are to keep stocks up to the mark, place his orders in the best markets, make recommendations for writing down owing to depreciation and hold survey boards over the whole system. It is necessary that he should be conversant with the technical nomenclature, and unless specially trained as a railway storekeeper he is of no use. I would therefore recommend that the Chief Storekeeper be placed on the same scale of salary as the heads of other departments.

Deputy Chief Storekeeper.—Should be an officer fully qualified as above and capable of carrying out the duties of Chief Storekeeper when on leave, and the post should carry the same emoluments as those of Deputy Chief Accountant and District Superintendents of other departments.

Assistant Storekeepers.—One is required at Kilindini and one at Kisumu, where there are large sub-stores, and there should be a spare assistant to act for anyone on leave. They should receive the same emoluments as Assistants of other departments.

The proposed cadre and scale of pay is as follows:—

1 Chief Storekeeper	£1,000—£1,200 by £40.	Duty allowance, £200.
1 Deputy Chief Storekeeper ...	£700—£900 by £25.	„ „ £70.
3 Assistant Chief Storekeepers	£350—£600 by £20.	

2nd Grade European Staff.

	Existing Rates. Rs. per mensem.	Proposed Rates. Rs. per mensem.
Sub-Storekeepers	300—400	400—500

Sub-Storekeepers are eligible for promotion to the 1st class grade, and should be paid in comparison with other posts of the same standing in other departments.

The remainder of the staff is clerical, and will be dealt with later on.

MARINE DEPARTMENT.

1st Class Appointments.

The present cadre and salaries are as follows:—

1 Marine Superintendent	£600—£750 by £25.	Duty allowance, £60.
1 Marine Superintendent (Lake Kioga)	£500—£600 by £25.	„ „ £50.
1 Superintending Engineer ...	£500—£700 by £25.	„ „ £50.
1 Deputy Superintending Engineer	£400—£500 by £20.	„ „ £40.
8 Commanders	£360—£500 by £20.	„ „ £36.
6 Chief Officers	£300—£350 by £15.	
13 Second Officers	£240—£280 by £10.	
7 Chief Engineers	£300—£400 by £15.	„ „ £30.

The following are pensionable:—Marine Superintendents, Superintending Engineer and Deputy, Commanders, Chief Officers, and Chief Engineers.

Marine Superintendents.—The duties of the Marine Superintendent have greatly increased since the scale was fixed. He has more European officers under him than any other department, and he exercises control not only over Lake Victoria, but also the Lake Kioga flotilla. I consider therefore that he should be put on the same scale of pay as the heads of other departments.

Marine Superintendent, Lake Kioga.—This designation should be done away with and the post should be re-designated District Marine Superintendent. There should be two of these posts, one posted at Kisumu and one at Namasagali. It is very necessary to have a District Superintendent posted at Kisumu as at present when the Marine Superintendent is on tour the work of the department has to devolve on the Superintending Engineer. The commencing salary for the posts of District Marine Superintendents should be the same as that for District Engineers, District Traffic Superintendents, etc.

Deck Officers.—It has become practically impossible to obtain officers with the qualifications we ask for on the salaries we offer. I consider the running staff should be brought in a line with the salaries offered in other departments, taking into consideration that the special terms of messing on board are worth about £50 a year to them. I would suggest the following rates of pay:—

Commanders	... ..	£600 to £700 by £25.
Chief Officers	... ..	£400 to £500 by £20.
Second Officers	... ..	£300 to £360 by £20.

I do not recommend that duty allowance should be attached to any of these posts. The position in the Marine Department is somewhat different to that of any other department. A Chief Officer may at any time have to take command of a ship for one or two trips, and unless the Commander is absent from the country there is no duty allowance available, and although the responsibility is very much greater, he gets no recompense. I recommend the following procedure be adopted and provision should be budgeted as "Acting Allowances." When a Chief Officer takes command of a ship he should be paid at the minimum rate of a Commander for such time as he is in charge; this procedure should also apply to Second Officers acting as Chief Officers. I consider these officers should become pensionable after five years' approved service.

Superintending Engineer Marine.—This officer has the control of all the maintenance of the flotilla and the erection of any new craft. I consider he should receive a salary of £700—£900 by £25, with a duty allowance of £140.

District Superintending Engineers.—It is possible that in the future the Marine Department of Lake Kioga may increase to such an extent that the requirements at Namasagali will necessitate a senior officer being in charge of the workshops. I would therefore suggest that the post of Deputy Superintending Engineer be abolished and the new designation of District Superintending Engineers adopted. The post should carry a salary of £600—£700 by £25. Duty allowance, £60.

Chief Engineers.—The present pay is, in my opinion, entirely inadequate, and does not compare with salaries to be obtained in the Merchant Service. I consider the pay should be £500—£600 by £20.

Second Engineers.—At present Second Engineers are appointed on a 2nd class agreement; they can be promoted to Chief Engineer and can be placed on the pensionable staff after five years' approved service as Chief Engineer and to previous admission to 1st grade officer. They at present join on a salary of £200—£260 by £10. I consider that the conditions offered do not entice the right class of men and that we should obtain a very much better officer if we offered a first-class appointment. I would therefore recommend a first-class appointment on the scale £300—£360 by £20.

The same remarks as previously made apply to Engineers as well as the Dock Officers with regard to duty allowances.

The following is the suggested cadre and scale of salaries:—

1 Marine Superintendent	... ..	£1,000—£1,200 by £40.	Duty allowance, £200.
2 District Marine Superintendents	... ..	£700—£800 by £25.	Duty allowance, £70.
8 Commanders	... ..	£600—£700 by £25.	
6 Chief Officers	... ..	£400—£500 by £20.	
13 Second Officers	... ..	£300—£360 by £20.	
1 Superintendent Engineer	... ..	£700—£900 by £25.	Duty allowance, £140.
1 District Superintending Engineer	... ..	£600—£700 by £25.	Duty allowance, £60.
7 Chief Engineers	... ..	£500—£600 by £20.	
12 Second Engineers	... ..	£300—£360 by £20.	

2nd Class European Staff.

	Existing Rate.	Proposed Rates.
	Rs. per mensem.	Rs. per mensem.
Flotilla Foremen	300—400	400—500
3rd Engineers	...	200—250
Pier Masters	250—400	400—500
Assistant Pier Masters	200—250	300—390

Artizans would be graded as those in the Locomotive Departments. There are other posts which can be graded or classified with posts held under other departments, such as Marine Foremen classified with Locomotive Foremen, etc.

Asiatic Staff.

Most of these can be classified with the Traffic staff, but the following are specialized:—

	Existing Rates. Rs. per mensem.	Proposed Rates. Rs. per mensem.
Pier Clerks, "A" ports	120—180	200—250
Pier Clerks, "B" ports	120—180	150—200
Assistant Pier Clerks	80—100	90—150
Tug Masters	120—180	130—250
Mates	50—75	80—120
3rd Engineers (Goans) (v)	100—170	120—200
3rd Engineers (Indians)	80—140	100—180

(v) Goans pay Rs. 20 per mensem for messing whereas Indians are messes free.

General Remarks.—There has been some dissatisfaction on account of officers of the Marine Department being charged for messing. I am, however, in favour of the charge and the rate charged of Rs. 55 per mensem is a very favourable one.

DIRECTION DEPARTMENT.

1st Grade Officers.

1 General Manager	£1,500—£1,800 by £50.	Duty allowance, £150.
1 Personal Assistant to General Manager	£300—£550 by £20.	Duty allowance, £50.

For the present I think the salary of the General Manager is sufficient and compares favourably with that offered on other Colonial railways. The duty allowance should, however, be 20 per cent. of the initial salary, viz., £300 per annum.

The Personal Assistant to the General Manager should be paid on a scale of £600—£700, with duty allowance of £60.

The remainder of the staff under the Direction Department are clerical, and can be classified under the clerical staff.

CLERICAL STAFF.

2nd Class European Staff.

There are at present numerous designations which could be more easily graded into classes as follows:—

<i>Present designation.</i>	<i>Present rate.</i> £	<i>Proposed designation.</i>	<i>Proposed rate.</i> £
Office Superintendents	250—400	Office Superintendents	400—500
Section clerks	200—300	1st grade clerks	300—390
Head clerks	170—300	} Do. do.	
Trains clerk	200—300		
Assistant rates clerk	200—300		
Accounts clerks	200—280		
Ledger keeper	150—280	2nd grade clerks	200—290
Assistant Section clerks	—	3rd grade clerks	50—150
Junior clerks and typists	—		

The 3rd grade European clerks and typists would be mostly drawn from the families of railway employees. First-class typists might be promoted to 2nd grade clerkships.

Asiatic Staff.

There are numerous classifications with salaries ranging from Rs. 50 for junior clerks to Rs. 280 for cashiers. It is proposed to grade them as follows:—

	Rs. per mensem.
1st grade clerks	200—300
2nd grade clerks	150—190
3rd grade clerks	100—140
4th grade clerks	75—90

1st grade clerks would include those drawing at the present time varying salaries from Rs. 170 to Rs. 300. Steamer clerks should be included in this grade.

2nd grade clerks would include those drawing at the present time salaries varying from Rs. 120 to Rs. 180.

3rd grade clerks include those at present drawing Rs. 90 to Rs. 120.

4th grade clerks include those at present drawing Rs. 50 to Rs. 85.

GENERAL REMARKS.

Duty Allowances.—As this has been the policy of the Colonial Office I have adopted it in framing my proposals as to increased emoluments, although I am not in favour of the principle. I consider that a junior officer acting for a senior one should receive, while acting, a salary commensurate with the initial salary of the post he is acting in. I have proposed 20 per cent. duty allowances for heads of departments in order that the present small differences in existing duty allowances may be increased.

Housing.—I consider that the present house allowances are not sufficient, and that an officer who has to find his own accommodation is not sufficiently recompensed to enable him to obtain as good accommodation as is provided by the railway. I consider it advisable for the Government to house all its staff comfortably, and races should be segregated as far as possible. I also consider that a very much more generous scale of furniture should be fixed, and that an allowance, if necessary, should cover the cost of a furnished house. Arrangements should also be made to store an officer's property when absent on leave.

Widows' and Orphans' Fund.—I consider a Widows' and Orphans' Fund essential.

Leave (Local).—I consider that more local leave should be given and would suggest two periods of 14 days or one period of a month in the calendar year.

Home Leave.—I do not consider any difference should be made between unhealthy districts or so-called healthy ones, and that the leave should be in all cases six days per month served. I also consider that leave should be compulsory after 20 months' service. I also consider that more generous financial aid is required to enable a married man to take his wife and family on leave with him.

Local Investments.—I think these should be allowed, but that permission for each investment should be first obtained from the Governor.

Pensionable Appointments.—I consider that all 1st grade appointments should become pensionable after the usual term of five years approved service.

REMARKS ON ASIATIC PETITION.

House Accommodation.—I agree that improvement is required in this direction, and there is no doubt that there is much overcrowding. House allowances should be given which would cover the rentage of accommodation equal to that supplied by the railway.

Salaries.—These require revision as suggested in my proposal on emoluments to the staff.

Leave.—I consider that the present leave rules are sufficient except that the period spent on the voyage should not count towards leave.

Gratuities.—I do not believe in gratuities being withheld for trivial offences, and I very much doubt whether this has ever been done.

XXX.—EXECUTIVE OFFICERS, Uganda Railway Marine.

KISUMU.

To the Secretary,
The Civil Service Commission,
Government House, Nairobi.

SIR,

1. We, the Executive Officers of the Marine Service, beg to submit the following additional statement to your Commission.

2. In this statement we deal with the principal phases of our conditions of service with which we are dissatisfied, and we offer our views as to the shape improvements thereon should take.

3. It is our well-considered opinion that the improvements we have here suggested would, if carried into effect, bring about the highest standard of efficiency.

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4. The statement is somewhat lengthy, but this is due to our having endeavoured to make it as complete as possible in order to avoid detaining your Commission in Kisumu beyond their scheduled time, with our verbal explanations perhaps incomplete and indifferently expressed.

5. We particularly wish to draw your attention to the request formulated in paragraph 5, and also the two requests in paragraph 6, so that the necessary particulars may be obtained by you before the Commission arrives in Kisumu.

6. In conclusion we wish to say that we have no desire to embarrass H.M. Government at this juncture; at the same time we hope the Commission will credit us with the honest desire which has actuated us throughout, namely, to facilitate the endeavours of the Commission to elucidate what is wrong with the marine service.

If we succeed in doing this, then we shall have accomplished all that we hoped and set out to do.

We have the honour to be, Sir,
Your obedient servants,

J. L. MARSHALL, Chief Officer.

A. F. MARSH, C.O.

(A. F. M., pp. C. Faulkner Simpson in Hospital).

PERCY S. HORWOOD.

J. A. BUCKLER.

STATEMENT FROM THE EXECUTIVE OFFICERS OF THE MARINE
SERVICE OF THE UGANDA RAILWAY.

TO THE CIVIL SERVICE COMMISSION OF ENQUIRY.

1. (a) SALARY SCALE.—The most important point in our original petition, and the point *re* which your Commission will doubtless require our reasons and explanations, is the nature of the scale of salaries for which we have asked.

You will have noted that it is totally different in *principle* from the scale at present in force.

The following are our reasons for requesting a complete alteration of the salary scale.

(b) Advancement to the higher grades of pay under the present system depends upon promotion to the higher ranks. This, in turn, depends upon vacancies. These will occur only upon rare occasions. Promotion in the past has been fair; but in the future it will be stagnant.

In the past the health of the staff has been very poor; many officers have died or been invalided from the service. Ships have been built at the average rate of one every two years; and officers have resigned from the service through dissatisfaction. All this has naturally caused promotion to be fairly good.

But in the future the health of the staff will improve with improved conditions. Officers will live longer, possibly long enough to draw their pension at 50 years of age. No new ships will be built, and officers will remain in the service instead of resigning. All this will naturally cause the rate of promotion to slacken.

(c) When we joined the service we were informed that new ships were being built rapidly, at the average rate of one every two years. Reckoning the promotion upon this basis we deemed it worth while to join the service.

(d) It is now, however, very obvious that many years will elapse before a new ship is built. She would, presumably, be a fast passenger ship, and the construction is by no means certain in view of the probable expansion of the railway across the Usoga Province to Jinja.

No more cargo ships will be built, as future increase of cargo tonnage will be handled by tugs and lighters, the declared policy of the railway.

It is most improbable that there will ever be more than six ships on the lake, at any rate in commission.

(e) Even should white officers be appointed to the tugs, this would not accelerate promotion to command, as commanders would not be appointed to them. They would be commanded by chief officers or senior second officers. It would, in fact, relatively retard promotion to commander, although, perhaps, accelerating it temporarily to chief officer.

But in all probability the policy of running the tugs with Indian pilots will be continued.

(f) It is obvious, therefore, that promotion will be at a standstill with the exception of that caused by retirements.

It is possible that some officers may not obtain command for 15 years. An officer lucky enough to have joined only a month, perhaps, before then, may rise to the senior grade of commander's pay, whilst the other unfortunate officers would be "marking time" on the senior grade of chief officer's pay, waiting years for promotion.

This system is grossly unfair. It causes, and always will cause, intense dissatisfaction, and thereby it is inimical to efficiency.

For these reasons we are of the decided opinion that it should be abolished.

(g) Now, we contend that the service should be officered by severe and drastic selection; but our well-considered opinion is that, in order to promote efficiency, such selection should only take place upon first engagement and upon completion of the first tour.

(h) The scale of salary we have asked for would ensure a sufficient supply of applicants to enable the highest qualifications being demanded as a condition of appointment. Officers would, thus, by the careful selection rendered possible, be obtained in the first instance of a very high professional and moral standard.

(i) During an officer's first tour he is, of necessity, bound to spend a considerable time in the capacity of chief officer, and he is also bound to serve under the majority of the senior officers in the service, who would have ample opportunities of observing his professional abilities and moral qualities. The Marine Superintendent would, consequently, have no difficulty in properly deciding, on the completion of one tour, whether the officer be competent in all respects to take command and worthy, therefore, to be retained in the service. (See paragraph 18 (b)).

(For the re-engagement of an officer for further service after the completion of one tour should, *ipso facto*, imply that he is considered competent to fill satisfactorily the post of commander. If he is not so considered he should not be re-engaged.)

(j) The decision either for or against the permanent retention of an officer in the service, *and transference to the pensionable staff* (see paragraph 3), should most certainly be given on the completion of one tour. This in the interests of the service and of the officer himself.

Under this system only officers of proved and undoubted first-class ability and high moral standard would be retained in the service.

(k) To "split hairs" and differentiate further, as between the abilities and qualities of the officers so retained, when filling a vacancy for command would be not only invidious, but would destroy the very thing it is desired to obtain, namely, efficiency, for nothing is more detrimental to the efficiency of a small and limited marine service, consisting of small ships carrying few officers than the supersession of an officer by one of lower seniority. This practice is bound to cause bad feeling and friction, with the result that the service as a whole suffers heavily by loss of efficiency. In this connection of the inefficiency caused by this practice:

(l) It may be taken for granted that, on grounds of competency, 11 officers join this service on an equality of qualification, namely, a master's certificate. It would be ludicrous, then, to contend, for instance, that because one officer was highly gifted with the art of handling ships when bringing alongside he should, therefore, be promoted over the heads of all other senior officers who were not so highly gifted (providing, of course, that the senior officers did not damage their ships in the manœuvre through incompetence).

Providing officers are efficient no loss of efficiency or revenue could occur to the service by promoting on seniority. This service is not large enough to supersede an officer who is efficient by one who is slightly more efficient. The theoretical gain in so doing would be found in practice to be a very heavy loss.

(Of course, if, at any time during his career, an officer's ability should, from any cause, deteriorate and become so impaired that the efficiency of the service is thereby affected he ought, naturally, to be relegated to a post commensurate with his abilities or, if necessary, removed from the service.)

(m) What must be guaranteed, though, is that, providing an officer is consistently efficient, he shall have risen to £900 per annum by the time he is due for retirement from the service, namely, at 50 years of age; and any system of grading salaries should be based upon this fundamental principle.

The salary system in this service, which co-relates salary with rank, cannot guarantee this essential feature.

It can in the merchant service, where an officer may serve 30 to 40 years in one Company, and where expansion, and consequent promotion, is fairly rapid; but it cannot in this service where the greatest number of years an officer can serve is 25; (possibly only 20), because the door would have to be kept open to officers up to 30 years of age, in order to ensure a sufficient number of applicants to give a large enough field for high selection.

Also, it must be remembered that in the Merchant Service there are many opportunities of obtaining a shore berth, such as pilot, harbourmaster, port officer, etc., etc., whereas in this there is no outlet whatever.

Again, an officer, after spending some years on the lake, loses touch with deep sea conditions, and may be no longer suitable for such posts. His ambition and career, therefore, are limited to this service. We submit that it is only right that he should be compensated for such enforced limitation.

(n) For the post of Marine Superintendent we consider that selection is necessary. But here again the loss of efficiency caused by bad feeling and friction should be borne in mind, and this appointment should be filled, if possible, only from the four senior commanders.

(o) Now, the point obviously arises, theoretically, that an officer knowing his pay is automatically rising year by year from £400 to £900, may become "slack" and merely carry on his duties in a casual manner.

The safeguard against this would be to clearly lay down that the annual increment of salary would be consequent solely upon the officer performing his duties in a consistently efficient manner.

As the loss of his increment for one year would mean a certain and irretrievable loss of £25 (and the prospect of future annual loss at the same rate until he, by increased efforts and satisfactory work, merited and obtained reinstatement in his seniority on the salary roster), it is obvious that no more effective means could be devised for preventing "slackness" and, consequently, inefficiency.

It should also be laid down that an officer losing his annual increment on the score of inefficiency a second time should definitely lose a year's seniority of salary. This would mean a permanent annual loss of £25 for each future year of his service, a very drastic punishment indeed, and sufficient to deter any tendency to "slackness."

(For we take it that the *prevention of inefficiency arising* is what is aimed at.)

Should an officer be guilty of inefficiency through "slackness" again, then he should be dismissed the service. If this inefficiency arises from causes other than slackness (that is, not through his own fault) he should be relegated to a post commensurate with his abilities. (See last part of paragraph (l)).

2. ADMINISTRATION AND CONTROL OF PERSONNEL.—The present system of Marine Officers and professional seamen being administered by a General Manager with no acquaintance with their professional duties or traditions is objectionable to us. We, therefore, request that our Marine Superintendent be made directly responsible to the Governor for the *personnel* of the service.

And we request that, with the introduction of this change of control, the system set forth in paragraph 18 be instituted also.

3. TRANSFERENCE TO PENSIONABLE STAFF.—*Re* the underlined portion of paragraph 1 (j):—

We have the strongest objection to the regulation which prohibits our service from becoming pensionable until we have completed 5 years' service and also attained the rank of Chief Officer.

This invidious distinction between the Marine Service and other services is a cause of great dissatisfaction.

We, therefore, ask that an officer, upon re-engagement after completion of one tour, *i.e.*, after three years' service, should be eligible to be placed upon the pensionable staff.

4. HOURS OF DUTY.—We desire to draw the particular attention of the Commission to our hours of duty. We give here the hours of duty performed in normal times on the "Clement Hill." We would mention that these hours are not being rigidly adhered to at the present time owing to the state of our health. But if the ship is to be kept in proper condition, and the cargo work performed satisfactorily, and the regulations carried out, these hours cannot well be reduced.

These hours are the same for both Chief and Second Officers.

(The Commander's duties we do not touch upon. His position in the ship is unique. He is in supreme command of the ship itself and over every person in the

various branches of the ship's company—executive, engineering, clerical and catering—and his responsibility is the measure of his worth. He is, virtually, always on duty.)

Sunday.—6 a.m. to 9.30 p.m. (less 2 hours off duty and 2 hours meals)...	11½	hours
Monday.—5.30 a.m. (average) to 10.30 p.m. (less 2 hours meals) ...	15	„
Tuesday.—6 a.m. to 7.30 p.m. (less 1 hour off duty and 1½ hours meals)...	11½	„
Wednesday.—6 a.m. to 9.30 p.m. (less 1 hour off duty and 2 hours meals)	12½	„
Thursday.—5.30 a.m. (average) to 5.30 p.m. (less 1½ hours meals) ...	10½	„
Friday.—6 a.m. to 4.30 p.m. (less 1 hour meals) ...	9½	„
Saturday.—6 a.m. to 4.30 p.m. (less 1 hour meals) ...	9½	„
Total per week ...	80	„
One officer may occasionally obtain an evening ashore in Kampala on		
Monday. Deduct (say 3 hours) ...	3	„
	77	

Total hours of *regular* duty for each officer per week, 77 hours.

This gives a daily average of 11 hours.

The foregoing is for the ship carrying both Chief and Second Officers. When no Second Officer is available the strain upon the Chief Officer can be better imagined than described.

We have no Sundays off duty, no Saturday afternoons off duty, and no public holidays. We are, in fact, on duty for 365 days per annum (with the exception of 14 days' local leave). We obtain little or no recreation. Our hours of duty are consistently irregular, so our work is most irritating to the temper and trying to the health. Our quarters on board are situated in an unavoidable position, where the rattle of winches would make sleep impossible if such were obtainable. In Kisumu, in addition to the noise of winches, we have to suffer the incessant grinding of holy stones on the decks during our weekly "clean up." There is little or no protection from the heat and glare of the lake, and most of our work in port is performed out on the open decks and wharves in full glare of the sun and close to the iron cargo sheds, which intensify the sun's heat ten-fold.

Whilst away from Kisumu our sleep is irregular, and is very frequently interrupted by various causes.

5. CONSCIENTIOUS PERFORMANCE OF DUTY, EFFECT ON COUNTRY'S REVENUE, AND ON OUR HEALTH.—We do not wish the Commission to think that in this setting forth the unfavourable conditions of our work on the Lake that we are asking for "more money and less work." We simply desire to place these conditions on permanent record as proofs of the loyalty to the public interest with which our service has been, and will be performed.

It is hardly necessary, though, to remind the Commission that a man who is dissatisfied cannot possibly put out the best work that is in him; he is thinking over his grievances when he ought to be attending to his duties.

But we do beg to remind the Commission that these hours of labour produced, in the four financial years preceding the outbreak of war, namely, 1910—14, net profits of 13 per cent., 15 per cent., 22 per cent., and 14 per cent. on the capital cost of the Marine Service, an average annual profit of 16 per cent., in spite of the huge sums spent on new construction during that period.

And we also wish to remind the Commission that these hours of labour have also produced, relatively, one of the greatest, if not the greatest, death roll and sick roll of all services in the Protectorate! We ask the Commission to call for (from the P.M.O.) the statistics of deaths, sick cases, invalidings, etc., in this service from its commencement up to the present time, and then compare these with the numbers of the total staff employed during the same period.

6. UNPAID "ACTING" IN HIGHER RANKS.—We now submit figures of a typical case showing the abnormal amount of unpaid "acting" in higher ranks which we have been called upon to perform during the last five or six years.

Our only comment upon this is that it is an improper imposition, and contrary to the spirit of our agreements with the Government.

We ask the Commission to call for the official figures showing the amount of acting each officer has performed and the money saved thereby to the Government.

And we ask that this money be paid over to us, plus the interest accumulated, and so remedy the gross injustice done to us; for there can be no doubt in the mind of any man who studies our agreements (we say nothing of the plausible tales told to us by

officials in the Colonial Office) and then studies these figures that we were sent out to this service under false pretences. And if we have been wronged in the past it is only fair and just that these wrongs should be righted in full.

We would point out that the new system of salary scale for which we have asked would completely obviate any recurrence of this objectionable practice, and would thereby, do away with one source of our dissatisfaction.

RECORD OF SERVICE OF MR. ARTHUR F. MARSH.

Appointed on 17/4/13 as Second Officer.

						Months. Days.	
22/ 4/13	to	16/ 7/13	... "Sybil" ...	... Acting Chief Officer	2	26	
17/ 7/13	"	23/ 7/13	... "Winifred" ...	... " " " ...	0	7	
24/ 7/13	"	28/ 7/13	... " " ...	... 2nd Officer ...	0	5	
29/ 7/13	"	21/10/13	... "Sybil" ...	... Acting Chief Officer	20	22	
22/10/13	"	6/11/13	... " " ...	... Acting Commander	0	16	
7/11/13	"	27/11/13	... "C. Hill" ...	... Acting Chief Officer	0	21	
28/11/13	"	5/ 2/14	... "Nyanza" ...	... " " " ...	2	8	
6/ 2/14	"	16/ 2/14	... " " ...	... Acting Commander	0	11	
17/ 2/14	"	5/ 3/14	... " " ...	... Acting Chief Officer	0	17	
6/ 3/14	"	15/ 3/14	... On Casual leave	... " " " ...	0	10	
16/ 3/14	"	"	... On Shore	... " " " ...	0	1	
17/ 3/14	"	16/ 4/14	... "Nyanza" ...	... Acting Chief Officer	0	31	
17/ 4/14	"	19/ 4/14	... " " ...	... Acting Commander	0	3	
20/ 4/14	"	30/ 4/14	... "C. Hill" ...	... Acting Chief Officer	0	11	
1/ 5/14	"	26/ 5/14	... " " ...	... 2nd Officer ...	0	26	
27/ 5/14	"	18/ 6/14	... " " ...	... Acting Chief Officer	0	23	
19/ 6/14	"	30/ 6/14	... On Shore	... " " " ...	0	12	
1/ 7/14	"	12/ 7/14	... "Winifred" ...	... " " " ...	0	12	
13/ 7/14	"	15/ 8/14	... Pier Superintendent	... " " " ...	0	19	
16/ 8/14	"	19/ 8/14	... "C. Hill" ...	... " " " ...	0	4	
20/ 8/14	"	31/ 8/14	... "Sybil" ...	... " " " ...	0	12	
1/ 9/14	"	4/ 9/14	... "Nyanza" ...	... Acting Commander	0	4	
x 5/ 9/14	"	4/12/14	... "C. Hill" ...	... " " " ...	3	0	
5/12/14	"	16/ 4/15	... Military Duties	... " " " ...	4	12	
17/ 4/15	"	21/ 4/15	... "Uaoga" ...	... " " " ...	0	5	
x 22/ 4/15	"	17/ 6/15	... "Rusinga" ...	... " " " ...	1	25	
18/ 6/15	"	26/ 6/15	... "Percy Anderson" ...	... " " " ...	0	9	
27/ 6/15	"	3/ 1/16	... "C. Hill" ...	... Acting Chief Officer	6	8	
4/ 1/16	"	5/ 1/16	... Ashore	... " " " ...	0	2	
5/ 1/16	"	18/ 1/16	... Casual leave	... " " " ...	0	13	
19/ 1/16	"	31/ 1/16	... "Rusinga" ...	... Acting Commander	0	13	
1/ 2/16	"	15/ 6/16	... "C. Hill" ...	... Acting Chief Officer	4	15	
16/ 6/16	"	24/ 6/16	... "Rusinga" ...	... " " " ...	0	9	
25/ 6/16	"	28/ 7/16	... "C. Hill" ...	... " " " ...	1	4	
29/ 7/16	"	25/11/16	... Military Duties	... " " " ...	3	27	
26/11/16			Left for long leave in England.				

Length of first tour=3 years, 7 months, 9 days.

						Months	Days.	x
Summary of Service:—Second Officer						1	1	2·4
Acting Chief Officer						24	12	57·4
Acting Commander						6	26	16·1
Military Duties						8	9	19·5
Shore Duties						1	4	2·6
Casual leave						0	23	2·0
Totals=								<u>100·0</u>

With the exception of the two periods marked by a cross (x), namely, for 4 months 25 days, Mr. Marsh never drew any acting allowance during the whole of this period; under the "regulations" he was entitled to none.

Another Second Officer, Mr. Faulkner-Simpson, now over 4 years in the service, has, during his second tour, spent only 6 weeks in the capacity of his actual rank. During the remainder of the time, nearly two years, he has been acting as Chief Officer.

In January, 1917, the General Manager of the Railway, the Hon. E. Eastwood, definitely expressed himself as being of the decided opinion that an officer should draw the pay of the rank he filled.

We submit, therefore, that our claim to be paid "back pay" on this basis is sound both in principle and in fact.

We also ask the Commission to call for official returns showing how much the railway have saved during the last six years through running the ships for very long periods without second officers.

7. THE NECESSITY (NOT THE "CONVENIENCE") TO THE GOVERNMENT OF EMPLOYING HIGHLY COMPETENT OFFICERS.—The African crews of the ships consist solely of casual labour, and their retention in the ships and, consequently, the maintenance of an efficient service depends solely upon the character of the officers.

Officers must be capable of getting far more work out of the natives than in any other form of employment in the country. On cargo work alone 3 tons per man per hour is often handled for many hours on and with, sometimes, no break for food. This has to be accomplished without causing dissatisfaction amongst the crew.

The character and ability of the crews depend upon the ability (both professional and linguistic) and zeal of the officers.

We would point out that thefts of, and damage to, cargo in the Lake ships are relatively, on the whole, not of disproportionate magnitude, bearing in mind that the conditions obtaining on the Lake are very favourable to their occurrence, and very difficult to combat.

8. The navigation of the Lake would not be difficult were it possible to run deep-draughted vessels. It would, in fact, be easier than deep-sea navigation owing to the absence of tides. (Surface currents caused by winds and the inflow of rivers, of course, exist).

But owing to the fact that the ships are light-draughted, possess relatively high upperworks, are flat-bottomed and low-powered, the navigation is actually just as difficult as Indian or French coastal navigation owing to the abnormal leeward drift of the ships in high winds.

9. The upkeep of the ships, and their preservation in good condition, requires practically as much attention as in deep-sea ships. Rust is our enemy here as it is on salt water, and the Chief Officer's time is fully occupied amongst his multitudinous other duties, with prophylactic and repair work of the iron structure of his ship.

(We have mentioned the foregoing—paragraphs 7, 8 and 9—so that the Commission shall be in possession of correct information as to the nature of our duties in order that they may approach the case of the Marine Service in no uncertain or mistaken perspective).

10. COST OF MESSING.—We have noted that the General Manager of the Railway, in giving evidence before your Commission in Nairobi, stated that the Marine Officer's cost of living was Rs. 55 per mensem. We wish to correct this statement.

It is true that the Railway undertake to mess us for Rs. 55 per mensem, but in order for us to take advantage of this arrangement we should be compelled to take every meal on board ship in Kisumu.

Now breakfast, lunch, and tea present no difficulty as our duties keep us on board during the daytime. But at 5 p.m. we leave the ship and go to our houses on shore.

We submit that it is unreasonable to expect us to walk down the hill to the wharves after dark, over ground strewn with boulders, intersected by ditches, and traversed by railway lines, very often in thunderstorms and torrential rains, to get dinner on a ship infested by the mosquitoes which breed under the wharves, the only light candle-lights in a saloon where everything is capsized in the weekly "clean-up," and which is pervaded by the unpleasant smell inseparable from these occasions.

Consequently we dine at the hotel which costs us Rs. 1/50. The refund which we get from the Railway on account of a dinner not taken on board in Kisumu is 50 cents. Thus we are 90 cents out of pocket on each dinner not taken on board. At the rate of three dinners per week this works out at an extra messing cost of Rs. 12 per mensem. So that our messing costs us, at the very least, Rs. 67 per mensem. But this is not all. Whenever, for any reason, an officer is detained ashore in Kisumu, such as during a dry-docking, fumigating, special shore duty, sickness, etc., etc., he must again obtain his meals on shore (unless a ship is in port in commission when he may mess on board at the usual rates). The messing of an Officer sent on survey work also costs him considerably more than Rs. 55 per mensem. Lieutenant Buckler is able to give evidence of a recent personal instance of this.

Striking an average for one tour, a Marine Officer's messing costs him at least Rs. 75 per mensem.

(This does not include the cost of any hospitality we may offer to our friends.)

Yet when we joined the service we were assured at the Colonial Office that our messing would cost only Rs. 55 per month.

But we wish to state that we are not asking for free messing. In asking for salaries of £400 to £900 per annum the fact that we have to pay for our messing at the rate of £60 per annum has been taken into account. (This corrects the statement *re* cost of messing in our original petition.)

11. DELIBERATE BLOCKING OF OUR PROMOTION BY THE AUTHORITIES.—Another cause of our dissatisfaction has been the policy of the Government in never appointing any officer of this service to posts outside the service, such as the Port Officer's posts at Mombasa and Zanzibar, etc., although several officers of other Marine services have been instated in this service over the heads of officers already in the service. The appointments of Commander Reynolds, R.N.R., Commander Hutchinson, R.N.R., Lieutenant Commander Bosanquet, R.N., Lieutenant Jenkins, R.N.R., and Lieutenant Buckler, R.N.R., are cases in point.

This policy has blocked our promotion, thereby causing extreme dissatisfaction and, consequently, loss of efficiency through bad-feeling.

12. THE ACTING MARINE SUPERINTENDENT.—Yet another cause of grave dissatisfaction has been the systematic way in which the Commanders have been ignored when temporarily filling the Marine Superintendent's post whilst the Marine Superintendent was away on leave.

It is not in accordance with established ideas of Marine service and their control that anyone other than an officer of the executive branch holding a Master's certificate should at any time be placed either in control of the executive branch or in full control of the service.

The past and present system of appointing the Superintending Engineer Marine, or his assistant, to the post of Acting Marine Superintendent creates friction and dissatisfaction, destroys discipline, harmonious working, and efficiency. The system is absolutely unsound, both in principle and practice.

A definite system should be instituted whereby one of the Commanders should invariably fill the Marine Superintendent's post whenever the Marine Superintendent is absent from Kisumu. Whilst acting for the Marine Superintendent he should not be subordinate to any official other than a Commander senior to himself, but should have the power and authority of the Marine Superintendent vested in him.

This system would, in fact, preserve continuity of *proper* authority, conserve discipline, obviate friction, promote harmonious working, and, therefore, maintain efficiency.

13. HOUSING ACCOMMODATION.—The housing accommodation for the Marine Staff has in the past been very unsatisfactory. The subjects of housing accommodation and furniture have been dealt with in great detail in the main petition to the Colonial Secretary from the whole body of Civil servants. We treat the matter very briefly here, therefore, although it is one of major importance.

One officer, Lieutenant Park, R.N.R., who accepted his appointment to this service solely on the condition that a house would be provided for his wife within six months, was informed on arrival that he would be granted a plot of land whereon he might, at his own expense, build a grass "banda." That officer has resigned the service.

Cases have occurred of officers having to incur the expenditure of painting the whole of the house out of their own pockets. And cases have occurred of officers having to leave their wives in England owing to lack of accommodation.

These practices are not calculated to generate a spirit of satisfaction and contentment in the service.

But our greatest grievances in this respect are the size of the houses provided for married officers, and their insufficient number.

These houses have four small rooms only, namely, two bedrooms with bathrooms, one drawing room and one dining room.

We say nothing beyond remarking that they are utterly unsuited to, and inadequate for our needs.

We request that concrete houses be constructed containing three bedrooms (each with bathroom attached), one drawing room and one dining room, also the necessary offices, and a mosquito netted verandah at least eight feet broad all round the house. The dining room, drawing room and one bathroom each to have a superficial area of not less than 320 square feet. The other two bedrooms to each have a superficial area of not less than 260 square feet.

One such house to be provided for each married commander and each married officer of three years' seniority.

Unmarried commanders and unmarried senior officers to be accommodated in the existing six small marine houses, on the basis of one commander one house, and two senior officers one house.

All junior officers to be accommodated in the marine barracks, and another storey to be superimposed thereon, if necessary, in order to ensure each officer having a room to himself.

The verandahs of all existing marine houses, and the marine barracks, to be mosquito proof gauze wire netted.

13. (a) ACCOMMODATION ON BOARD THE SHIPS.—We ask for the following improvements to be carried out on board the various vessels of the fleet:

(b) "*Usoga*" and "*Rusinga*."—The accommodation on these boats is at present undergoing alteration, and we therefore ask the Commission to investigate this complaint at their earliest opportunity in order that the improvements we here suggest may be carried out before the alterations are completed. When finished, according to the present plan, the chief and second officers' cabins will be very hot, owing to their proximity to the stokehold and funnel. We consider that a bulkhead should be erected at the after part of the bridge deck, with a 15-inch air space between this bulkhead and the after side of the officers' cabins.

We also consider that the bridge deck (upon which the new cabins are situated) and the wooden awning should be extended to the side of the ship. At present there is no deck space whatever.

These improvements would ensure a suitable temperature for the cabins, and a reasonable degree of comfort for the officers who have to live on board for 10 consecutive days on end each fortnight.

(c) "*Sybil*" and "*Winifred*."—It will be some time before these ships are again put in commission. We consider that the whole of the commanders' and officers' quarters should be reconstructed on a more suitable plan.

The present accommodation, and particularly the second officer's, a tiny cabin on the lower deck near the engineers' quarters, and next door to the pantry, is utterly unsuitable.

(d) "*Nyanza*."—Although the officers' cabins are small, there is not sufficient room to permit of enlargement. We consider, therefore, that this accommodation should stand as it is.

We assure the Commission that, if these suggested improvements are not carried out, the first impressions received by new officers on arrival at the Lake will be unfavourable ones, and will cause them to be dissatisfied and discontented from the very outset.

14. *Leave*.—On account of the fact that our health deteriorates far more rapidly than the health of officials in other branches of the Government service, we request that a tour of service consist of 25 months instead of 30 months as at present; and that we may be permitted to take home leave at the end of 18 months' service instead of the minimum of 20 months at present in force.

We know from experience that our health becomes seriously impaired after we have completed two years' service on the Lake, and a more unmitigated nuisance than a sick man aboard ship it is hard to conceive. His retention on duty makes directly for inefficiency.

We also consider that we should be permitted to take 14 days' local leave every six months. This is necessary in order to give us a clean "break away" from the perpetual daily worries of ship life. Only those who have experienced it (and one member of the Commission has to our knowledge) can realise the very bad effect that our incessant daily grind has on our nerves, and consequently, our tempers. Discipline is impossible when the tempers of officers get beyond their control. And a ship without discipline is inefficient.

15. *FREE PASSES ON THE STEAMERS AND THE RAILWAY*.—We consider that the regulations regarding free passages on the Lake for our wives should be revised. We ask for permission to carry our wives on board free (providing passenger accommodation is not used) for four voyages per annum "round Lake" or six voyages per annum "Uganda run."

Also we ask for four free passes on the railway per annum for ourselves and families.

16. *ESTABLISHMENT*.—In order to enable the leave regulations to be carried out without the service becoming short-handed, we consider that the staff should consist as follows:—

(Firstly we want the permanent appointment of a Commander from the executive branch of the S.W.S. "Stanley" on Lake Kioga. The following figures include this appointment):—

With 4 ships in commission:—	5 Commanders and 9 Officers.
" 5 " " "	7 " " 12 "
" 6 " " "	8 " " 15 "
" 7 " " "	9 " " 18 "
" 8 " " "	11 " " 21 "

It is improbable that this staff would, at any time, be in excess of actual requirements, as our officers could be used on various survey work.

17. NO REMUNERATION FOR PILOTING AND BERTHING WORK PERFORMED BY COMMANDERS.—We desire to bring to the notice of the Commission the fact that the commanders of the ships, in addition to their ordinary duties of shipmasters, are continually performing the work which, in other parts of the world, is performed by pilots and harbourmasters.

In the Merchant Service captains who perform this work themselves receive the pilots' and harbourmasters' fees for so doing. This very considerably increases their income, sometimes by as much as £200 per annum. But on the Lake here no extra allowance is given us for this work.

We omitted to mention this point in our original petition, but we trust that the Commission will consider this very lucrative source of income in the Merchant Service when comparing our salaries with salaries in the Merchant Service.

18. CONFIDENTIAL REPORTS, ETC.—(a) We consider the present system unsound. It has been universally condemned and it is not in force in the Merchant Service.

We consider that no adverse report, of any nature whatever, upon an officer, should be made by the Marine Superintendent to the Governor before the officer's action, conduct or ability, etc., which is the cause of such adverse report, has been enquired into by a court of enquiry of his brother officers, senior, or of equal seniority, to himself. The Marine Superintendent should not be a member of this court. The verdict of the court should be submitted to the Governor together with the Marine Superintendent's report.

(b) Our views as to the method of deciding upon the retention, or otherwise, of an officer in the service on the completion of his first tour can be best explained by an illustrative case.

During an Officer's first tour, *i.e.*, 25 months, he would serve in four ships, *e.g.*, as follows:—

On the officer leaving each ship the Marine Superintendent would call for a detailed report upon him from both the captain and chief officer, each of whom would report independently, and would state definitely whether they consider him suitable for retention in the service. These reports would be filed. On completion of the officer's tour the Marine Superintendent would form his decision upon these reports and also upon his own personal observation of the officer. Should the Marine Superintendent's decision be contrary to the majority of the reports, his decision, together with the reports, should be forwarded to the Governor for arbitration.

The officer should be informed by the Marine Superintendent as to his decision before leaving Kisumu for England.

19. The subject of pensions for wife and children, medical and dental attendance, travelling allowance, subsistence allowance, detention allowance, free passages from and to England for our wives and children, etc., etc., we do not touch upon here, as they have been thoroughly dealt with in the main petition from the whole body of Civil Servants, and we associate ourselves with the views put forward on these subjects in that petition.

This concludes our statement.

XXXI.—ENGINE DRIVERS, Uganda Railway.

MEMORANDUM No. 4.

MONTHLY PAID STAFF—EUROPEAN.

1. ENGINE DRIVERS.—This memorandum deals only with the case of the European engine driver.

2. As in other grades in the railway service there existed prior to August, 1914, and exists at the present time, considerable dissatisfaction in regard to both conditions and emoluments, yet during nearly four years of war—and it speaks well for the patriotism of the Britisher—this dissatisfaction has not been allowed to interfere with the duties each man has been charged with, nor has it been allowed to develop into what might have proved serious for a country with a war on its hands.

3. The feeling is general that the management of the Uganda Railway will do nothing to improve conditions, and that they will oppose any movement, whether from within or without the service, that has this object in view.

4. Before any proposals can be put forward it is necessary first to state what the present conditions are. This can best be done by quoting from a circular issued by Mr. W. E. Neville when he held the appointment of Chief Mechanical Engineer.

The circular is dated 1st April, 1914:—

Clause 2.—Drivers are divided into two classes:—

1st class, Rs. 150, rising to Rs. 250.

2nd class, Rs. 80, rising to Rs. 145.

Clause 4.—*Trip Allowance.*—This will be on the same scale as before, viz.:—

1st class drivers, Rs. 6 per 100 miles.

2nd class drivers, Rs. 4 per 100 miles.

Fractional distances in proportion.

Mallet engines—a special additional allowance of Rs. 1.50 per 100 miles, or fractional distances is allowed.

Clause 5.—Except when working under special arrangement drivers in all classes will run on the trip system, viz., in addition to their monthly wages they will be paid an allowance per 100 miles or fraction of 100 miles run, which extra remuneration covers all detentions on the road up to 13 hours, also day and night allowance when away from headquarters. Duty in excess of 13 hours' overtime will be paid for in proportion, i.e., 9 hours per day (30 days per month). No man will be paid for more than 16 hours in any one day.

5. If we take a driver on the minimum of the first-class grade, viz., Rs. 150 per month, and the average mileage run per month as 3,000 miles, the position would be:—

Pay	...	...	...	...	...	Rs. 150
Mileage allowance	...	...	...	...	...	Rs. 180
						<u>Rs. 330</u>

NOTE.—In the case of a driver working a Mallet engine the allowance would be Rs. 225.

6. The remuneration of running staff, i.e., drivers and guards has proved a vexed question in many countries.

If prior to the war the scale of pay had been on an equitable basis and mileage allowance fixed on a basis to cover overtime (after a nine hours' day) and night allowance when away from the depot station, the case to be stated now would simply be one for an increase in the scale of pay to meet the increased cost of living.

Men engaged from the home railways start on the minimum of the first-class grade, viz., Rs. 150 per month.

This is the man's pay when he is off duty owing to sickness, when he is on leave, and on this pay he contributes to the Provident Fund and participates in its benefits; while when fully employed during a month the amount drawn in respect of mileage allowance may exceed the scale rate of pay.

The mileage system in force here does not guarantee a living wage.

As already stated a first-class driver is on the scale Rs. 150 to Rs. 250 per month.

The fact that the scale has been fixed on so low a basis proves that the mileage allowance is taken not only to cover all overtime and expenses when away from the home station, but to bring a man's monthly fixed rate of pay up from what it is to what it should be.

This is a bad feature in the present system.

The question of adequate remuneration for skilled labour has not been referred to, but it must not be overlooked that the man who follows the calling of an engine driver is one who has worked for a boy's wage, and for years at a low wage, i.e., has had a special course of training.

In considering the question of remuneration for this class of labour, local conditions must ever be a dominating factor. Assuming the cost of living here to be the same as in England, i.e., that for 75 cents the same value would be received here as for one shilling in England, would a driver earning Rs. 45 per week on an English railway come out to the tropics for the same rate of pay?

If a man is paid at piece-work rates it follows that the harder he works, and the longer hours he works, the larger the amount he will receive for his labour.

The mileage system partakes, therefore, of the character of piece-work, in that the driver to procure a living wage has to scheme and strive to get in a certain number of miles in the month.

He may go on duty when not feeling exactly fit for it, he may go out under rest, or with an engine that should be booked for repairs. The great thing for him is to get in mileage—the life of the engine matters nothing. The mileage system takes no account of the hours worked, but of the miles run only. If a man is on duty for 20 hours, and such cases are not unknown, he is only paid three hours overtime. The miles run may have only represented the distance from the depot at which he signed on to the depot at which he signed off, for which trip the booked time may be from 8 to 10 hours. A man may be called at, say, 3 a.m. to take out a train booked to leave at 4 a.m., but the train may not leave until 7 a.m. He has, therefore, been four hours on duty before his engine has turned a wheel on the trip he is booked out on. Again he may be held up for a number of hours at a station to avoid a detention of a few minutes to a train advancing in the opposite direction.

If the accounts of the administration reflected accurately the cost of overtime worked each month by running staff, an excess in one month over another, or in excess of the amount which was considered a fair average, would compel investigations to be made, and in time this would result in improved working and a more intelligent interest would be displayed by both traffic and loco. staff, while the supervision also would become more active and experienced than what it is at the present time.

The mileage system hides not only the amount of overtime worked, but also indifferent and inexperienced working and supervision.

7. The engine driver has no fixed hours of duty.

The following particulars are taken from the working time-table in force on the 30th March, 1918.

Arrival times of scheduled trains at Nairobi Station:—
8.30 p.m. 11.40 a.m. 11.55 a.m. 2.15 p.m.
2.35 p.m. 5.20 p.m. 6.35 p.m. 0.10 a.m.

Departure times of scheduled trains from Nairobi Station:—
3.30 a.m. 9.0 a.m. 10.0 a.m. 12.30 p.m.
2.30 p.m. 3.5 p.m. 6.40 p.m. 7.15 p.m.

For example, the driver who works 3 Up on, say, a Tuesday, booked to leave Nairobi at 3.30 a.m., and to arrive at Nakuru at 2 p.m. (*i.e.*, 10½ hours on duty on the trip if running to booked time, plus 1½ hours in respect of booking on and off—total 13 hours on duty), works 4 Down on the Wednesday, booked to leave Nakuru 2.40 a.m., and to arrive at Nairobi at 11.40 a.m.

The driver has to get his sleep and his meals as and when he can, and, if a bachelor, has often to content himself with a loaf of bread and a tin of sardines. Leaving a depot station which is between 5,000 feet and 6,000 feet above sea level at 3 a.m. and on the trip gradually reaching a higher altitude, is no pleasant experience.

8. The matter of increments has been a fruitful source of discontent.

We do not wish to deal at any great length with this subject, as the administration can be called upon to furnish statements.

Such statements, to be of the fullest practical value, must give, in the case of each individual, the following particulars, *viz.*, date of joining the Uganda Railway service, full particulars of service with other railways, or if no previous railway service, full particulars of the trades or professions engaged in.

There are men in the service of the Uganda Railway who, prior to joining, had not previously worked on a railway, but who are to-day in receipt of higher salaries than many who have joined with 10 and over years' service on other railways, and who started life on railways as boys at a boy's wage.

The following drivers are attached to the Nairobi depot, and run between Nairobi and Makindu, and Nairobi and Nakuru:—

Name.	Date of Joining.	Salary on Joining per Month.	Present Salary per Month.
		Rs.	Rs.
A. Vicary	3/1/13	150	200
J. Lomas	29/12/13	150	185
J. Duckworth	4/11/13	150	175
J. J. Chapman	17/10/14	150	168

In a period of $4\frac{1}{2}$ years Driver Duckworth's salary has been increased by Rs. 25. At this rate of progress in $13\frac{1}{4}$ years' time from now he may hope to be on his maximum.

9. Another matter we wish to bring specially under notice is that of "Fines."

If anything goes wrong a fine is imposed on someone. There is never any attempt made to improve the organisation, supervision or working.

It is much easier to impose a fine than to thoroughly inquire into a case and see what steps can be taken to prevent a recurrence.

In the case of running staff the favourite practice is to stop the mileage allowance for the trip on which the mistake or fault occurred.

It would be interesting to know if deductions made in this particular manner are credited to the "Fine" Fund.

We hold that when a fine is imposed the amount should be stated and should be shown on the pay-sheet as a fine.

10. We have endeavoured to outline what the present conditions are, and now come to our proposals, but before submitting same we would like to refer briefly to some of the causes for what has been termed "discontent in the service."

If a railway is to be efficiently and economically worked there must be harmony throughout.

If a man is at variance with his immediate superior, or has the feeling popularly described as being "fed up," the result is either obstructive or indifferent working.

To sum up the whole case the main causes of discontent in our opinion are:—

(a) General indifference on the part of Heads of Departments to the welfare of those serving under them.

(b) Low wages.

(c) Long hours resulting from bad organisation and indifferent supervision.

(d) The method followed in regard to increments and promotions.

In regard to the latter, before the Commission conclude their labours sufficient evidence will have been brought forward to prove that men without either experience or ability or with a limited experience and little or no ability have been pitchforked into positions over others possessing a sound experience and greater ability.

It is only human nature of the truest type to despise the man who owes his appointment or promotion not to experience, ability, and length of service, but to means which honest men shun.

Every appointment or promotion of the latter kind which is made lowers the prestige of the Government service, and in the opinion of many it could not be lower than what it is to-day.

During Mr. Eastwood's regime the men who received the highest increments were men without railway experience, who presumably could not obtain employment elsewhere and joined the railway as a last resource.

Not possessing any previous railway experience they had to make themselves useful in other directions. The result of this policy on trained railway men of many years' Home service need not here be described.

11. Our proposals are:—

(a) The abolition of the mileage allowance.

(b) Revised scale rate of pay per month based on a 9 hours day and 26 days month.

(c) Payment of overtime as under:—

Week-days—Ordinary time.

Sundays—All Sunday duty to count as overtime at time and half.

Holidays—All holiday duty to count as overtime at double time.

(d) Introduction of a climatic allowance.

Our proposals must be taken and considered as a whole.

On the assumption that the mileage allowance will be abolished, that our recommendations in regard to the payment of overtime and a climatic allowance will be accepted, that the arrangement of sections remain as at present, and that existing

privileges will not be withdrawn or curtailed we put forward the following scale of pay, viz.:—

EUROPEAN STAFF—MONTHLY PAID.
Drivers—Proposed Rate of Pay per Month.

Class.	1st Year.	2nd Year.	3rd Year.	4th Year.
	Rs. cts.	Rs. cts.	Rs. cts.	Rs. cts.
Special ...	374 40	—	—	—
First ...	315 90	327 60	339 30	351 00
Second ...	257 40	280 80	304 20	—

In each case the amount is based on a rate per hour for a nine hours day and a 26 days month, e.g.,

Special Class ...	Rs. 374.40
Per hour ...	Rs. 1.60
„ day ...	Rs. 14.40
„ month ...	Rs. 374.40

The above represents a guaranteed rate of pay per month when a driver is available for duty. Sick and leave pay is dealt with under another memorandum.

European drivers joining the service from other railways should start on Rs. 315.90 per month.

It is understood that no driver shall of right be entitled to advancement by increments after the lapse of any particular period and that the payment of every increment is subject to good conduct, zeal, and efficiency in the discharge of allotted duties.

Our recommendations under the head of overtime are:—

Week-days—Ordinary time.

Sundays—All Sunday duty to count as overtime at time and half.

Holidays—All holiday duty to count as overtime at double time.

In calculating overtime each day must stand by itself and must be reckoned from the time a driver signs on to the time he signs off duty.

A driver after completing a trip should not again be booked on duty until he has had the following intervals for rest at:—

Out stations ...	9 hours.
Home stations ...	12 „

The stabling allowance should be Rs. 5 per night.

As a part of our proposals we wish to see introduced the payment of a climatic allowance.

Our recommendations under this head are, viz.:—

EUROPEAN STAFF—MONTHLY PAID.
Climatic Allowance.—Drivers.

Depot.	Station.	Allowance per Day.	
		Rs.	Cts.
Kajiado ...	Kajiado to Lake Magadi ...	—	50
Makindu ...	Makindu to Voi ...	2	00
Mombasa ...	Mombasa to Voi ...	1	50
Nakuru ...	Nakuru to Kisumu ...	1	00
Kampala ...	Port Bell to Kampala ...	2	00
Jinja ...	Busoga Railway ...	2	50

NOTE.—Payment to be made on the number of days in each calendar month.

No money can compensate a man who has ruined his health through long residence at an unhealthy station.

The Head of a Department if he wishes to punish a man can transfer him to a station more unhealthy than the one he is at. Need we say more on this subject?

Climatic allowances are paid on the South African Railways.

We suggest that a statement should be called for of all staff overdue leave, the number of months overdue to be shewn in each case.

In concluding, we submit that we have asked for nothing that can be considered as unreasonable.

We are no strike committee putting forward demands, but a body of men who strongly desire to see an improvement in the conditions and in the working of the railway.

XXXII.—GUARDS, Uganda Railway.

MEMORANDUM 5—GUARDS.

We, the sub-committee appointed to look into the question of improved service conditions as put forward by the guards of the railway, have met and discussed very closely the whole case, and would state:—

Paragraphs 1 and 2.—That guards receive a consolidated or fixed salary and that the present system be abolished. This is a decided improvement as regards salary on leave and whilst sick, also an asset in connection with the Provident Fund.

No amount of consolidated pay can be fixed at present as nothing can be done until the salaries of other positions are altered on an improved basis.

Taking the minimum pay per month as asked for by the guards, statements (A.1 and A.2) are attached. These statements are worked out on the actual running and time worked of two guards during December and February last, and in accordance with the improvements requested, *i.e.*, Rupees 300.00 per mensem, 8-hour day, double pay for Sundays and holidays (as per Mr. Harkness' interpretation of double pay) and rate for overtime.

A glance at these statements will show the futility of requesting such improvements, especially if the guards wish their statement to be placed before the Commission.

We would suggest that the following lines in connection with improvements be adopted by the Railway Committee.

(a) Consolidated pay.

(b) Overtime after 10 hours on duty. Time to commence from the hour of signing on duty.

(c) Overtime be paid after 10 hours on duty to 12 hours at the ordinary rate per hour based on a 10-hour day and a 30-day month. Time and a half to be paid for each hour over 12 hours of continuous duty. Under 30 minutes to count as nil; 30 minutes to 60 as one hour, *e.g.*, 1 hour 29 minutes=1 hour; 1 hour 30 minutes=2 hours.

(d) The ordinary daily rate based on a 10-hour day and a 30-day month (for the purpose of calculation) be paid extra for duty on Sundays and official public holidays. Overtime on these days to be the same as week-days, *i.e.*, on the ordinary daily rate and not on a double rate.

We append the following statement compiled on the aforementioned suggested basis for the purpose of comparison:—

	Per month.	Per day.	Per hour.				
	Rs.210.00	Rs. 7.00	Rs.0.70				
	Rs.230.00	Rs. 7.66	Rs.0.77				
	Rs.255.00	Rs. 8.50	Rs.0.85				
	Rs.300.00	Rs.10.00	Rs.1.00				
Per month	Rs.210.00	Rs.230.00	Rs.255.00	Rs.300.00			
5 Sundays	Rs. 35.00	Rs. 38.30	Rs. 42.50	Rs. 50.00			
2 Holidays	Rs. 14.00	Rs. 15.32	Rs. 17.00	Rs. 20.00			
2 hours over 12 of overtime ...	Rs. 0.70	Rs. 0.77	Rs. 0.85	Rs. 1.00			
8 hours ordinary overtime ...	Rs. 5.60	Rs. 6.16	Rs. 6.80	Rs. 8.00			
	<u>Rs.265.30</u>	<u>Rs.290.55</u>	<u>Rs.322.15</u>	<u>Rs.379.00</u>			

Above is worked up from Mr. Utting's running in December, 1917.

The present nett earnings of a guard are approximately Rs. 240.00 per month, or between Rs. 265.00 and Rs. 270.00 gross, after a number of years service based on Rs. 145.00 per mensem on the system now operating.

The undermentioned scale of pay for 1st class European guards was suggested:—

Minimum Rs. 230.00 per mensem.

Maximum Rs. 300.00 per month to be attained in seven years by increments of Rs. 10.00 annually.

If the guards still wish to adhere to the point of reaching their maximum in four years, we think our suggested maximum be reduced to Rs. 285.000 per month, and the increments be increased to Rs. 13.75. This refers to paragraph 5 (a) of guards' suggested improvements.

We consider an allowance of Rs. 2.50 per night should be paid to a guard who stables at a station where there is not a running room.

As regards the last clause of paragraph 2, we would suggest that no man be called out to perform duty unless he has had 10 hours' rest at a home station or 9 hours at an outstation, and that any man who may be called out under rest be paid at the ordinary rate of overtime for the number of rest hours lost, irrespective of any overtime which may be made during the journey.

3. We are agreed on paragraph 3.

4. In connection with paragraph 4, we consider that the minimum of the grade be paid and not any stipulated amount per day.

5. With regard to paragraphs 5 and 6, it was considered that in order for the guards to retain their seniority, the present pay of all guards be increased proportionately on our suggested scale, respect being paid to the years of service.

6. Paragraph 6 was agreed to. It would be well for the guards to agree to and know that their avenue of promotion should be to that of Assistant Station Master. It should not be the sole ambition of a guard to reach his maximum salary as a guard.

7. Paragraphs 7 and 8 refer to general questions.

8. Before the guards be shown the statements (A.1 and A.2) we would like them to be asked what amount per month they consider a reasonable wage.

9. If the guards insist on putting forward their grievances as outlined without alteration, we suggest that it may be allowed to go forward to the Commissioners as it stands, but at the same time we, the Railway Committee, put up our statement as well and leave the matter for the Commission to decide which is justly a reasonable proposition.

(Signed) F. JARRETT.

„ W. REID.

„ E. CROFT.

„ C. HIGGS.

Sub-Committee of the Railway Committee.

Dated 12/3/18.

STATEMENT A. 1.

Statement of Guard's pay on their suggested basis.

Example: Guard Harkness on his running for the month of February (28 days):—

Working over 8 hours.

Hrs.	Mts.	Hrs.	Hrs.	Mts.	Hrs.		
	55	=	1		45	=	1
	15	=	0	2	15	=	2
4	28	=	4	1	08	=	1
1	50	=	2		20	=	0
1	23	=	1	1	55	=	2
	55	=	1	1	00	=	1
4	05	=	4	5	15	=	5
1	00	=	1		35	=	1
	55	=	1	4	35	=	5
5	00	=	5	2	55	=	3
							41

Minimum pay per month of 25 days=6-day week=	
Rs.12.00 per day and Rs.1.50 per hour (8-hour	Rs.300.00
day)...	
Double pay for four Sundays worked in February ...	Rs. 96.00
Overtime at time-and-a-half Rs. 1.50 plus Rs. 0.75.	
41 hours at Rs. 2.25 ...	Rs. 92.25
	Rs. 488.25
Overtime on Sundays at double= $\frac{1}{2}$ extra 1 hour ...	On Sunday pay { Rs. 1.50
„ „ 5 hours ...	Double rate of ordinary { Rs. 0.75
	pay { Rs. 3.75
	{ Rs. 7.50
	Rs. 501.75
	<u>=£401 8s. 0d. per annum.</u>

STATEMENT A. 2.

Statement of Guard's pay on their suggested basis.

Example: Guard Utting on his running for the month of December (31 days).

Hours.	Working over 8 hours.	Hours.
1		6
2		4
1		1
2		2
3		1
1		2
1		3
1		1
1		2
1		2
		38
		=
Minimum pay per month of 25 days=6-day week (Rs. 12.00 per day)	}	Rs.300.00
Working five Sundays at double pay=Rs.24.00 per day	}	Rs.120.00
Working two holidays at double pay	}	Rs. 48.00
Overtime at time-and-a-half=Rs.1.50 plus Rs.0.75= Rs. 2.25. 38 hours at Rs. 2.25	}	Rs. 85.50
Over 12 hours at double= $\frac{1}{2}$ extra 2 hours	}	Rs. 1.50
Overtime on Sundays at double= $\frac{1}{2}$ extra 6 hours	}	Rs. 9.00
Pay for December		Rs.564.00
		= £451 per annum (approx.).

Guard Utting's actual gross pay was Rs. 235.51.

Request represents an increase of 140%

XXXIII.—ASIATIC STAFF, Uganda Railway.

To the Honourable
The Acting General Manager,
Uganda Railway,
Nairobi.

NAIROBI, 9th March, 1918.

SIR,

In compliance with your Circular No. 2 of 1918, we, the delegates from different districts and representing various sections of the Asiatic staff in the railway service, having met in Committee at Nairobi and considered carefully all the suggestions towards the amelioration of the conditions of service placed before us by members of the staff generally, beg to submit for your kind and sympathetic consideration, a full report on the conditions of service hereunder as follows:—

SUBORDINATE STAFF.

1. HOUSE ACCOMMODATION.—(a) The want of proper house accommodation is keenly felt by the staff all over the line.

At present most of the married men are allotted only two rooms; this accommodation is quite inadequate for a man with family, apart from the fact that they are further inconvenienced by having a bachelor to share the house with them, when the third room is occupied by a bachelor. As on the question of proper housing depends the health of the staff and health being a desideratum for efficiency in the work required from them, we request that a man with family be assigned a full house in the case of three unit houses, and that no bachelor be made to share the house with them.

(b) At present, in several cases, three bachelors are made to share a three-unit house, i.e., one room each, which leads to great inconvenience in this, that only the side rooms have bathrooms attached to them and the middle room has two store rooms. This means

that the man living in the middle room has to do without a bathroom and those occupying the side rooms are deprived of the comfort of storing their foodstuffs, etc. Besides, the overcrowding of the rooms with the occupants' necessary furniture and other effects, has very often been the cause of illness.

To remedy this state of affairs it is requested, in the case of bachelors, a three-unit house be allotted to two only, and that the side rooms, in every case, be made accessible to the middle room by having a communication door. The middle room should for all intents and purposes be used as a sitting or visitors' room and be shared in common by both the occupants.

(c) If married men with families are allotted two rooms in a barrack they should be given one portion, viz., two rooms with a yard, etc., for one family.

In the case of two bachelors being allotted one portion of two rooms, etc., in a barrack it should be seen to that they belong to the same caste and religion.

In the case of barracks having party walls in the verandahs separating the units, the front verandah should be trellised.

Separate outhouses for servants should be built behind the barracks either grouped or detached for every two rooms, and also bathrooms be provided where necessary.

At malarial stations the doors and windows of dwelling houses should be made mosquito-proof and the roof bat-proof.

A water tap should be erected inside the yard for every two rooms, free of charge.

Where necessary, windows be fitted with iron bars or grilles to allow of their being left open during hot weather, and also to prevent theft which is very common.

(d) The roadside station staff are very inadequately housed. In most cases they have their families with them and the accommodation at their disposal is a single room with no bathroom and store room attached to it. It is requested that separate houses be erected for station staff apart from the station buildings with domestic comforts.

The housing of stewards and cooks at different stations may also be considered.

(e) When a member of the staff proceeds on leave out of the country arrangements should be made by the railway for the proper storage and safe custody of his furniture and other effects during his absence.

(f) Any employee if permanently posted at any station should on his return from leave be allowed to take possession of the house he was occupying prior to his proceeding on leave.

(g) Better accommodation in the running rooms be provided for guards and drivers at each depôt station and the rooms be separated from those of the natives, and be inspected by a Medical Officer quarterly.

(h) A rest house is required, especially at the Coast, for the use of the staff proceeding on or returning from leave. At the present time members of the staff are greatly inconvenienced, especially when they have their families with them, for want of proper accommodation, i.e., boarding and lodging, as the few hotels that are accessible to Asiatics are invariably overcrowded at such times.

This rest house to include sufficient accommodation for married men with families and bachelors, and to be furnished suitably with the necessary furniture.

Similar rest houses be provided at Nairobi and Kisumu stations.

Small rest houses be provided at each roadside station for the use of the staff whose duty compels them to stable at nights at outstations as the present waiting rooms are, we are given to understand, for Europeans only.

2. SALARIES.—The present scale of salaries is overlapping in all grades. The salaries drawn by most of the staff are quite inadequate for a decent living, more so owing to the change of conditions and exorbitant cost of living brought on by unavoidable circumstances.

When the present scale of salaries was brought into force in 1904 and subsequently revised, the cost of living was normal, but since then it has kept gradually increasing, and there is every probability of a still higher increase as the future holds no prospects of a standstill or decrease in the rates of various commodities.

The improvement in the scale of salaries is a necessity universally felt by the staff and they feel sanguine that a revision will be made by the authorities to conform with their requirements.

To illustrate the inadequacy of the present scale of salaries in all grades we would quote below a few instances:—

Station Master and Assistant Station Master	...	...	...	Rs. 50—150
Guards	...	...	...	.. 60— 80
Signallers	...	...	...	.. 50— 80
Junior Clerks	...	...	...	.. 50— 85

We therefore request that a rise of 50 per cent. be effected in all the present grades with Rs. 80 as the minimum of the lowest grade and Rs. 400 the maximum of the highest grade.

That the present salaries of all the staff be increased immediately by 30 per cent. irrespective of grades.

That no probationer be started on less than Rs. 60, and after six months' approved service his appointment be confirmed on Rs. 80.

Seniority in service be considered liberally towards promotion to a higher grade, especially in the case of those who have put in long service.

We also request that members of the staff who by qualification and experience are able to carry out the duties of higher and more responsible posts, such as District Station Masters, Traffic Inspectors, Inspectors of Works, Heads of Sections, Office Superintendents, Foremen, Stock Verifiers, Sub-Storekeepers, Pier Masters and Travelling Inspectors of Accounts, etc., be given the chance of occupying such posts.

3. ALLOWANCES.—*Acting*.—When a member of the staff performs the duties of another in a higher grade an acting allowance be granted.

Travelling.—This allowance be increased by 50 per cent. and be also given while proceeding on or returning from leave.

Mileage.—That mileage allowance of the running staff be increased by one cent. per mile.

Stabling.—That these allowances be fixed at the following rates:—

1st Class Drivers	Rs. 3.00 per night.
2nd Class Drivers	„ 2.50 „
Shunters when on main line	„ 1.75 „
Firemen	„ 0.50 „
Guards, 1st and 2nd Class	„ 1.00 day—Rs. 2 night.
Guards, 3rd Class	„ 0.50 day—Rs. 1 night.

House.—A large number of the staff are put to great hardship owing to the scarcity of houses, and those lucky in securing accommodation outside the railway premises have to pay heavily, especially during these strenuous times. The rents of houses, more particularly in Nairobi, Mombasa and Kisumu, are exorbitant and in several cases beyond the means of the junior staff; the consequence is that several of them are compelled to club together, which overcrowding is not only a serious menace to their health but also a source of various discomforts.

House allowance granted by the railway, in some isolated instances, are quite insufficient to meet the present requirements as the rates were fixed at a time when cheap houses were available in the towns, but these conditions do no longer exist. It is therefore requested that house allowances be granted to all the members of the staff who are without quarters at the following rates and until such times that house accommodation is provided for them by the railway in its entirety:—

Those drawing Rs. 100 and under to receive Rs. 25 per mensem.
Those drawing Rs. 101 to Rs. 150 to receive Rs. 40 per mensem.
Those drawing Rs. 151 and above to receive Rs. 50 per mensem.

We would further state that owing to the great difficulty in procuring proper house accommodation most of the married staff on the Uganda Railway are unable to bring out their families, with the natural consequence that they have to maintain two establishments and some times even three if they put out their children in boarding schools.

Uganda.—As the cost of living and also the climatic conditions in Uganda differ greatly from those in East Africa, an allowance of Rs. 25 per mensem be granted to staff when on transfer to that province, irrespective of pay.

Extra allowance to Traffic Staff.—Some of the staff are required to perform the duties in connection with fuel, transport, postal and telephone in addition to their own departmental work. The allowance paid for such duties are inadequate and in some cases no remuneration is made to the man. It is therefore requested that a reasonable allowance be granted with a minimum of Rs. 15 per mensem for each class of work.

4. LEAVE. (a) *Vacation Leave*.—After a very careful consideration of the existing leave rules, one set for European and Eurasian subordinate staff and the other for us, we find that we are working under great disadvantages at the present time.

When the Provident Fund and new leave rules were brought into force in 1909, we fully believe it was accepted by the late Mr. Currie (then Manager of the Railway) that the conditions of service on the railway and those of the other branches of the Protectorate Government could not be anomalous, but the benefits of the Provident Fund and uniform leave rules were sufficient to govern all the staff of the railway generally, irrespective of nationality.

The revision of leave rules for the European and Eurasian staff on the railways has entirely altered the original conditions of service, having one set of rules for Europeans and Eurasians and another for Non-Europeans.

We therefore respectfully beg to point out that the present rules for the Non-European staff do not admit of taking leave before 33 months' continuous service—if the exigencies of service admit, and then only three months on full pay is given, including the return sea voyage to India, whereas the European and Eurasian subordinates and also Asiatics with European names are given after 30 months' service five or six months' leave, as the case may be, on full pay, plus the time taken on the double journey. This works out 6 months and 10 days or 7 months and 10 days after 30 months, whereas we only get 3 months after 33 months.

It will be agreed that the climate of East Africa is equally strenuous to our nerves as to those of Europeans and Eurasians, and we see no good reason that we should be debarred from equal rights when we are carrying on the same class of work and under the same trying climatic conditions as Europeans and Eurasians.

A large number of us have been employed since the early construction of the railway and have derived no great benefit for a good proportion of our service prior to the institution of the Provident Fund.

It is therefore requested that the railway Asiatic staff be granted five days' return vacation leave for each completed calendar month after 30 months' continuous residential service, if stationed at a healthy station, and six days' return vacation leave for each completed calendar month if stationed at an unhealthy station. Should they be specially detained by the Railway Administration on public grounds they be allowed to accumulate extra leave on the same rates as above. Such leave not to include time spent on voyages.

Any leave taken in addition to return vacation leave on medical grounds should be considered as leave on half pay.

(b) Asiatic staff drawing salaries below the subordinate scale, such as apprentices, cooks, stewards, etc., be granted leave on the same conditions as the subordinates, irrespective of their pay.

(c) *Vacation Leave in the Country.*—Should a single vacation leave in the country be asked for, it is requested that the same be granted.

(d) *Sick Leave.*—At the present time the local sick leave is treated as on full pay up to 45 days, but should this period be exceeded in any one calendar year it is treated as leave on half pay for the whole period, or at the option of the servant as privilege leave on full pay provided that such leave is due to him. It is requested that the period of local sick leave be increased to 90 days on full pay in terms of the Secretariat Circular of 1909.

If sick leave is granted to a member of the staff before any vacation leave is due to him, travelling expenses to and from his post, to and from Mombasa, and half the cost of his passage and half his incidental expenses may be granted him with the General Manager's sanction.

Half the cost of his passage and travelling expenses from and to his post, to and from Mombasa, may be granted him with the General Manager's sanction.

(e) *Casual Leave.*—That the present period of 10 days be extended to 14 days and that a further consideration be given to the Lake Kioga staff.

(f) *Leave Allowance in case of Death.*—Should an employee die after having earned his leave, the leave allowances due to him be paid to the person named in his Provident Fund Declaration Form, and on no account should it be withheld.

(g) *Payment of Leave Allowances in India.*—That leave allowances in India be paid in full without any deductions such as postal commission on money orders or registration fees paid by the agents when remitting the amounts, and also that the cost of telegrams exchanged between the staff and the agents in India in connection with the service be borne by the railway.

(h) *Detention due to Irregular Steamer Sailings.*—That full pay be granted for overstaying of leave necessitated by irregularity of steamer sailings at Bombay or other ports of embarkation. And also that a detention allowance be granted for awaiting steamers at Mombasa or Bombay.

(i) *Journey Expenses.*—That journey expenses be paid from the port of landing in India to the place of residence of employees.

(j) *Advance on Salaries.*—The agents in India be authorised to make advances on salaries to employees returning from leave, not exceeding two months' pay.

(k) *Medical Service in India.*—Medical certificates from any gazetted medical practitioner in India, other than the one appointed by the East Africa Protectorate Government, obtained by the staff while on leave in India be considered valid, and fees disbursed for obtaining such certificates be refunded.

5. **PASSAGES.** (a) *By Ocean Steamers.*—Staff drawing salary of Rs. 79 and below be granted a superior deck passage, and those drawing Rs. 80 and upwards second class.

If a subordinate under unavoidable circumstances is compelled to travel in a lower class than the one he is entitled to, the difference between the cost of passages of the two classes be paid to him in cash.

(b) *Family*.—That passages for the families of employees be granted to and from India.

(c) *Invalids*.—Should an employee be invalided before completing his 30 months' service on first appointment or on return from leave, he be granted a passage to India, as according to the present ruling an employee, in an emergency such as the above, is not entitled to a passage.

6. **FREE PASSAGES**.—For travelling on the railway, subordinates in receipt of salaries of Rs. 100 and below be provided with inter class passes and those in receipt of Rs. 101 and above second class. For travelling on lake steamers all subordinates to be provided with second class accommodation irrespective of pay.

Free passes to be granted to subordinates and their families to travel over the railways twice in a year and in addition privilege ticket orders be granted to an employee or his family at a payment of quarter fare when required.

7. **GRATUITY**.—(a) There have been instances where some members of the railway staff have been deprived of their long service gratuity for trivial reasons, such as fines, etc., although they have served the railway for 15 to 20 years (the best part of their lives).

Long service of an employee is in itself a sufficient proof for the General Manager to sanction the grant of retiring gratuity earned, and any defaults for which an employee has already been punished when in service be not taken into account nor the gratuity earned by in any way withheld.

(b) Should a member of the staff who has put in 10 years' service and above be compelled to retire or be invalided on account of ill-health not brought on by his own misconduct or die, he or his heirs be paid gratuity proportionately to the period of service to his credit.

(c) If an employee's services are to be terminated on expiry of vacation leave granted to him, his gratuity, if earned, should be paid to him before proceeding on such leave.

(d) A subordinate who has already drawn his gratuity and wishes to rejoin the service be allowed to do so.

(e) The minimum period for granting gratuity be reduced from 15 to 12 years, and for purposes of calculating it every 3 years' service be counted as 4 years, *i.e.*, for 12 years' service 16 years. The period for accumulating gratuity be extended from 25 to 30 years.

(f) *Break of Service*:—

(1) The period of overstay of leave up to a limit of three months should not be treated as a break of service towards gratuity.

(2) If an employee after leaving the railway service wishes to rejoin within a period of nine months, this period of absence be treated as leave without pay and not a break in service.

8. **PROVIDENT FUND BONUS**.—(a) We request that the bonus on the Provident Fund be granted at the rate of cent. per cent.

(b) There have been instances where, when a man's services were being terminated, bonuses that have been declared previously were withheld at the instance of the head of his department. This is an injustice keenly felt by the staff. Of course we do not for a moment object to withholding of bonus for the year in which the man's service may have been unsatisfactory, but to withhold all the bonuses earned during his service is admittedly a great hardship.

9. **RE-ENGAGEMENTS**.—The practice of re-engaging men on the same pay that they were drawing at the time when they left the railway service should be discontinued, and the salary attached to the post vacant which he is required to fill should be given him.

10. **MEDICAL ATTENDANCE**.—(a) That separate hospitals or at least wards be provided for the staff and their families at all principal stations.

(b) That medical attendance in cases of maternity, operations and dental surgery for the staff and their families be entirely free of charge.

(c) That qualified nurses be attached to the hospital staff to attend maternity cases all over the line.

(d) That travelling medical staff be provided for roadside stations specially, as the present arrangements are far from satisfactory.

11. EDUCATION.—The want of educational facilities for their children in this country is keenly felt by the staff. It is therefore requested that suitable arrangements be made for education by opening schools for primary education at depôt stations and a high school with a boarding house at Nairobi. These to be maintained by the railway.

12. CONSERVANCY AND WATER.—That the charges for conservancy and water be borne by the railway.

13. POLICE.—That arrangements be made to protect the railway quarters against thefts by increasing the number of police patrol.

14. POLL TAX.—That the staff be exempt from paying the Non-Native Poll Tax or that the same be borne by the railway.

15. ACCIDENT WHILE ON DUTY.—(a) That if a member of the railway staff is disabled through any accident while on duty and is thereby unable to follow his occupation, he be given any other work that may be suitable to him, paying him the salary he was drawing at the time of the accident.

(b) In case of serious injury which renders an employee unable to do any work in connection with the railway, 25 per cent. of his salary should be paid to him monthly for his lifetime.

(c) In the case of an instantaneous death or death caused by injuries sustained due to accident while on duty, a compensation sufficient to maintain his widow should be given. Should there be any children they should also be given an allowance sufficient for their maintenance until they can look after themselves.

16. FAMILY REMITTANCES.—It is requested that arrangements be made for family remittances through the agents in India as was done in the past.

17. AGENTS IN INDIA.—The agency at Karachi is not of any great help to the staff while on leave in India, especially as the port of embarkation and debarkation is Bombay. Hence it is requested that sub-agencies be established, one at Bombay and the other at Lahore, in the Punjab.

18. FURNITURE.—That the following furniture be supplied on the usual conditions by the railway to the Asiatic subordinate staff:—

- 1 Bed with spring mattress and mosquito net (double or single).
- 1 Washstand with basin complete.
- 1 Chest of drawers.
- 1 Dining table.
- 2 Dining room chairs.
- 1 Set of bedroom crockery.
- 1 Commode.

Mosquito nets to be renewable in April every year.

19. MESSING ON STEAMERS.—That the marine staff while on duty on lake steamers be allowed free messing and also the usual travelling allowances.

20. CO-OPERATIVE STORES.—That a Co-operative Stores be established at Nairobi on the same lines as in India.

21. HOLIDAYS.—That the present sectional holidays be observed as general holidays as in the past and that the Portuguese Republic Day for the Goan Community be included as one of them.

22. OFFICE HOURS.—That the working hours at Nairobi be reduced from 6½ to 6 hours.

23. LAND-HOLDING AND INVESTMENTS.—That the Asiatic staff be allowed to purchase land to a reasonable extent and also to invest money in local undertakings.

24. PRIVATE PRACTICE.—That the staff be allowed to take up private work outside office hours.

25. FREE TELEGRAMS.—It is requested that the staff at outstations, where medical aid is not at hand, be allowed to send telegrams free of charge over the railway telegraphs in the event of serious illness amongst themselves or their families, and also in cases of accouchements.

26. GRANT OF FREE LAND.—That when a member of the staff, after 25 years' meritorious service, retires, but wishes to settle in the country, he be granted a freehold piece of land by the Government.

27. FURLOUGH.—That one year's furlough on half pay be granted when a member of the staff has put in his first 12 years' service and after this one month's furlough be granted for each subsequent year's service.

28. OVERTIME.—Running staff if on duty for more than 9 hours, their overtime should be counted from that time up to 16 hours.

29. AGREEMENT.—The present forms of agreement No. 171 and No. 171A—revised 1917—are not acceptable, and it is requested that an agreement drawn up on the lines as per draft attached, for both local and overseas men, be introduced.

30. GIRL TYPISTS.—Mr. C. X. D'Souza's letter in this connection is enclosed herewith for your favourable consideration.

UGANDA RAILWAY.

AGREEMENT FORM

Agreement made the _____ day of _____ 19 _____ between the Honourable General Manager of the Uganda Railway (hereinafter called the Railway Administration) and _____ (hereinafter called the person engaged).

1. The person engaged agrees that he will diligently and faithfully perform the duties of _____ for the space of _____ months on the conditions given below:—

2. That the person engaged may be paid at the rate of Rs. _____ per mensem, rising by such annual increments as approved by the Honourable General Manager to Rs. _____ per mensem.

3. DUTIES.—Under this agreement the person engaged understands that his services are not limited to the work specified above, but he may be called upon to perform any reasonable duty in connection with the railway for which he may be fitted.

4. SALARY.—Increments of salary will be reckoned as from the date from which the person engaged first draws salary of the office from the funds of the railway, or from the date he drew his last increment on approved service.

5. QUARTERS.—Railway quarters free of rent will be provided, for the person engaged and his family, when such quarters are available. When such quarters are not available, an allowance in lieu of quarters shall be given.

6. TRAVELLING ALLOWANCES.—While the person engaged is on duty he shall receive the travelling expenses in accordance with the rules in force.

7. PASSAGES.—“ Passage ” in this agreement means a $\frac{2nd\ class\ Passage}{Superior\ Deck}$ and includes conveyance by railway, steamer or other transport between the African Coast and Bombay and conveyance by railway in India to the place of residence. Goa or Karachi

8. LEAVE OF ABSENCE.—On the completion of tour of service the person engaged will be granted 5 to 6 months' leave of absence (excluding voyage) on full pay (known as vacation leave) to India if stationed at $\frac{healthy}{unhealthy}$ station, and more if detained by the railway on public grounds, with a free passage as per clause 7 of this agreement.

(b) The period of voyage shall be reckoned as commencing on the day of embarkation and ending on the day of disembarkation of the person engaged, both days inclusive.

9. ILL-HEALTH.—In case of ill-health (not caused by his own misconduct) if the person engaged is compelled to resign his appointment, or if at any time he shall be certified by a duly qualified Medical Officer appointed by the Railway Administration that he is incapable on physical grounds for further efficient service on the railway, he shall be granted such leave of absence on full pay (excluding voyage) and free passage as he may be entitled to claim under this agreement, and that he avails himself of the passage granted to him by the railway within two months.

10. DETERMINATION OF ENGAGEMENT.—(a) In the event of the General Manager at any time desiring to determine the engagement of the person engaged he shall be at liberty to do so on giving the person engaged one month's notice in writing, determinable at any period of the year, or paying him one month's pay in lieu of such notice, and in either case providing him with a free passage and all other privileges which can be claimed under this agreement.

(b) It shall also be competent for the person engaged at any time to determine his engagement by giving the General Manager one month's notice in writing of his wish to do so or on refunding to the Railway Administration one month's pay in lieu of such notice.

11. PROVIDENT FUND AND INSTITUTE.—The person engaged agrees to subscribe to the Provident Fund and also to become a member of the Railway Institute.

PRESS STAFF.

1. HOUSE ACCOMMODATION.—That suitable house accommodation be provided.
2. SCALE OF SALARY.—A suitable scale of salary be introduced for them and their starting may be fixed at not less than Rs. 80 per mensem.
3. LEAVE PRIVILEGE.—That they be allowed privilege leave and passages on the same lines as subordinates.
4. OVERTIME.—Overtime be calculated at $1\frac{1}{2}$ hours for every one hour worked.
5. FREE PASSAGES.—That free passages for families from and to India be granted.
6. APPRENTICES.—Children of employees to be taken as apprentices and to be started on Rs. 20 and rations per mensem, and to reach to the minimum of any next grade within five years, and be allowed to enjoy all the privileges of subordinates from the date of their first appointment.
7. AGREEMENT.—That binders, compositors and machinemen be allowed to sign subordinate agreements, and to enjoy all the privileges of subordinates.

ASIATIC STAFF OTHER THAN ON SUBORDINATE AGREEMENT.

1. ASSISTANT ARTIZANS, SKILLED.—(a) The present scale of salaries for these men is fixed at Rs. 50 to Rs. 100. As a general rule in practice the starting salary of these men is Rs. 45 and rations only.

It is requested that their scale of salary be fixed at Rs. 60 to Rs. 120, according to their abilities, apart from suggestions made in paragraph 2, page 5.

It is also requested that if an artizan is promoted to Headworkman he may be given the minimum pay of the next grade.

All grades to reach their maximum by annual increments.

(b) MENIAL STAFF.—As the present rate of salaries of all menials such as pointmen, points jemadars, porter jemadars, hammermen, bellowsmen, fitter coolies, holders, chowkidars, chaprassies (Indian), Permanant Way jemadars, sweepers, khalassies (Engineering and Marine), storemen, etc., is very low, it is therefore requested that special consideration be given towards increasing their rate of salaries by 50 per cent.

(c) INCREMENTS.—Immediate increments as suggested in case of subordinates may also be applied in the case of artizans and menials.

2. ABSENTEES.—At present if a man is absent from duty for one day, he loses pay for two days, which requires consideration.

3. WORKSHOP APPRENTICES.—Children of employees to be taken as apprentices and to be started on Rs. 20 and rations, and to reach to the minimum of the Assistant Artizan's grade within 5 years and be allowed to enjoy all the privileges of an Assistant Artizan from the date of their employment.

4. ACCIDENTS.—In case of accidents while on duty, such as loss of a limb which may render them unable for further service, some substantial compensation, in the shape of pension be given for the maintenance of the injured workman for his lifetime, and in the case of his death, pension to his family.

5. PERMISSION FOR BRINGING OUT FAMILIES FROM INDIA.—Permission for bringing out families from India may be granted without any restriction, and also free return passages for families be granted.

6. RATIONS.—That extra rations be given to all the family men on a payment of Rs. 5.

7. LEAVE OF ABSENCE.—*Privilege.*—All artizans and menials be granted 3 months' privilege leave on full pay and free passages after 33 months' continuous service, inclusive of voyage days. Such leave to be accumulated up to 6 months.

Casual.—Ten days casual leave to the artizans on full pay be considered.

Sick.—Artizans, not on subordinate grade, be given 30 days' sick leave on full pay in a year.

8. PASSES.—Free passes may be granted twice a year, and separate accommodation in trains be provided for males and females apart from Africans.

9. LANDIES.—Permanent landies erected at present are inadequate, the rooms being very small. Family men may be given two rooms each and single men one room. Single men landies to be built separately. All the landies to be built at a reasonable distance from their works. Native landies to be located away from the Asiatics.

Married men quarters to have back compounds with necessary outhouses.

10. WORKING HOURS.—Working hours to be 8 instead of 9 as at present.

11. OVERTIME.—Overtime to be calculated as $1\frac{1}{2}$ hours for every one hour worked.

12. TRAVELLING ALLOWANCE.—When working out of headquarters, the usual travelling allowance be allowed.

13. POLL TAX.—To be borne by the railway.

14. UGANDA ALLOWANCE.—Artizans transferred to work in Uganda be given an allowance of Rs. 15 per mensem.

15. UNIFORMS, ETC.—Shed fitters, etc., to be supplied with uniforms and soap while on duty.

16. RATIONS.—That the quality of rations supplied be improved. The present rations are not fit for consumption. This improvement was promised by the Honourable the General Manager—*vide* his No. C. 21/16/99, dated the 14th January, 1915.

17. ACTING ALLOWANCE.—If an artizan is required to carry out the work of a man in a higher grade an acting allowance be granted.

18. HOLIDAYS.—That the number of holidays be increased to 5 for each sect, and that Hindu and Mahomedan holidays to be classed as general holidays as in the past.

19. TEMPLES.—Sufficient land be set aside to erect religious edifices for all Indian communities in the vicinity of new landies.

Having now detailed all the difficulties we are labouring under at present and suggested means towards the improvement of existing conditions, we beg to request, most respectfully, that you will please give this our report your kind and favourable consideration.

It is needless to add that an amelioration of the conditions at present obtaining will help us not only to tide over the present situation but will also infuse in us greater zeal and assiduity in the fulfilment of our duties in all the different branches of the railway service.

We trust, therefore, that these our legitimate grievances will enlist your sympathies and that you will obtain for us our humble requests.

In conclusion, we, on behalf of the Asiatic staff of the Uganda Railway, beg to offer you our respectful thanks for the opportunity you have so kindly afforded us in asking us to report on all the various conditions of service.

Assuring you of our genuine loyalty and zealous devotion to duty,

We beg to remain,

Sir,

Your obedient servants,

CHAIRMAN.

HON. SECRETARY.

NDI-NRB. {

MSA-VOI. {

KYU-NRO. {

NJO-KSM. {

XXXIV.—NON-EUROPEAN CLERICAL ASSOCIATION.

NON-EUROPEAN CIVIL SERVICE ASSOCIATION,
NAIROBI,
April 19th, 1918.

The Secretary,
Civil Service Commission,
Nairobi.

CIVIL SERVICE COMMISSION.

CIRCULAR DATED 5th MARCH, 1918.

SIR,

We, the members of the Central Committee of the Non-European Civil Service Association of the East Africa Protectorate, beg to enclose herewith memoranda dealing with matters to which the Association desires to draw the attention of the Civil Service Commission, with the earnest hope that due consideration will be given to the points raised therein.

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2. The most important questions are the revision of salaries, house allowances and pensions, which are very inadequate at present. It is not at all an exaggeration to say that most of the clerks are indebted to the local commercial firms for years and have not been able to satisfy their creditors with the poor salaries drawn by them. In the petition submitted as long ago as September, 1913, the same scale as is now suggested was then asked for. The proposed salaries were considered necessary some five years ago, when expenses were not higher than at present, to make the service contented and efficient while the present state of affairs makes this scale of salaries more necessary now than ever.

3. In some quarters it has been stated that the salaries drawn by the Asiatic staff here are about 200 per cent. above those paid in India, but such a statement could only emanate from persons who are totally ignorant of the conditions prevailing in India. Besides the living, which is comparatively cheaper there than out here, the responsible posts held by Asiatics do not command in this country half the salaries drawn by such holders in India, and it should be remembered that the prospects in the Indian Civil Service are very bright, for the members of the subordinate staff, by dint of abilities and merits, have opportunities of rising to the superior establishment, while, however capable an Asiatic may be in this country, he is doomed to remain a clerk all his life-time in the service of this Protectorate. His ambition is therefore stifled, and consequently his efficiency impaired. It is therefore not justifiable to decry the Asiatics in the Civil Service when the remuneration paid to this branch of service is totally inadequate and the prospects not at all alluring. The bare necessities of life have risen over 100 per cent., and there is a daily tendency of the prices rising instead of decreasing, and even if the present European war is over before long, it will be ages if at all before pre-war conditions can be attained.

4. It will doubtless be realised that the Asiatic clerks have been connected with the Administration of this Protectorate from its very early stages and have willingly borne all the arduous trials consequent upon those pioneer times, and it is only fair that the questions pertaining to the Asiatic staff should receive the earnest consideration of the local authorities. Moreover, by employing the Asiatic staff the Government not only effected considerable economy when circumstances demanded that this Protectorate should be administered on economic lines, but created ambition in them and thus attracted them to these parts of the British Empire, and it is only just that proper remuneration not only should be paid to them, but their interests and welfare must also be adequately safeguarded.

5. Circumstances are fast changing in these days, and the conditions of things must necessarily change therewith, and the Asiatic staff, finding itself in a peculiar situation, have twice approached the Government within the last twelve months with the object of improving their service conditions in this country.

We therefore trust that substantial improvements will be introduced in the Asiatic Civil Service of this Protectorate and thus make this branch of the service contented and efficient.

We beg to remain, Sir,

Your obedient servants,

S. R. RODRIGUES, President.	A. J. SANTIAGO.
DUNI CHAND, Vice-President.	Q. STE. CRUZ.
LE W. MELLO	F. E. V. SOUSA.
VM. JIRTIN	J. P. VIRJEE.
Joint Secretaries.	W. A. PARREY.
	N. SOARES.
H. K. SHETH, Hon. Treasurer.	H. SIRATYR.

MEMORANDA.

TO THE CIVIL SERVICE COMMISSION, EAST AFRICA PROTECTORATE.
FROM THE NON-EUROPEAN CIVIL SERVICE ASSOCIATION, EAST AFRICA
PROTECTORATE.

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REVISION OF SCALE OF SALARIES FOR NON-EUROPEAN CLERICAL STAFF.

The present salaries of the Non-European Staff, which were fixed some years ago, are now inadequate owing to the change of conditions and high cost of living brought on by various circumstances.

2. In the past the products of the country were cheaper; wages of domestic servants were less, steamer fares were lower, house rents cheaper, and other necessities of life were less costly than nowadays. The population has increased, civilisation is spreading its influence over the country, increased dues and taxes have come into force, social intercourses and pastimes and pleasures are necessary as a result of civilisation.

3. *Commercial Firms pay Better Salaries.*—Commercial firms have awakened to the necessity of paying better and adequate salaries to their staff, due to the change of conditions. Clerks in Government Offices have resigned and joined commercial firms. The cases of a few clerks are given which speak for themselves:—

(1) Mr. T. F. Pinto, 5th grade clerk in the Treasury, salary Rs. 80; now employed at Dustpan on Rs. 150 per mensem.

(2) Mr. V. D'Sa, 4th grade clerk in the Public Works Department, salary Rs. 90; now employed by Messrs. Boustead and Clarke on Rs. 175 per mensem.

(3) Mr. P. V. Bhatt, late clerk, Postal Department, salary at time of leaving Government service about Rs. 110 or Rs. 116 per mensem; since engaged by Messrs. Smith, Mackenzie and Co. on a salary of Rs. 200 per mensem.

(4) Mr. R. K. S. Iyer, late clerk, Postal Department, salary at time of leaving about Rs. 116; present salary over Rs. 200; employed by Messrs. Smith, Mackenzie and Co.

(5) Mr. M. G. Menon, late clerk, Postal Department, salary at time of leaving Rs. 120; now engaged by Mr. Garland, of E. A. Coastal Agency or E. A. Trading Company, on a starting salary of Rs. 220 per mensem.

(6) Mr. A. K. Patel, Rs. 75, temporary clerk, Treasury; now employed by Mr. H. White Wilson on Rs. 150 per mensem.

(7) Mr. H. J. Master, Rs. 120, temporary clerk, Audit Department, resigned to join the National Bank of South Africa on a salary of Rs. 180 per mensem.

(8) Mr. Facho, late clerk P.W.D., Rs. 65; now engaged by B. E. A. Fibre and Industrial Company on Rs. 150, with allowances.

(9) Mr. M. Roque, 3rd grade clerk (pensionable grade) in Resident Magistrate's Court, Nairobi; resigned to better his prospects.

4. *Difficulty Experienced in Recruiting Efficient Staff.*—The Government is experiencing difficulty in recruiting efficient staff, for men of experience and knowledge will not join the Government, as the salaries offered are not sufficiently remunerative and the prospects of promotion are not attractive.

5. Though mercantile firms pay better salaries, yet the remote hope of a pension induces a person to seek Government service. But in this Government only those clerks who are in receipt of a salary of £100 per annum and over are eligible for pension, which works out that under the present establishment 420 clerks out of 660 are not eligible for pension. In the Colony of Mauritius, not only ordinary clerks are given the privileges of pension, but even messengers, and such also is the case in the Indian Government service. It is, therefore, earnestly hoped that all clerks will be allowed pension privileges.

6. *High cost of living admitted and ameliorated by Indian Government.*—The fact that the high cost of living is admitted by the Government of India is evidenced by the increase granted in salaries of Sub-Assistant Surgeons serving in India:—

	Present pay.	Revised pay.
3rd grade Surgeon	Rs. 35	Rs. 60
2nd grade Surgeon	Rs. 50	Rs. 75
1st grade Surgeon	Rs. 70	Rs. 95
Senior 2nd grade	Rs. 90	Rs. 110
Senior 1st grade	Rs. 110	Rs. 125

7. *Promotions in the Staff.*—In the early days of the Protectorate the clerks were not graded, but it was left to the heads of departments to make recommendations for increase in salaries.

Introduction of Scale of Salaries in 1909.—The following scale of salaries was introduced on 1st April, 1909:—

- 1st grade over Rs. 200 per mensem. No fixed increments.
- 2nd grade Rs. 160 by Rs. 10 to Rs. 200 per mensem.
- 3rd grade Rs. 125 by Rs. 5 to Rs. 150 per mensem.
- 4th grade Rs. 80 by Rs. 5 to Rs. 120 per mensem.
- 5th grade Rs. 60 by Rs. 5 to Rs. 80 per mensem.
- 6th grade under Rs. 50 per mensem, increment at Rs. 5 per mensem.

Which was slightly amended since as follows:—

- 1st grade over Rs. 225. No fixed increments. Increase, Rs. 5.
- 2nd grade, Rs. 160 by Rs. 10 to Rs. 220. Increase, Rs. 20.
- 3rd grade, Rs. 125 by Rs. 7.50 to Rs. 155. Increase, Rs. 5.
- 4th grade, Rs. 90 by Rs. 6 to Rs. 120. Nil.
- 5th grade, Rs. 70 by Rs. 5 to Rs. 85. Increase, Rs. 5.
- 6th grade under Rs. 70. No fixed increments. Increase Rs. 20.

From the above it will be seen that the maximum of the 1st grade has never been fixed; but on reference to estimates it will be observed that in some cases the maximum has been fixed to Rs. 300 per mensem only (*vide* Treasury, Customs and Judicial schedules), whereas the Pensions and Gratuities Regulations provide a limit of over Rs. 400 per mensem. (See paragraphs 11 and 12.)

8. *Suggested Scale of Salaries.*—The following scale of salaries is suggested in the hope that it will conduce to better living, a contented mind and better efficiency in work. The suggested scale is in force in the Colony of Mauritius where living is correspondingly cheaper than here:—

Maximum pay of present scale.	Suggested Scale.	Increase on maximum pay.
1st Grade Clerks Rs.300 p.m.	Ra.310 by Rs.20 to Rs.400 p.m.	Rs.100
2nd " " Rs.220 p.m.	Ra.210 " Rs.15 " Rs.300 p.m.	Rs. 80
3rd " " Rs.155 p.m.	Ra.160 " Rs.10 " Rs.200 p.m.	Rs. 45
4th " " Rs.120 p.m.	Ra.100 " Rs. 7.50 " Rs.150 p.m.	Rs. 30

Probationary clerks to be engaged for a period not exceeding six months at Rs. 90 to Rs. 100 per mensem.

9. It may be mentioned that clerks of ability and approved merit can rise to higher positions in the service of the Government of India, whereas in this country no higher posts are open to clerical staff. It is therefore hoped that clerks of exceptional abilities and approved merit will be given a personal allowance of £40 per annum for meritorious and long service, and that in deserving cases their salaries be increased to Rs. 500 per mensem.

10. It may appear at first sight that the increase asked for in the maximum pay is great, but on closer examination it will be noticed that it takes a person between four and five years to reach the maximum of 1st grade; six years of the 2nd grade; four years of the 3rd, and between six and seven years of 4th grades. In other words a clerk of 4th grade will take 21 years to reach the 1st grade on the hypothesis that as he goes along he is absorbed in the next grade, but this is *not* the case. It takes now an average of 12 years to reach the 3rd grade and 15 years the 2nd grade.

11. The pensions and gratuities regulations for the subordinate staff—paragraph 3—approved by the Secretary of State in May, 1903, provide that no pension or gratuity shall be paid to any person in respect of any pay at a rate exceeding Rs. 400 a month. It, therefore, appears that the Secretary of State never contemplated to fix the maximum salary of a non-European official up to Rs. 400, but beyond it. Moreover these regulations were approved 15 years ago; the development of the Protectorate has attained greater dimensions, and incidentally the responsibilities of the holders of posts have increased in proportion. It will, therefore, be admitted that this requires revision.

12. The head clerk of the Treasury, the late Mr. Pestonjee, who retired on pension in 1907-08, was in receipt of a salary of Rs. 400 a month, 10 years ago.

13. The posts of Treasury Bookkeeper and Treasury Cashier were graded in 1904-5—14 years ago at Rs. 200 by Rs. 15 to Rs. 300 per mensem. The grading of the clerical staff was introduced some years ago.

14. In 1910-11 there were 19 1st grade clerks, as against 14 provided for in 1917-18, a decrease of five clerks. Out of 14 clerks seven belong to Customs and Judicial Departments, which are watertight departments, leaving seven for all other departments, or, in other words, for over 600 clerks to look forward to for promotion, 13 of these clerks have put in service ranging from 16 to 22 years. There are in all 660 clerks, out of whom 14 are in the 1st grade (2 per cent.), 72 in the 2nd grade (11 per cent.), 154 in the 3rd grade (23 per cent.), and 420 in the lower grades.

15. It is, therefore, earnestly prayed that the first grade posts may be increased year by year, so as to make the service more attractive.

16. It is hoped that the suggested scale of salaries, referred to in paragraph 8, will receive the sympathetic and earnest consideration of the Commission, and that an

immediate increase of 30 per cent. in the present salaries of all grades will be granted to tide over the difficulties which are acutely felt by one and all.

AGE LIMIT 50 YEARS AND PENSION PERIOD 30 YEARS.

The present rules provide that a man should serve 40 years or retire at the age of 60 years. The recent Indian statistics have proved that the average life of an Asiatic is much less than that in temperate climate. It is, therefore, considered that the present rules governing pensions require some modification. Experience has shown that the few officials who relied on pension have not lived to enjoy their well-earned pension for more than a few years, and some not even months.

2. In India the period of service for pension purposes is 30 years, and the age limit for retirement is fixed at 55 years. Considering the disadvantages and especially the risk which the officials are subjected to on account of service in the tropics and of the unhealthy reputations of the majority of the stations in this Protectorate, the request to reduce the age limit to 50 years, and to reckon 30 years for pension purposes, it is hoped will not be considered unreasonable.

VALUE OF QUARTERS TO COUNT FOR PENSION PURPOSES.

It is a general rule in the Colonial Service, and is provided under the Superannuation Act, that value of free quarters should be counted for pension purposes; in these circumstances it would not be considered preposterous if the privilege is claimed for the non-European Civil Service. Secondly, it was always understood, at least by those clerks who joined prior to 1911, when the present terms of service for permanent clerical staff were published, that they would not be debarred from this privilege. This view was taken by the Uganda Government, and the following rule is applicable in that Protectorate:—

“ Clerks serving at 24th April, 1911, in the 1st, 2nd and 3rd grades will be allowed to count the value of their free quarters as pensionable even on promotion.”

(*Vide* footnote to Rule 15 of “ Terms of Service for Members of the non-European Clerical Staff of the East Africa and Uganda Protectorate,” dated September, 1912).

2. It is a distinct hardship for the older members of the East Africa Protectorate staff to be debarred from enjoying this privilege which his brother officers in the sister Protectorate are entitled to. It will be admitted that there are men in the East Africa Protectorate service from 1895 and have put in over 16 years more than those in Uganda yet they are debarred from enjoying the privilege. It is suggested that, if this concession cannot be given to the whole staff, it may be made applicable to those who joined the Government service at 24th April, 1911, as in the case of Uganda. It may be mentioned that the amount involved is insignificant.

CLIMATIC ALLOWANCE 25 PER CENT.

On the score of unhealthy climate it is urged that a climatic allowance of not less than 25 per cent. be added towards the period of active service for computation of pension, as it has proved physically impossible to work for the full period of 40 years in the case of the non-European staff.

2. That the climate of Africa is not superior or equal to that of India is shown by the fact that Europeans serving in India in Government service are allowed the same pension privileges as the natives of that place (India). Though this does not mean that the Indian climate is equal to that of Europe yet it will be conceded that that (Indian) climate is by far the better than that of East Africa where 50 per cent. climatic allowance is allowed in the case of Europeans. It is therefore earnestly urged that a climatic allowance of at least 25 per cent. be added towards the period of active service for computation of pension which works out 4 years of active service as 5.

3. That the African climate equally tells on the constitution of the Asiatic is apparent from the column, “ Retiring age ” shown on the pension schedule attached to the estimates. Though the allowance asked for would not add materially to the emoluments of the pensioner, yet looking to all the circumstances under which he is obliged to sever his connection with the Government, it will be admitted that every penny thus added counts as the activities of the pensioner are reduced to a minimum.

4. The following example illustrates the case in point:—A, completes, say, 16 years' service—salary £200 on retirement. Climatic allowance at 25 per cent. would give

him another 4 years. That the additional amount involved is not great is shown by the following table:—

$$16 \text{ years:—} \frac{16}{60} \times 200 = \text{£}53 \text{ 6s. 8d. per annum.}$$

$$20 \text{ years:—} \frac{20}{60} \times 200 = \text{£}66 \text{ 13s. 4d. per annum.}$$

a difference of £13 6s. 8d. or Rs.200 per annum or about Rs.16 per mensem.

5. It will be seen that the amount claimed under this concession (25 per cent.) is negligible and the concession, if granted, will be appreciated.

GRATUITY.

1. If the privilege of granting pensionable status to every clerk is not approved, it is prayed that the principle of reckoning gratuity for the non-pensionable staff be at the rate of half month's salary for each completed year of service, after completion of 10 years' continuous service, instead of £1 or one week's pay, whichever is greater, for each completed year of service. There is no doubt that this rule requires revision, in view of the fact that under the existing regulations a clerk who is removed from his office for reasons of inefficiency, reorganisation, etc., may be recommended for a gratuity after seven years' service, while on the other hand a clerk who has faithfully and efficiently discharged his duties and is obliged to retire on the grounds of ill-health is debarred from earning a gratuity before he has completed *not less than fifteen years*.

2. It should be observed that the only attraction in the Government service is the remote possibility of earning and securing an old age pension, while the salaries offered in the Civil Service are substantially lower than those prevailing in the commercial firms. As the circumstances have greatly altered since these regulations were brought into force, it is sincerely hoped that this question may receive favourable consideration.

3. A man working for Government for 20 years and attaining the maximum of 4th grade, Rs. 120 (non-pensionable grade), is entitled under present regulations to a bonus of only Rs. 440. Whereas had he been working in the railway he would get half month's salary for 20 years, i.e., 10 months' pay=Rs. 1,200 plus bonus averaging 80 per cent. per annum on the amount deposited. This bonus is calculated half-yearly and added to the person's deposit and earns compound interest.

BONUS TO DISTRESSED DEPENDENTS OF DECEASED CLERKS.

1. Several cases of real hardship have taken place recently where clerks after having served for a period of over ten years suddenly died leaving their dependents in a precarious position. It is urged that if no pensionable rights can be accorded to the widow and dependents, provision for such cases might with advantage be made by granting a bonus of one year's salary to the destitute widows and dependents of clerks who die prematurely and who at the time of death were entitled either to pension or gratuity.

2. The establishment of Widows' and Orphans' Fund is suggested for very favourable consideration.

3. In this respect the privileges granted under Uganda Railway Provident Fund are better, for if a person happens to die after a period of 15 years' service his widow or his children get half month's pay for every year of service put in, whereas the families of Protectorate clerks do not get absolutely anything, and their condition may be better imagined than described.

4. A few names of clerks who died in such circumstances are appended in support of the above statement:—

Name.	Designation.	Department.	Period of Service.
A. C. Castellino	Head Clerk	Treasury	20 years' service in addition to 4 years with Imperial British East Africa Company.
I. P. Correa	3rd Grade Clerk	Post Office	17 years' service.
S. L. Thakur	Do.	Do.	11 " "
L. M. Kapani	2nd Grade	Customs	18 years. "
R. M. Talati	3rd Grade	Judicial	20 years.

HOUSE ALLOWANCE.

1. The question of housing is very important to the well-being of the staff, as on proper housing hinges the health on which in turn depends the efficiency which is so necessary in the performance of the duties of an office.

2. In the early days of the Protectorate the rate of house allowance ranged from Rs. 15 to Rs. 50, when very cheap houses were available at the coast, and no great difficulty was experienced on this score. Moreover, clerks were supplied with furniture by the Government in those days.

3. Prior to December, 1906, there was no fixed scale of house allowance. The rate depended on the head of a department as to what he considered a reasonable figure. As an arbitrary amount fixed by each department presumably caused discontent, the Commissioner's Office issued the accompanying circular (Appendix "A"), dated 10th December, 1906, laying down the scale of house allowances to officers of various ranks. It should be observed that at the time the circular was issued the headquarters of most of the departments then in existence were at Mombasa, the natural inference is that the rate fixed was influenced by the conditions then prevailing at the coast, where cheap houses were obtainable at the time.

4. As the activities of the various departments were extended the number of clerical staff increased, and the Government found difficulty in providing houses for the subordinate staff and tried to solve the question for the moment by issuing the attached circular dated 1st April, 1909 (Appendix "B"), in which it was laid down that provision should be made for the payment of inclusive salaries. This ruling was in effect a suppression of the question of allowance in lieu of quarters as the clerks were engaged at the customary rates ranging from Rs. 60 to Rs. 75. The grades which were introduced did not allow a margin for house allowance considering the very low salaries offered. Therefore the principle of inclusive salaries was not adhered to; it was merely a stop-gap.

5. On the 29th December, 1909, another circular was issued, a copy of which is annexed hereto (Appendix "C"), which further qualified the scale of house allowance laid down by fixing it for Non-European staff as follows:—

1st Grade Clerks	Rs. 30 per month.
Other Clerks	Rs. 20 per month.

This ruling did not improve the question of house allowance, but in actual practice it had just the contrary effect, as the posts of 1st grade clerks were being gradually done away with and the posts of head clerks were being filled up by clerks of 2nd and 3rd grades who, under the circular of December 10th, 1906, would be entitled to Rs. 30, would under the new scheme be only entitled to Rs. 20 per mensem.

6. The Non-European clerks underwent further hardships when on 9th December, 1911, the Government issued yet another circular, copy enclosed (Appendix "D") curtailing the privileges of house allowances. A clerk transferred to Mombasa from up-country station or *vice versa* was debarred from any claim either for free Government quarters or an allowance in lieu thereof. This was a distinct grievance. If it is found necessary in the interests of the Government service to transfer a clerk to Mombasa or up-country station, there does not appear to be any justifiable reason as to why he should be made to suffer. As an illustration, a clerk is engaged in 1898 and is stationed at the coast till 1914, is then transferred to Nairobi. According to the Regulations quoted above he is not entitled to Government quarters or an allowance in lieu thereof, while his colleague engaged in 1907 and transferred from Mombasa to Nairobi in 1908 gets either an allowance or free quarters. It is evident that the clerk who is senior in service and happens to be transferred in 1914 is penalised for no fault of his own.

The ruling, therefore, is not fair to the subordinate staff from the point of equity.

7. With the rapid developments of the towns like Mombasa and Nairobi and the consequent increase in population, the rents in these towns have shown a marked increase. From the extract attached (Appendix "E"), from the daily issue of the *African Standard*, of 19th of February, 1918, it will be observed that rents have risen over 100 per cent. in Mombasa.

8. The situation in Nairobi is also very acute as the rents charged are exorbitant and are much higher than the allowances granted by Government to those clerks who are entitled to them.

9. The principle of free housing has already been admitted, but due to the present situation cannot be given effect to, it would therefore be a great relief if house allowances are given to all clerks who are not entitled to quarters pending the erection of houses for the whole of the clerical staff.

10. The present arrangements, whereby some get house allowances or free quarters or others get neither, is far from satisfactory and has created much discontent amongst the staff.

Ref. Sec. 190
Code of Reg.
E.A.P.

Ref. Sec. 192
Code of Reg.
E.A.P.

11. Taking into consideration that the existing scale of allowances was fixed for the Non-European staff some 12 years ago, the increased rates of rents at present charged by the landlords which fall far short of the allowances granted by Government, and to enable the clerks to live in a comfortable and decent house without overcrowding, it is suggested that the allowance in lieu of quarters be increased as follows:—

1st and 2nd Grade Clerks	Rs. 50 per mensem.
Other Clerks	Rs. 40 per mensem.

Appendix "A."

Circular.

COMMISSIONER'S OFFICE,
MOMBASA,

December 10th, 1906.

SIR,

His Excellency has decided that all officers who are entitled to free quarters under the terms of their appointment, and for whom no such quarters are available, may, in future, on the production of vouchers, be granted a refund of house rent or lodging expenses up to the following amounts:—

Gazetted Officers	Rs. 75 per month.
European Clerks	" 45 " "
Non-European Head Clerks	" 30 " "
Other Clerks	" 20 " "

You should communicate the contents of this circular to all the officers in your Province.

I have the honour to be,

Sir,

Your obedient servant,
(Sd.) F. J. JACKSON,
Deputy Commissioner.

Assistant Deputy Commissioner,
Nairobi.

Appendix "B."

M.P. No. 708/09.

Circular.

GOVERNOR'S OFFICE,

NAIROBI,

April 1st, 1909.

SIR,

I am directed to inform you that payments of allowance in lieu of quarters should in future only be held to apply, in the case of officers of non-gazetted rank, to appointments made before April 1st, 1909.

In the case of appointments of this nature made at a later date, provision should be made for the payment of inclusive salaries the acceptance of which will debar any claim for additional allowance in lieu of quarters.

By order,

(Sd.) W. J. MONSON,
Secretary.

The Provincial Commissioner,
Nairobi.

Appendix "C."

M.P. No. 2,530/09.

Circular.

THE SECRETARIAT,

NAIROBI,

December 29th, 1909.

SIR,

With reference to my Circular of December 10th, 1906, on the subject of house allowance in lieu of quarters, I have the honour to request you to eliminate the words

" Non-European Head Clerks, Rs. 30 per month.

" Other Clerks, Rs. 20 per month."

and to substitute the following therefor:—

" Clerks of the 1st grade, i.e., those drawing over Rs. 200 per month, Rs. 30 per month.

" Other Clerks, Rs. 20 per month."

In the cases, however, of clerks whose claims to Rs. 30 have already been acknowledged they will be allowed to continue to draw house allowance at the rate.

I have the honour to be,

Sir,

Your obedient servant,
(Sd.) F. J. JACKSON,
Lieutenant-Governor.

Provincial Commissioner,
Nairobi.

[201489]

26A

M.P. No. 1005/10.
Circular No. 126.

APPENDIX "D."

THE SECRETARIAT,
NAIROBI,
December 9th, 1911.

FREE QUARTERS OR ALLOWANCES IN LIEU THEREOF FOR THE NON-EUROPEAN STAFF STATIONED AT MOMBASA AND OTHER COAST STATIONS.

1. In order to dispel certain misapprehensions which appear to exist at present the members of your non-European clerical staff should be informed as follows:—

2. At Mombasa, neither free quarters nor allowance in lieu thereof are given to any of the non-European clerical staff, while at other Coast stations, with a few exceptions, for which special reasons exist, free quarters or allowances are not granted as a general rule.

3. Clerks stationed at up country stations, who already enjoy the privileges of free quarters or allowances in lieu thereof, must understand that on transfer to Mombasa or other Coast stations, they will lose their privileges.

By order,
(Sd.) W. J. MONSON,
Secretary.

APPENDIX "E."

EXTRACT FROM "DAILY AFRICAN STANDARD," DATED 19-2-18.

The rise in rents in Mombasa is attracting considerable attention. In several instances rooms formerly costing twenty rupees rent a month have now risen fifty rupees a month, while bungalows which used to be rupees 75 a month are commanding rentals of rupees 150 a month.

LEAVE REGULATIONS.

LEAVE.—The present leave rules operate rather harshly on the Asiatic staff. That the climate of East Africa tells on the constitution of the Asiatics is supported by the statistics attached hereto which are extracted from the Medical Report for the year 1915.

Percentage of sick to average number resident:—

	1913.	1914.	1915.
European officials	1.64	1.72	2.22
Indian officials	4.54	3.61	2.73

Percentage of deaths to average number resident:—

	1913.	1914.	1915.
European officials	1.02	0.37	0.38
Indian officials	0.57	0.63	0.58

2. The frequent extensions applied for on medical grounds by the staff are typical examples that the leave at present allowed is not only insufficient for recuperation, but that longer residence in this enervating climate is detrimental to their general health. The Principal Sanitation Officer, who has about 20 years' experience in this country, stated in his evidence before the Land Commission:—

"Change is one of the secrets of health; experience has shown that monotony in this country is by no means a negligible factor in the lack of achievement."

It is therefore obvious that one of the requisites for the maintenance of health, especially in unhealthy climates, is a change to one's home and congenial surroundings, and the earlier the change is allowed it will undoubtedly tend to quicker recuperation of health and thus in the long run it will be a gain rather than a loss to the Government in view of the health, experience and efficiency that will accrue to the service as a whole.

Moreover it is not too much to say that the work entrusted to the majority of this branch of the service is undoubtedly monotonous, which also plays an important part in the health of the staff. While the Superior Establishment have opportunities in course of their duties such as tours, etc., of getting away from their desk, the Asiatic staff have practically none and the case of the latter therefore demand that the present leave regulations be altered and ameliorated.

In the Uganda Railway service the Eurasian and Asiatics with European names are allowed the privilege of five days' return leave for every completed month of active

service when posted to a healthy station and six days when posted to an unhealthy one; it will therefore be admitted that such privilege should equally be extended to the whole Asiatic staff of the Protectorate service considering the climatic conditions of this country, where work is being carried on by this branch of the service under the same climatic influences as the European staff.

LEAVE ALLOWANCES.—During the period an Asiatic officer is on privilege leave he is, according to present regulations, entitled to half his average salary, which is distinctly unsatisfactory.

The rate of living in India nowadays compares favourably with that obtained in Africa; in some instances prices of certain things are higher than here, and in order to fully recoup himself from the strenuous effects of this enervating climate one is obliged to spend much more than he usually does in this country.

It is a general practice under the Colonial Service to grant full pay on leave, especially in unhealthy colonies. This privilege does not entail any extra expenditure, as provision is always made in the Estimates for full salaries and therefore no extra funds will be needed.

It is understood that the concession of full pay during leave necessarily precludes the grant of acting allowances, except in cases where funds are available owing to an official being on leave on reduced or no pay, or a post being vacant from any cause. This will, at first sight, appear to bear somewhat hard on the acting official, but he must set against the loss of acting allowance the benefit which he will derive himself when he proceeds on leave. The privilege of full pay while on leave is granted to the Uganda railway staff, irrespective of nationalities, including even artisans getting Rs. 55 and above. Full pay is also allowed to clerks in mercantile firms and the National Bank of India. Even carriers in the Military Labour Bureau are granted full pay. It will, therefore, be anomalous not to admit this principle in the case of the non-European staff.

At present the fact must not be lost sight of that an official has to bear the passage expenses of his family, which only amounts to much more than his leave allowance of half pay. When one goes to enjoy his privilege leave and to recoup his health the expenses must naturally be heavier than usual, and many in such circumstances are at their wits' end how to provide for their bare living expenses. It happens therefore that most of the married clerks are compelled by sheer necessity due to want of funds to leave their wives and children at home to the detriment of their health.

In view of the facts briefly stated herein it would be inequitable to the Asiatic staff in the Protectorate service not to grant full pay while on privilege leave.

SICK LEAVE.—Having regard to the changes suggested under Privilege leave, it is urged that the Sick Leave be granted on full pay in accordance with the provisions of Section 120 and 121 of the Code of Regulations.

LOCAL SICK LEAVE.—Only 45 days are allowed at present, but this should be increased to 90 days, as the present period of 45 days is inadequate, especially in cases of small-pox, enteric or such other epidemics. It will be observed on reference to the Secretariat Circular of 12th November, 1909, that the period of 45 days' sick leave is applicable even to Africans; it is only fair that the period of the Asiatics, who are not natives of this country, should be increased.

LOCAL PRIVILEGE LEAVE.—In outlying stations due to long distances from any railway stations or a seaport, it is considered a hardship that local leave should be reckoned from the date one leaves such a station. It is suggested that a reasonable period in such cases may be allowed for the journey both ways.

It is also suggested that 14 days' leave annually with free family ticket be granted without producing medical certificate. Similar privilege is enjoyed by the railway staff.

The expense in this connection to the Government will be practically very little, if any.

In the case of persons serving at Mombasa and other unhealthy stations the privilege is essentially necessary. For as already pointed out, it is not always possible for a clerk, mainly due to financial reasons, to take his long privilege leave when the same falls due. In such circumstances an annual relaxation for change will be welcomed as a real boon.

PRIVILEGE LEAVE IN THE COUNTRY.—It is submitted that a clerk entitled to privilege leave not wishing to go out of the Protectorate may be permitted to spend such leave in the country (on full pay); this was formerly allowed.

PRIVILEGE LEAVE OUT OF THE COUNTRY.—In the case of a member of the non-European staff desiring to spend his leave elsewhere than in India he may be advanced cash in lieu of his passage to which he may be entitled and he may be asked to account for the same on his return. This is allowed in the case of Europeans.

PASSAGE ON SICK LEAVE BY SEA.—According to the existing rules an official proceeding on sick leave, before the completion of 33 months' service, is allowed half passage. It is claimed that this is a distinct hardship. Cases that have occurred are those of clerks who have suffered in health due to long service in the Protectorate in unhealthy climate; owing to their recent return from leave and other circumstances affecting their sickness they can hardly afford to pay for their passage. It is a principle universally admitted that better comforts are always afforded to sick persons. It is therefore earnestly requested that full passages be allowed and it is hoped that this concession will receive due consideration.

FURLOUGH.—The Indian Civil Service Regulations make provision for furlough and the time has arrived when provision for such a contingency may be made in this country.

Furlough in India may be granted as follows :—

(a) After 10 years' service, one year or any less period and thereafter at intervals of not less than eight years, one year or such other period as together with all periods already spent on furlough may not exceed two years; or

(b) After 18 years' service, two years or any less period as together with all periods already spent may not exceed two years.

Provided :—

(i) That the service for furlough of an officer who has had leave on private affairs counts only from the date of his last return from such leave.

(ii) That the aggregate amount of furlough, or of furlough and leave on private affairs taken together, shall not exceed two years.

(iii) That an interval of not less than 18 months has elapsed between last return from privilege leave of over 6 weeks duration, whether taken by itself or in combination with leave on medical certificate, and the furlough, or private leave, if any, with which the furlough is combined.

Leave on medical certificate counts as service for furlough.

LEAVE ON PRIVATE AFFAIRS.—Leave on private affairs for six months may be granted to an officer who has not had furlough after six years' service, and repeated after intervals of six years.

LEAVE ALLOWANCES FOR FURLOUGH OR LEAVE ON PRIVATE AFFAIRS.—An officer on furlough or on leave on private affairs is entitled to half his average salary.

All the above have been extracted from the Indian Civil Service Regulations and it is hoped that these questions will receive the necessary consideration.

FAMILY PASSAGES.—It has already been pointed out under the subject of leave pay how difficult it is for an official with wife and children to make both ends meet. It is a recognised principle that leave is granted for the express purpose of recuperation, but having to provide for the passages of his family, one lands in India practically penniless and as a drowning man as a last hope catches at a straw, so does the official to safeguard his health and maintain his family, and the prestige of a Government servant falls in the clutches of a money-lender which brings upon the borrower and his family untold misery. It is therefore urged that passages for wives and children be granted to and from India.

MISCELLANEOUS.

FREE ISSUE OF GOVERNMENT FURNITURE TO NON-EUROPEAN STAFF.—Under the present regulations, when a member of the staff proceeds on privilege leave he finds great difficulty in making arrangements for the storage of his personal effects, such as furniture and other personal belongings, when the house is allotted to somebody else during his absence.

It is therefore suggested that a store room be built for this purpose and the Secretary of the Housing Committee be placed in charge of it.

The Government does not at present supply furniture to the non-European staff, though free issue of furniture to this staff was made some years ago, but the privilege was withdrawn for no apparent reasons.

It is urged that the following furniture be supplied on the usual conditions to the Non-European staff who occupy government quarters :—

- 1 bed with mattress and mosquito net (double or single as the case may be).
- 1 washhand stand with basin (complete).
- 1 filter.
- 1 chest of drawers.
- 1 dining table.
- 4 dining room chairs.
- 2 arm-chairs.
- 1 lounge chair.
- 1 set bedroom crockery.
- 1 commode.

LEAVE PAY, ETC.—Should a member of the staff happen to die after having earned his leave, either whilst on duty or on privilege leave, the leave pay and other allowances earned by him should be paid to his widow or the next of his kith or kin.

DETENTION IN INDIA DUE TO IRREGULAR SAILINGS OF STEAMERS.—It is prayed that full pay be granted to those who are forced to overstay their leave owing to the irregularity of steamers sailing from Bombay or other ports of embarkation and that a detention allowance of Rs. 5 per day be given for awaiting steamers at Mombasa, Bombay or other ports of embarkation.

ADVANCE ON SALARIES.—It is urged that the agents in India be authorised to make advances on salaries to employees returning from leave of absence not exceeding two months pay.

MEDICAL ATTENDANCE.—It is requested that:—

(a) Separate wards be provided for the staff and their families at the principal stations.

(b) Medical attendance in cases of maternity, operations and dental surgery for the staff and their families be free of charge and that qualified nurses be attached to the hospital to attend maternity cases.

(c) Separate segregation wards be provided for the staff with qualified medical attendance.

MEDICAL TREATMENT AT MOMBASA HOSPITAL.—The fullest enquiry by the Government on this most important grievance is respectfully invited. The Government insists on treatment being given in hospitals in serious cases, but regret to say that no adequate supervision and necessary diet exists. Regard should be paid to the social position of the patient and the habits of patients should be respected.

The contrast between the hospital arrangements for Non-Europeans at the hospitals in the East Africa Protectorate to those of other countries is striking. One cannot expect comforts even if one is prepared to pay for them. The hospital arrangements should be such as to encourage the sick to look upon the hospital as a place of rest and comfort. A nurse is essential for a sick man while a cook at a hospital is as indispensable as a doctor, and suitable food is as necessary as medicine.

EDUCATION.—The lack of educational facilities for children in this country is keenly felt. The subject is one of pressing importance and its solution cannot be any longer delayed. It is unnecessary to lay too much stress on this question for reasons that will no doubt be obvious to the Local Government. It is the earnest hope of the staff that some means will be found at an early date to alleviate the conditions now obtaining. A husband is forced at present to forego the society of his wife so as to educate his children in India and is obliged therefore to maintain two establishments, which constitutes a heavy drain on his pocket.

FAMILY REMITTANCES.—It is desirable that arrangements be made with the agents in India for sending family remittances.

HOLIDAYS.—It is suggested that Goan members of the staff be allowed holidays on the Portuguese National Day and on the 3rd December, the feast of St. Francis Xavier, Patron Saint of Goa.

TRAVELLING ALLOWANCES.—The rate of reckoning travelling allowance at the rate of 25 cents for every 25 rupees or less drawn by the Asiatic staff is not at all reasonable in view of the enhanced rates of living. In the early days of Protectorate this branch of the service was allowed the sum of Rs. 3 per diem. It is suggested that the rate of Rs. 3 be allowed to all clerks irrespective of grades. It will be observed that the duties entrusted to the Asiatic staff do not permit of extended travelling tours.

TRANSPORT PRIVILEGES BY ROAD.—(1) It is found extremely difficult for an official to carry his necessary belongings with the limited number of porters at present allowed. It is therefore requested that the number be increased.

(2) A larger tent than is at present supplied be provided for the clerical staff as the one this class of service is now entitled to is inadequate.

(3) The following addition to the existing camp equipment is suggested:—

- 1 Porter's tent.
- 1 Bucket.
- 1 Lantern.

Those who have undertaken safaris know the amount of inconvenience and hardship the want of these articles cause them.

TRAVELLING PRIVILEGES BY RAIL.—(1) Second class railway privileges which were approved in 1915 may be enforced as soon as possible.

(2) The rates of luggage allowances by rail be increased to 800 lbs. and 560 lbs. instead of 560 lbs. and 300 lbs., which do not meet the requirements of the staff.

(3) Luggage to the extent of 120 lbs. be allowed when travelling on casual leave.

INCIDENTAL EXPENSES.—It is suggested that the incidental expenses be allowed to all clerks while travelling on privilege leave at the following rates:—

Married Clerks	...	...	...	Rs. 75 each way.
Unmarried Clerks	...	...	...	Rs. 50 each way.

TRANSPORT LOCAL.—The present rate of allowing a clerk the sum of one rupee for transport is totally inadequate. It is suggested that the rate may be increased and the following rates be adopted :—

Married Clerks	... ..	Rs. 5 each way.
Unmarried Clerks	... ..	Rs. 3 each way.

Formerly the rate of trolley hire from Mombasa to Kilindini was cents 25, now it is cents 75, and when one goes on board he generally takes his luggage with him on a trolley. Nowadays almost all the steamers arrive in and depart from the Kilindini Harbour and as a rule public trolleys are generally unobtainable. Motors are resorted to, which are comparatively more expensive. The cost of portorage has gone up considerably and Hamalis are only obtainable at prohibitive rates.

ALLOWANCES TO CLERKS AT OUTSTATIONS.—Clerks posted in very remote stations be treated in the same way as Northern Frontier District and Turkana District for the purpose of granting local allowances.

ALLOWANCES TO ADMINISTRATIVE CLERKS.—It is suggested that duty allowances may be granted to District Clerks who perform the duties of other Departments such as Post Office, Police, Prisons &c.

FREE PLOT OF LAND.—As a mark of recognition for good services rendered, it is suggested that a Clerk when he retires from the service may be granted a plot of land of about 5 acres in extent.

ACQUISITION OF LAND.—The principle of allowing Government servants to hold interest in landed property is not only reasonable but would appear to be sound and an economic measure.

It is obviously in the interest of the country to have a permanent settler and preferably one who has served the Government.

TEMPORARY SERVICE FOLLOWED BY PERMANENT TO BE COUNTED FOR PENSION.

The present ruling is that temporary service counts for purposes of leave and seniority but not for pension purposes.

There are a few clerks who, having been made permanent and pensionable, have lost the period of this temporary service under the above ruling in force.

It is urged that temporary service followed by permanent be counted for computation of pension. This concession if granted will be appreciated.

GENERAL GRIEVANCES OF ARABS AND BALUCHI.

1. Leave regulations in cases of Arabs and Baluchis should be similar to those of Asiatics.

2. In all the Provinces of the East Africa Protectorate there are men holding responsible positions in various Government Departments, men who have served the Government diligently and faithfully for a considerable number of years, but who, I regret to say are at the present moment in receipt of salaries ranging from Rs. 30 to Rs. 50 per month. In this respect reference is made below to certain Departments in the Protectorate where the services of an educated Arab or Baluchi are indispensable and it is time that their claim should be considered. Any person at this time executing the work of a clerk, his name should be reported to the Secretariat, the date of his engagement and his grade so that he should be listed in the General list of Clerks.

3. The employment of an Arab or Baluchi is essential for the following Departments and Provinces :—

(a) All offices in the Provinces of Jubaland and Tanaland and Registration of Documents where Arabic is positively indispensable.

(b) All District Commissioners' offices where they want hut and poll tax collectors.

(c) Judicial Departments and all the District Commissioners' Courts for interpretations.

(d) A good number of Arabs and Baluchis working as :—

Sub-Postmasters and signallers, Assistant Custom masters, Assistant goods clerks and even as Assistant accounts clerks.

OFFICE BOYS, ETC.

Strictly speaking, the clerical staff are not concerned with the destinies of Office Boys and menials attached to the various Government Offices, but we desire to bring up their case, as owing to our continual intercourse with them, we are in a position to verify that their sufferings, by reason of the meagre emoluments, without the addition of house or house allowance or rations calls for the most sympathetic consideration.

Although within the last 15 years the salaries of the menial staff have been greatly improved, yet their emoluments have not increased in proportion to the rise of the cost of living.

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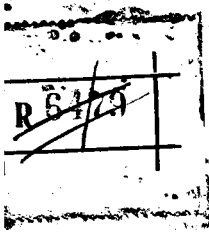
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COLONY AND PROTECTORATE OF KENYA.

LEGISLATIVE COUNCIL.

(Special Committee.)

Payment of Local Allowance to Civil Servants.

INTERIM REPORT.

NAIROBI.

PRINTED BY THE GOVT. PRINTER,
1922

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YOUR EXCELLENCY,

The Special Committee of the Legislative Council, appointed:—

- (i) To consider and report what action should be taken in respect of payment of local allowance in accordance with the Secretary of State's instructions.
- (ii) To consider and report on the emoluments of Non-Europeans appointed to the staff in the future,

have the honour to submit their report on the first of the terms of reference.

2. The constitution of the Committee was as follows:—

THE HON. THE TREASURER (*Chairman*).

THE HON. THE COLONIAL SECRETARY.

THE HON. THE ATTORNEY GENERAL.

THE HON. T. A. WOOD, M.B.E.

THE HON. CONWAY HARVEY.

THE HON. CAPTAIN H. F. WARD.

3. The Committee began its sittings on January the 18th when a general discussion took place and it was decided that an interim report on the first item contained in the terms of reference should be submitted as Your Excellency had requested that consideration of the question of reduction in local allowance should be expedited.

4. The Committee found themselves confronted by a difficulty in interpreting the terms of reference, but as certain members who had been present in Legislative Council when discussion on the point took place were of opinion that the intention was that the Committee should go into the whole question of local allowances, it was decided that they would be justified in putting up any recommendations on the subject.

5. The Secretary of State's decision was that the local allowance was to be reduced by one half as from the 1st April 1922, and the Committee considered that their first duty was to endeavour to ascertain whether this arbitrary cut would impose undue hardship on any civil servants or classes of civil servants.

6. The Committee interviewed the Secretaries and the Presidents of the European Civil Servants' Association and of the European Railway Staff Association and obtained their views; they also invited various Heads of Departments and other members of the Civil Service to appear before them and their views were also obtained.

7. Both Associations were of opinion that a flat rate proportionate cut of 50% of the allowance would in fact impose undue hardship on the lower paid members of the service, and favoured a sliding scale cut, and the Secretary of the European Civil Servants' Association presented and read a resolution which had been passed at a Mass Meeting of Civil Servants held in the Theatre Royal, Nairobi, on Monday the 30th January 1922, a copy of which is enclosed.

8. Copies of statements of monthly expenditure furnished by officials were submitted and discussed by the Committee.

9. The Committee after going fully into the matter came to the conclusion that no Civil Servant could complain at having his local allowance reduced in proportion as the cost of living had fallen to his total emoluments, and their next business therefore was to see whether a figure could be arrived at showing the actual drop in the cost of living.

10. Index figures had been kept in the Treasury with a view to fixing the percentage drop in the cost of living. These were produced by Mr. Pink of the Revenue Section and fully discussed with him, but from the data supplied the Committee were unable to arrive at any definite figure.

The keeping of index figures, always a difficult matter, is especially the case in this Colony at the present time. The effect of the adjustment of local prices to the new currency arrangements is greatly obscured by other factors which have to be taken into account. These include such matters as the recently imposed Income Tax, increased Import Duties, and Railway freights, and forced sales of imported goods due to the depression in trade. The permanent effect of these influences cannot yet be assessed. From the evidence produced it became evident that *some* fall in the cost of living had occurred since August 1920, but the Committee are quite unable to suggest even an approximate figure which could be applied to the existing local allowance.

11. The Committee next endeavoured to fix figures representing as nearly as possible the minimum cost of living. The "minimum cost of living" theory, however, would not enter into the argument, were figures obtainable as to the actual drop in the cost of living, because it must be assumed that if a Civil Servant was prepared to serve for a certain sum two years ago, he should also be prepared to serve for a proportionately reduced sum now. If such reduced figure is below the "minimum cost of living" mark now it follows that the original emoluments were also below the then "minimum" mark and that the officers concerned were able to supplement their emoluments by other means. The propriety of such a state of affairs is, of course, open to argument, but it does not come within the scope of the Committee's terms of reference.

12. After taking evidence on the subject and considering the matter very carefully the Committee formed the opinion that no reliable figure could be suggested which could be applied to the staff generally. Every case would require to be considered on its merits, due regard being had to the place of domicile of the officer, the number, age, and sex of children, other family commitments and the social and official position of the different members of the staff. Taking the most junior officers in the service it was thought that a salary of Fls. 200 p.m. for a bachelor and Fls. 312/50 p.m. for a married man with no children would possibly represent the lowest salary on which they could at the present time exist in the larger towns where the bulk of them are situated, and where living is more expensive than at outstations.

13. Having thus failed to determine either an index figure indicating the fall in the cost of living or a minimum cost of living figure which could be applied to the staff generally, the Committee came to the conclusion that other means must be found of disposing of the question of local allowance.

In putting up recommendations on these lines the Committee wish it to be clearly understood that they are only doing so because of the impossibility for the reasons already stated of arriving at any percentage reduction in the local allowance which could be applied generally throughout the service. These recommendations are therefore purely temporary and for the 9 months ending 31st December 1922 only. Further they should be regarded as liable to adjustment at any time when proper index figures can be adopted.

They involve the departure from two principles to which the Committee attach considerable importance. These are that in any permanent adjustment of salaries no differentiation should be made between married men and bachelors and that the relative value of the different posts throughout the service should not usually be disturbed by the application of a sliding scale of reduction of emoluments.

14. Of various schemes discussed, the one attached, which the Committee decided to recommend to Your Excellency, appears to be, from all points of view, the one that best meets the present situation. Its effect briefly is to re-distribute among the staff the total amount available for local allowances by a system which affords special relief to the lower paid civil servants, at the expense of the higher paid ones and to the married men at the expense of bachelors. Such re-distribution only becomes possible because of the large number of vacancies throughout the departments which Government does not propose to fill at present. Local allowance at the rate of 25% having been provided in the estimates for these vacant posts, considerable savings on their account would otherwise accrue to Government. In appropriating these savings, or the greater part of them, for the purpose of providing relief for the lower paid posts the Committee wish to make it clear that the funds provided for the substantive pay of the vacant posts have not been touched. In the case of Departments other than the Uganda Railway the amount of savings appropriated as indicated above, *i.e.* the total of the local allowance suggested which exceed 25% of the substantive pay is £15,891. The balance of unappropriated savings in local allowance is £3,622. That is to say of a total provided on the estimates for local allowance of £132,983, £129,361 will be required under the Committee's recommendations. Whereas £113,470 only would be required if the uniform rate of 25% were to be applied to the posts which are actually being filled.

The figures are arrived at as follows:—

(a) Amount of local allowance required for the Committee's scheme, without deductions for leave	£150,921
<i>less</i> 1/7th for officers on leave	21,560
	<u>£129,361</u>
(b) Amount of local allowance, without deductions for leave, which would have been required had the uniform rate of 25% been applied to the Committee's schedule	£132,382
<i>less</i> 1/7th for officers on leave	18,912
	<u>£113,470</u>
(c) Amount of local allowance budgetted for with deduction for officers on leave	£132,988
(d) Savings appropriated, from amount of local allowance budgetted for, to meet Committee's recommendations	£15,891
(e) Balance of savings	£3,622

In the case of the Uganda Railway the figures are as follows:—

(a) Amount of local allowance required for the Committee's scheme, without deductions for leave	£36,861
<i>less</i> 1/7th for officers on leave	5,266
	<u>£31,595</u>
(b) Amount of local allowance, without deductions for leave, which would have been required had the uniform rate of 25% been applied to the Committee's schedule	£31,238
<i>less</i> 1/7th for officers on leave	4,463
	<u>£26,775</u>
(c) Amount of local allowance budgetted for with deduction for officers on leave	£29,845
(d) Total savings, on local allowance budgetted for, i.e. the difference between (b) and (c) appropriated to assist in meeting the Committee's recommendations	£3,070
(e) Amount required over and above (d)	£1,750

The combined figures thus show a net saving on the estimates of £1,872 under the Committee's proposals as against gross savings of £18,961 which would accrue if the flat cut of 50% of the allowance were insisted on, the full amount of potential savings which are appropriated being £17,089.

15. The figures arrived at, as given in paragraph 12 are the points at which the Sliding Scale commences in the two Schedules. Taking the schedule for unmarried officers, a graduated drop of 20% has been made between salaries of £200 and £300 p.a. between £300 and £400 p.a. an extra 5%, £400 p.a. and over shew an allowance of 25% on salary. Referring to the schedule for married officers, it will be observed that the cut recommended is not so heavy in their case. The following illustration makes the point clear. The allowance given to a married officer on £400 p.a. is 40% and that to an unmarried officer 25%, their monthly emoluments being Fls. 466/66 and Fls. 416/66 respectively. It cannot be considered that under the present circumstances the unmarried officers will be treated harshly.

The clean cut of half the allowance starts with married officers drawing £700 p.a. against £400 p.a. on the schedule for unmarried officers. The Committee, although unable to arrive at a cost of living figure, are convinced that no reduction above 25% is justified.

The last columns give the actual number of florins per mensem, and shew a gradual increase in the number of florins per mensem in accordance with the various rates of substantive salary.

16. The Attorney General, while admitting as a purely temporary measure the principle of a sliding scale of local allowance in excess of 25% for the lower posts, considers that the minimum of 25% should commence lower in the scale.

17. The Committee are also of opinion that the present scale for travelling allowance should be revised at an early date to come into line with the reduction in the local allowance.

H. PICKWOOD,
Chairman.

23rd March, 1922.

(ENCLOSURE).

EUROPEAN (B.E.A.) CIVIL SERVANTS' ASSOCIATION.

COPY OF RESOLUTION PASSED BY A GENERAL MEETING OF CIVIL SERVANTS IN THE
THEATRE ROYAL ON MONDAY, JANUARY 30TH, 1922.

"That this meeting records its opinion that whilst the Service as a whole recognises that some reduction in the local allowance is inevitable, it nevertheless considers that a clean cut of half the allowance on lower grade salaries would inflict great hardships, particularly upon married officers; it therefore urges upon Government the necessity of so adjusting the incidence of the reduction that this hardship shall be minimised and suggests for the consideration of the Special Committee of Council:

(a) That every possible avenue of reducing expenditure under other heads than salaries of European officials be fully explored before any reduction in the allowance is made.

(b) that the Asiatic Civil Service be called upon to bear a proportion of the sacrifice involved.

(c) that to whatever extent it be ultimately found necessary to reduce the local allowance such reduction be by the method of a sliding scale, special provision being made for married officers particularly those with children."

The resolution was carried by 105 votes to 9.

C. E. MORTIMER,
Hon. General Secretary.

DEPARTMENTS OTHER THAN THE UGANDA RAILWAY.

SUMMARY.

	£	s.	d.
Allowance for Single Officers for one year ...	57,587	4	0
Allowance for Married Officers for one year ...	73,037	7	0
	<u>130,624</u>	<u>11</u>	<u>0</u>
Period for which allowance must be calculated <i>i.e.</i> from April to December, 1922 three-quarters of £130,624-11-0			
	97,968	8	3
Allowance @ 50% on £423,621 from January 1st to March 31st, 1922	52,952	12	6
	<u>150,921</u>	<u>0</u>	<u>9</u>
Estimated saving from Officers on Home leave ...	21,560	2	11
	<u>129,360</u>	<u>17</u>	<u>10</u>
Local allowance provided for in 1922 Estimates ...	132,983	0	0
	<u>£ 8,622</u>	<u>2</u>	<u>2</u>

UNMARRIED OFFICERS.

No. of Officers on each.	Substantive salary.	Percentage of allow.	Total substantive salary.	Cost of proposed allowance.			Rate of Fls. per mensem on proposed scale.	
				£	s.	d.	Fls.	cts.
1	£ 60	50	£ 60	£ 30	0	0	75	00
1	100	"	100	50	0	0	125	00
2	130	"	260	130	0	0	162	50
1	146	"	146	73	0	0	182	50
2	150	"	300	150	0	0	187	50
1	160	"	160	80	0	0	200	00
1	170	"	170	85	0	0	212	50
1	180	"	180	90	0	0	225	00
3	190	"	570	285	0	0	237	50
17	200	"	3,400	1,700	0	0	250	00
11	215	47	2,365	1,111	11	0	263	37
14	225	45	3,150	1,417	10	0	271	87
12	230	44	2,760	1,214	8	0	276	00
5	245	41	1,225	502	5	0	287	87
34	250	40	8,500	3,400	0	0	291	66
5	260	38	1,300	494	0	0	299	00
16	265	37	4,240	1,568	16	0	302	54
1	275	35	275	96	5	0	309	37
48	280	34	13,440	4,569	12	0	312	66
1	290	32	290	92	16	0	319	00
7	295	31	2,065	640	3	0	322	04
19	300	30	5,700	1,710	0	0	325	00
15	310	29	4,650				333	25
44	315	"	13,860	5,744	18	0	338	62
4	325	"	1,300				349	37
29	330	28	9,570				352	00
1	340	"	340	3,257	16	0	362	75
5	345	"	1,725				368	00
3	360	27	1,080				381	00
8	365	"	2,920	1,080	0	0	386	29
1	375	26	375				393	75
9	380	"	3,420	986	14	0	399	00
1	400	25	400	100	0	0	416	66
22	420	"	9,240	2,310	0	0	437	50
34	440	"	14,960	3,740	0	0	458	33
8	450	"	3,600	900	0	0	468	75
13	460	"	5,980	1,495	0	0	479	17
5	480	"	2,400	600	0	0	500	00
23	500	"	11,500	2,875	0	0	520	83
4	520	"	2,080	520	0	0	541	67
6	525	"	3,150	787	10	0	546	87
22	550	"	12,100	3,025	0	0	572	92
2	575	"	1,150	287	10	0	598	50
11	600	"	6,600	1,650	0	0	625	00
7	625	"	4,375	1,093	15	0	651	04
19	650	"	12,350	3,087	10	0	677	08
3	675	"	2,025	506	5	0	703	12
3	700	"	2,100	525	0	0	729	17
1	725	"	725	181	5	0	755	20
1	750	"	750	187	10	0	781	25
5	800	"	4,000	1,000	0	0	833	33
1	825	"	825	206	5	0	859	37
2	900	"	1,800	450	0	0	937	50
6	1,000	"	6,000	1,500	0	0	1,041	67
521	—	—	—	£57,587	4	0	—	—

MARRIED OFFICERS.

No. of Officers on each incremental step.	Substantive salary.	Percentage of allow.	Total substantive salary.	Cost of proposed allowance.		Rate of Fls. per mensem on proposed scale.	
	£		£	£	s.	d.	Fls. cts.
2	200	50	400	200	0	0	250 00
2	215	"	430	215	0	0	268 75
4	250	"	1,000	500	0	0	312 50
11	265	48	2,915	1,399	4	0	326 83
13	280	47	3,640	1,710	16	0	343 00
1	285	46	285	131	2	0	346 75
1	290	"	290	133	8	0	352 83
3	295	45	885	398	5	0	356 45
11	300	"	3,300	1,485	0	0	362 50
10	310	44	3,100	1,364	0	0	372 00
12	315	"	3,780	1,663	4	0	378 00
5	325	"	1,625	715	0	0	390 00
16	330	43	5,280	2,270	8	0	393 25
5	340	"	1,700	731	0	0	405 16
4	345	"	1,380	593	8	0	411 12
7	350	42	2,450	1,029	0	0	414 16
3	355	"	1,065	447	6	0	420 10
5	360	"	1,800	756	0	0	426 00
9	365	"	3,285	1,379	14	0	431 91
3	370	"	1,110				434 75
1	375	41	375				440 62
3	380	"	1,140	1,234	2	0	446 50
1	385	"	385				452 37
1	390	"	390				455 00
1	395	"	395	1,914	0	0	460 83
10	400	"	4,000				466 66
6	410	39	2,460				474 91
15	420	"	6,300	3,416	8	0	486 50
29	440	38	12,760	4,848	16	0	506 00
4	450	37	1,800				513 75
8	460	"	3,680	2,027	12	0	525 16
14	480	36	6,720	2,419	4	0	544 00
21	500	35	10,500	3,675	0	0	562 50
2	520	34	1,040				580 75
14	525	"	7,350	2,852	12	0	586 25
10	550	32	5,500	1,760	0	0	605 00
1	570	31	570	176	14	0	622 25
5	575	"	2,875	891	5	0	627 71
26	600	30	15,600	4,680	0	0	650 00
9	625	29	5,625	1,631	5	0	671 87
1	640	28	640	179	4	0	682 66
16	650	27	10,400	2,808	0	0	687 91
8	675	26	5,400	1,404	0	0	708 75
28	700	25	19,600	4,900	0	0	729 16
4	725	"	2,900	725	0	0	755 20
8	750	"	6,000	1,500	0	0	781 25
1	775	"	775	193	15	0	807 28
8	800	"	6,400	1,600	0	0	833 33
3	825	"	2,475	618	15	0	859 37
1	840	"	840	210	0	0	875 00
3	850	"	2,550	637	10	0	885 41
4	900	"	3,600	900	0	0	937 50
3	950	"	2,850	712	10	0	989 58
9	1,000	"	9,000	2,250	0	0	1,041 66
9	1,200	"	10,800	2,700	0	0	1,250 00
1	1,400	"	1,400	350	0	0	1,458 33
2	1,500	"	3,000	750	0	0	1,562 50
1	1,800	"	1,800	450	0	0	1,875 00
2	2,000	"	2,000	500	0	0	2,083 33
1	4,000	"	4,000	1,000	0	0	4,166 66
420	—	—	—	£73,037	7	0	—

UGANDA RAILWAY.

SUMMARY.

	£	s.	d.
Allowance for Single Officers for one year ...	11,752	2	0
" " Married " " " 	24,131	11	0
	<u>35,883</u>	<u>13</u>	<u>0</u>
Period for which allowance must be calculated i.e., from April to December, 1922 three-quarters of £35,883-13-0	26,912	14	9
Allowance @ 50% from January 1st, to March 31st	9,948	6	8
	<u>36,861</u>	<u>1</u>	<u>5</u>
<u>Less</u> saving of allowance due to leave 1/7th ...	5,265	17	4
	<u>31,595</u>	<u>4</u>	<u>1</u>
Local allowance provided for in 1922 Estimates ...	29,845	0	0
Amount in excess of Estimates £	<u>1,750</u>	<u>4</u>	<u>1</u>

UNMARRIED OFFICERS—UGANDA RAILWAY.

Substantive Salary.	No. of Officers on each incremental Scale.	Percentage of Allowance.	Total Substantive Salary.	Cost of Proposed Allowance.			Rate of Fls. p.m. on proposed Scale.
£			£	£	s.	d.	Fls. Cts.
70	3	50	210	105	0	0	87 50
80	2	50	160	80	0	0	100 00
90	3	50	270	135	0	0	112 50
100	1	50	100	50	0	0	125 00
130	2	50	260	130	0	0	162 50
150	10	50	1,500	750	0	0	187 50
160	5	50	800	400	0	0	200 00
170	2	50	340	170	0	0	212 50
180	1	50	180	90	0	0	225 00
190	3	50	570	285	0	0	237 50
200	5	50	1,000	500	0	0	250 00
210	1	48	210	100	16	0	259 00
215	2	47	430	202	2	0	263 38
220	11	46	2,420	1,113	4	0	267 66
230	1	44	230	101	4	0	276 00
245	1	41	245	100	18	0	288 25
250	8	40	2,000	800	0	0	291 66
265	6	37	1,590	588	6	0	302 54
280	8	34	2,240	761	12	0	302 25
295	7	31	2,065	640	3	0	322 04
300	3	30	900	270	0	0	325 00
310	1	29	310	89	18	0	333 25
315	3	29	945	274	1	0	338 62
330	3	28	990	277	4	0	352 00
340	1	28	340	95	4	0	362 66
345	2	28	690	193	4	0	368 00
355	1	27	355	95	17	0	375 70
360	1	27	360	97	4	0	381 00
375	2	26	750	195	0	0	393 75
390	1	25	390	97	10	0	406 25
400	2	25	800	200	0	0	416 66
420	2	25	840	210	0	0	437 50
440	11	25	4,840	1,210	0	0	458 33
525	2	25	1,050	262	10	0	546 88
550	1	25	550	137	10	0	572 92
575	3	25	1,725	431	5	0	598 92
600	1	25	600	150	0	0	625 00
700	1	25	700	175	0	0	729 17
750	1	25	750	187	10	0	781 25
Total	124	...	£ 34,705	£11,752	2	0	...

MARRIED OFFICERS—UGANDA RAILWAY.

Substantive Salary.	No. of Officers on each Scale.	Percentage of Allowance.	Total Substantive Salary.	Cost of Proposed Allowance.	Rate of Fis. p.m. on proposed Scale.
£			£	£ a. d.	Ra. Cts.
150	1	50	150	75 0 0	187 50
160	1	50	160	80 0 0	200 00
190	1	50	190	95 0 0	237 50
200	1	50	200	100 0 0	250 00
210	5	50	1,050	525 0 0	262 50
220	3	50	660	330 0 0	275 00
230	1	50	230	115 0 0	287 50
240	3	50	720	360 0 0	300 00
250	15	50	3,750	1,875 0 0	312 50
265	4	48	1,060	508 16 0	326 83
280	1	47	280	131 12 0	343 00
295	1	45	295	132 15 0	356 46
300	20	45	6,000	2,700 0 0	362 50
315	7	44	2,205	970 4 0	378 00
325	1	44	325	143 0 0	390 00
330	4	43	1,320	567 12 0	393 25
340	2	43	680	292 8 0	405 16
355	2	42	710	298 4 0	420 08
360	5	42	1,800	756 0 0	426 00
385	2	41	770	315 14 0	452 38
390	1	40	390	156 0 0	455 00
400	24	40	9,600	3,840 0 0	466 66
440	8	38	3,520	1,337 12 0	506 00
450	1	37	450	166 10 0	513 75
460	3	37	1,380	510 12 0	525 16
480	2	36	960	345 12 0	544 00
500	4	35	2,000	700 0 0	562 50
525	4	34	2,100	714 0 0	586 25
550	7	32	3,850	1,232 0 0	605 00
575	1	31	575	178 5 0	627 70
600	2	30	1,200	360 0 0	650 00
625	1	29	625	181 5 0	671 88
650	2	27	1,300	351 0 0	687 92
700	1	25	700	175 0 0	729 16
725	2	25	1,450	362 10 0	755 21
750	2	25	1,500	375 0 0	781 25
800	5	25	4,000	1,000 0 0	833 33
900	1	25	900	225 0 0	937 50
1,000	1	25	1,000	250 0 0	1,041 66
1,100	2	25	2,200	550 0 0	1,141 83
1,200	1	25	1,200	300 0 0	1,250 00
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Total	156	...	£65,255	£24,131 11 0	...

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THE CASE OF INDIAN EMPLOYEES
ON THE
UGANDA RAILWAY
BY
SHAMS-UD-DEEN

X415:9(Y73P15).N2

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MARSEILLES,
Dated the 1st August 1924.

**The Right Honourable J. H. Thomas,
H. M.'s Principal Secretary of State
for the Colonies,
10, Downing Street, S. W.**

SIR,

In compliance with your wish to submit to you a written Memorandum representing the case of the Asian servants of the Uganda Railway, I herewith beg to enclose a memorandum, which I am sorry I could not despatch from London owing to the extremely short time left at my disposal.

I also herewith enclose a copy of the printed Memorial of the Uganda Railway employees, dated the 23rd January 1924. I presume that you are already in possession of this Memorial but I am sending a copy in case one has not been sent on to you. Should you require more copies, I think that you will obtain the same from Mr. Hy. S. L. Polak, the Secretary of the Overseas Indian Association, 265, Strand. The point under discussion begins from page 14 of the said Memorial.

The case of the Uganda Railway Asiatic employees is also embodied and fully set out in the Joint Memorial of the Asian Civil Service Association and the Railway Asiatic Union, dated the 28th June 1922.

There is one point which I wanted to mention at the interview but could not do so on account of the shortness of time and it is that the Waiting Rooms on the whole of the Uganda Railway are exclusively reserved for "Europeans only"

so much so that there is not even a shelter for the African or Indian passenger while waiting for trains, which very often means the whole night, as there are no daily trains. The Africans generally crawl underneath the various buildings erected on pillar, but the Indian passengers who cannot perform this feat are left to the mercy of inclement weather in the open for hours especially when they travel long distances to catch a train. This happens to even first class Indian passengers.

I should be obliged if you will kindly let me know the result of your decision in the matter because not only the Asian Railway employees but the whole Indian community is awaiting your decision as the final Court of Appeal as there is a very strong feeling abroad that there is much more deep in the move of treating Indians in this manner than appears on the surface which is being carried out under the guise of economy. In plain language, it simply amounts to this: the European officials and non-officials combined together say to the Indian, "you want equal rights with the Europeans! Before you get anything of the kind we will see that you are out of this country by employing all means and methods in our power, namely, by depriving you of all positions that you hold in the Government, Railway or outside, by introducing immigration laws and by applying pressure in every walk of life wherever it is possible."

It is rather a strange coincidence that all these economic moves and novel laws should have been commenced with a feverish heat just after the defeat of the Indian delegation to London last year—which defeat was brought about by threats of violence and insurrection by the White Settlers.

I also wish to ask if you have any objection to my publishing the Memorandum sent herewith and also the conversation that took place between ourselves at the interview on Monday last. The interview was certainly not of the confidential nature nor did I give any undertaking that the conversation would be kept private. I hope to send you the substance of what I think took place with the request that you will be pleased to confirm it should you find it correct.

My Indian address will be as follows :—

Shams-ud-Deen, Sadat Manzil,

Chohatta Mufti Bakir, Lahore.

Yours faithfully,

(Sd.) SHAMS-UD-DEEN.

NOT A KENYA QUESTION

A

MEMORANDUM.

Explaining the conditions of the Asian Civil Service in Kenya and especially the manners and methods which are being adopted on the Uganda Railway, the largest employer of Asiatics, not only to squeeze every British Indian out of the service, but to rob the old employees of large sums of money due to them, of rights and privileges, solemnly promised to them in the form of definite Rules and Regulations during the past 20 years.

The construction of the Uganda Government Railway was, not as a commercial proposition, but as a strategic move, commenced in the year 1895. Early History.

Prior to this, a private Company had undertaken the work but abandoned the work after having constructed three or four miles only of 2 feet gauge railway, owing to the impossibility of obtaining labour. Private Enterprise fails to construct railway for want of labour.

At this time the employment of any kind of local labour was merely an impossibility. The natives of Hinterland were in such a savage and wild condition that the very sight of any men from the civilized world was enough to make them run miles away, and there were quite a number of cases of persons being molested and murdered, when found alone by the natives. There was a limited number of natives in Mombasa, but even these had no great love for work, and it was not infrequent that steamers had to wait for weeks to divest themselves of the cargo intended for Mombasa. Impossibility of any form of native labour in 1895.

The country was infested with wild animals, mosquitoes, tsetse fly and jiggers and various kinds of diseases and epidemics were rampant in the country. Dangers of the wild animals and pestilence in the country.

[A jigger is an insect which is the cause of a special kind of plague, limited to East Africa. The insect penetrates the skin, mostly hands and feet, lays its eggs and forms a cavity with extraordinary rapidity and if not detected and extracted promptly leads in many cases to serious complications, as the result of blood poisoning. Even after the insect has been

extracted, very irritating pain is suffered by the patient for quite a few days and if not properly looked after by the use of antiseptics, the pain and ulcers last for months, and in some exaggerated cases amputation of the affected limb becomes necessary. In many instances, as many as 100 or more jiggers were discovered to have found their way to the human body within the course of a day. A very large number of Indian labourers suffered from this pest to such an extent that they had to be invalided to India.]

Sleeping sickness was common in many parts of Uganda and the bubonic plague has been definitely traced to have existed in East Africa for generations.

Why Indian labour and staff was imported.

It was under these conditions, that the Government decided to recruit labour and subordinate staff from India. The action of the Government was not actuated by any love for Indian labour, or by any idea of benevolence. They had already exhausted all other means of obtaining labour and I believe China was also tried, but no labourer could be had there for the then Dark Continent.

All labour and the subordinate staff were engaged on a three years' contract. Subordinate officials for employment by the Government in East Africa and Uganda were likewise brought out from India on a three years' contract.

Loss of Indian life by man-eaters and disease.

During the period of five years, 1895-1900, thousands of Indians lost their lives by the ravages of disease some scores being devoured by lions. Painful stories of the numerous victims of lions including Mr. Ryall, the Superintendent of Police, who went out shooting lions, but was dragged out of the first class railway carriage and torn to pieces by the lion he had gone to hunt, can be read in Colonel Patterson's "Man Eaters of Tsavo."

General strike and stoppage of constructional work.

There was a general strike of all working classes and subordinate officials employed on the railway, both Indians and Europeans, in 1900, owing to the misleading nature of contracts which the employees were made to sign in England or in India, under ignorance of the local conditions. The nature of free quarters promised in the agreements and the cost of living in the country not being disclosed in the said contract. After some weeks' complete stoppage of the entire work of railway construction, the Railway administration after intervention by Sir Arthur Hardinge, the then Commissioner of the Protectorate, granted quarter and provision allowance to the subordinate staff, and the work was resumed.

In 1903, the construction of the Uganda Railway having been completed, the line was thrown open to public traffic, and the services of the construction staff, both European and Indian, were terminated in accordance with the terms of their contract, and only such selected members of staff were retained for the maintenance and running of the open line, as were considered to be competent and necessary for the permanent establishment, their emoluments being charged to the Revenue of the Railway.

Retention of permanent staff on completion of construction of railway.

Not only were all temporary allowances granted during the construction stopped, but the salaries were considerably reduced in consideration of the employee being placed on the permanent establishment of the Railway. There were still at this period a limited number of men whose wages were charged to capital works; they were treated as temporary staff and continued to receive all the temporary allowances. This method distinguished the permanent staff from the temporary and it has been continued up to this date.

Distinction between the temporary and permanent staff.

During the year 1903, with the commencement of the permanent establishment, elaborate rules and regulations were introduced and enforced by which the salaries of the staff were graded and a scale of gradual increments (which were exceptionally slow in the case of Asians) were decided and the leave and passage rules were also published. There were two different sets of these regulations, one being applicable to European staff and the other to the Asian. These allowances and other privileges granted to the European staff were so different, liberal and disproportionate to those granted to the Asians that there can be no comparison between them.

Rules and Regulations and scale of salary of permanent staff introduced.

In the year 1909, during the regime of the late Mr. H. A. F. Currie, an exceptionally able Manager, the Uganda railway introduced the Provident Fund and the Gratuity Rules which were almost the exact reproduction of the similar rules in force on the Indian Government railways. This measure was intended to be the equivalent of Pensions granted to the staff in the service of the Government.

Provident fund and gratuity rules introduced in 1909 by Mr. H. A. F. Currie.

Upto 1922 there was a period of peace, contentment and the happiest of relations between the employer and the employees, were the features of the Uganda Railway service, with only the exception of the small unpleasant incident which occurred just before the commencement of the war, when the Indians employed in the Workshops of Nairobi struck work for about a week or so, owing to the extremely bad rations and quarters etc., which were given to them at this time. This, however, was amicably settled without much trouble.

Period of contentment.

Sir Alfred Lascelles sent out to investigate and recommends a War bonus.

During the war, as the cost of living increased, Sir Alfred Lascelles was appointed by the British Government to go to Kenya to enquire into the actual increase in the cost of living. On the recommendation of Sir Alfred Lascelles, a War bonus varying from £40 to £120 per annum in case of Europeans and £16 to £40 in the case of Asians was added to the salaries of the employees throughout the service.

Disparity of war bonus given to Europeans and Indians.

An unmarried European drawing £200 to £299 received £65 and a married European drawing the same salary received £120 per annum whereas an unmarried Indian drawing £240 and upwards received £16 and a married Indian drawing the same salary received £36 per annum. After the war, the war bonus was added to the permanent emolument and both the Europeans and Indian individual employees received the increase of pay in proportions mentioned above.

Fixation of Kenya currency and the European gets 50% temporary allowance in addition to War bonus.

In the year 1920, when the value of the Indian rupee, which was then the currency of Kenya, rose as high as two shillings and eight pence, the Kenya Colony fixed its currency at 2 sh. per rupee and an additional temporary allowance equivalent to 50 per cent. of the salaries was granted to Europeans. This was on the definite understanding that it was purely a temporary allowance and would be liable to reconsideration in the event of a fall in rupee prices and, that it would disappear eventually if and when the prices fell one third below the level which prevailed at the time.

Nothing to compensate Indian employees for adverse effect of exchange.

No such consideration was, however, extended to the Indian staff, although they suffered heavily at the time of fixation of the local currency.

25% temporary allowance taken away from Europeans on fall of prices.

In 1922 the price of the rupee having again dropped to $\frac{1}{4}$, the question of the 50 per cent. allowance given to Europeans was reconsidered, according to the original intention, and 25 per cent. i.e., half of the allowance (which amounted to one-sixth of the total paid) was taken away from the European employees.

European agitation for reduction of substantive salaries corresponding to reduction of European temporary allowance.

It was at this period that the agitation commenced in European quarters to the effect that half of the temporary allowance of Europeans having been taken away, a corresponding reduction should be made in the substantive salaries of the Asians, because the value of the rupee having dropped, they (the Indians) benefited by the favourable exchange, although as stated above, when the exchange affected Indians adversely, no consideration for any compensation was given to them, as in the case of Europeans.

By Order-in-Council of 1920 and 1921, the rupee was changed into florin (at Shs. 2 —per florin) and all liabilities in rupees were consequently converted into florins, *e.g.*, the Government taxes, fees, railway fares and other charges were changed into florins and the same applied to private individuals, *e.g.*, anyone liable to pay Rs. 150 had to pay Fl. 150. Individual debts and liabilities amounting to hundreds of thousands of rupees were converted into an equal number of florins.

Order-in-Council converting rupees into florins.

In the middle of 1922, the Local Economic and Finance Committee recommended by a majority that the salaries of all Asians should be reduced by one-sixth. This was intended to be done by a stroke of the pen, and the estimates of 1923 were prepared accordingly. The Secretary of State, however, seeing the gross injustice of the step, turned down the scheme.

Local Economic and Finance Committee recommends one-sixth cut of Indian salaries.

In the same year 1922, General Sir Edward Northey asked General Smuts to send a man from South Africa, to take charge of the Uganda Railway administration and to overhaul the whole system

General Smuts asked to send a manager from South Africa.

Mr. C. L. N. Felling was recommended by General Smuts and took over charge on the 1st January 1923.

Mr. Felling the South African Manager arrives.

Having come from South Africa, of course, he had no experience of having ever handled Indian labour and staff, and being completely indifferent to the condition and circumstances, under which the Indian staff had commenced service on the Uganda railway, he began with wholesale retrenchments of Asian clerical staff and artisans.

No experience of Indian labour. Complete disregard for past services under difficult conditions.

The plea of economy and also of replacing Asians by Africans were made the justifications for these retrenchments. This was apparently sound policy and no one could challenge it. Mr. Felling's action in getting rid of about 368 Indians out of a total number of 2088 was greatly applauded by the white settlers, among whom no doubt Mr. Felling has become very popular. Mr. Felling's economic move did not however permit the European staff being touched. They were on the contrary increased from 296 to 315.

Policy of economy not challenged, but not applied to European staff who increase in number.

It has been admitted that the Asian who after 20 or 30 years' service reached the top of his scale by extremely slow increments drew lesser salary than a European entering the service on the lowest scale. It has been admitted that the salaries and the numerous allowances paid to Europeans by the Colonial Secretary, and quoted in the session of the Legislative Council on 18th October 1921, that on the basis of the same duties and qualifications, a European in the first ten years cost the Government £4023 as against £2246 for the non-European.

European employee begins at a salary reached by Indian after 20 or 30 years.

Equally efficient Indian costs the Government half of what a European employee does.

Amount of gratuity.

According to the Provident Fund Gratuity Rules which were introduced on the Uganda Railway in 1909, an employee, after fifteen years' continuous and approved service, was entitled to a gratuity at the rate of half a month's salary for every year's service.

Provident Fund and Gratuity Rules borrowed *en bloc* from Indian Railways in 1909 but become obsolete for lack of revision.

These rules were borrowed *en bloc*, from the rules in force on Indian Government Railways, but since their introduction in 1909, they were never revised or brought up to date with Indian railways rules. In 1909 there was no provision as to the amount of gratuity that an employee would be entitled to, on being retrenched for reasons of economy, and although Indian railways have since revised their rules in this respect, no change has taken place in the Uganda Railway rules.

How Lord Inchcape's Committee treated retrenched staff on Indian railways.

The Indian railway staff in India, affected by the heavy retrenchments recommended by Lord Inchcape's committee have been treated in a very honourable and generous manner in the way of due consideration being given to the privileges which they would have earned, had their career not been interrupted for no fault of theirs, but for reasons of economy.

Mr. Felling ruthlessly retrenches Indian staff without giving them any compensation or gratuity.

The Uganda Railway administration, however, under the regime of Mr. Felling, ruthlessly retrenched Asians who had put in long service, but had not yet reached the fifteen years' limit, without paying them a single penny of proportionate gratuity, which these un-fortunate victims were led to believe they were earning every year.

Holding a pistol to their heads—accept reduced salary or go without any privilege.

This is not all. A further attempt is now being made, practically to wipe off the whole of the Indian Staff with long service, by holding a pistol in their faces in the form of reduction of salary corresponding to the reduction of European temporary allowance. *i.e.* one-sixth of the substantive salary. The employee must either accept the reduced salary or he must go without any gratuity unless, of course, he has already completed the fifteen years.

History of the system of 3 years' contract and their renewals.

Mr. Felling has found out an ingenious method to accomplish this end. In the commencement of this memorandum, it was stated that in the early history of the railway construction, the employees were made to enter into written contracts for three years. This was to insure a period of service in consideration of the expenses incurred by the railway in bringing an employee out from India or England as otherwise the railway in the absence of any security deposits being in their hands for the completion of the minimum period of service, could not be insured against an employee leaving the service directly after he landed in East Africa. These agreements have been, as a matter of course, renewed automatically after the completion of each term of three years.

The need for such contracts, in fact, ceased to exist in 1909 when according to the Provident Fund and Gratuity Rules, every employee contributed one-twelfth of his salary towards the Provident Fund, which the employee is liable to forfeit together with his gratuity if he left or deserted the service without at least completing three years' service in consideration of his passage money being paid by the railway.

Three year contract system continued unnecessarily after opening of the line and establishment of permanent staff.

But now a very undue, almost dishonest, advantage is being taken of this practice of renewal of three years' agreement, which is continued unnecessarily after the opening of the railway and after the staff being placed on the permanent establishment rolls.

Abuse of the 3 years' contract system.

It is on the strength of this practice of renewal of agreement that Mr. Thomas in reply to a question in the House of Commons, by Lieut. Col. Meyler on the 16th June 1924 described the circumstances of the 368 retrenched Indian staff as temporary engagement that had "expired" and also on the same day in reply to another question by Sir Robert Hamilton, Mr. Thomas stated that these 368 men were not permanent officials and further described the termination of their services as "non-renewal of temporary engagements." Almost all these men were on the permanent establishment roll of the railway, and were led to believe year after year since their very appointment, that they were as they really were on the permanent staff.

Staff described by Mr. Thomas as "Temporary" was on the permanent establishment roll of the railway.

It is on the strength of this wrongly and unnecessarily continued practice of renewal of agreement that after the expiration of each of the present agreement, the employee is being treated as newly appointed and is being given the option of either entering into a fresh agreement on reduced salary or of going without any privileges.

How the renewal of three years' contract is being construed as "new" appointments.

It amounts to a regular game of see-saw for these poor Indian employees in having been first allowed to climb the ladder by slow increments, then being pulled down suddenly by one jerk and being asked to climb up again. Could an employee have possibly any faith in the employer who behaved in this extraordinary fashion?

Game of see saw.

Even this is not all. Mr. Felling, the selection of General Smuts and the idol of white settlers who are so anxious to bring about South African State of affairs in every walk of life in Kenya, has a further scheme to crush the Indian staff completely out of existence. He intends to bring about a further economy by curtailing the rights and privileges of the Asian employees as regards the overseas leave and passages granted to them after three years or more,

Mr. Felling, a deputy of General Smuts and idol of white settlers, has another card up his sleeve.

Complete exclusion of Indian staff aimed at.

Duke of Devonshire's view on leave and passage rules.

The Duke of Devonshire in his despatch, Kenya No. 1619 dated 9th November 1922, turned down the proposed alteration in the leave and passage rules as he saw no reason for any differentiation between the similar rules applicable to the Asian staff in the Civil Service of the Colony and those of the Railway employee and consequently suggested a uniformity in the leave and passage rules for both branches of the service.

Difference between Asian staff in the Civil Service of the Government and the employee of the Uganda Railway.

The clerical staff of both the Civil Service and the Uganda Railway are of exactly the same standard of efficiency. No prescribed qualifications, educational or otherwise are required for entering the Civil Service and it is merely a matter of choice or opportunity that an Asian takes up employment in the railway or the Civil Service. The only material difference is that the employee in the Civil Service receives pension after long service and the railway employee gets the bonus from Provident Fund and the Gratuity. All other conditions of both branches of the service under one and the same Government are identical, but Mr. Felling finds the Railway Asian staff so inarticulate and unable to offer any resistance that he goes to the extent of reducing the prospects of the Asian service to such an extreme that it would be virtually impossible for anyone to continue service on the railway.

Mr. Felling finds his Asian staff the weakest and follows the line of least resistance.

Difference between rights and privileges of railway employees and the breach of faith by the railway.

The prospects of the Asian service on the Uganda Railway consist of two main considerations: one is the established and recognised right namely the salary earned and quarters etc.; the others are the privileges promised and embodied in the general rules and regulations as regards leave and passage and scale of increment. Any violation of the former naturally leads to litigation in a Court of Law, but the employee is completely in the hands of the Manager if he chooses to break faith in respect of the privileges which can never be claimed as rights. Any honourable Government or individual as a rule is concerned to avoid a breach of faith equally as he would a breach of contract. But with the present administration of the Uganda railway the former consideration does not count.

Previous attempts to take advantage of 3 years' contracts turned down by previous Colonial Secretaries.

As regards the three years' contract, there is a provision that the services can be terminated by one months' notice on either side. The Economic and Finance Committee upon which settlers' influence was predominant tried to take advantage of this provision and proposed to bring about the one-sixth cut in 1922, threatening the employee with a month's notice if he did not accept the reduced salary. The Secretary of State for Colonies, however, saw the unfairness of this step and turned it down. This is really the third attempt that is now being made, the only difference being that

instead of terminating the contract by a month's notice during its currency, it is being left till the three years have expired. By this means, there are some unlucky persons, whose contracts expire directly after the introduction of the one-sixth cut, whereas the others are lucky enough in being left unmolested for two or three years according to the date on which the last contract was entered into. Consequently, there are many junior subordinates who draw bigger salaries than their seniors, whose salary has been reduced immediately by reason of the expiration of their contracts before those of their juniors.

Anomaly of the new system of reduction of salaries by haphazard methods.

Mr. Felling in drawing up his report for the year 1922 has carefully embodied a number of comparative statements wherever they are favourable to his period of administration, but has carefully avoided a comparison between the number of accidents in 1923 and the previous years. There is another very important point on which his report is completely silent, viz., the "averted collisions" during the year 1923. There have been at least two public prosecutions against natives and Indian station masters who had been committed for their omission of duty resulting in very narrowly averted collisions, and it is understood that there have been also other narrow escapes of this description which have never been brought to light.

Mr. Felling's reports silent on danger to public safety as a result of his economic moves.

It is evident that Mr. Felling's eagerness for economy by precipitating the installation of inexperienced natives into positions of responsibility, affecting the safety of human life and property and his methods of engaging cheap and equally inexperienced Indian staff, may one day result in very heavy loss of life and these economies may have to be paid for very heavily.

Savings may have to be paid for by loss of human life.

The Indian in the employ of the Uganda Railway realises that he is a sucked orange and must inevitably make room for the native soil, but even a sucked orange is not thrown about indiscriminately. Any unwise haste in this direction and disregard of the established moral obligations are neither consonant with commercial prudence on the one hand or regard for honourable dealing on the other.

Indian employee a sucked orange.

The Indians have never raised objection to the training of Africans to fill positions at present held by them nor do they object, of course, to economies being effected in the working of the Railway. In point of fact, the Indian has materially and actively helped to train Africans in all workshops, and Indian contractors and builders in Kenya, employ African skilled labour in preference to Indians.

No objection to Indians being retrenched to make room for natives.

Indians have trained Natives and Indian employer himself employs Africans in preference to Indians.

Not altruistic regard
but law of economy.

This is not altruistic regard for the African Natives. It is the operation of normal economic influences.

What does the Indian
want ?

All the Indian asks is that the rights and privileges of the retrenched staff should be respected and any reductions of salaries that may be introduced should apply to new appointments and not to the old employees.

The Labour Govern-
ment denies to Indian
labour what the Conser-
vatives and liberals would
readily grant.

It appears to be the irony of fate that a Labour Government with the Colonial Secretary who has long experience of Railway life, having himself risen from the lowest rung of the ladder, should deny Indian Railway servants in Kenya what a Conservative Colonial Secretary, the Duke of Devonshire was willing to grant in the shape of Leave and Passage Rules.

Even the Liberal members of the Parliament, like Sir Robert Hamilton, fully realise the injustice of the case and he expressed his willingness to accompany me to Mr. Thomas at my interview with him to assist me in presenting the case.

Perpetual Colour Bar.
Indian British Subjects
have no chance of a rise
in Kenya.

The last and final touch of the tragedy lies in the fact while an Engine Cleaner can rise to the position of the Colonial Secretary in the British Empire, an Indian British subject, merely by reason of his nationality and colour is debarred from rising above the position of a clerk or an artisan in a Crown Colony as a result of the policy which now prevails in Kenya. No such colour bar exists in the adjoining British Colonies, such as Uganda, Tanganyika, Zanzibar and Gold Coast etc. In the French and Portuguese Colonies coloured subjects have risen to the highest positions.

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