

Notes on Kenya,

1877 & 1924.

Notes on Kenya.

Contents-

Pages.

Debate in House of Commons :-

March 3 1892, -----		1
March 4 1892, -----		163
June 13 1895, -----		13
July 2 1896, -----		29
July 27 1896, -----		32
August 6, 1901, -----	}	Native labour in ----- South Africa. -----
March 24, 1903, -----			38
May 23 1905, -----		45
July 17 1907, -----		45
July 22, 1907, -----		46
July 27, 1909 -----		48
July 20, 1911 -----		56

Debate in House of Lords :-

June 27, 1907, -----		184
----------------------	--	-----

Land, - Statement on extent of, etc., 1924 -----		75
--	--	----

Kenya Documents :-

Viceroy's Speech, January 30, 1920, -----		78
Milner Despatch, May 21, 1920, -----		81, 105
Govt. of India's Reply to above, October 21, 1920, -----		86
Report of Standing Joint Committee on Indian Affairs, -----		97
Govt. of India's Resolution, August 18, 1923 -----		102
Public Health - Extracts from the report of the P.M.O. for (1921-22) -----		111

Comments in Journals :-

Jury System from Seton-Karr's article, the Nineteenth Century Feb. 1912 --		127
Brig. Gen. Stone's Article in the Nineteenth Century, May 1923, -----		130
Correspondence in "Manchester Guardian", 1923 :-		
Dr. Leys, April 26, 1923, -----		140
May 8 1923, -----		142
Dr. Arthur, April 23, 1923, -----		144
McClellan, May 15, 1923, -----		146
T.A. Wood, May 19, 1923, -----		147
Ainsworth, May 21, 1923, -----		149
Leys, May 28, 1923, -----		151
Harris, April 26, 1923, -----		152
Indians in East Africa, Saturday Review Article, April 7, 1923 -----		153
Education of the Natives, Nairobi letter in the Times, March 29, 1924, -		156
Native Life in East Africa, by Dr. Karl Wenle, - Extracts from - -----		171
A. Davis in United Empire, May 1923, -----		175
Wigglesworth in United Empire, September 1923, -----		178
Tanganyika Territory, United Empire, July, 1923, -----		181
Gold Coast " February 1923, -----		193

Memorial etc., :-

Representation by the East Africa Indian National Congress, -----		187
Indians in Kenya, - Report by Leonard Woolf, 1924, -----		210
Native Affairs - Report by E.D. Morel, 1924, -----		216
Kenya Indian Decision of 1922 -- Examined --		
Mr. Polak's Letter to Colonial Secretary, Feb. 12, 1924, -----		216

Dates in Kenya History -----		255
	)	Aug. 5, 1920, , 285
Milner Despatch criticised by Indian Overseas Association,)		Oct. 14, 1920, 298
	)	Oct. 16, 1920, 264

Uganda : ----- Sir R. Coryndon's article in the United Empire, June 1920, -		160
---	--	-----

Motion made, and Question proposed,

"That a sum, not exceeding £20,000 be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1892, as a Grant in Aid of the Cost of Preliminary Surveys for a Railway from the Coast to Lake Victoria Nyanza."

(Under-Secy. of State of Foreign Affairs)

Mr. J.W. LOWTHER: As this Vote appears for the first time in the Estimates, I think the Committee will probably expect some explanations of the reasons which have led the Government to propose it. I can give them in a sentence, if I say that this Vote is submitted to the House in continuation and amplification of the policy which for many years past has actuated Her Majesty's Governments and the country in dealing with the suppression of the Slave Trade in East and in Central Africa. This is not a new policy; it is a policy that has been carried out by successive Governments during a long period of years; not spasmodically, but constantly. It has met with the general support not only of this House, but with the general support of the country. It is, I think I may fairly say, part of the traditional policy of this country. ~~ixixixix~~ So far as public efforts are concerned, Her Majesty's ships have held the sea on the East Coast of Africa for many years, and have been engaged in suppressing the sea-borne Slave Trade. The Public Purse has supplied funds, to a large extent, to keep these ships on the sea - to keep them coaled and efficient, and that at a time when we had no stations from Aden to Natal, no Protectorates on the East Coast of Africa, and no responsibilities. And whilst the public has not been slow to find means for suppressing the Slave Trade, private exertions have ably seconded public effort. The missionaries sent out by private persons, and especially by the Scotch people, have penetrated into Equatorial Africa charged with the duty of christianising these vast populations, and of exhorting them to put an end to this inhuman traffic. And I think we may fairly claim that our public and private efforts have been attended with a large measure of success. Some ~~twenty~~ twenty years ago the export of slaves from that sea coast was reckoned at about 20,000 per annum. That export or sea-borne trade in slaves has now almost ceased. At any rate, it has ~~diminished~~ diminished so as to be now a very small quantity. But whilst the export trade has ceased, it is notorious that the home trade still continues. We have scathed the snake, but we have not yet killed it. And I think I may ask permission of the Committee to explain what I mean by the export trade

and the home trade in slaves. What happens, as I understand, is this : that in order that goods should be brought to the coast from the central regions of Africa, the slaves are collected and raided, and are used as porters to bring down the goods. When they arrive at the coast the slaves are a marketable article. They can either be exported to the islands lying off the coast of Africa, to Arabia, or elsewhere; or if there is no demand for their export, they can be sold just as cattle or beasts of burden can be sold, or utilized for the return journey to Central Africa. This internal trade in slaves attracted the attention especially of the Government of the right hon. Gentleman opposite, the Member ^{for} ~~for~~ Midlothian, as early as May, 1885, and I find that on the 25th May, 1885, Lord Granville wrote a very interesting and important Despatch to Sir Edward Malet, in which he said:--

"I have to request your Excellency to state that the supposition that Her Majesty's Government have the intention of opposing the German schemes of colonisation in the neighbourhood of Zanzibar is absolutely correct. Her Majesty's Government, on the contrary, view with favour these schemes, the realisation of which will entail the civilisation of large tracts over which hitherto no European influence has been exercised; the cooperation of Germany with Great Britain in the work of the suppression of the slave trade; and the encouragement of the efforts of the Sultan both in the extinction of the Slave Trade and in the commercial development of his dominions. I should wish your Excellency, while speaking in this sense to the Chancellor, to inform him that a scheme has been started in this country under which, if it is realised, the efforts of German enterprise may be supported indirectly by British enterprise. You will explain that since prominent capitalists have originated a plan for a British settlement in the country between the coast and the lakes which are the sources of the White Nile, and for its connection ~~with~~ with the coast by a railway. In order to obtain fair security for ~~their~~ their outlay they propose to endeavour to procure concessions from the Sultan of a comprehensive character. Her Majesty's Govt. have the scheme under their consideration, but they would not support it unless they were fully satisfied that every precaution was taken to insure that it would in no way conflict with the interests of the territory that has been taken under a German protectorate, nor affect that part of the Sultan's dominions lying between that territory and the sea".

Now, Sir, that shows that as early as May, 1885, Lord Granville and the Government over which the right hon. Gentleman the Member for Midlothian (Glasgow) presided had taken this important matter into their careful consideration. They were aware that it was proposed by a number of gentlemen to develop that portion of Eastern Africa, especially by the method of making a railway which would run from the coast to the Victoria Nyanza, and the only condition apparently, judging from this Despatch, which Her Majesty's Government at that time attached to the proposal, was that the sphere of delimitation between the German Government and ourselves should be distinctly laid down. Now, Sir, I would ask permission of the Committee to make a brief review of the events that have occurred since that date. The agreement which Lord Granville had contemplated in 1885 became a fact in 1886. The German Government and our own Government arrived at an agreement as to the line of demarcation between their respective spheres of influence in East Africa, and the line was drawn from the mouth of the River Ubia, passing in a north-westerly direction along the northern slopes of the Mount Kilima Njaro, and finally striking Lake Victoria Nyanza at latitude 2 degrees south. In 1888 Her Majesty's present Government granted a Charter to the Imperial British East Africa Company, following the example which had been set two years before by the Government of the right hon. Gentleman opposite, who granted a Charter to the Niger Company for the development of the Niger district of Africa, and following, as to many of its clauses, the clauses of that Charter almost word by word. In the year 1890 the British Africa Company pushed into the interior and sent Captain Lugard on a mission to Uganda. In 1890, after he had arrived at Uganda, a further agreement was arrived at between Her Majesty's Government and the German Government, which accepted the line already laid down, confirmed it, and delineated the spheres of influence further west and in other directions. In 1890, Her Majesty's Government also declared a protectorate over Zanzibar, and in 1891 the Sultan of Zanzibar decreed that the Slave Trade in his dominions should be gradually extinguished. I quote these events to show that in 1891 and in 1892 we stand in a very different position from what we did in 1885. We have acquired vast new interests in East Africa, and with those new interests we have also taken upon ourselves new responsibilities. In the meanwhile in Europe this matter of the internal Slave Trade had attracted considerable attention. Cardinal Lavignerie, in a series of very powerful addresses delivered in Brussels, had arrested the attention of philanthropists to this matter. He p

was proposed that it might be dealt with by the institution of a Volunteer Army and by the absolute prevention of the importation of arms. These matters were submitted to Her Majesty's Government; and whilst they did not consider that either of these two plans was capable of adoption, or at all events of execution, it was chiefly at the instigation of Her Majesty's Government and the German Govt. that the Belgian King convened the Brussels Conference, which led to the signature of the Brussels Act in 1890. Now, I must ask the attention of the Committee for a few moments to the first Article of the Brussels Act. The first Article reads thus:-

"The Powers declare that the most effective means for counteracting the Slave Trade in the interior of Africa are the following:-

1. Progressive organisation of the administrative, judicial, religious, and military services in the African territories, placed under the sovereignty or protectorate of civilized nations.
2. The gradual establishment in the interior, by the responsible power in each territory, of strongly occupied stations in such a way as to make their protective or repressive action effectively felt in the territories devastated by man-hunters.
3. The construction of roads, and in particular of railways connecting the advanced stations with the coast, and permitting easy access to the inland waters and to the upper reaches of streams and rivers which are broken by rapids and cataracts so as to substitute --- economical and speedy means of transit for the present means of portage by men.
4. The establishment of steamboats, on the inland navigable waters and on the lakes, supported by fortified posts established on the banks.
5. The establishment of telegraphic lines assuring the communication of the posts and stations with the coast and with the administrative centres.
6. Organisation of expeditionary expeditions and flying columns to keep up the communication of the stations with each other and with the coast, and to assure the security of the roadways.
7. Restriction of the importation of fire-arms, at least of modern pattern, and ammunition throughout the entire extent of the territories infected by the Slave Trade".

That is the first and the leading Article of the Brussels Act. It does not appear so far as I have been able to discover that there has been much criticism either in this House, or of the policy which Her Majesty's Government pursued in putting their signature to that Act. Such as it is, the criticism appears to be of a favourable character. I find that my hon. Friend opposite (Mr. Bryce) last year referred to it in these terms. He said:-

"I have listened with great interest to the remarks of the right hon. Gentleman (Sir James Fergusson, then Under Secretary for Foreign Affairs), and I hope this Convention (the Brussels Act) will be carried through, and the adhesion of the Foreign Powers obtained. I think we must all feel that there is no matter to which the combined action of the Powers ought to be more earnestly addressed than the suppression of the Slave Trade, and I am certain there is no part of the Government's policy which will receive more hearty and more unanimous support".

That being the attitude of hon. Gentlemen opposite and of the country, we have, in laying this Vote on the Table, only carried out the principle which, in signing the Brussels Act, we accepted. The Brussels Act emphasises and particularises

our policy, and not only our policy, but the policy of Europe in its method of dealing with the Slave Trade. The Brussels Act gives the imprimatur of the assent of Europe to certain methods of dealing with this trade. The countries which have signed this Act have not only put their hand to it, but they have undertaken, by so signing, new responsibilities and new duties. That being so, Her Majesty's Government had to consider in what method the Act is to be carried out, and how. Gentlemen will observe that two alternatives are suggested. One is the establishment of fortified posts at different parts of Equatorial Africa, and the establishment of flying columns, starting from these fortified posts, to deal with the slave traders as they come down from the centre to the coast. The other is that specially laid down in the third paragraph of the first Article - namely, the construction of roads, and in particular of railways. To the former alternative there are many objections. In the first place, if we fix certain military posts, it is quite possible - nay, it is easy - for slave raiders and slave gangs to avoid these posts. The radius which can be covered from these posts is only of a limited character, and as soon as it is known what the radius is, the slave raiders will get the length of the radius, and they will avoid them. Again, the establishment of military posts is a matter which would involve enormous cost to this country, and further the establishment of posts of a military character would be very likely to tend to the irritation of the populations amongst whom these posts were established. Further, the benefits to be derived from the establishment of such posts would be only of a transitory character, because the probability would be that the moment the military posts were withdrawn the slave raiding would recommence and continue as hitherto. In favour of the latter course - namely, of opening up the country by means of a railway from the coast to Lake Victoria Nyanza - there are certain considerations to be looked at. In the first place it is a peaceful method of dealing with the difficulty. If the railway is a success the benefits of it will be of a lasting and not of a temporary character. The locomotive, in fact, by means of competition, will kill both the caravan and the kidnapper. I think I have already, at an earlier stage, sufficiently explained how it is that the Slave Trade exists. It meets a natural demand, the demand for portage. The cost of portage to the interior of Africa, to Uganda, and the coasts of the Lake Victoria Nyanza is enormous. I believe it is reckoned about £300 a ton. It is impossible to obtain animals to carry the burdens, because they are killed by the tsetse fly. By means of a railway we should find ourselves able to substitute the locomotive in the place of the caravan and the kidnapper. Whilst, on the one hand, we should open up the interior of the country to our own commerce, on the

other hand, by the very competition of the railway, we produce a means which must kill - must effectually kill - any further continuance of the slave traffic slave raiding, and slave porterage. The slave routes lie chiefly from the east side of the Lake Victoria Nyanza down to the coast in the neighbourhood of Mombasa and northward, and also from the north-west of the Lake Victoria Nyanza down the western side of the lake to the southern portien. Now, if a railway is built going from Mombasa to the Lake Victoria Nyanza you tap at once the former of these two localities, and at the same time enabling ourselves, at a comparatively moderate cost, to place steamers upon the Lake Victoria Nyanza - a lake, by the way, which ought rather to be called a sea, because it is in acreage, I believe, as large as Scotland - and these steamers, by trading round the lake and thus killing the slave porterage by their competition, would bring the commerce down not only from the district between the lake and the coast, but also from the district immediately round the Lake Victoria Nyanza and to the west and north of it. I do not know that I need refer at any great length to the characteristics of Uganda. Many travellers have explored the country, and we have the record of their travels. Uganda has been called "the ~~prize~~ pearl of Africa." It is the only Christian community in Central Africa. The King is a Christian King. It is surrounded by a large Mahomedan population. We have many missionary establishments situated in Uganda. The people of Uganda are described as a fine race of men ready to work, and in Uganda traces of former civilisation have been discovered, which may possibly again bring forth good fruit if opportunity is offered to open up the country; The question then resolves itself into this: Are we prepared to go on with the traditional policy of this country, or are we prepared to reverse it? Are we content to sign a document like the Brussels Act, which reads very well and for which we obtained considerable credit, and are we not prepared to follow it up? The Governments of other countries have already taken steps in the direction in which Her Majesty's Government now ask the House to proceed. The Government of Belgium contributes no less than £80,000 a year towards the administration of the Congo State.

Mr. LABOUCHERE: The King of the Belgians.

Mr. J.W. LOWTHER: Well, the King contributes no less than £80,000. The German Imperial Government have spent large sums in developing that portion of their sphere of influence, and hitherto Great Britain has done nothing. That being the case, last summer Her Majesty's Government and the Imperial British

East Africa Company entered into communications with reference to the making of a railway from Mombasa to the Victoria Nyanza. Proposals were made that Her Majesty's Government should grant a subsidy; that they should give a guarantee for the railway. The communications proceeded for some little time, but eventually the Chancellor of the Exchequer thought it was better to proceed with great caution, and that it would be better to have a survey - an ample and full survey - made of the district that it was intended the railway should go through. A Vote, therefore, was placed on the Paper at the end of last Session; but, as the Committee will no doubt remember, a pledge was given by the right hon. Gentleman the then Leader of the House that no contentious measures should be taken after a certain date, but as the right hon. Gentleman the Member for Derby held that this was a contentious measure, Her Majesty's Government withdrew it. At the same time the then Leader of the House said that the Government would bring it before the House at the earliest opportunity this Session. In the meanwhile, Her Majesty's Govt., in order that the valuable winter months should not be lost during which the work in the lower ~~saxons~~ regions near the coast could be carried on, arranged with the British East Africa Company that a survey should be at once commenced. Her Majesty's Govt. appointed, as the Papers will show, two surveyors, who are now engaged in that task. The British East Africa Company undertook to pay the expenses. Her Majesty's Govt. at the same time undertook that they would bring this Vote before the House at the earliest opportunity, and use their best endeavours to get the House to accept it. The survey has proceeded. It has already covered, from the last reports we have had, 150 miles. It has reached a place called Tsavo. Out of the 150 miles between the coast and Tsavo, along the Teita route, it appears that only 45 are of a difficult character. The rest are comparatively easy. No doubt there are difficulties in the way. There is one part of the territory which goes by the name of the Mau Escarpment, which is near to lake, in which there will be considerable difficulty. There is, prima facie, no reason to suppose that the railway cannot be carried the whole distance. At all events, I think it will be recognised that Her Majesty's Govt. and the public will then be in a better position to ascertain whether the railway can be completed and carried through, and, if so, at what cost this work can be carried out. The question lies in a nutshell. We stand at the parting of the ways. If we do nothing now we go backwards, because it is perfectly obvious that in consequence of the great cost of maintaining Captain Lugard and those who are with him in Uganda, it is impossible for the British East Africa Company

or any Company, or for Her Majesty's Government, to keep Captain Lugard there. He would therefore be withdrawn. If he were withdrawn it requires no great amount of prophecy to see that the Mahomedans and those who are on the outskirts of this Christian community of Uganda will at once attack it. The missionaries who are now settled in Uganda will probably be the first to be sacrificed. At all events it will give a spurt to the Slave Trade which the establishment at Uganda is already, in ~~gives~~ some measure, stopping. It will give a fresh spurt to the trade which it put an end to by simply dealing with it on the coast. If we desire to go forward in what I have called the traditional policy of this country the way is clear before us. The means have been pointed out by the unanimous voice of Europe, as expressed in the Brussels Act. The cost, compared with the vast cost we have been put to in maintaining ships off the East Coast of Africa, is comparatively cheap. And, by adopting the alternative which Her Majesty's Government propose, we shall shew that our vaunted philanthropy is not a sham, and that our professions of humanitarianism are not the merest hypocrisy.

Mr. Bryce: Now, Sir, I find that no information has been given by the Government as regards the existence of slavery in this particular part of the country. The Under Secretary lightly assumed that the horrors we heard of occurred within the sphere of influence. I believe there has been little or no information of any slavery in the territories of the British East Africa Company. In the Asiatic Quarterly Review is an article which bears marks of having proceeded from a competent and experienced hand, a man who was obviously well informed, and who asserted that so far from the proposed railway destroying the Slave Trade, it would have little or no effect. But I am going to call a better witness - namely, Captain Lugard himself. At page 29 of his Report he says, describing his proceedings in Uganda.

"The ~~real~~ abolition of the Slave Trade was readily agreed to being practically non-existent now."

I do not know whether that is one of the facts it is intended to be treated as confidential. And, in fact, the state of things is substantially admitted in the letter of the Foreign Office to the Treasury.

We are told that we are bound, in respect of the proceedings of the Brussels General Act, to do all we can to suppress the Slave Trade Traffic. The Powers declared that the most effective means of counteracting the Slave Trade were - first, the progressive organisation of the Services; next, the establishment of occupying stations; thirdly, the construction of roads, and particularly of railroads, and so on. But all these provisions are expressly stated to be applicable in what district? In the African territories placed under the Sovereignty or Protectorate of civilised nations. I call attention to these particular words, which are repeated in Article 4, to which the hon. Member alluded. Now, this is not a case of Sovereignty or of Protectorate but of a sphere of influence, which is a totally different thing. Sovereignty we know and Protectorate we know, but what is a sphere of influence? Fortunately, on this point we have a definition from Lord Salisbury, who, speaking at the Mansion House in August, 1890, descanted with commendable frankness on the proceedings for the delimitation of the ~~map~~ sphere of influence in Africa. He said he had been engaged in what the satirist would call the task of drawing lines upon maps on which no human foot had ever trod, and dividing territories which did not belong to them, but which, indeed, belonged to other people; and he told his hearers to read between the lines in order to see that what the Government was doing was contributing their quota to the glorious work of the peace of the world. Now, that simply means that Germany, Italy, and ourselves agree that between certain lines we would not interfere with one another. It has been admitted by the

Postmaster General that in this sphere of influence Her Majesty has no Sovereignty, and that we have no Protectorate, and that there is nothing beyond this that Germany and Italy have no particular right. This does not come within the Brussels Act, because it is neither a Sovereignty nor a Protectorate. The Brussels Conference wisely refrained from expressing any opinion upon a sphere of influence, because the diplomatists who then assembled knew very well that a sphere of influence where no legal authority existed, and where the natives were left to themselves, could not be made subject to these stipulations.

It seems to me that the Government present their case thus: A survey involves a guarantee, a guarantee necessarily involves defence, defence involves annexation; and so what we are substantially asked to do is to take the first step towards annexation. I do not believe there is any escape from that fatal descent, and, therefore, the Committee and the country should pause to consider the position in which they stand. In Equatorial Africa we have a country that is neither fit for European centres, nor, like India, a country of ancient civilisation which can be governed with comparative ease. Moreover, it is a country which has no defined frontier. In these circumstances, I put it to the Committee that we ought, at this moment, to require a far fuller statement of facts than we have yet had; and we ought seriously to consider, when asked to take such a step, what that step means, and what are the ultimate consequences that it may involve.

W. E. GLADSTONE:

What says Captain Lugard? He has framed a Treaty with King Mwanga. From that Sovereign he has extorted a Treaty. He tells you how he obtained it. He obtained it by threats and by compulsion. He says that he obtained it with the greatest difficulty, and that with every effort to escape it this wretched Sovereign signed the Treaty. He states, not admits merely, that the Sovereign will make every effort to escape from it, and in that Treaty Captain Lugard, as far as we can judge from the terms of the Treaty, which he gives, has not ventured to include the slightest reference to the acquisition of land. He is going to survey, he is going to make a railway, he is going to meet all the responsibilities that that will entail, and yet he does not venture to make in the terms of his Treaty the slightest reference to the acquisition of land. Then where is the friendliness of this King Mwanga? Captain Lugard says he effected his point by going into the country with extreme rapidity ^{and that it was by the extreme rapidity} of his his point movements that he prevented the natives from getting out their troops to oppose him, because they had not time to do it. That is the country where a peaceful survey is ^{to} be made. Captain Lugard says that at a certain point upon his journey he understood that King Mwanga had put to death two of his subjects for not preventing his passage. He says:-

"I have thought it prudent to postpone all inquiry as to whether that account of the killing of these two men is true or not." On whose friendship then do you rely?

What is this sphere of influence? This sphere of influence was carefully excluded from the purview of the Brussels Conference. What is this sphere of influence? What right does this sphere of influence invest you with? Does it invest the right hon. Gentlemen with a juridical title to go into the country with several hundreds of men, including either 40 or any larger number of armed men, and to take all measures that may be requisite for taking a survey? On what title does he put that?

Gladstone:

If crime is committed in the course of the operations, as anticipated by Sir Guildford Molesworth, by British agents, how are you to punish ~~that~~ that crime, committed in the name of the Government, committed on behalf of the Government, and committed under the authority of a Vote of the House of Commons? How are you to punish that crime? I have a right to an answer to that question. If crime is committed by the natives under what law are they to be punished? They are to be punished by no law at all. They are to be punished in the name of philanthropy and benevolence by carrying anarchy into their country, by setting them, from this great centre

of civilisation, the example of what must be illegality and probably will be cruelty, and this in a sphere of influence where you have expressly and absolutely disclaimed all authority over the natives. A speaker on the other side of the House said this sphere of influence must, by hook or crook, be converted into a real and effectual dependency of the British people, and made available for their enjoyment. Is the hon. Member aware it is an absolute breach of faith if any such thing be attempted? You are going to attempt it on the authority of this Vote.

You are going to assume authority which, at the time the German Agreement was made, in the face of this House you expressly and solemnly disclaimed. Is that disputed? At the time that Agreement was produced I addressed the House upon it, and I attached to it a signification which my hon. Friend near me has given it to-night - namely, that it was an Agreement between certain European Powers, absolutely excluding each of them from any attempt to exercise authority within certain limits. I asked "Is it well and thoroughly understood that by this Agreement there is no disparagement whatever conveyed to any of the rights now enjoyed by the natives? These natives were masters of the country as much as we are masters of this country," and I was assured by the Government of the day - I ~~will~~ daresay the record is to be found - and others received similar assurances, that the rights of the natives were to remain absolutely unimpaired. The right hon. Gentleman (Mr. Goschen) has not stated that the Treaties which he says have been made, but which he has not been able to produce, authorise us to send armed forces into the country.

The Under Secretary of State for Foreign Affairs.: (Sir Edward Grey)

The Vote deals with the affairs of the country that may be roughly described as lying between Uganda and the coast in British East Africa. The Committee will remember that last year, when a protectorate was established over Uganda, although we dwelt on the fact that it was necessary to retain British influence and British control over the country intervening Uganda and the sea, that country was left for the time being in the administration and under the control of the British East Africa Chartered Company. ~~That~~ That Company was anxious to dispose of the rights under the Charter with regard to that territory, provided it received what it considered due consideration from the Government - in other words, it was anxious to sell the rights it had acquired, and to dispose of them to the Government, if the Government were prepared to buy them. That, I think, was the attitude of the Company - they were ready to make an offer to Her Majesty's Government. The question arose, was it desirable in the public interests, that Her Majesty's Government should take advantage of that opportunity and endeavour to come to terms with the Company? In most of what has been said or written on this subject, from the time that Sir G. Pottal's first Report appeared, you will find an opinion has been expressed that it was desirable this country should come under the administration which was, at any rate, controlled by the same authority as Uganda was subject to. The Company made an offer and Her Majesty's Government entered into communication with the Company, and after the passing of a certain amount of correspondence the important portions of which have been already laid before the House, in Africa No. 4, 1895, the Company and the Government made an agreement, under which the Company was willing to dispose of its rights. The Company had two things to dispose of: First of all was the concession of the strip, ten miles broad, on the coast, held from the Sultan of Zanzibar; next were its possessions in the territory inside that coast, which it was entitled to administer under its charter and under treaties. The Sultan of Zanzibar proposed to buy back the Company's concession, and the assets have been disposed of for the sum of £200,000, to compensate the Company for the work it has done in the country inside the ten-mile strip, and to take over the rights of administration in that strip. The Committee is, probably, well aware that many opinions have been expressed as to whether the Government ought to have given the Company anything at all, and, on the other hand, as to what the amount of the allowance ought to

have been, and whether we ought not to have made them a much larger allowance. I do not propose to discuss the extreme opinions; I will only say that, although undoubtedly the East Africa Company has received in the past encouragement and support from Lord Salisbury's Government.---

Mr. H. Labouchere (Northampton): Is there, in the Foreign Office, any record bearing that out?

Sir Edward Grey: Certainly the Company have received encouragement and support in the way in which many British enterprises have received it - they were looked favourably upon. The question is sometimes raised whether the British Government has encouraged British enterprises. Undoubtedly it has given encouragement and support to British enterprises; and I have no doubt the Company did receive encouragement and support in that way. I do not contend that the encouragement and support given to this company was of such a nature as to entitle the company to demand full indemnity and satisfaction for everything it had expended in the country. In other words, the relations between the British East Africa Company and the British Government were never such as to leave all the risk to the British Government and all the hope and prospect of future benefit at the disposal of the company. Therefore, when it is said, as it has been, although I do not know it has been said in this House, that we ought to have given a much larger sum to cover the whole of certain expenditure of that company, I say at once that it is not the view taken by Her Majesty's Government. But the company were entitled to some compensation. The Government have expressed this in a letter, published in Africa No. 4, in which they say:-

"No doubt advantages to trade, which the company would have been the first to reap, were expected from opening up the lake district. ----- On the other hand, the company were the pioneers through whose agency British influence was extended to the lake district, and by their means the condition of the native inhabitants has been improved and the slave trade suppressed in the territories administered by them."

Mr. LABOUCHERE: Oh!

Sir E. GREY: Undoubtedly they have done a great deal in this direction; they have laboured to suppress the slave trade.

"Moreover, the maintenance of posts at Machekos and Fort Smith where a useful and effective control has been exercised by the agents of the Company, materially facilitates the work which has been undertaken by Her Majesty's Government in Uganda."

That I propose to put before the Committee, as the justification of Her

Majesty's Government in ~~offering~~ offering this sum of £50,000 to the company for making over their rights in the territory behind the ten-mile strip of coast. The rights of the company being disposed of in that way, being transferred to Her Majesty's Government or to the Sultan of Zanzibar, the question arises, what is to be the condition of the country when the company has retired. Practically the question may be divided into two considerations - first of all that which applies to the ten-mile strip of coast line belonging to the Sultan of Zanzibar, and next that which applies to the part inside, which is really under no settled native authority at all. In dealing with that territory for the present purpose it will be enough to bear in mind that it is necessary that the control and influence of the British Government should be maintained over that territory, primarily as a means of communication with Uganda and inland. That, at any rate, is a primary and essential condition. I do not think that for the purpose of this evening's discussion it is needful to go beyond the necessity that we must keep open our communications, and to keep them open we must maintain a control over the country between Uganda and the sea. One question will at once occur, and it is whether anything is to be done to facilitate the means of communication through the country. Her Majesty's Government have come to the conclusion that it is necessary to construct a railroad between Uganda and the coast. (Loud Cheers.) As soon, therefore, as the necessary arrangements can be made a railway will be begun - and, although no money is taken for the railway in this particular Vote - wherefore I do not propose to dwell upon it at any greater length - I can assure the House that no unnecessary delay will take place. (Cheers.) The next point to be considered is the administration of the country itself. In order to provide for that Her Majesty's Government propose that the country intervening between Uganda and the coast shall be included as a British protectorate. (Cheers.) That in no way extends the operations of the Government beyond Uganda; the limits of Uganda are not altered on the further side. The Committee, therefore, need not regard this as any great extension of the obligations of the Government. If we are to maintain control over the intervening country, I am certain that the natives of that country will not have the remotest conception of the difference between a sphere of influence and a protectorate. I ought to say that this is not to be added to the protectorate of the Uganda, but it will be a separate protectorate. There is nothing in this Vote to alter the existing condition of things in Uganda. The Advantages

of a protectorate will be that it does not in the nature of things extend the obligations which are undertaken by the British Government. It does make the administration of the country very much easier, because with it goes, as a matter of course, the power of jurisdiction over foreigners who may enter the country. The further question that remains is - Who is to administer this British protectorate? Various plans have been proposed, and have been considered. It has no doubt been discussed whether or not the authority of the Sultan of Zanzibar should be made use of for administering a considerable portion of the mainland. The revenues of Zanzibar are likely to be taxed at the fullest extent they will bear in connection with the status of slavery in the islands themselves. On that ground I put it to the Committee that it would not be desirable, and I do not think it would be possible, to throw the necessary expenditure of the administration of any part of the mainland upon the revenues of Zanzibar. Her Majesty's Government will have to find the money to administer this territory on the mainland, and, that being so, it is better that the administration should be under their direct control. It is, therefore, proposed that, in administering this territory, which will be handed over to the East African Company, it should be administered on the same lines as Uganda is administered - by officials who will be placed under the authority of the Consul General at Zanzibar, and have no connection with the Zanzibar ~~Government~~ Government. It is estimated that the amount of money which it will be necessary to provide for the administration of this territory, from which the company are retiring, will amount to £30,000 a year. That is asked for in this vote, and the result of the vote practically is, first of all, to compensate the company, so that the agreement with the company may be carried out and the company may hand over its rights and leave the field clear; secondly, to place Her Majesty's Government in a position to at once proceed to take over the rights of the company, the existing establishments, and no doubt, in a large number of cases, the existing personnel as a going concern, and provide for the administration and development of the country without further delay. One point will arise, no doubt, as regards administration. The arrangement is quite simple as regards territory inside the strip of coast ten miles wide, which belongs to the Sultan of Zanzibar. It may be asked:

"What arrangements are you going to make with the Government of Zanzibar, who are the owners of the ten-mile strip of territory which they had leased under the concession to the East Africa Company, and which the Government of Zanzibar, under agreement with the company, are going to purchase?"

I think the Committee will admit it is desirable that that ten-mile strip should

Now, Sir, dealing with the statement of the hon. Baronet, I have to say that, in the first place, it affords the greatest possible justification for the action of the late Government and the position taken up, consistently from the first, by the Unionist Party. We have always said it is necessary for the honour and interests of this country that a protectorate should be established over Uganda. In the time of the late Government that was absolutely denied, but we now find it accepted, if not unanxiously, at all events by a great majority on both sides of the House. We also said at a later period that the protectorate of Uganda would involve an extension of protectorate over the country which commanded communication with Uganda. The Under Secretary has declared today that that was a self-evident proposition. It is a curious thing that that self-evident proposition on the occasion of previous discussion escaped the notice of the Chancellor of the Exchequer, because we were told by him that any such protectorate would be almost immoral, and certainly a most impolitic proceeding. He also said:-

"If you are going to establish a protectorate over Uganda you would inevitably have to make a railway, since that was the only way that territory could be cheaply administered and profitably developed."

Mr. J. Chamberlain:

The "Little Englanders" are perfectly consistent. They would have prevented all the extension of the Empire that has taken place within the last 100 years for reasons exactly as strong and similar in character that they put forward now. And holding these views they are perfectly consistent and are perfectly right in pointing out that you cannot make omelettes without breaking eggs, and that you cannot undertake the responsibility for these countries inhabited by these savage people without facing the necessity of the case and without being prepared to spend money and, to a certain extent, life. That is absolutely necessary; but, in my opinion, it was as absolutely justified in the past, as it will be in the future, by the benefits which will ultimately accrue. If we can extend, as we shall extend, to the vast and fertile territory that pax Britannica which ~~would~~ would enable the people of the country to live quietly and engage in agriculture and other pursuits, we shall save infinitely more lives than can possibly be taken in the preliminary proceedings necessary to put down those who at present disturb their peace. ~~ExregretthatthaxGovernment~~

Sir G. Barden Powell:

He did not like to hear much said about the authority of the Sultan of Zanzibar, because we had practically annexed the Sultan of Zanzibar, with all his territory, and were really responsible, not only for the coastline, but also the interior of the island. He cordially supported the Government in making three distinct administrations; geographically the three areas were very distinct. The island, the East African coast, and Uganda, as a protectorate, were three distinct areas, with distinct needs; he hoped, however, that some head would be found to unite all three protectorates in a common policy.

Mr. W. Allen:

The hon. Member urged the same objections again and again whenever there was any question of this country acquiring any territory in any part of the world. For his part he had very little sympathy with the objection that his hon. Friend always took, and in this case he had less sympathy than usual with him. He believed that at the present time when we were losing market after market, and when our trade was so depressed, it was necessary for us to endeavour to obtain new ones; and he had hopes that in the future there would be a great market developed in Uganda for the trade of this country. Another reason why he would support the Government was - that he believed their policy was calculated to put down

slavery in Central Africa.

Mr. Labouchere.

The first step in this Uganda business was the granting of a charter to the East Africa Company, whose expansive policy the Under Secretary appeared to think commended general admiration. Having made treaties with ~~xxxxxxx~~ the kings, the company came to the conclusion that their speculation was a bad one, and they announced to the Government that they intended to withdraw. Lord Salisbury was then Minister for Foreign Affairs. He was a Jingo, but there was method in his madness, and he took good care not to annex Uganda or to convert it into a Protectorate. But his successor, the present Prime Minister, ^(For Earl of Rosebery) announced that his policy was to ~~xxxxx~~ "peg out claims for futurity" in Africa, and the Liberal Party apparently accepted that policy, as they accepted every single proposal submitted to them by Her Majesty's Government. (An Hon. Member: No.) Why, the hon. Member himself had just made a speech in which he renounced all his former views and did his best to rival the Jingoism of the Under Secretary for Foreign Affairs. When the present Ministry came into Office the House was told that a Commissioner was to go to Uganda with a free hand. He knew at the time that that meant that the Commissioner would annex Uganda. In fact, the Commissioner ^{would} ~~would~~ before starting declared that that was his intention. He raised the British flag in Uganda, and then some sort of vague administration was set up in the country. Now we were asked to establish a protectorate between Uganda and the sea-shore and to buy out the company, and it was intended to build a railway from the coast to Uganda. The best proof that this policy was bad and illiberal was that the Conservative Party had acclaimed it with wild cheers.

The country, they were told, would be an accession to the British Empire. Unfortunately Europeans could not live in it. ("No".) Perhaps he was wrong in saying they could not live in it. But at all events Europeans could not colonize the country, because they could not bring up white children. It would be like the position of India, to which Europeans might be able to go and live a few years, but they would have to send their wives and children back to England. It was obvious, therefore, that accounts in the newspapers of a happy population of English labourers going out there with their wives and ~~xxxx~~ families, dwelling in these swamps and jungles, were utter nonsense. On what grounds were we to go there? He had been told over and over again that it was absolutely necessary to go there in order to put an end to the slave trade. There never was a greater

piece of humbug ever palmed off upon good, well-meaning, innocent philanthropists since the commencement of the world. There was no slave trade in Uganda. There was no domestic slavery, but no slaves. It was in Zanzibar and Pemba, which was really to all intents and purposes a portion of the British Empire, that we had the greatest slave market in the world, and what was the result? The result was that naturally the Arab slave catchers in the centre of Africa went on catching slaves and sending them down to the market we ourselves provided for them. Moreover, by means of this slave population we were enabled to get their labour as porters and carriers, and we were obliged - we who were so boastful of our putting down the slave trade, and must needs go to Uganda in order to do it - we had to hire these slaves and send them to Uganda as porters. That in itself produced the demand which produced the supply. By turning our attention to the quarter indicated, it was obvious we should do infinitely more to put an end to slavery than if we were to go to Uganda.

They had a grand Jingo dream of conquering. Only 20 Europeans in Uganda at present.

Mr. Labouchere:

~~They~~ The second Vote was to give £50,000 to the Company. If ever a Company deserved little or nothing from an English Parliament it was the East Africa Company. The Company obtained their Charter, which they ~~had~~ ^{based} on a Concession of ten miles of the coast which they had hired from the ~~then~~ Government of Zanzibar. They were to pay £10,000 per annum for this Concession, and they had the right to levy Duties with which to pay the £10,000, the expenses of administration, and a good, sound, philanthropic dividend to themselves. Besides this, the Charter gave them powers over the country behind this ~~strip~~ ^(sic.) of coast. They were now told that although the Company had paid absolutely nothing to the Zanzibar Government, and although they had found they could not work the Concession at a profit, they were actually to receive £200,000 for giving up a Concession which cost them nothing. That was monstrous; but, as if ~~they~~ did not receive enough, this country was to pay them an additional sum of £50,000. ~~What~~

Mr. Labouchere:-

If ever a Company deserved little or nothing from an English Parliament it was the East Africa Company. The Company obtained their Charter, which they based on a Concession of ten miles of the coast which they had hired from the then Government of Zanzibar. They were to pay £10,000 per annum for this Concession, and they had the right to levy Duties with which to pay the £10,000, the expenses of administration, and a good, sound, philanthropic dividend to themselves. Besides this, the Charter gave them powers over the country behind this slip ^(sic) of coast. They were now told that although the Company had paid absolutely nothing to the Zanzibar Government, and although they had found they could not work the Concession at a profit they were actually to receive £200,000 for giving up a Concession which cost them nothing. That was monstrous; but, as if they did not receive enough, this country was to pay them an additional sum of £50,000.

The Chancellor of the Exchequer: (Sir W. G. Vernon Harcourt)

What was the position in which the present Government found themselves in reference to the occupation of Uganda? When they came into office they found the Company that had come forward - as I said at the time, and as I still think - most imprudently, without sufficient resources, to occupy Uganda. That Company had entirely failed to sustain the position it had assumed, and in the time of the late Government they had given notice that they intended to abandon Uganda, and the late Government accepted that notice on the part of the Company with respect to Uganda. That was just before the change of Government. The late Government had made no provision for what was to follow from the evacuation of Uganda by the Company. The responsibility then attached to the present Government of determining what was to be done. We considered, as we stated at the time to the House, that it was impossible, in the position of the British occupation of Uganda, that we could leave it derelict, as it had become in the hands of the East Africa Company. We found it necessary to sustain that occupation in the situation the Company had placed it. For a time the occupation of the Company was continued. That position was found impossible by the Company and by the Government, and therefore it became necessary to - I do not know the phrase to use - to expropriate the Company, not only from the part of the country which they had themselves abandoned, but also from that part of the territory stretching along the coast, which unquestionably was profitable to them. Then arose this situation. The Government felt themselves bound to occupy Uganda and the territory that was still in the ^a hands of the Company, unprovided with

administration or with the means of treating with the intervening territory, as it was necessary it should be treated in order to maintain communications with Uganda, of which the Government had undertaken the occupation. The question ~~then~~ then arose, What were the inevitable consequences or corollary of that occupation? My hon. Friend the Member for Northampton ^(Mr. Labouchere) takes the line that it is an absurdity to hold Uganda. But even he admitted that if we were to occupy it we must establish some means of communication less extravagant and less expensive than the present means of communication by caravan from the coast to Uganda. The right hon. Gentleman the Member for West Birmingham ^(Mr. Chamberlain) asked me whether I hold to the opinions I have expressed as to the objections to the occupation. I have seen no reason whatever to alter my opinion on the subject. We consented to occupy Uganda because of the situation in which we found ourselves. I know there are people who pretend to be better judges and better prophets in these matters than any other man. There ~~are~~ are people who believe Uganda is to be an El Dorado, if not of gold, then of profit of some kind or other. I am old enough to have heard a number of prophecies of that description. I remember how Asia Minor was to ~~be~~ turned first into a paradise, how the steam plough was to cultivate Armenia. That was some 12 or 15 years ago; but the steam plough is not cultivating Armenia today. We were also told that Cyprus was to be an outlet for our commerce, and was to render us immense profits. These vaticinations did not turn out to be well-founded; and I must be permitted now to be sceptical as ^{to} whether we are going to establish a flourishing colony where white men are to cultivate the ground under the Equator. I still doubt the probability of that event. I know there are people who think that you can establish a new India under the Line. I doubt that. ^They may turn out to be right and I to be wrong; but I say that up to the present I have seen no ground for altering that opinion. Then the right hon. Gentleman referred to one particular point upon which I had at the time insisted. And I would remind the House that when I was speaking on that occasion against the railway, it was against the railway that was ^{to} be made for the convenience of this joint stock company who were then in occupation of Uganda. I was not speaking ~~against the railway~~ against the railway that was ~~to be made~~ to be made for the convenience of a railway which was to go through British territory, and which we ~~found~~ found it necessary to establish there. But the point to which the right hon. Gentleman referred is one of very great consequence, and one which I think has not been gravely considered by this House or by people outside as it deserves

to be. You are going to deal with communities and with countries in which the social condition is one of slavery. You are going to undertake the protection of a vast territory in which your protectorate must be conducted amongst people to whom domestic slavery is an actual and a necessary condition of life. In my opinion it is difficult, and it will become more difficult every day, to reconcile those conditions with the sentiments held by English people in reference to slavery. We have not been able yet to gauge exactly the actual expense of abolishing slavery in Zanzibar. Are you going to undertake to abolish domestic slavery in the whole of Central Africa? Have you any conception of what that operation will be? The right hon. Gentleman referred to the question of the labour by which this railway is to be made. What is the labour that is now employed in the locality, and which carries goods from Zanzibar to Uganda? What was ^{the} ~~the~~ labour with which Stanley was supplied in his celebrated journey from the Congo to the lakes? Where are you going to get the labour, which is necessary? Supposing that your expectations are entirely fulfilled; supposing that you do create a great and flourishing trade in those parts, you will develop, no doubt, a demand for labour; but what is the labour, and what is the source from which you are to obtain it? These are matters which require much greater consideration than has yet been applied to them; and the people who talk about these enterprises as being enterprises as being that are to diminish slavery seem to me to have given very little consideration to the conditions with which they ~~will~~ ^{will} have to deal. These are the grounds which lead me to believe that if the matter had to be begun de novo you would require to give it much greater consideration before entering on an enterprise of this character. But we have stated - and we adhere to that statement - that, in the position in which we found ourselves with Uganda so occupied, ^{we were unable to retire from the} country, and were obliged to maintain by our position there. All that is proposed by this Vote is the necessary and inevitable consequence of that position and to that I am prepared to ~~adhere~~ adhere.

Sir Charles Dilke:

On a former occasion the Chancellor of the Exchequer said that there was no trade in the country, and the right hon. Gentleman quoted Captain Lugard. Sir General Portal could also be quoted to the effect that there was no slave trade in Uganda. The market for the slaves was in Zanzibar and Pemba, and the slaves came through the German sphere of ^{inf} influence from the British Protectorate in Nyassaland.

Mr. J. W. Lowther:-

By the first Article of the Brussels Act all the Powers agreed that the best means ^{of stopping} ~~of stopping~~ the slave trade was to promote railways from the coast line into the interior, so as to strike a blow at the slave traders and raiders to be found there. The French had already two railways in their Protectorate of Senegal; the Germans were making a railway in their sphere of influence in East Africa; the Portuguese were making a railway on the West Coast of Africa; and the Congo Free State was making a railway within its territories. Although we were the ^e foremost nation in promoting the Conference which resulted in the Brussels Act, until that day we had declined to take any step in further^aance of the first Article. The right hon. Gentleman poo-pooed the idea of the railway being able to stop the traffic in slaves. But the map issued with the Report of the Railway Survey marked out the slave caravan routes, and showed there were no fewer than three routes running from Victoria Nyanza to the East Coast alongside of which the proposed railway would run. It was obvious that if the railway was once built we should be able to stop the caravans of slaves carrying down ivory to the coast, because the railway carriage would be so much cheaper than conveyance by slaves. There was nothing so expensive as human portage. The human being walked more slowly than any other animal, he carried less, he ate more, and fell more easily a prey to the climate. For these reasons and for many others he entirely approved of the proposal to construct this line.

Mr. Burdett-Couts:

----- (Mr. Hastings was at this time Consul-General of Zanzibar.)

The Chancellor of the Exchequer blamed the Company for going into Uganda, and the hon. Member for Northampton abused them because they had not sufficient capital to stay there. On the first point, too, the Prime Minister ^(Lord Rosebery) had said of his Govt:-

"We, on our part, would have been satisfied to proceed much more slowly and much more economically, if we had not been pushed into the competition of the race. And therefore we have been forced into Central Africa."

But could any words describe with greater force or fidelity the case not of the Government but of the Company? They were formed for limited and definite objects, with a capital as he had said commensurate with the scope of their original undertaking. They certainly should have been better "satisfied to proceed much more slowly," but the energies and capital of the Company were "pushed into the competition of the race" in order to save East Africa for England. This extension of operations arose not out of land hunger or any avaricious motives, but through the force of political exigencies, which the Company had recognised, patriotically, but to their cost. The Company under its original Concession and Charter were required to administer a coastline of only 150 miles, and the limited sphere of British influence as then defined by International Agreement. ~~It~~ It was the aggressive hostility, promoted by commercial rivalry, of the

neighbouring German company (then established to the north as well as the south of the British sphere) in striving to hem in the British Company and shut England out from gaining access to Uganda and the sources of the Nile, that forced the Company, prematurely, perhaps, but successfully, to establish Great Britain's claims to those regions, and to bring about a readjustment of the respective spheres of British and German influence, thus freeing Her Majesty's Government for all time from the jealous rivalry of a great Power - in other respects, he was glad to say, a great friendly Power - a rivalry which powerfully opposed itself to English claims in the earlier years of the Company's existence. Now, on the question of the Company's capital, the hon. Member for Northampton had sneered at its insufficiency, and the Prime Minister animadverted on the same subject when the latter, at least, must have known that it was the opposition and difficulties placed in their way by the Government, and specifically the fear and reluctance of the Government to declare their intentions with regard to Uganda and the railway that had made it useless for the Company to ask for more capital. Had Her Majesty's Government merely guaranteed the interest on a railway to be constructed from Mombasa to Lake Victoria - a sum not exceeding £50,000 per annum - had they taken this step which they have now announced, at an earlier date, the capital would have been provided by the Company as necessary to hold and administer Uganda and the vast territory acquired by the Company, and an arrangement that would certainly have effected a considerable saving to Her Majesty's Treasury. He must certainly congratulate the Government on ~~an~~ making a very sharp bargain with the Company when they settled the price before ^{an} announcing their intention to construct the railway. The property they ~~had~~ bought would at Twelve o'clock to-night be worth double what it was when the Company accepted their offer. It was very clever; but was it the way in which an English Govt. should deal with a great national English enterprise? The Company had sufficient capital for the original scope of their enterprise: it was the larger area they were compelled to embrace, and compelled by public opinion and by national interests and national honour, which made their capital insufficient. Side by side with the British East Africa Company the German Company received, by way of subsidy, a guarantee on a loan of £ 500,000 and a grant of £30,000 a year, and the Italian Government had paid all the ~~exp~~ expenses of their enterprise. The British East Africa Company received nothing. They did not ask for anything. And yet the Company stood in the place of the British Government. Upon them depended the guardianship not of their own interests but of the whole national interests of England in the partition of that important portion of Africa. It was not the case of a company extending an existing sphere and taking in large gold-bearing territories. The Company knew it was a poor country; they knew it was an isolated position; they knew it was their mission to place the wedge of

British power in that position, trusting that the British Government would take their part in driving it in so as ^{to} become an effective location where it was most necessary, both with regard to the North and South of Africa. Did the Government take their part? Did they assist the Company in the least? No, they must have known the national exigencies of the position, they must have known the Company were doing their work, but they hampered the Company in a hundred ways and they now were loth to acknowledge who it was that did that work of which they were now reaping the fruits. (Lord Rosebery) The noble Lord said - speaking, forsooth! for the Government - that it was "the enthusiasm of the nations for dividing that continent that put us - " the Government - "so far." To whom did the pronouncement apply? To the Government? No; to the Company who had been made the corpus vile of this experiment in the "enthusiasm of nations," and it was the English Government and the English nation who had reaped the benefits of it. He was not complaining of the policy of Her Majesty's Government in acquiring the direct administration of British East Africa. On the assumption of the British Protectorate over Zanzibar in 1890 Her Majesty's Consul General virtually assumed the powers of the Sultan, and the position of the Company thereupon so changed as ^{to} render the existence of dual control unnecessary and calculated to create friction between Her Majesty's representative and the Company's administrator in East Africa. What the Company did resent was the unmerited depreciation of the Company's services which distinguished the language and attitude of Ministers and officials in effecting a settlement so willingly facilitated by the directors. The Company had been charged with being solely a commercial Company animated by commercial, mercenary, and personal motives rather than a company which had been guided th throughout its career by political, humanitarian, and patriotic objects. Now there was in the office of the Company a letter from Lord Kimberley, dated the 14th of November last, in which there occurred the following passage:-

"There is a marked difference between the work of other chartered companies in Africa, in which the commercial element is a prominent feature, and that of the East Africa Company, in which that element has hitherto scarcely existed." Who was the responsible Foreign Minister of this country, when in spite of that letter from the nominal occupant of that office, the noble Lord at the head of the Government sneered at the Company as a -

"Commercial Company which had expressed its willingness to take its dividends in philanthropy, but when it came to discuss the question of evacuation was not satisfied with that remuneration."

His Lordship must have known that the Company had received no dividends, that they

were asking for none, and that on the present arrangement they were losing more than half of their capital, and had definitively agreed three months ago to that arrangement.

Mr. Burdett-Coutts (continued)

When the Company began operations it was limited to a narrow strip of coastline of 150 miles. As the result of these operations, this country, instead of being restricted within the insignificant sphere reserved to her under ^{the} ~~the~~ international delimitation of Africa in 1886, now possessed the Protectorate of Zanzibar, 400 miles of coastline, with many valuable harbours, and the vast territory extending back to the Lake District and the Nile basin.

(the British East Africa Company) -----

They had opened the centre of that unexplored and mysterious continent, the last ^{that} was left, to the civilising enterprise and the humanising influences of England. They had opened those regions to the productions of our working-classes at home, and ultimately as it would prove to the colonisation of our surplus population. They had secured to England the key of that broad highway of trade and commerce, eye, and of mercy and justice and freedom to the unfortunate native tribes, which was bound sooner or later to traverse Africa from Capetown to Alexandria. They had made this path the work of Englishmen; they had made it possible for it to be, if only the old spirit animated their successors, the possession of England. They had struck by far the most effective blow that had ever been dealt at a frightful human abuse - namely, the traffic in human life, which was caused by the system of portage and which was insufficiently ^d described as slavery, and of which the districts which they had opened up to the light of day and the ultimate ^e blessings of civilisation formed the very nerve-centre. They had made possible the effective accomplishment of a great cause, for which England had made historic sacrifices in money and in noble lives. And although it might be many years before the complete fulfilment of these things should have come to pass, no one could say that the light of hope had not already dawned upon the darkest part of Africa, and in future years it would be remembered that those who carried it there were not the Government who sat upon the Benches opposite, but the British East Africa Company who had sacrificed their own interests to a great public and national necessity.

SIR C. DILKE:

The railway had been recommended by the late and the present Government on the ground that it would pass through and open up a healthy district capable of plantation by Europeans. The line would indeed pass through high altitudes, but it was a great mistake to suppose that they were districts which were likely to be the scene of prosperous European colonisation. At the Geographical Conference held in London last year, two men of great authority spoke in relation to this question -- Mr. Silva White and Mr. Ravenstein. No more competent authorities on the subject of the future of the highlands through which the railway would pass could be found, and they agreed in saying that those ~~had~~ highlands were not, in the opinion of scientific African explorers, likely to have a great future; that they offered no prospect for the acclimatisation of the white race; that a fall in temperature did not make up, in regard to health, for the absence of seasonable change; and that allowance was not made by Governments for the great humidity of those parts. They added that unless this part of the country was rich in minerals - of which there was not the slightest evidence at present -- there was not much chance for its development, and that it was unsuitable for European colonisation. In conclusion he would merely add that he believed this railway would not only involve this country in enormous expense at the beginning, but would be the cause of a continual deficit year by year and a constant drain on the taxpayer. (Cheers)

The Under-Secy. of State for Foreign Affairs (Mr. George Curzon):

In reference to the question of climate, he confessed that there was a division of authority among experts. Mr. Silva White and Mr. Ravenstein had, no doubt, spoken in somewhat uncomplimentary terms of the climate of the plateau through which the railway would pass; but Sir John Kirk, who was in those parts a greater authority than either of the two gentlemen named, said that in his experience there was not a more healthy part of the continent than this particular plateau. With this conflict of opinion the Government, he thought, might be permitted to rely on the opinion of Sir John Kirk. ("Hear, hear!") Any further discussion on the wider principles involved in the matter should, he thought, be reserved for the Debate on the Second Reading of the Bill. ("Hear, hear!")

Mr. HENRY LABOUCHE RE:

Of course the old argument had been used that, if they established this railway, the slave trade would be done away with. It had been proved over and over again, by men who had looked into the matter very closely, that the

railroad would do nothing of the sort, because slaves from Uganda and the surrounding country did not pass down to Mombasa and the coast through British territory, but through Portuguese territory, and, to a certain extent, through German territory. The slaves that were brought down from the interior were employed in Zanzibar and in the island of Pemba, and he was perfectly certain that, if they put an end to slavery in Pemba and on the coast, they would do far more to stop the slave trade in that part of Africa than they could by the building of this railway.

Mr. BURDETT COURTS: *(A Director of the British E. Africa Company)*

Amongst the many subjects of great importance directly connected with this railway, only one -- that of slavery -- had been touched on, and the Member who had just sat down ^(Mr. Labouchere) had dealt with the subject of slavery in Africa, would not say with ignorance, but with that partial exposition of knowledge with which he sometimes dealt with subjects where he was desirous of making out a case on one side or the other. He believed that it was perfectly well known to Hon. Gentleman that the slavery in Africa of which he complained and of which Uganda was the nerve centre, consisted in the main in the practice of portage between the centre of the continent and the coast. It was owing to that practice that many natives lost their lives, and therefore the construction of this railway would be the most serious blow that slavery in Central Africa could receive. ("Hear, Hear.") He confessed that he had been rather surprised that the speech of the right hon. Baronet the Member for the Forest of Dean ^(Sir C. Dilke) in which he attacked the proposal for the construction of this railway, had not been more forcible and more interesting. The right hon. Baronet had objected that the railway was intended to be used for the supply of our own officials in Uganda, but when the line was constructed the transport of goods which now cost £200 per ton between the coast and Uganda would only cost £7 per ton. ~~He admitted~~

They ought not, however, to judge of the scheme solely upon its own merits without looking at the policy it was intended to carry into effect. This line would eventually link the finest harbour on the east coast to the backbone of Africa and would afford unbroken communication between the north and south of that continent. Without this railway it would be difficult for England to establish a hold upon the key of Africa, which at the present time was Uganda.

The CHANCELLOR OF THE EXCHEQUER: (*Sir M. Hicks Beach*)

Whereas the Government had now to pay £37,000 a year for the conveyance of stores between the coast and Uganda, that cost after the construction of the railway would be reduced to £6,500. A traffic of 3,500 tons, three trains being run each way a week, would pay practically the working expenses of the line. It had been said that the estimate for the railway was too low.

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House of Commons
July 27, 1896.
Mr. Labouchere. (2nd reading of the Uganda Ry. Bill).

31

There were many persons in this country who had a kind of earth hunger - it was a sort of disease - and their attention in late years had been mainly directed to Africa. The British East Africa Company having given up Uganda as a bad speculation, the Government took it over. The reasons given for that action were, in his opinion, very insufficient. It had been said that we must go to Uganda in order to hasten the suppression of the slave trade, but, as a matter of fact, we should do a great deal more in that direction by putting an end to slavery at Mombasa and Zanzibar than could be done by going into the interior of Africa. In Uganda slavery was a domestic institution. He believed that there were more slaves than free men in that country, and, although we had established a protectorate over it, we had done nothing to abolish the system which flourished under our flag. The pictures had been drawn of vast numbers of Englishmen going to this tropical region as colonists with their wives and children. As a matter of fact, those pictures were wholly fantastic. Even if European men could live in this region, their children could not.

Mr. Curzon:

July 27, 1896.
(Under-Secy. of State for Foreign Affairs)

32

What are the facts in regard to Uganda? You have a coast fringe which is to some extent unhealthy; then you have a sterile belt some 200 miles across; and then you come to a high, well-watered, fertile country. So far from its being a part of the world in which British colonists could not live, I was informed that British colonists are already arriving there, and that they are starting plantations of coffee. So far from its being the jungle my hon. Friend described, would he be surprised to learn that there is there a cool air, that you wear there the clothing we wear here in the autumn, and that in the winter time you almost invariably require fires at night?

The whole policy of the British Protectorate in Uganda has been explained, criticised, vindicated, and accepted more than once by overwhelming votes of this House. If that be the accepted policy of the country, the necessary corollary of the dominion we have established is that we should have railway communication between the interior and the seaboard. That is the whole question in a nutshell. If you do not establish that communication with the Victoria Nyanza, Germany will do so. It is in pursuit of our responsibilities, and of the obligations we have inherited from our predecessors, that we are constructing this railway, and I believe the time will arrive when hon. Gentlemen who make these speeches now ~~is~~ will look back with bewildered surprise on the utterances with which they have favoured the House, and will wonder how it was that they "ragged so furiously together and imagined such vain things."

Mr. Harcourt:

The position of the late Government with regard to Uganda when they came into Office was, as I have said, a very simple one. When they came into Office they found that the East Africa Company was practically insolvent; they had endeavoured to make a settlement in Uganda, and had failed to do so, and had given notice that they were going to abandon the country. The policy of Lord Salisbury was to accept the evacuation of Uganda by the company, but he made no provision whatever for what was to succeed. That was the situation we found when we came into Office. We had to consider what was to be done. There were settlements in Uganda; there were British subjects there involved in the enterprises of the company; and no provision was made as to what was to be done on the retirement of the company; and, under the circumstances, the

Government felt that they had no alternative but to make the provision in regard to Uganda that was made in 1892. The late Government agreed -- and I believe the hon. Member for Northampton agreed - that a railway was a necessity, but we were of opinion that it must be what is called a light railway. Having regard to the condition of things in Uganda and to the uncertainty of what was to go there and what was to come from there, the notion of laying down a great and expensive line was never entertained by anyone in the world. The Committee of 1895, which was composed of the same gentlemen who reported in 1896, recommended the adoption of a reduced scheme, and that scheme was to cost exactly half the money which it is now proposed to expend. They recommended an expenditure of £1,755,000, but the present estimate is double that sum. I do not see that the House can be asked to assent to such a proposal. Xx

Mr. Burdett-Coutts:

The Hon. Member for Northampton said the company went into Uganda, found it a bad speculation and retired, and he gathered from the right hon. Gentleman's remarks that he wished the House to infer that the company, having spent so much money in going into Uganda, were not able to remain there, but were bankrupt. He wished to remind the House that they did not go into the country as a speculation ^{or} with any object of their own to serve. They were forced to go there by the urgent solicitation of the king and people; they were urged to go by public opinion; they went with the sanction and encouragement of the Government of this country; and when they got there they secured a condition of peace and contentment among the rival factions. In going to Uganda, as throughout the whole career of the Company, they had undertaken national obligations as apart from commercial obligations; and when they asked the Government to recognise this fact and to give them some encouragement and support in their work, it refused. He would remind the right hon. Gentleman how his Government treated the Company with reference to this very railway. He proposed to buy them out for 10s. in the pound, and he knew that it was then determined to build this railway. He knew that the building of the railway would have enabled them to get unlimited capital, but he kept the intention secret, and, having completed the purchase on terms which lost the Company half its capital, he came down the next day and announced the intention of building the railway. It seemed to him that this showed the commercial sharpness, added to the political morality, of an old furniture dealer.

To listen to the right hon. Gentlemen you would almost think that it would be a good thing for the native to be idle. I do not agree with him. I think it is a good thing for him to be industrious; and by every means in our power we must teach him to work. Now, why does not the native in Africa work? It is not entirely a question of climate as many suppose. It is entirely because he can get his livelihood without labour or with very little. It is due to the facts of his history. Why is this vast continent of Africa the least populated in the world? The two things are connected. What has been the history of Africa? For centuries and centuries there had been going on, until this introduction of European civilisation or invasion, an inter-tribal warfare which has kept down the population, which has supremely modified the conditions of life and affected the character of the natives. The natives in all parts of Africa may practically be divided into two classes. There are those who belong to the more dominant and governing tribes, which sometimes change when a governing tribe is overcome by one still stronger. The second class is a slave tribe whom these dominant tribes have used to do their work. But what follows is that the dominant tribes in Africa think work undignified and humiliating.

Mr. Swift Macneill : The House of Lords.

Mr. J. Chamberlain : And the slaves who have been accustomed to do the work, when they ^{are released} ~~released~~ from their servitude, their first idea of human happiness is to do no work at all. That is the natural result of all this internecine warfare which has been going on for so long, and which, according to some calculations, and in the opinion of those who have studied the subject, has cost in every year until recent times millions of human lives. We are stopping ~~it~~ all that - not we alone, but all the European nations are stopping that internecine warfare and putting down this inter-tribal slavery. And then we are face to face with two classes of natives, neither of whom, at present, desire to work. What

will happen if they do not work? The right hon. Gentleman knows very well a man whose work has been well appreciated in this country, and known for his sympathy with native life thoughtful Africa -- Sir Henry Johnston. No one can accuse him of cruelty to the natives or of indifference to their welfare. The other day I saw an article of his which very much impressed me, in which there was a passage to the effect that if the native of Africa could not be persuaded to till his dirty continent and clear out all the weeds which have grown up there, then there is nothing for it but his extinction. (Loud cries of "Oh, Oh," from the Nationalists.) I must not hold Sir Henry Johnston to the exact language, but he says in effect that there is nothing left in that case but the extinction of the native or his return to the servitude from which he has emerged. To me that seems profoundly wise. No people ever have lived in the world's history who would not work. In the interests of the natives all over the Africa we have to teach them to work. I agree with the right hon. Gentleman that the methods by which in the Transvaal they were taught to work are methods which we cannot use, for we have got to teach them to work. Suggestions have been made in this debate that it would be wrong to tax the natives. I do not agree at all. It would not for a moment be considered wrong to tax them on the ground that they were receiving benefits for which they ought to pay their share of the cost. It is only suggested that it is wrong when there is the ulterior result that the native will have to work to obtain the money to pay the tax. Why should that which is right in itself be wrong because incidentally it will have a result which I venture to say is also right? For if by these indirect means we can get the natives to undertake the industry, we shall have done the best thing for them as well as for ourselves. But I am profoundly sensible of the gravity and importance of this problem, and above all of the importance of the steps which we may take at the present time. I do not believe that there will be any difficulty in establishing a

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system to which no reasonable or humane man can take exception and which will secure opportunities to the natives to earn fair and even handsome wages in connection with work both in the Transvaal^a and in other countries.

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SIR JOHN GORST.

These were the main objections. First, the complete severance of family ties. He hoped the House of Commons would not neck at the family ties of a negro. There were some matters in which undoubtedly the white races were superior to the savage, but in regard to family ties, the love of children, attachment to fathers and mothers, and general love of their families, he believed most civilised people differed very little from the black races. Indeed, he was not sure whether the superior cultivation of our intellects might not to some extent make us a little less quick and earnest in the emotional part of our nature than these native races. Undoubtedly, in the case of the negro family, the absence of the head of the family house for a year in a foreign country where he was never heard of, and during which time no communication from him ever reached his home, was an evil which was little compensated for at the end of the year, even if the negro made ample wages in the meantime.

The second objection was the lack of labour in Central Africa itself. This was a matter which appeared to him to weigh very strongly indeed upon Lord Lansdowne, so much so that he told the deputation that he had hesitated considerably before he agreed to the proposal, and that he had only yielded when he received a telegram from an official agent in South Africa to say that 1,000 men could be spared without interfering with local demands. It appeared to him that the duty of the Government which had undertaken the Protectorate of Central Africa was to make the interests of Central Africa in this matter its first consideration. He doubted whether any consideration ought to allow the interests of Central Africa to be sacrificed to the interests of the Transvaal. The third objection was drawn from the experience of what had taken place in past times. It was the same sort of experience which he thought everybody had had when uncivilised labour was transferred from one place to another. There had been negroes sent to South Africa, and after working there they had generally gone back very much deteriorated in their moral character. They acquired the habit especially of drinking, and were very much less desirable citizens to the country to which they returned than they were before they went away. That

was common experience, and the missionaries believed that was very likely to happen in Africa. The last objection was that of health. It was confessed by our medical authorities that the removal of the inhabitants of a torrid region to a temperate region was an extremely dangerous and hazardous experiment. He had this strongly impressed on himself in his earlier days, because the late Bishop Selwyn and Bishop Patteson were in the habit of bringing a number of young Polynesian boys from the tropical islands north of New Zealand to New Zealand. But this was put a stop to because it was found impossible, with all the care and the best medical advice that could be bestowed, to prevent these boys from attacks of dysentery, which decimated those who were brought. It was in consequence of that that the native college in New Zealand was entirely abandoned, and that a college was established in a more suitable climate.

HERBERT SAMUEL.

But compulsory labour was of two kinds. They might go to a native and say, "If you do not work in the mines, we will fine and imprison you." Or they might say to a native, "You will be heavily taxed, and you will only pay be able to pay the taxes if you work in the mines; and if you do not pay, you will be fined and imprisoned." It was that kind of ^{ion} compulsion to which it was notorious many of the mine owners in the Transvaal desired to resort. He would ask leave of the House, in order to prove that statement, to make one or two quotations. Mr. George Abbu in his evidence before the Industrial Commission was asked---

"You would make labour compulsory?"

And his reply was--

"Yes, I would make labour compulsory, and without using force, a tax could be levied."

Mr. Rudd, at the meeting of the Consolidated Gold Fields Company, said:-

"We should try some potent form of inducement, or practically compel the native, through taxation or in some other way, to contribute his quota to the good of the community, and to a certain extent he should then have to work".

Mr. Codrington, the Administrator of Northern Rhodesia, and Mr. Lionel Phillips, also advocated the same proposal; and the Report presented to the

right hon. Gentleman at Johannesburg on behalf of the Chamber of Mines urged that "mere legal and moral pressure to compel a greater number of natives in British possessions to work, and for longer periods," should be adopted. The late Bishop of Pretoria had written ---

"I am disposed to think some compulsion is necessary, or such steadily and regularly enforced taxation, and to such amount, as may compel labour to pay it; which comes very much to compulsion."

He could give similar quotations from speeches by Lord Grey, from the local Press at Bulawayo, and other sources. What had given rise to much alarm in the country was the fact that the Colonial Secretary had apparently fallen in with this idea of pressure by means of taxation; and in answer to a question which he put to the right hon. Gentleman last week, he said that he considered the present rate of taxation too low in some cases, and he hinted that the rate of taxation should be raised. In such circumstances, he submitted there was very grave cause for concern lest this monstrous proposal of forcing the natives to work in industries and under conditions which they were unwilling to accept should be adopted by the British Government. Very much the same argument applied to wives of polygamous natives.

The whole question came to this--- What was a fair rate of taxation for a native to pay? That the natives ought to pay taxation was admitted, and they themselves were willing to pay taxation to a moderate amount. The right hon. Gentleman said that the taxation imposed on them could easily be paid by a few weeks work. In the first place £2 was a heavy tax, even for a miner. On the Rand, it amounted to one-eighteenth of his total income if he worked the whole year, and was equivalent to an income tax of 1s. 2d. in the £; or in Rhodesia, where the wages were rather lower, it amounted to one-twelfth of his total income, and was equivalent to an income tax of 1s. 8d. in the £. And then there was the indirect taxation to which his right hon. friend the Member for the Forest of Deane had referred. The natives were very heavily taxed on their blankets, rugs, picks, hoes, beads, and other commodities; and in Natal alone the amount of indirect taxation paid by the natives amounted to about £170,000 per annum. But apart from natives who worked in the mines, they would have to ask, what would be the criterion of a just rate of taxation? Many of the natives were steady agriculturists. They used the plough; and, therefore, did not depend on the labour of their wives. In South Africa women were not allowed to plough with cattle. Perhaps a native was

living remote from a market and was unable easily to sell his produce. He preferred to live his own life in his own way. As was well said by one well-qualified to speak, "To the native, the valley in which his kraal is built holds all that makes his life worth living." It would be a very great responsibility for this House or this country to say to that man, "You shall not remain on the land; we will impose taxation on you so great that you will be compelled to seek employment in the mines." That would open up one of the most momentous problems of Empire -- whether they should force their economic system on the native races. If the natives wished to enter that system of their own free will, their responsibility would be lighter; but if they forced it on the natives, they would become directly responsible for any degradation that might come to many of these who should be regarded as wards of the Empire. Nor could they limit the matter to South Africa. If adopted in South Africa it would be regarded as a precedent elsewhere. It was possible even probable, that minerals should be discovered in British East Africa; then there would be the same shortage of labour, the same demand for taxation, the same shortage of labour, the same demand for taxation, the same plea for indirect compulsion. In the West Indies the planters were often obliged to import labour, because the negroes would not work; and a similar claim might be made there.

Let these obstacles be removed, as Lord Milner was actively endeavouring to remove them, and the question would in large measure solve itself. There was no need to force them into the mines by taxes; to whip them to work with an economic sjambek. Could these blacks make their voices heard in that House, they would say to them: "You have taken away our independence, and to that we submit; you have occupied our land, and we do not protest; you ask us to contribute to the upkeep of your revenue, and we are willing to do so according to our means; but we ask to be allowed to live our own lives in our own way on our own land, without being forced into your economic system." That was not an extravagant demand.

Mr. J. CHAMBERLAIN:

What the Beers said to me was, that since the war, from various causes, the native has grown insolent, and squats on the land, and will not do any work. If there is any definite, strong opinion on the subject of what is called forced labour, it is to be found among the Beers, and not among the British population. "But", says the right hon. Gentleman, quoting a document written by persons not as literary as himself, who do not perhaps understand the weight to be attached to distinctions of language,

"These mine-owners say that the native must be compelled to work."

Yes, but when they say compelled it merely means by legal and moral means. When you talk of forcing labour what you mean is labour enforced by physical compulsion. (Some Opposition of cries of "Oh".) You do not? Well, by slavery and forced labour I have certainly always understood a state that is produced ultimately by physical force. If that is not so, I do not understand the difference between your forced labour and my inducement. I am utterly and entirely opposed to anything in the nature of forced labour. I am quite certain that the resolution, it was not given to me officially, but I saw it reported in the papers, of the Conference says that no sanction will be given by any civilised opinion in South Africa to forced labour. But while I believe that is absolutely true, on the other hand there is a very general belief throughout South Africa that the natives should be in their own interests as well as in the interest of the country, induced to work. Accordingly that is the only practical question to be considered. These names and charges, which are extremely offensive to the people against whom they are brought, ought not to be brought used, and we should consider on the merits the proposed inducements. Possibly it may be considered that they in themselves are objectionable; if so, it ^{is} quite right and natural that some opinion should be pronounced by this House on the subject; but do not call forced labour what is after all at the worst only labour which has been induced by legislation which indirectly effects that result.

SIR WILLIAM HARCOURT: The words I used were indirect compulsion.

Mr. J. Chamberlain

Quite so. There are, as far as I knew, two forms of inducement. The right hon. Gentleman said that he had not seen the notice of any reply I had made to the memorial which was addressed to me. I made no reply

to that memorial; but I had many conferences with the mine-owners, and I expressed my own opinion very fully, and very much to the same effect as I have expressed it to this House. I urged upon them, in the first place, to induce the labourer to work by the ordinary means which people take - that is to say, by tempting them by greater opportunities of securing the satisfaction of their wants and necessities as a result of their wages. If you can increase the wants of a native you at once give him the desire to work in order to supply these wants. Take, for instance, the native in East Africa - the Masai; he is a savage with very little clothing, and very few wants; if you can induce in his wife or wives a love of finery, a desire for better food, or a desire for clothing, you at the same time induce in him a readiness to work. That is one thing which I said, undoubtedly; in my opinion they have not up to the present time done all that could be done in that respect, and I ventured to put before them various suggestions in regard to that matter. My right hon.

friend the Member for Cambridge University says in effect: "Why should you induce this happy man to work? Here he is lying naked in the sun for the greater part of the day; he does not want to do any work, and it is not necessary; his wife, although not a slave, probably from affection, is willing to do what work is necessary in order to provide him with subsistence. Why should you interfere with this happy being, why induce or teach him to work? If that really is the last word of civilisation, if we are to proceed on the assumption that the nearer the native, or any human being, comes to a pig the more desirable is his condition, of course I have nothing to say. But that is not the argument either of the missionary or of the civilised world in general, to which appeal is so often made. Although some ridicule has been cast upon the phrase it is not mine, but that of a very distinguished missionary - I must continue to believe that, at all events, the progress of the native in civilisation will not be secured until he has been convinced of the necessity and the dignity of labour. Therefore, I think that anything we reasonably can do to induce the native to labour is a desirable thing.

THE SERVANTS OF INDIA SOCIETY.

(BOMBAY BRANCH.)

Telegraphic Address

"SERVINDIA."

Telephone No. 20074.

Servants of India Society's Home,

SANDHURST ROAD, GIRGAUM,

Bombay, _____ 192

23rd May 1905.

Mr. James O'Kelly: whether his attention had been called to the Poll tax Ordinance (of Uganda) which enacts that a poll-tax of 2 rupees per annum shall be payable in the same manner as the hut tax by each adult male native & that any person who has not the means to pay 2 rupees in cash shall in lieu thereof work for the period of one month, & whether His Majesty's Govt has sanctioned this system of forced labour.

Col. Seay (Mr. Lyttleton): — The payment of any taxes appears to me to involve compulsory labour except in the case of those who have savings or accumulated capital available to discharge them.

17th July 1907.

Mr. Cathcart Warren: The extent of land reserved for the natives in the Kibuyu district, & if it is clearly understood that this reserve will be retained for the natives.

Under-Secy. (Churchill): The land which has been declared reserved for the Kibuyu Tribe amounts to about 14,000 sq. miles in the Kenya Province & about 350,000 acres in the Ukamba Prov.

There is no present intention of rescinding his reservation.

What is meant by "no present intention"? — Some of these tribes have hitherto pursued a perfectly nomadic course over large areas of country; but it is the absolute intention of my right hon. friend the Col. Secy to secure for them ample location in which they may live & multiply.

(But Kibuyu is not a nomadic tribe?)

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222nd July 1907.

Mr. Colicost Warnock's ^{natives} ~~reserves~~ caused by the fear that they will be deprived, one way or another, of the lands; will be made it clear that the native reserves in India are inalienable.

Mr. Churchhill: The Secy. of State concurs fully in the principle that a native reserve, when once established, shall be inalienable except with the consent of the natives themselves, & upon its being proved to the satisfaction of the Secy. of State that alteration is required. When I informed the Hon. Mem. in reply to his question of the 17th of this month that there was no present intention of rescinding the Kikuyu reservation I did not mean to suggest that there would be any arbitrary or unjust confiscation in the future, but it is possible that circumstances may arise, such as the increase or decrease of a tribe, the failure of certain staple ~~industries~~ articles of ~~industry~~ food within a reserve, a deterioration in its sanitary conditions, etc., which would render an alteration of its boundaries or location both just & desirable. I need scarcely say, however, that any proposed change of this kind would be most closely scrutinised by the Govt, which in this matter, as in all others, affecting the welfare of the natives, would act as their trustees.

Mr. Ashley: would Govt consider the desirability of placing the reserves in the hands of trustees?

Chase: Govt will not act as trustees.

Mr. Ashley: I suggest private individuals should act

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Churchill: 17th July 1907.
 The area from which the Nerasi were removed was nominally about 920,000 acres. ... 320,000 acres of the land in question were granted to the E.A. Syndicate & the remainder made available for other settlers. The Nerasi objected to this arrangement numbering about 11,200 souls. The no. of white settlers in the area is at present 48, of whom 10 are Gipsies & the remainder of British descent. The Nerasi have been granted ample lands in two reserves & they have acquiesced in the arrangement.

6th May 1907.

Churchill's Grogan is a visiting Justice of Nairati jail. He will not be continued in the office of Visiting Justice.

Capt Grogan's Misconduct.

Churchill: According to the Secy. of State's present information these men were charged with holding an unlawful meeting & resisting the police. The officer administering the Govt. ~~report~~ reports that the insult was not apparently of a serious nature, & at most did not amount to more than rudeness & disobedience. He further reports that after collecting upwards of 100 Europeans, of whom ^{many} ~~they~~ were armed, Capt. Grogan & the persons acting with him flogged the three natives concerned in a most brutal manner, in front of the Courthouse, at Nairati, in spite of the attempted intervention of the Magistrate & the police officer. The natives were not handed over to the police.

In the first case there was a native girl, named Wameisa, whose age is stated to have been 12 to 14, but who, I take it, at the time this occurrence was commenced, was younger than that. It appears that she was seen by a British Officer named Heywood, who had conceived a desire to possess her. He told a native to get her for him, and he paid 40 goats for her, which, I understand, is about the usual price of a wife in that part of the world. He took her about as his concubine for some time, and then he came ^{home} to England, sending her back to village. When he returned he sent for her again, and, being ordered to a more remote part of the country, she objected to go there. There happened to be at this time on the station another official ^{and} commanding the district, named Silberrad. The first official told this girl to go and live with the second official, and as she objected to do so, she was sent home. The second official was not satisfied with that, and he ^{tried} to get her. Her brother says that ^{he} was threatened that if she did not go the village would be burned and the goats taken as in war. That particular threat, I understand, was denied, but it is admitted by the messenger that a threat was made, and what particular form it took really does not signify. A second attempt was made by this officer to get the girl, and it succeeded. On this occasion the acting district commissioner was travelling from Nyeri to Fort Hall. Passing through the village where this girl was, he told the chief, Wambugu, that she was to be ready on his return in two days' time. She says she was threatened again and told that if she did not go with him her people would be put in prison. At any rate, she was taken to a hut, made to change her clothes, and put into this commissioner's room. He then made overtures to her which she declined. He says that he sent a message in the morning that she was not to go further with him unless she wished. She declares that the message was never delivered to her and that it was only because he was a Government official that she went next day to Nyeri. She remained there until Mrs. Routledge fetched ~~her~~ her away. Mr. and Mrs. Routledge are English people holding property in that country, and probably they are the only independent people within some hundreds of miles. I think a debt of gratitude was due to them for the part they took in this affair.

There was^a second case, and the circumstances, so far as I have 47
been able to gather, were these. Mr. Heywood was at a native dance
and there he told the chief that he wanted a girl. Two were brought
to him, and he selected one. Her name was ~~Mimbura~~^{Mimbura}. She did not wish
to go, but the official gave her father "many goats." He took this
girl about the country with him, and at the same time as the former one,
and, like the other, she was sent for by him when he returned from
England. When he went to a more distant station she went with him, but
left after a time, and came to Silberrad with a letter of introduction
from Heywood^u. There is no doubt about the fact that he knew from the
first that she lived with Mr. Silberrad willingly for a monthly wage.
I ought to state that Judge Barth was sent to make preliminary inquiries.
I do not know the status of a judge in that part of the world, but I
suppose the object of making the preliminary inquiries was to report to
the Government on the case.

Then we come to the third case of a girl 12 or 13 years of age, who
was the wife or concubine of a policeman under the orders of Silberrad,
According to the report of Judge Barth, she was ordered to return to
Nyeri for that officer's pleasure. She was fetched from her house
by a policeman, and in the presence of a sergeant she was handed over
to Silberrad's cook, and she slept with Silberrad. The policeman
hearing of what had happened, went to the official's house and began to
lead the girl away, but the Commissioner appeared, and, although
it seems hardly credible, a scene or scuffle of some kind took place
between the policeman and the Commissioner. The Commissioner was so
annoyed at the policeman making resistance that he sent for the guard,
and had him put in prison for endeavouring to protect his own wife or
concubine, as the case may be. These facts are not denied as regards
the main points. One of the offenders made two excuses. The first
was that there was no compulsion, the second was that in the third case
he believed the girl was not really married to the policeman. I say
that both of those pleas are the merest quibbling. The idea of com-
pulsion on the part of an important British official who took this action
among people practically under his sway and influence is one which will
not hold.

~~(Mr. H. J. Wilson.)~~

Whether this girl was or was not married according to some native

custom

custom does not seem to me to be in the least worth discussing at the present moment. I am not a lawyer; but it seems to me that serious offences have been committed, as set forth in the Indian Penal Code. I would direct the attention of the Under-Secretary of State for the Colonies to two paragraphs in the Penal Code. Section 366 says:-

"Whoever kidnaps or abducts any woman in order that she may be or seduced to illicit intercourse, or knowing it to be likely that she will be so forced or seduced shall be punished with imprisonment.....for a term which may extend to 10 years, and shall also be liable to a fine."

That appears to apply to persons who are employed to secure these women.

Section 173 says:-

"Whoever buys, hires, or otherwise obtains possession of any minor under the age of 16 years to the intent that such minor shall be employed or used for the purpose of prostitution, or for any unlawful or immoral purpose, shall be punished with imprisonment.....for a term which may extend to 10 years, and shall also be liable to a fine."

The facts to which I have referred appeared in "The Times" on December 3rd of last year, and on December 7th several questions were asked in this House in regard to them. My hon. and gallant Friend stated, amongst other things, in reply, that the official named was not a man of high rank, but was of a junior grade. This is to me a great puzzle, because it appears that he had the power of trying capital charges, of passing sentence of death, and, on confirmation by some higher official or court, it was his duty to see that the execution was carried out. I am assured that this person had tried capital charges, and had superintended the execution of one man sentenced by himself. Perhaps my hon. and gallant Friend will explain whether questions of life and death are entrusted to these officials of junior grade in this part of the world. He also discussed briefly the question of age, and objected to one of the girls being called a ^{child} ~~child~~. Judge Barth, in his report, uses two expressions: in one case he calls the girl a "child" and in another "a girl of tender years" therefore I do not see the use of discussing what the age really was. The clauses from the Penal Code to which I have called attention refer to girls under the age of 16 years. After all, what does it matter whether there was a particular and special form of compulsion? The circumstances, all point to the fact that it was practical compulsion. Here we have a high Government official--- I still call him that--- dealing in this way with native girls, and scuffling at his kitchen door with one of his own policemen^e for the personal custody of one of these girls.

To my mind it is simply abominable that this nation, this House of Commons, should be represented in a far-off dependency by such a man, with enormous power and influence----that he should be travelling about his district with his native pimps arround him, and asking the chief, who ought to be the protector of these girls, to procure and bring an assortment of girls for his selection. It is very possible that the chief could hardly refuse the demand of a man in such a position. And when these public-spirited people, Mr. and Mrs. Routledge, have gone to a great deal of trouble, expense, and inconvenience in bringing these things to light, instead of receiving the warmest ^{thanks} of everybody for their actions, they are practically discouraged. It seems to me that the Governor, the judge, and the Colonial Office have combined to minimise the offence or ^{offences}. Even now we are not allowed to know the whole truth. We are not allowed to see the evidence or to have papers laid. It is said that some sort of despatch or circular has been sent out, but it is withheld from the public at large. If it is a good and efficient circular the general public would be glad to see it, and I cannot understand ^{why} it should not be seen by the House of Commons and the public. In cases of this kind nothing is gained by secrecy. Secrecy only tends to make people believe ^{he} there is something worse than appears on the surface. One of these men has been punished. How? He has been degraded in rank and sent to a remote district---to what is termed a "closed" district, where neither Mr. and Mrs. Routledge nor any body else will be able to follow him or to know what he is doing. The other person, I believe, has had a reprimand ^{and}, though I do not know of what sort. It is because, in my judgment, no proper action has been taken in the matter that I beg to move that the Vote be reduced by the sum of £100."

The Spectator says: "Such cases are not exceptional & individual, but are typical of unsound & dangerous conditions prevailing in a particular Administration."

I pass to a subject which I would have willingly omitted. It has ⁵⁰ been raised by the Amendment upon which we are engaged, and I am sorry to say that this discussion has revealed a state of things in East Africa which I ^{think} is deplorable, and which shows that the Government have dealt with it with very reprehensible weakness. Do not let the Committee consider for a moment that I am going to ask them to re-try the case against an official, or to pass upon him a sentence heavier than that which was passed by his Administrative Chief. I agree so far with the speech of the hon. and gallant Member (Colonel Seely) that the case is now six months or more old. It certainly would be repugnant to me, as I believe it would to the Committee, to ask for further punishment of the offending official. Still more I desire to say that I never myself bring general charges against officials, and I should certainly never have dreamt of bringing general charges against officials in East Africa, whom we are proud to regard as English officials, and whom we believe, until the contrary is proved, to be high-minded and honourable men. But my complaint is against the Government for their weakness in dealing with this case, and let me inform the Committee that the facts are really not in dispute. I have carefully verified the facts which the hon. Member opposite (Mr. H.J. Wilson) brought forward in his opening speech. These facts have been established in the substances by a judicial inquiry conducted by Justice Barth, who has written a report of the matter. It has been said by the hon. Member for Orkney and Shetland (Mr. Cathcart Wilson) that the facts have been exaggerated, but not a word of argument or a sentence was used to point out one single exaggeration. On the contrary, he went much further than anybody on this side of the House. He said he was in favour of deporting any white man in a tropical climate who lived with a black woman. Apparently the exception to that rule is an official who has lived with a very young woman when she has been taken away from her proper custodian by that official through the exercise of administrative authority.

Let me tell the House that anybody who has occupied a position at the Colonial Office is bound to call the attention of the Committee to the, I think, deplorable weakness in this case on the part of the Government. The admitted facts are that one in the position of acting administrator, who has the power of life and death within his jurisdiction-----

Colonel

Colonel SEELEY : No.

Mr. Lyttelton: At any rate, it is quite sufficient to say that if he has not the power of life and death he has very high jurisdiction in criminal matters. It was found against him by the judge---and I believe it is not denied by himself--- that this acting Administrator did procure to live with him a girl between 13 and 14. It is perfectly true that, being in a tropical country, a girl of that age would be as mature as a girl of 17 here. When she objected---and he admits that she objected to his advance in the first instance---he afterwards persisted. I should imagine that such yielding would be natural to the most powerful man in the district, seconded by one of the most powerful chiefs who had procured her to live with him. These are the facts as regards the first case proved against this gentleman. No one can deny the facts I have stated. They are found in the judge's report.

There is another and graver charge against the same official. There was a policeman who was actually under the command of the acting district administrator. The official saw the girl who was living either as wife or concubine with this policeman, and he conceived a desire to possess her. He did take her away from the man who was under his command. All that is found by the judge, who equally found that the policeman resented and objected to this conduct. This fact is not found in the judge's report, but it is stated to be in the evidence which has not been presented to this House. It has been stated by the hon Member who moved the Amendment, and it has not been contradicted by the hon. and gallant Gentleman (Colonel Seely) that this policeman went to the official's house and claimed the woman who had been taken away from him. Some scuffle or quarrel took place, and the man who had been deprived of his wife or concubine was put in prison for having threatened violence to the official. These are the absolutely uncontradicted facts in this case, and I say that no one would be more reluctant than I should be to express condemnation of a man living under different circumstances, in a different climate, in a position of isolation, and the like. Very few men would desire to deal hardly with any man who lived what is called an immoral life or have the right to be hard upon a man for doing so. But the Committee know perfectly well that there is a vast difference between immorality and that conduct

which

which uses high official position as against very young and very uncivilised girls to bring them against the will of those who are protecting them into his own custody and for his own enjoyment. I think I can say from my knowledge of my illustrious predecessor the Member for West Birmingham (Mr. J. Chamberlain) that such conduct would not have been tolerated for 24 hours by him on the part of officials under his administration. I say myself that it is hypocrisy, it is almost monstrous, that we should pride ourselves on the laws which exclude intoxicating drink from the native population, and that we should be tolerating ^{the seizure and corruption of young girls} by officials, instead of visiting the offence with heavy and instant condemnation. I do not desire that this case should be retried. I do not desire that the man who has suffered the punishment of suspension for one year from his promotion should now be further punished, but if that is called heavy punishment, I leave the House to judge. He has been fortunate enough to incur only that punishment. I do say that the Committee should convey as emphatically as possible that conduct such as has been admitted here should not have been dealt with with the miserable weakness it was dealt with by the Colonial Office, and that if in future such an abuse of official position takes place, the persons who so abuses his authority should no longer be left in a position to deal with the lives, or, if not the lives, at least with the liberties of the subjects of the King. My last observation in regard to this most painful and discreditable case is that it is worthy of notice that the Indian Criminal Code was in force, according to the Under-Secretary, in East Africa. This official, if the Indian Penal Code was in truth in force in East Africa, would have been liable to punishment by imprisonment for ten years. Section 373 of the Indian Penal Code prescribes:-

"Whoever buys, hires, or otherwise obtains possession of any minor under the age of 16 years with intent that such minor shall be employed or used for the purpose of prostitution, or for any other unlawful and immoral purpose, shall be punished with imprisonment for a term which may extend to ten years and shall also be liable to a fine."

There is the Act of Parliament which applies to the case. In recent years it has been used, I understand, so as to obtain the punishment of six months' imprisonment for a civilian who was guilty of an offence far

short of this. What was done in this case by the Colonial Office leaves on my mind the unpleasant impression that if a man who is not in authority commits this offence, this Act should be enforced against him, but that as regards a man who is in authority, it is to be left unenforced.

Col. Seely (Under Secy. of State for the Colonies):
If such a case as this is brought to our notice in future, so far as we have the power, if all the attendant circumstances are as bad as they have been represented to be in the course of this Debate, if the story is as deplorable & a one as is understood to have been the case here, such an officer will be dismissed the service.

(Could not have been brought under the I.P.C. that was our legal advice.)

Balfour: The first indictment was to the effect that he had used his position of authority — his position of judicial authority in the country, remember — to induce against her with a girl of 13 or 14 to leave her natural protectors & come to cohabit with him. (It is a gross abuse of administrative power.) ... According to the second story the same official — judicial official — actually got into conflict with a man who was his own subordinate about that man's own wife & that this discreditable & sordid scene ended in a scuffle, & that the man was actually sent to prison by the judicial person who had appropriated to his own immoral purposes the woman who was living with the other man?

"one of the most discreditable passages which has ever tarnished the administrative fame of this country.

Sir Clement Hill: I wish to switch the wire off from one side of ⁵⁴
the continent to the other, and raise the question of the land in E. Africa
The Protectorate of E. Africa stands under very different conditions
from those of most of our African Colonies and Protectorates, because
when it was taken over by this country in 1895 there were no settlers
in it, and no British developments whatever. When we at length en-
deavoured to administer the country land laws were introduced in 1897,
but still there were few, if any, settlers to whom they could be applied.
It was foreseen however, that there would be more occupation, and accor-
dingly these land laws were drafted, and the Ordinance of 1902 was in-
troduced just at the time when the railway was completed. The completion
of the railway naturally attracted more settlers, and the demand for
the land at the end of 1901 and in the early part of 1902---I believe
up to that time confined to one demand for 104 acres by the Italian
Colonial Trading Company, sprang up very considerably, and kept on in-
creasing. The principle on which the Ordinance of 1902 was founded was
that there should be a ninety-nine years' lease, and a certain power
of freehold. The only criticism of that Ordinance for some considerable
time was by the Commissioner, who considered that the Ordinance was
not liberal enough to settlers, and who advocated greater freedom of
trade and greater grants of free land. Nothing, however, was done in
that regard so long as the Protectorates were under the Foreign Office.
But when they were handed over to the Colonial Office in the early part
of 1905 apparently the question was more discussed and more looked into.

In the early part of 1907 notification was issued in the Protectorate
saying that land might be granted for a twenty-one years' lease, plus
twenty-one years at the end of that time, at the rent ^eprevailing at
the time of settling the grants. The total period of the grant was
forty-two years, but it was received in the country with great disappoint-
ment on the part of the whole population. We learn that from the reports
which were sent home at the time. The agitation in E. Africa increased,
and was very considerable. I put a question in this House in August,
1907, and shortly afterwards instructions were sent out by the Secretary
of State for the Colonies to E. Africa that the authorities there were to
consider whether it would be possible to grant leases for twenty-one
years, plus seventy-eight years, and the rent should be fixed on certain
terms. The present Home Secretary, who was then Under-Secretary for
~~the time and dealt with the~~ the

(Mr. Winston B. Churchill)

the Colonies, visited E. Africa at the time and dealt with the question more or less, but he instructed the Governor there that it was desirable that leases for grazing land should only be granted for twenty-one years, with an option for renewal under certain conditions. ~~Meantime~~ certain local proposals had been made. A new Director of Agriculture had gone out, and had made suggestions, founded upon some Cape analogy, that there should be a perpetual quit-rent over the land, with the power of a redemption at twenty years' rent of the lease. The Government of the day and the Director of Agriculture did not go so far as that, but they took the line that it would be necessary to give ninety-nine years' leases, with certain power of purchase of the freehold. These proposals were sent home, and they were discussed and considered by the Colonial Office, and Lord Elgin sent out a reply on 19th March, 1908, in which he laid down that individuals should not accumulate great tracts of land owing to the principle of free transfer, but that the Government should from time to time have a share in the new areas of unearned increment. Therefore revised proposals were made to the local government authorising the offer of ninety-nine year leases, with rentals on a revisable basis of 5 per cent. of the unimproved value of the land, at the thirty-third and sixty-sixth year, subject to a maximum rent, on its development. The maximum rent was 3d. per acre. the maximum area being 5,000 acres. This works out, without giving all the details to this, that some was classified in Class 1., 900 acres at 18 cents., which was a rent for the first thirty-two years of £10 16s.; at thirty-three years. £33 12s.; and at sixty-six years, £101 8s. That was in the Highlands.

Mr. Wedgwood: May I ask whether that is the maximum?

Sir Clement Hill: that is the maximum. In another case of different quality there were 5,000 acres at 3 cents. for the first thirty-two years at £10; in thirty-three years, £186 13s. 4d.; and in sixty-six years it rose to £563 6s. 8d. The result of that despatch was that an ordinance was drafted in the Protectorate and was approved by the Legislative Council and was sent home in 1909, but it contained no provision for a revision of the rent at thirty-three and sixty-six years, nor did it deal with the question of a graduated Land Tax as suggested by the Government. The present Governor, Sir Percy Girouard, urged that ordinance upon the present Secretary of State, personally, whilst

over

over in this country, and set forth to him his views on the hostility of the settlers to the Government scheme, but without success. and in a despatch published in the "Official Gazette" on March 1st, I see that instructions were given to adhere to Lord Elgin's despatch, and to draft an ordinance in its terms. So far as I know no ordinance has been sent home in these terms. The fact is this: you have got a Colony or Protectorate which you can see working in its infancy, a Central African Colony where health conditions are still very uncertain and you are not at all sure what the result of the ^{ex}periments will be in cereals and farming and so on.

They have an ordinance imposed on them which is extremely distasteful and objectionable to all the officials and settlers. That country has to compete with the attractions of ~~the~~ ^{the} other older Colonies, such as Canada, where liberal grants are given, although Rhodesia nearer to it is a better example. There extremely liberal terms are offered to settlers, and I may mention the recent grant of 400,000 acres of land in Rhodesia for the purpose of ^dfeeding cattle, and the option of 2,000,000 more acres. East Africa has to contend with such conditions as these, and by these offers she is put into a very difficult position. We find therefore that the ordinance which is likely to be imposed upon them is thoroughly distasteful, and that they wish to have more liberal terms, and we are brought up against the opinion, it seems, of the Government. I think, looking at the conditions under which East Africa was obtained, it really did not come to this country as a country which was looked upon merely for the purpose of commercial development and land hunger. We took it under international conditions by which ~~we~~ ^{we} were pledged under the Brussels Act against the slave trade and slavery. As to the first part of the work of the Government of East Africa, all that was done was done simply and solely with that object. What has grown up from the preparations made by the Government, and upon the success of the Government operations in that Protectorate, is a system of enabling white settlers to go and get land there on fair terms, and it is hoped the result will prove to be good for that country in the future. The primary object was not commerce, and I think, if the Government really considered this question, they might endeavour to look into this subject with greater liberality and see if they cannot make some effort before it is too late to

more or less improve the chances of settlement in accordance with the views expressed by the local Government.

I would like to ask, in connection with the same Protectorate, what has been done in regard to the question of the settlement of Asiatics? A Committee recently sat under Lord Sanderson, my late chief, and went into the whole question of Asiatic settlement, and they came to the conclusion that, owing to the great hostility of the settlers in East Africa, it would not be desirable to have Indian Emigration; that it should not be encouraged in the ^hhighlands at all events, although in the lowlands it was possible land might be found for the purpose. In the more distant Protectorate of Uganda, it might be possible to supply them with advantage. The other Protectorate in which I am interested is what is known as the Nyasaland Protectorate. I hear extremely good accounts from Nyasaland of the growing of cotton. In the first place they paid more attention to the growing of toffee, but I hear now that they have got cotton in such a condition that they have the utmost hopes of growing it to a very large extent and of producing it in very paying quantities, if they could only get better methods of transferring it. They formerly used the Shire River, but it has altered of late years, and they cannot now trust to water transport, because it has shifted so much, and the river is unequal to the work. I should like to ask the Secretary of State whether His Majesty's Government would consider it possible to assist local enterprise by building railways and by giving greater facilities for transport of cotton, not in the interest ~~of the growing of cotton, while~~ of individual firms, but in the interests of the growing of cotton, which is obviously of importance, both to the Protectorate and to the Mother-Country.

The hon. Baronet has just said that commerce was not the primary object of our control over East African affairs. The railway he asked us to make was to be built solely for the purpose of getting the country into communication with the hinterland in Uganda and stopping the slavery which was then prevalent. What the Government did find was that when the railway was made it was pressed upon them from some quarters upon the Foreign Office, that they would hand over great tracts of the country to syndicates and speculators. And that is what East Africa is suffering from at the present moment. Not very long since the Under-Secretary for the Colonies, who is now Under-Secretary for War, ^(Col. Seely) gave me an answer to a question which I put to him in this House with regard to the population in certain lands of the East African Syndicate at the time they were taken over and at the present day. I did not bring the figures with me, but if I had they would astonish the Committee, for they would see that some thousands and hundreds of thousands of sheep and cattle and natives have all been swept away, and that the country was then practically a desert. How far the conditions under which the East African Syndicate hold their lands have ^{ve} been carried out I do not know, but after some years these conditions have not in any way whatever been fulfilled.

Not only is that the case, but enormous areas of land have been granted to individuals, great areas which are far more than any individual could possibly work, and now complaints come from the settlers that they are not to have equally large areas granted to them. I say it is a very unfortunate case both for East Africa and for ourselves and also for the people who are now in that Country. It is a difficult question, the whole of this East Africa land question. We gave to these large syndicates and holders enormous tracts of land, but it is doubtful whether they will make very much money out of them. The whole problem of white settlement there is difficult. What we have seen is that the natives have been removed. I am not unduly criticising the Government or the Colonial Office for that, but they have been removed to other land in the south. It was also proposed by the Foreign Office to hand over great tracts of land with the natives in the country to persons from Central Europe for political purposes, but that calamity, by the Grace of God, was averted. These were people from whom we were

desirous

desirous of getting some reciprocal advantage. In these circumstances I think the remarks of the Hon. Gentleman opposite were a little unfortunate. In Sir Percy Girouard we have a Governor who is doing, as every Governor has done, very much to promote the prosperity of the country. The railways which he has suggested will be of enormous benefit. The prosperity of East Africa does not depend so much on a few white men making a little money here and a little money in land speculation there, as it does upon the small cultivator, the man who, with his own family and a few boys, is doing a little bit of work for himself. Still more does it depend upon the great native population. For example, the native sheep have absolutely no wool at all, but I noticed, a year or two ago, that by a judicious intermixture and crossing, they have managed to raise a wool which commands a fair price in the market. Other operations of commerce also are going on. The point I want to make is that the prosperity of the country depends solely upon the native population and the manner in which we treat them. There are still large numbers of these natives, and there are also settlers, whom we should do all we could to help, to promote their prosperity and comfort, to ^{be} enable them to earn a livelihood, and to do something for themselves. I believe ^{is} there is a great future before the people of that country.

I want this afternoon not to traverse any broad field, but rather to raise one small point, upon which I regret exceedingly I am in conflict with my right hon. Friend. I refer to the way in which the Northern Masai have been treated by the Government of the East Africa Protectorate. I daresay we all remember with much delight that book of Joseph Thomson, entitled "Through Masailand," when, in the pages of the book, many of us for the first time in our existence came across this delightful tribe. Many things have happened since. One of ~~the~~ ^{the} things is that the Masais have become a peaceful people. They have amassed much wealth in the shape of cattle. They also have become the neighbours of white settlers. As my hon. Friend above me hinted, ^[Mr. Wason] he did not exactly say so, the history of land tenure in those quarters had better be passed over in silence, if at all possible.

Since 1904 we have committed this great crime. The Masai were divided into two sections, northern and southern. The northern section was surrounded by, or at least had as neighbours, white settlers on land outside the confines of the reserve on the map---or at any rate as allotted on the plan. A strange thing has happened, and I cannot help thinking that my right hon. Friend might have prevented it, to the honour of his office and to the benefit of the East Africa Protectorate. I would like to draw the attention of hon. Members to the correspondence in the White Paper upon which I base my case. There is a very interesting admission on page three of that White Paper. It must be remembered that the two sections of the Masai were settled by Sir Donald ^e Stewart. When that settlement was made Sir Donald reported to the Secretary of State for Foreign Affairs, who was then responsible to the Government for that part of the country:

"The Laikipia lands are well known to the Masai, and will suit them well."

These northern lands---lands which were possessed by the Northern Masai+-----

"are also a good long way from the railway, and not tempting to the present settler-----"

Sir Donald knew human nature-----

"Though-----"

This is even more significant than the point I desire to draw the attention

attention of the Committee to-----

"Though in the future it is quite possible that when the Masai have grazed down the grass, and got it sweet, envious eyes will again be cast on their lands, and so I cannot express too strongly to your Lordship the absolute necessity of making these Laikipia lands an absolute native reserve for the Masai."

Very well. What has happened? This White Paper shows what has happened. Apparently in 1909 there was some communication between the East Africa Protectorate and the Colonial Office, but that communication is not published in this White Paper. The first despatch that is published here is from Mr. Jackson, who was acting-Governor in the absence of Sir Percy Girouard. Without going through the despatch it is necessary to refer to it in order to make a complete story. The point of it is this: Suddenly, apparently without any warning, or consultation, of any orders, and without any conferences, Mr. Jackson reports:

"That the Governor is eager that the Northern Masai should be moved from their lands down until they become the neighbours of the Southern Masai.

He gives his reasons, saying that the great paramount chief, who lives in the southern reservation, finds, or he thinks he finds, that his authority is somewhat weakened in the north. He wants to re-establish his authority, and he wants the northern men to come down and be with him, so that they may be one tribe. Then the Governor---I suppose it is Sir Percy Girouard himself---at any rate, his acting-governor --- informs the Colonial Office that the transference has actually commenced. He states a little bit later on that, if any obstacle is put in its way all sorts of evils will be perfectly certain to happen. He then refers to conferences having been held. He does not refer to them in a very definite sort of way. It is very difficult to see how the conferences were held, but he informs us that they----

"were strikingly unanimous in their decision in favour of going south, and that the proposal to go south was received with enthusiasm."

But the whole situation is given away in the very last sentence of the despatch. Mr. Jackson says:-

"I may say at once that although the question of throwing open the present Northern Masai Reserve to white settlement has been before the Government for some years, I was in no way actuated in the present negotiations or decision by any consideration of this kind."

All I can say is that every letter which was received from the Colony

for

for some time before informed us that such a design was on foot; informed us who was behind the design, informed us how it was to be accomplished, and also informed us what excuse were to be sent to the Colonial office in order that the sanction to its accomplishment might be given.

In those days the Noble Marquess, the Earl of Crewe, reigned at the Colonial Office. He had at his right hand my right hon. Friend, who is now the Under-Secretary of State for War ^{(Col. Seely).} As soon as Mr. Jackson's dispatch was received a telegram was, without loss of time sent out, telling him that the thing must be stopped. Action, it was stated, must be suspended. A dispatch, it was said, was following. In this dispatch two observations were made. The first was that the Northern Masai should not be asked to move until there was a formal abrogation of the agreement of 1904 on which the settlement had been based; and also---and this is a very important point in view of the case with which the Colonial Office has since accepted certain reports sent from the East Africa Protectorate--- it was pointed out that there were contradictions in the dispatches sent home. The suspicions of the Colonial Office were very properly aroused by certain discrepancies in the statements, and certain hints and allusions, and the check to the first move a little over twelve months ago was made. Certain correspondence followed. A very significant thing---and I hope none of these points have escaped the notice of my right hon. Friend when he was considering the whole situation and when he became responsible Minister--- is that the dispatch that Sir Percy Girouard then sent contained this exceedingly suspicious suggestion:-

"The the newly erected Masai reserve was going to be put under trustees."

Again, responsible Ministers said at one that there was to be no trustees for this sort of thing. The Government, and the Government alone, was the trustee of land reserves for native tribes. Sir Percy Girouard came home. We do not know what happened. We did know by correspondence what he said before he came home. We know that he delivered a speech to a pastoral association, I think it was---at any rate it was an association of settlers---before he came home, and he informed

them

them that he was going to do his very best to get certain things in which they were interested straightened out. He hoped he would return having accomplished his object. He came home, and then he went back, and the dispatches began again. He begins by informing my right hon. Friend that the old chief (Lenana) had died. He says that from his death-bed he sent a message to the people of the Northern district that they should be good children and obey the British Government, and go South.

That is very nice. It is much more like a Sunday School story than anything else. However, we will assume that it is correct. It probably is correct. But the merit of it is very much taken away when we remember that this chief was a salaried official of the British Government, and that he held his authority under the protection and with the approval and support of the British Government. The British Government provided him with a certain amount of money to allow him to keep up a proper state of chieftainship. The next move is conference of the chiefs, and then on the 18th of April of this year---I am trying to shorten the story---a dispatch is published in which we are informed that a conference had been held in the previous May, that is May of 1910, and that there was a very strong opposition on the part of at least one chief, perhaps two, to the Government; and that emissaries had been dispatched to view the offered districts to the South. The report given of the district which was offered to the Northern Masai if they would go south is epitomised in these sentences:-

"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 chief and the Elders of the Northern Section, who informed their District Commissioners that as their paramount Chief (Lenana) 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."

That is from the White Paper. This White Paper was presented to the Houses in June of this year. One of the curious things of this report is that you do not get your story by reading right on. You have to fill in the blanks and compare the dispatches in order to see exactly what is, going on. Let us follow the details further. Sir Percy Girouard comes to the point when he reports to my right hon. Friend that he has had conference with the hi that

that he had had conferences with the chiefs, that he has put the case fairly before them[^] that they have understood the proposition which he had made, and that they are willing to go south. My right hon. Friend believing that he had fulfilled the conditions of the Crewe dispatch of this year gives his sanction, and the whole thing is done. I am bound to confess that I profoundly regret, and I believe the friends of the natives out there, profoundly regret, and I believe the decision of my right hon. Friend. The natives only accepted the arrangement under the very greatest pressure.

Let me fill in the blanks in these dispatches. As I said the Crewe dispatch stopped the first migration, and just before Sir Percy Girouard came home he informed the settlers he was going to do his best to get the whole matter opened up. He did not say so in definite language but in the general language he used he indicated that in a general way to his hearers and they understood precisely what Sir Percy Girouard was at. The second point was this. Last year there was a very short rainfall in the district of the Northern Masai. It was always the custom when grazing was bad in that district for the chiefs to apply to the Governor to allow them to graze their cattle beyond the reserve border. The usual application was made, but the Governor refused it. As soon as that was done word went abroad amongst the Northern Masai that they had incurred the grave displeasure of the Governor, and that the refusal was an indication from him that they ought to go south. The third step was that a special tax was imposed upon the cattle. I am not quite sure from what my correspondent sends me whether the tax is actually new in operation. At any rate, the tax was proposed, and again the usual thing happened. Everybody who knows the natives knows how these things are done. Suddenly, as if by magic, one does not know how or ~~why~~^{why} you discover one morning that everybody is talking about something. A rumour gets abroad that this tax was going to be imposed by the Governor as another mark of his displeasure, because the Masai had not gone south. Then pressure is brought to bear upon the District Commissioners to agree to the movement, and then behind it all there is a substantial increase in land speculation, so very much so that a farm which was bought from the Government for £55 at the beginning of this

year was sold very shortly afterwards for £500.

THE SECRETARY of STATE for the COLONIES (Mr. Harcourt): Would my hon. Friend give me an indication of what farm that was?

Mr. Ramsay Macdonald: I was in correspondence with the right hon. Gentleman upon that very subject and offered, if he so desired, to give the name of the farm and the proprietor and full particulars to satisfy his wishes. He did not, in answering the letter I wrote him, refer to that matter, so I am sorry to say I am still vague, but I will undertake, as my informant is a most reliable person, to supply my right hon. Friend without any delay with the name of the farm, the proprietor and the whole circumstances of the sale, as my correspondent has empowered me to make such a statement. I will put a question to my right hon. Friend as soon as I have the information, and will fulfil the pledge I have given. Now, the final thing is, as soon as all this was done and the migration has taken place the following paragraph appeared in the "East African Standard" dated Saturday, 10th June, 1911. This paragraph appears with several headings. The first is "Free Grazing Land," the second is "Removal of the Masai," and the third is "Chiefs Willing," and the paragraph reads as follows:-

"We are officially informed that His Majesty's principal Secretary of State for the Colonies has, at the request of the Masai, sanctioned their moving from the present Northern Reserve to the extended Southern Reserve. For this we have to thank His Excellency, the Governor, who placed the matter so clearly before the Masai, so as to cause them to realise the advantage to them of settlement on one reserve. A fine area of grazing land is now open for white settlement."

That looks all very innocent, I am bound to say, and if I did not know something about similar conditions, I, too, might have been taken in by the innocence of the White Paper and the innocence of a paragraph such as that I have read. But there is one incident that throws a flood of light upon the whole spirit of what is going on there just now. I refer to an incident which ought to make us all feel ashamed of ourselves. I mean the Cole murder case. What are the facts? This white settler goes out one day---I am giving his own statement made before the High Court where he was tried for his life----and he imagines that three boys whom he sees have been stealing his sheep; he shoots one and he

confesses

confesses he knew he struck the boy. He reports nothing, but leaves him as we would hardly leave a wounded rabbit on the ground. Nothing is said about it. The two boys who escape go home to their village and report the circumstances there. The circumstances so reported have to be sent back again to the place where the occurrence took place. The body of the dead boy was found after a search, a trial was instituted, and the facts were admitted. There was ~~no~~ defence. The jury retired and after an absence of a few minutes---I think that is the expression of the report of the trial---they returned a verdict of "Not guilty".

I confess, although sometimes I have been classified as amongst those always willing to say and think evil things of my fellow countrymen abroad---a very unfair and unjust accusation---that incidents like that do make one feel rather usamed, and that incident throws a searching flood of light upon the whole of the transactions to which I have directed the attention of the Committee. I sincerely regret that I hold views very strongly in opposition to my right hon. Friend in these matters. I wish he had been a little more stiffnecked than he was. I wish he had asked for more particulars before sanctioning the transfer. I wish, if I may say so, he had been a little more suspicious, because I feel perfectly certain, I may be wrong, if he had approached this problem rather in that tentative and suspicious state of mind. he would have got more information and he would have come to a conclusion different from that which he has reached. I think he has made a great blunder, I am sorry for it, and I take this the very first opportunity I have of bringing it before this Committee when my right hon. Friend is present.

The hon. Gentleman (Sir Clement Hill) spoke at some length on the East Africa Protectorate in relation to land. He pointed out that there have been several policies there in the past. There was first of all the policy of giving anyone who wanted it a freehold and letting them have it pretty cheap. There was a second policy of giving leases for ninety-nine years, and there was a suggestion of leases for twenty-one and forty-two years, and lastly there is the policy, on which he quite rightly says I have insisted, of a lease of ninety-nine years revisable at intervals of thirty-three, and sixty-six years on a basis of 5 per cent. of the unimproved value, of course with a maximum of 9d. per acre in the thirty-third and 2s.3d. in the sixty-sixth year. There will also be brought into operation a graduated land tax to check excessive accumulation, and provision is being made against dummying, which has been too common. The hon. Baronet seems to think that these terms are so unsatisfactory that they may check the development of the country. Lord Kitchener thinks them so good that he has recently become a leaseholder in East Africa. The policy in East Africa permits of ample and sufficiently rapid expansion and development but it does at the same time secure to the Government some fair but small return in the future for the improvements they have made and are making.

I was asked a question as to the Indian policy in the East African Protectorate. Indians are not encouraged in the Uplands, though they are not legally prohibited from going there, but undoubtedly Indians can live well in the lower parts, whereas the Uplands are essentially the white man's country of the East African Protectorate. In regard to the hon. Gentleman's remarks on transport in Nyasaland, the Shire River, as he knows, is only available for the passage of shallow boats for six months in the year, and, owing to this, the trade on the whole of the route is suffering very severely. I have been doing what I can; I have been hurrying out a motor-lorry which the Government thinks would be of the greatest possible assistance. I will not say anything at this moment about railway extension, because there are matters in connection with it which if mentioned would only defeat the object which hon. Gentleman and I and the whole House have in view. The progress of Nyasaland has been most encouraged during the last three years. In 1908-9 the tobacco grown was 500,000 pounds. In 1909-10 it was 1,000,000 pounds,

pounds, and in the following year it was 2,000,000 pounds. It seems to go on in geometrical progression. Cotton was last year 1,700,000 pounds, which was exactly double what was produced in the previous year. I do not think anyone would doubt the desire of the Colonial Secretary to assist such beoming prosperity which must bring so much advantage to the Protectorate itself and its neighbours.

The hon. Member for Leicester (Mr. Ramsay Macdonald) made, with all his adroitness, what seemed a very formidable case against me and the Colonial Office on the question of the Masai in the East African Protectorate. The right hon. Gentleman opposite said quite fairly that the case, made in that way, should be met with a full explanation of the circumstances under which the movement had been authorised.

I do not want to weary the House, because they have been given the story in the form of correspondence, but I wish to state the facts in my own way. The Masai have been spoken of as if they were the only native inhabitants of the country. Of course, there are millions of others, such as the Wakikuyu and Wakamba. The Masai are only quite a small tribe, numbering about 30,000. The proposal for the move from the northern territory was made to them through Sir James Sadler. In 1909 he found the paramount chief in favour of the move, because any division of the tribe made the control of the paramount chief more difficult. The essential difficulty involved is that about every four years the divisions of the tribe have to join together for the ceremony of the E-unoto, or circumcision. Last time Lenana brought the tribes

down to the Southern Reserves. But there is difficulty in keeping open *the road between the Nor. & the Sou. Reserve, although it was promised that such a road should be kept open.* It is well known regarding this question of the Masai that they go about

the country with their flocks and herds. They are not dealers in cattle, they are collectors of the cattle. It was found impossible to keep this half-mile-broad road open between the Northern and Southern Reserves owing to the necessary quarantine against stock fever and other things. Consequently movement was impossible over the supposed road. It was essential to have one paramount chief, and, as had been mentioned, Mr. Jackson, who was Acting Governor, in a despatch in March, 1910, gave a description of a meeting he himself had with the Masai. At that meeting there were also present, Mr. Collier, who had

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been in charge of the Laikipia Reserve, Lord Delamere, who gave up some of his northern ~~land~~ to help to make that reserve, and Mr. McClure District Commissioner of the Southern Reserve. According to Mr. Jackson's account, which no one will doubt, the Masai came to a unanimous and even enthusiastic decision to move to the Southern Reserve. I may allude, in passing, to the size of the New Southern Reserve.

It is proposed to add to the old Southern Reserve area 8,920 square miles, and the reserve they are coming from is only 4,770 square miles in extent. The additional land provided in the Southern Reserve is double the area which they had in the north. When this report came from Mr. Jackson, we very properly, in April, 1910, drew the attention to the Governor to the old arrangement of 1904. Lord Crewe said he would only give his consent on clear proof of the wish of the Masai to move. Lord Crewe also laid down that the new document must have equal formality with the old; that there must be a calling together of the chiefs of the tribe; that the agreement must bear the signatures or marks of the chiefs; that the agreement must be interpreted and explained to them, and that it must be made clear to the Masai that they were under no pressure by the Government. Lord Crewe said that if this was done it would be a conclusive answer to those who said it is done in the interests of others than the Masai. All these things have been absolutely fulfilled. The proposal which was mentioned--- to place the Masai Reserve in the hands of trustees---was vetoed by the Colonial Office as the Government must remain responsible trustees for this. I came to the ~~conclusion~~- Colonial Office in November of last year. I delayed intentionally, taking action in this matter. I was ill at the time, but I saw the Governor, and I had a ^{long} ~~big~~ discussion with him as to the exact situation of the Masai, the opinions of the individual chiefs, and the performance of these ceremonies. I talked with him about the tribal control, the cattle diseases, and the quarantine, and I ^{came} ~~came~~ to the conclusion that the concentration of the Masai in the Southern Reserve was greatly to be desired; that it would be to the advantage of the tribes in the East Africa Protectorate; that it would be to the advantage of the Protectorate; and that it would be to the advantage of good government and the progress of civilisation. I told him quite plainly I would

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not consider the matter without Lord Crewe's provisions being absolutely fulfilled to the letter. He left knowing what my views were, and in order to prevent the movement of the Masai when he was at sea I sent the telegram, which appears in the White Paper, to say that no movement was to take place as the Governor was on his way.

A month later the Paramount Chief died. He is reported to have made a dying speech, ordering the Masai to the Southern Reserve. I would not be surprised if he made that speech, as he had attached much importance in life to the subject of the move. But I am not moving the Masai into the South Africa Protectorate on the strength of a dying speech. The death led to a meeting of the representatives of the whole tribe, both of the north and south, on 2nd April of this year. They unanimously appointed Segi as successor to Lenana. He was only thirteen and they therefore, necessarily, appointed two regents. They appointed a cousin of Lenan^A's for the south and, for the north, Legalishu. These were probably the two strongest and most powerful men in the ~~whole~~^{whole} of the tribe. At that meeting a desire was expressed on behalf of the Northern Masai to move to the Southern Reserve. Legalishu expressed this wish to the people ^{who} were present at the meeting. They were told by Mr. Lane (the Provincial Commissioner) and Mr. Hollis that if these were their opinions they must go to Nairobi and see Sir Percy Girouard. They came to Nairobi and he said to them that if they moved it must be an absolutely free and voluntary move. He told them they were completely free to accept or reject the ^{and} amendment, and that if they rejected the proposal made to them we adhered absolutely to our past pledges as to the territory they were in. Legalishu said it was their ^{own} wish they should be allowed to move south. Sir Percy Girouard met the Masai chiefs again. He had with him the members of the Executive Council of the East Africa Protectorate and his Provincial Commissioner. He asked the Masai if they wished to move to the south. They said "Yes". They said they wished the water supply to be improved, and so anxious were they to move that they gave some of their bullocks as a contribution for the improvement of the water supply. They asked the few Europeans who were on the Southern Reserve to be removed, and that they should have some protection from Sotik raids. Sir Percy

Girouard .

Girouard said he would do what he could for them in these matters. The treaties were then translated and explained to the Masai chiefs, Eighteen of them eventually signed it, and it was attested by ten European witnesses ^{who} were present. So careful was the Governor to get the assent of all the Masai that the treaty was actually sent to two old chiefs, including Masikondi, who had not been able to come to Nairobi for the discussion. The treaty with the covering despatch reached me on 16th May, and I gave it a fortnight's very careful consideration. I knew that a move could only be made in the early summer, and therefore I gave my assent to moving the Masai to the Southern Reserve on the 29th May.

It was absolutely impossible that I could take ^{any} other course but move the Masai to the south. That action has the approval of ^{many} of the past and of the present Governor. It ^{has} the approval of the Provisional Commissioner, the Secretary for Native Affairs, and, in addition to that, all Lord Crewe's conditions have been, as I have shown, ~~not~~ absolutely fulfilled. The removal was desired by the Masai themselves. I am also able to tell the Committee that the treaty was ^{approved by} the missionaries who had been working in the country, and who had been good friends of the natives. It had the approval of the late Dr. Scott, who had charge of the Church of Scotland Mission in East Africa, and of the Rev. C. Hulbert, of the ^{Africa} ~~Africa~~ Inland Mission. It has the approval of Bishop Allgeyer, in charge of the Catholic Mission of the Holy Ghost at Nairobi, and of Bishop Peel, of the English Church at Mombasa. I do not think a more complete case of justification of the very anxious work which was undertaken ~~th~~ could possibly be made. At all events, I think the Committee will see that the decision has not been come to without the closest consideration and anxiety for the natives in that part. I would like to allude to the unhappy case of the acquittal referred to by the hon. Member. There is a full report coming home of this case, and, as the right hon. Gentleman suggested, we should defer our consideration of the case until we get the full report. I telegraphed at once when the trouble began to inquire if an appeal could be made under the procedure of the criminal code. The hon. Gentleman thought I had made a legal blunder. I quite admit that we English view an appeal against an acquittal as a horrible thing, but it

it is possible and necessary in certain cases under the Indian Code. The finding of the jury was on a matter of fact, and therefore no appeal was possible. If I find that the system of trial by jury in the East Africa Protectorate leads to constant miscarriages of Justice, I should consider what further steps I should take for the maintenance of the administration of justice.

IN REPLY PLEASE

QUOTE No S. 22351/23/13.

AND DATE



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THE SECRETARIAT,
COLONY OF KENYA AND THE EAST AFRICA PROTECTORATE,
NAIROBI.

15th April, 1924.

Sir,

With reference to your letter of February 24th last, I have the honour to furnish you the information for which you asked so far as it is available.

(a) The total area of the Colony and Protectorate is calculated to be 245060 square miles. No figures are available of the total cultivable area: any such figures could obviously be very roughly estimated.

(b) The areas in exclusive occupation by Natives are estimated at 197,860 square miles comprising:-

Tanaland.....	13,980	square miles.	
Jubaland.....	36,740	"	"
(Northern Frontier Province:	92,180	"	"
Turkana	7,920	"	"
{Other Native Areas.	47,040	"	"

The cultivable area of this land is unknown.

(c) The proportions of the total cultivable area in the Highlands and in the Lowlands cannot be computed.

(d) The area surveyed into farms for alienation and in part already alienated is 11,859 square miles. In addition to this there is an area of 30,364 square miles not so surveyed and not in the occupation of natives: this area is

in -

S. G. VAZE, ESQ.,

SERVANTS OF INDIA SOCIETY,

POONA - INDIA.

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in part suitable for alienation but is not as yet the subject of any applications.

(e) Of the surveyed area of 11,859 square miles an area of 7466 square miles has been alienated to Europeans and 21 square miles to Indians. These figures do not include the land on the Coast purchased or leased from freeholders by Europeans and Indians: nor the areas in Trade Centres leased on Temporary Occupation Licences.

(f) It is estimated that 429 square miles is the area actually under cultivation by Europeans.

On a basis of 6 acres per head of cattle and 3 acres per head of sheep and goats the acreage under development as grazing propositions is 1782 square miles making a total acreage under development by Europeans of 2211 square miles.

Approximately 19 square miles are cultivated by Indians who also own some 2,000 transport cattle and small numbers of sheep and goats.

(g) The areas in the occupation of natives which are cultivated cannot be given - the extent cultivated annually may vary considerably.

2. I enclose for your information a copy of the Agricultural Census Report for 1923.

3. The figures of European and Indian Immigration into Kenya only during 1923 are Europeans 2845, Indians 4406.

I have the honour to be,
Sir,
Your obedient servant,

W. L. G. G. G.
COLONIAL SECRETARY.

D. O. No. 557
 EDUCATION, HEALTH & LANDS DEPARTMENT
 GOVERNMENT OF INDIA.

Simla, the 2nd August 1924.

Personal

Dear Mr. Vaze,

Kindly refer to your d.o. dated the 20th July. Although the orders restricting transfer of agricultural land to Indians in the Uplands of Kenya date from 1907, racial tension in that territory did not become acute until after the war. Thus, ^{the} difficulties and disabilities of Indians in East Africa were brought to the notice of the Government of India in March 1919 by a deputation from the British Indian Associations of the Protectorate. Lord Chelmsford referred to the matter in two speeches delivered before the Imperial Legislative Council on the 30th January and 20th August 1920 respectively. These are the earliest official public references to the question that I can trace and I am sending you the relevant extracts along with the other documents mentioned in my previous d.o. If there is any other way in which I can help please don't hesitate to ask me.

Yours sincerely,

G. S. Dey

S. G. Vaze, Esq.,

Extract from His Excellency's speech dated the
30th ~~32nd~~ January, 1920.

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Meanwhile, fresh difficulties are arising in the British East African Protectorate. As yet we know no more than what has appeared in the press regarding the report of the East Africa Economic Commission, but I need not assure you that my Government will do everything in its power to defend Indian interests against this new attack. I may remind you, however, that this Report, as Colonel Amery, has already declared in the House of Commons, must not be regarded as representing the views of the Government of East Africa, still less of the Imperial Government, with whom the final decision will lie. British East Africa is not a self-governing Dominion; and the position of the Government of India is, and always will be, that there is no justification in a Crown Colony or Protectorate for assigning to British Indians a status in any way inferior to that of any other class of His Majesty's subjects. With the support of the Secretary of State we have steadily pressed this view on the Colonial Office; and we have asked the Secretary of State to see to it that Indian interests^s are fully represented at the forthcoming discussions in London between Lord Milner and the Governor of East Africa.

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Extract from His Excellency's speech dated the
20th August, 1920.

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I now turn to the even more vexed question of the position of Indians in East Africa. We all know that this question has been discussed recently by Lord Milner with the Governor of the Colony, and that the Indian residents in what is now known as the Kenya Colony sent a deputation to England to represent their case to the Colonial Office. We have all read Lord Milner's speech on the subject in the House of Lords on the 14th July, and great anxiety has now been caused in India by a brief summary which has been received of a speech by the Governor of Kenya Colony. This speech indicates that the decision of His Majesty's Government has gone against the Indians in some of the points to which we attach most importance. I regret to say that a telegram which I have just received from the Secretary of State confirms the report of the Governor's speech. I am sorry that I have nothing satisfactory to tell you, but I will give directions for the publication at once of the information contained in the telegram. I am in close communication with the Secretary of State on these and other questions, and the Council may feel assured that the attitude I am adopting with regard to them is the same as that defined in my speech of January last, and I adhere to the position which I then took up. I do not admit that there is any justification in a Crown Colony or a Protectorate for assigning to British Indians a status in any way inferior to that of any other class of His Majesty's subjects. We have continually pressed this point of view upon the authorities at home, and we have urged that the franchise in Kenya Colony should be a common franchise on a reasonable property basis, plus an educational test, with no racial discrimination. I have only to add that if the decision of His Majesty's Government is not favourable

to Indian claims, this result is not in any way due to failure on the part of the Government of India to press the Indian point of view. I reserve further remarks on the subject, and it will be a matter for serious consideration what further action the Government of India must take in order to secure the legitimate rights of Indians in Crown Colonies.

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EAST AFRICA PROTECTORATE.

DOWNING STREET,
21st May 1920.

SIR,

I have the honour to inform you that I have now had an opportunity of discussing personally with Major General Sir Edward Northey and with Sir Robert Coryndon the various questions affecting the Indian Community in British East Africa, which have formed the subject of correspondence with yourself and the India Office and the Indians Overseas Association; and before arriving at a decision on these questions, I had the advantage of receiving a deputation which was introduced to me on the 19th of April by Lord Islington and which included Indian representatives sent from East Africa.

2. I have given very careful consideration to these important questions, as I was desirous of securing, if practicable, an adjustment of the existing situation, which clearly tends to create discontent in a section of the community in British East Africa. I do not propose, however, to review the situation at length, as you are fully aware of the position; and it will suffice if I comment briefly on the main points which have been raised and on which a decision is required.

3. The Indian community would wish to have equal rights with the European settlers in regard to representation in the Legislative Council of the Protectorate, that is to say, that their representatives on the Council should be elected instead of nominated and that the method of election should be the same as that recently introduced for European representatives. Lord Islington in introducing the deputation to which I have referred, stated that he realized that a solution of the present difficulties could not be found in granting the franchise to Indians in the Protectorate generally on the same basis as to Europeans. I fully share this opinion and I have hitherto held the view that having regard to the very small number of the Indian community who can be regarded as qualified to exercise a franchise the time has not yet come for basing the representation of Indians in the Protectorate on the elective principle. I am, however, impressed by the representations which have been made to me both by the Indian representatives from East Africa and by the Secretary of State for India as to the importance which is attached by the Indians to the election of their members. I have, therefore, decided that arrangements shall be made for the election of two Indian members of the Legislative Council on a special franchise as to which I shall await your recommendations.

4. It will follow as a result of elective representation of Indians on the Legislative Council that the same arrangements should be made in connection with Municipal Councils and in this case also I shall await your recommendations as to the detailed arrangements to be made.

5. As regards Indian immigration into East Africa, I could not countenance any restrictions which would place natives of India at a disadvantage as compared with other immigrants; and subject to the Protectorate Immigration Ordinances, which are of general application, there must be no bar to the immigration of Indians.

6. The removal of the restriction of the acquisition of Indians of agricultural land in the highlands of the East Africa Protectorate has been

strongly urged. The Earl of Elgin, when Secretary of State for the Colonies, informed the Governor that it was not consonant with the views of His Majesty's Government to impose legal restrictions on any particular section of the community in regard to the acquisition of land, but that as a matter of administrative convenience grants of land in the upland area of the Protectorate should not be made to Indians. The ground for this decision was that the area of agricultural land in the Protectorate suitable for European settlement is limited. This decision, which applies only to agricultural land, has been re-affirmed by Secretaries of State subsequently; and I do not feel that I should be justified in reversing it. It is clear that if the limited area, on which alone European Settlers can live, were thrown open to the competition of Asiatics, who are physically fitted to settle in other areas from which Europeans are by nature excluded, there would be, taking the Protectorate as a whole, a virtual discrimination in favour of Asiatic as against European settlement. I cannot regard the Indian claim on this point as just or reasonable; on the other hand, I am anxious that reasonable opportunity should be afforded for Indian agricultural settlement, and I am advised that there are areas of adequate extent and good quality, which could be set apart for that purpose without infringement of native rights. Sir Edward Northey has made certain suggestions on this subject, and he will enquire further into it on his return to East Africa. I think it very desirable that there should be no doubts of our sincerity in this matter; and I hope therefore that there will be no delay in provisionally selecting at least one area for Indian settlement, which the Commission, which, as I understand, has been appointed by the Indian Government for this purpose, may be invited shortly to inspect.

7. A further matter to which much attention has been directed is the policy which for convenience may be termed "race-segregation". I regret that this policy should have given offence to the Indian community, and I feel sure that they are under a misapprehension in the matter. There is no question here of discrimination against the Indians. In this case, as in that of land settlement, I have no wish to sacrifice India to European interests. But I am convinced that, as long as the Indians are fairly dealt with in the selection of the sites, the principle that in the laying out of townships in tropical Africa separate areas should be allotted to different races is not only from the sanitary point of view but also on grounds of social convenience the right principle. It is in my opinion best for all races, European, Indian or native. I desire therefore that this principle should be adhered to in residential areas, and whenever practicable, in commercial areas also.

8. If this principle is to be effectively carried out, it seems to me necessarily to follow that as a general rule no transfer of land either by way of ownership or mortgage between Europeans and Asiatics in townships should be allowed. There may no doubt be exceptional cases, in which it would be unjust or inadvisable to forbid such transfer, but these can be met by leaving discretion to the Governor in Council, to give sanction, when some special reason can be shown. Similarly, when township plots are put up to auction, Europeans should not be allowed to bid for plots in the Asiatic quarter or Asiatics to bid for plots in the European quarter.

9. As regards education, to which reference is made in the memorial of the 22nd of March 1919, from British India subjects in East Africa to the Viceroy of India, I should be glad to see improvements effected in educational facilities for all classes in the Protectorate. The Local Government has increased materially during the last few years the provision made for education; but, owing to the lack of funds progress has not been as rapid as I could have wished. I trust, however, that you will give close attention to the question of increasing educational facilities in the Protectorate, and that in this respect full consideration will be given to the claims of the Indian community.

10. The question of medical and legal practice in the Protectorate is raised in the same memorial. The position in regard to medical practice is determined by the Medical Practitioners and Dentist Ordinance, 1910, which was sanctioned after consultation with the General Council of Medical Education and Registration and the British Medical Association. I understand

that the greatest care is taken by the General Council in considering any medical diplomas brought before them; and I see no reason to doubt that the holder of any diploma which is a guarantee of fitness to practice would be declared by the Council to be eligible for registration in the United Kingdom. I am not therefore disposed to suggest to your Government any amendment of the existing Ordinance, which already provides for the practice of systems of therapeutics according to Native, Indian or other Asiatic method by persons recognized by the community to which they belong, to be duly trained in such practice.

As regards legal practice, under the rules of Court locally in force persons are admitted to practice who have been admitted to practice in some other part of the Empire, a provision not less liberal than that which obtains in most Colonies and Protectorates. I should, however, see no objection to arrangements being made for the High Court in East Africa to admit to practice an applicant who has obtained the necessary qualifications for admission in India or any other part of the Empire but has not yet been actually admitted to practice in that country, if it is only a matter of formality or the payment of a fee which is delaying such admission. Apart from this I do not see any reason to suggest an alteration in the existing rules.

11. A further complaint made by the memorialists is that Indians have not the privilege of trial by jury. It had already been suggested by you that trial by jury for Indians might be introduced experimentally after the war, and I have to request that you will take the necessary action to give effect to this as soon as possible.

12. I do not wish to deal in this despatch with the recent currency changes in East Africa, but as the subject was raised by the deputation of the 19th of April, I may remind you that this is a matter of extreme difficulty, to which I have given most careful consideration; and that I do not anticipate now that any alteration in the new arrangements will be made. I explained to the deputation that the action taken by the Government is in the nature of a compromise, which I believe meets, as far as circumstances allow, the conflicting interests of all sections of the community in East Africa.

13. I have dealt briefly with the specific grievances which have been brought to my notice, and I do not wish to prolong this despatch. But in conclusion, I must refer to the report of the Economic Commission, as certain statements and allegations in the report with regard to Indians in East Africa, have provoked strong protests. I must regret that such expressions should have been used, and I was glad to have the opportunity of informing the deputation which I received that they do not represent in any way the views either of His Majesty's Government, or of myself, and that in examining these various questions of policy affecting the Indian community in East Africa, I dissociate myself altogether from those parts of the report.

14. I have addressed this despatch to you in the "secret" series, as I have requested Sir Edward Northey to make public these decisions on his arrival. In the meantime I do not wish them to be announced but it would be convenient, if you inform me by telegraph some days in advance when the announcement is to be made. After Sir Edward Northey has made his announcement, the despatch may be transferred to the "public" series.

I have the honour to be,

SIR,

Your most obedient, humble servant,

MILNER.

The Officer Administering
The Government of
The East Africa Protectorate.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE.

Simla, the 27th July, 1920.

PRESS COMMUNIQUE.

His Excellency the Viceroy, accompanied by the Honourable Sir George Barnes, Member for Commerce, received a deputation of Indian residents of British East Africa at 2-30 P.M., on July 23rd at the Viceregal Lodge. The deputation consisted of the following gentlemen:—

1. The Hon'ble Mr. Abdul Rasul Visram, M.B.E., Member, Legislative Council, East Africa;
2. Mr. Husainbhoy Abdullahoy Lalji, Merchant and Member of the Bombay Municipal Corporation;
3. Mr. Beharilal Narayanya, Merchant, Zanzibar;
4. Mr. Mahomed Saleh Kassin, Rice Merchant, Zanzibar;
5. Mr. Karabhai Teja, Rice Merchant, Mombassa; and
6. Mr. Nathobhai Desai, Merchant, Kisumu, East Africa.

The proceedings were informal.

2. The representations made by the deputation covered the whole ground of Indian grievances in British East Africa. The first point related to Sir Benjamin Robertson's visit to Tanganyika and British East Africa, and the deputation expressed regret that Sir Benjamin would consult only the Local Administrations and would leave the Indian residents unheard. His Excellency explained that the deputation were under a misapprehension. It was true that Sir Benjamin Robertson's visit was informal. But this would not mean that he would not discuss the situation with Indians and take all possible measures to appreciate and understand their views. In order that there might be no misunderstanding on the point, he undertook that a telegram should be sent to Sir Benjamin Robertson in this sense.

3. The deputation then asked what action would be taken on Sir Benjamin Robertson's Report when received, and His Excellency reminded them of his declaration in the Indian Legislative Council on January 30th last. He had stated that the position of the Government of India was and always would be that there was no justification in a Crown Colony or Protectorate for assigning to British Indians a status in any way inferior to that of any other class of His Majesty's subjects. His Excellency stated that he adhered to this declaration and that he would continue to press this view on His Majesty's Government. At the same time he expressed the hope that Indians would co-operate with him by putting forward their case in a manner which was likely to win general acceptance. He pointed out to the deputation that it was a matter of great importance that in presenting their case they should avoid all over-statement and exaggeration. He suggested that they should concentrate on the main issues and should avoid arousing antagonism and resentment by putting forward exaggerated claims.

4. The deputation then referred to the present currency policy in British East Africa and to the harm done to Indian trade with the Colony by the present position of exchange. They stated that, owing to the exchange, it was difficult for Indian merchants in British East Africa to place firm orders with Indian mills at rupee rates, and they also referred to the fact that Italian merchants trading in the Italian sphere of influence in Abyssinia had the benefit of the special preference given in that territory to goods made in Italy and they suggested that it would be beneficial if Indian merchants were placed in a

similar position in British East Africa. In reply, His Excellency pointed out that the currency policy in British East Africa was an internal matter of great complexity and he doubted whether the Government of India would be justified in interfering in a domestic problem of this kind. He emphasized, moreover, that the policy affected both Indians and Europeans and that it did not imply any racial discrimination. Similarly, the question of tariff preference to Indian imports into British East Africa raised a very large issue and did not specifically affect the question which he was there to discuss, namely, that of the disabilities of Indians in British East Africa.

5. The next point raised was in connection with the recent territorial division of British East Africa into Kenya Colony and Kenya Protectorate. His Excellency stated that the Government of India was still without information as to the exact meaning of this change, but he promised to make enquiries in the matter.

6. The deputation then asked that an Indian Trade Commissioner might be appointed in British East Africa. His Excellency assured the deputation that the Government of India had already considered this proposal and were in correspondence with the Secretary of State on the subject. He added that if a Trade Commissioner were appointed, it must be clearly understood that his duties would be purely of a commercial nature.

7. The deputation then referred to the power vested in the hands of the Administrator of the Tanganyika territory to deport undesirables and they suggested that these powers might make it possible for the Administrator to deport Indians without trial. His Excellency stated that the Government of India had no copy of the Ordinance referred to and he asked the deputation to send a copy to Sir George Barnes in order that it might be examined by the Government of India. At the same time, he pointed out that the Tanganyika territory was still occupied enemy country and was under *quasi-military law*, and he saw no *prima facie* reason to suppose that the Ordinance should be regarded as being directed against Indians. He read out to the deputation a portion of the draft mandate for the Tanganyika territory which it was proposed that Great Britain should receive from the League of Nations. If this mandate were ratified, it would entirely safeguard the rights of Indians.

8. The disabilities of Indians in municipal matters were then discussed. The deputation complained that the constitution of the Nairobi Municipal Council had recently been changed. Formerly, the Municipal Council contained 5 European elected members, 4 nominated officials, 2 elected Indian members and 1 Goanese elected member. The deputation stated that the number of elected Europeans had now been raised from 5 to 9 and that the 4 nominated officials had been eliminated from the Council. The deputation objected to this change because formerly they had been able to count on the 4 nominated officials to safeguard the interests of Indians. They considered it unfair that Europeans should have such disproportionate representation on the Council in comparison with Indians. The Indians paid a considerably greater share of the total Municipal revenue from taxation than the Europeans and, moreover, they outnumbered the Europeans by 3 to 1. They stated that the new constitution of the Municipal Council had aroused great resentment among the Indian population in Nairobi and that in order to give concrete expression to this resentment, the Indians had refused either to offer themselves for election to the Council or to accept nomination. His Excellency agreed that there was great force in what the deputation said on this point and hoped that their grievances in this matter would be redressed.

9. The deputation also referred to the question of political franchise and they complained that an Ordinance had already been passed in the local Legislative Council which did not adequately meet the claims of Indian residents in the matter of franchise. His Excellency agreed that this matter was vital. It was covered, however, by his declaration of January 30th last in the Imperial Legislative Council.

10. The question of the invalid German currency notes held by Indians resident in the territory which was formerly known as German East Africa was raised by the deputation, who enquired whether the Government of

No: 9101.
Department of Commerce.
Delhi, the 27th December 1920.
Resolution.

The following papers are published for
general information:-

the Government of the East Africa Protectorate to the Indian Association : " His Excellency believes that though Indian interests should not be lost sight of, European interests must be paramount throughout the Protectorate."

3. At a mass meeting of Indians held at Nairobi on the 22nd August to consider the announcement of Lord Milner's decisions, a resolution was passed protesting against assigning an inferior status to British Indians in the East African territories,

(a) by not granting them due and effective representation on the Legislative and Municipal Councils;

(b) by insisting upon the application of the principle of segregation of races;

(c) by putting restrictions on ownership of land by them.

We propose in this despatch to confine ourselves to consideration of these vital issues.

4. *The Franchise.*

In paragraph 3 of the despatch of the 21st May, Lord Milner states that he has decided that arrangements shall be made for the election of two Indian members of the Legislative Council on a special franchise. It is understood that the Legislative Council will then be composed as follows :—

18 nominated officials, including the Arab Lawali of Mombasa;

11 elected Europeans;

2 elected Indians.

No authentic figures appear to be available to show the comparative numbers of the European and Indian population, their financial interests in the country, and the amount of taxation contributed by each community. But it is understood that it is not in dispute that by any of these tests the number of seats allotted to the Indian community is not proportionate to their importance. In his speech in the House of Lords on the 11th July, Lord Milner laid stress on the fact that the majority remains official, and that the final decision, therefore, in all important matters of legislation really rests with the Imperial authorities at home. In these circumstances, it seemed to him that the question of the number of elected representatives, and the method of their election, was not of the first importance. This argument, however, would appear to apply equally to European representation. We fully recognise the necessity of maintaining an official majority in order to safeguard the interests of the natives, who, as Lord Milner remarked in his reply to Lord Islington's deputation on the 19th April, are sometimes forgotten in this controversy. But we would strongly urge that even-handed justice requires that the representation of the European and Indian communities, and the method of election, should be assimilated. " What is of vital importance," said Lord Milner, " is that the view of every section of the community should be adequately voiced in the Assembly." It is not clear to us why the European community should require eleven members to voice its views, while two members are considered to be sufficient for the Indian community.

5. Further, where Indian interests are concerned, the official majority does not appear always to be a reliable safeguard. Our attention has been called to the report of the proceedings of the Legislative Council in the Nairobi *Leader* of July 10th last. It is stated there that Lord Delamere, an elected European member, moved an amendment to the Income Tax Bill to the effect that English should be the only permissible language for book-keeping. It was objected that many Indian traders would be unable to keep books in English, and that small out-posts traders would be driven from the country; but Lord Delamere insisted that it was an English colony. His Excellency the Governor intervened in the debate and pointed out that the matter was one for the home authorities to decide. Nevertheless, Lord Delamere's amendment was carried, His Excellency voting in the minority.

6. We are convinced that the only reliable safeguard for Indian interests is adequate representation on the Legislative Council. At the

India could devise any method of temporary relief for Indians who had suffered serious losses on this account. His Excellency pointed out that claims on account of German Government currency notes had already been registered in the Foreign Claims Office and were being dealt with by the Reparation Commission. He had no information with regard to claims on account of notes issued by the German East African Bank. Claims on this account were probably enforceable either on the assets of the Bank held by the Liquidator in Tanganyika territory or against the Bank itself in Germany through the Clearing Office. In any case, the Government of India could not intervene in order to give relief to individuals in a matter of this sort.

11. Various other matters were discussed and in conclusion His Excellency reminded the deputation that the decision in matters of this kind lay with His Majesty's Government and not with the Government of India. The Government of India were in sympathy with many of the demands of Indians resident in British East Africa. They had already made representations to His Majesty's Government on the subject and they would continue to do so. At the same time, he repeated his appeal to the deputation that Indians should not make the task of the Government of India more difficult than it already was. He again advised them to concentrate on the main issues, to state their case with studied moderation and to avoid making exaggerated claims and demands which would tend to alienate sympathy and weaken what was otherwise, in His Excellency's opinion, a strong case.

R. B. EW BANK,

Deputy Secretary to the Government of India

(3)

Despatch to His Majesty's Secretary of State for India, No. 33, dated the 21st October 1920.

We have the honour to refer to letter J. & P.-5432, dated the 19th August 1920, from your Secretary, Judicial and Public Department, forwarding a copy of a despatch, dated the 21st May 1920, from the Colonial Office to His Excellency the Governor of Kenya Colony, conveying Lord Milner's decisions on various questions concerning the position of Indians in East Africa. We have now considered the information placed before us by Sir Benjamin Robertson, who was deputed by us, with the consent of the Colonial Office to visit East Africa and discuss Indian questions with the authorities there.

2. In our despatch No. 13, dated the 4th June 1919, we recalled the principle which your predecessor pressed upon the Colonial Office in 1914, that there is no justification in a Crown Colony or Protectorate for assigning to British Indians a status in any way inferior to that of any other class of His Majesty's subjects. His Excellency the Viceroy, in his opening speech to the Indian Legislative Council on the 30th January last, and again on the 20th August, reiterated that this is, and always will be, the position of the Government of India. We observed with satisfaction that Lord Milner, in his speech in the House of Lords on the 14th July last, appeared to accept this principle. "In East Africa," he said, "as in other countries under the administration of the Colonial Office, it has been the avowed principle, and it is the definite intention, of the British authorities to mete out even-handed justice between the different races inhabiting those territories." But this does not appear always to have been the policy which has been followed. In reply to a deputation from the Nairobi Indian Association, on the 24th March 1919, His Excellency the Governor is reported to have said that "the principle had been accepted at home that this country (British East Africa) was primarily for European development, and whereas the interests of the Indians would not be lost sight of, in all respects the European must predominate." This was confirmed in letter No. 15528-41, dated the 6th June 1919, from the Chief Secretary to

same time, we desire to reiterate our opinion that there should be a common electoral roll and a common franchise on a reasonable property basis *plus* an educational test without racial discrimination for all British subjects. We believe that this is the true solution of the East African problem. We fear that separate representation for the different communities will perpetuate and intensify racial antagonism. On the other hand, a common electorate, whereby a member of one community would represent constituents of another community, would tend to moderate and compose racial differences. In no other way, we believe will the diverse races in East Africa become a united people.

7. We recognise that practical objections will be urged against such a solution. In the first place, the Legislative Council Ordinance of 1919 conferred adult suffrage on the European population; and it may be admitted at once that the Indian community is not ripe for adult suffrage. On the other hand, the adoption of a common franchise on the basis which we have suggested would mean a narrower franchise for the European community than that which they now enjoy. It is not within our province to question whether it was wise at once to confer adult suffrage on the shifting European population of a new country like Kenya Colony. It is probable, at any rate, that the great majority would satisfy the property and educational qualifications which we would suggest. We recognise that it would not be possible to disfranchise any one who already has the vote; but for the future we would urge that there should be a common qualification for every one, of whatever race, who is admitted to the electoral roll. The composition of the Legislative Council is admittedly experimental, and we would submit, with respect, that its revision should not be prejudiced by the Ordinance of 1919, which was passed without consideration of our views, and indeed without our knowledge.

8. Secondly, it may be objected that as the Indians in East Africa are more numerous than the Europeans and are likely to increase more rapidly a common electorate would mean that the Indian members would dominate the Legislative Council, and that this would be incompatible with the responsibilities of the British Government for the welfare of the Colony as a whole and of the native population in particular. The objection is admittedly not immediate, for it is stated in paragraph 3 of the despatch of the 21st May that there is only a very small number of the Indian community who can be regarded as qualified to exercise the franchise. Hence, if the qualification for a common franchise is properly defined, it follows that the number of Indian voters will be far less than the number of European voters. In the future it is true that with better educational facilities and increased wealth the Indian voters might outnumber the European. But the Indian voters would still, it is believed, to a large extent be concentrated in the urban constituencies. The country districts would continue to return European members. Finally, it is common cause that the interests of the native population require that the official majority should remain. The fear of Indian domination is, we submit, unfounded.

9. In paragraph 4 of the despatch of the 21st May, Lord Milner directs that the same arrangements should be made for the elective representation of Indians on Municipal Councils. We understand that the Nairobi Municipal Council, which is the most important in the Colony, now consists of one nominated official and twelve elected Europeans, and that it is proposed to add three elected Indians. We have no exact figures to show the relative positions of the different communities, but we are informed that the population and the incidence of municipal taxation are roughly as follows:—

	Population.	Municipal taxation.
		₹
Europeans	2,000	70,000
Indians	5,000	1,20,000
Africans	12,000	10,000
Government grant . . . . .	...	50,000

Here, again, we would urge most strongly that Indian interest should be adequately represented. In the Municipal Councils there is not even the safeguard of an official majority. And it is believed that the insanitary conditions in which Indians are frequently living are due, in part at any rate, to the neglect of the municipal authorities.

10. Here, again, also we would press for a common electoral roll and a common franchise. The ward system of election would secure adequate representation for each community; and an increase in the number of official members, which the interests of the large native population would appear to require, would be a safeguard against the predominance of any single community.

11. Segregation of races.

In paragraph 7 of the despatch of the 21st May, Lord Milner has directed that the principle of race-segregation should be adhered to in the residential areas of townships, and, whenever practicable, in commercial areas also. We noted with satisfaction Lord Milner's assurance to Lord Islington's deputation that in any decision which might be come to he would certainly not be actuated either by racial prejudice or allow considerations of trade jealousy to prevail. And we observe that there is no intention to discriminate against Indians, or to sacrifice Indian to European interests. It appears from Lord Milner's speech in the House of Lords on the 14th July that the policy of race-segregation emanates from Professor W. J. Simpson, whose principles are enunciated in paragraph (16) of his report on Sanitary Matters in the East Africa Protectorate, Uganda and Zanzibar, as follows:—

“Lack of control over buildings, streets and lanes, and over the general growth and development of towns and trade centres in East Africa and Uganda, combined with the intermingling, in the same quarters of town and trade centres, of races, with different customs and habits, accounts for many of the insanitary conditions in them and for the extension of disease from one race to another. It is necessary that this haphazard method should be ended, and that town planning schemes embodying separate quarters for Europeans, Asiatics and Africans together with regulations for and control of buildings should be adopted. In forming such schemes it is requisite to bear in mind the differences which obtain between towns in East Africa and Uganda and those of Europe. In the latter, where the race is practically the same, town planning resolves itself into arranging for residential, commercial and manufacturing areas, which are further governed in character by rental and class, and in such a way as to secure convenience, good transit, pleasing amenities and healthiness for all. In the former something more than this is required where the races are diverse and their habits and customs different from one another. Though the same objects have to be aimed at in both it has to be recognised that the standard and mode of life of the Asiatic do not ordinarily consort with the European whilst the customs of Europeans are at times not acceptable to the Asiatics, and that those of the African unfamiliar with and not adapted to the new conditions of town life will not blend with either. Also that the diseases to which these different races are respectively liable are readily transferable to the European and *vice versa*, a result specially liable to occur when their dwellings are near each other.

In the interests of each community and of the healthiness of the locality and country it is absolutely essential that in every town and trade centre the town planning should provide well defined and separate quarters or wards for Europeans, Asiatics and Africans, as well as those divisions which are necessary in a town of one nationality and race, and that there should be a neutral belt of open, unoccupied country of at least 300 yards

in width between the European residences and those of the Asiatic and African. This neutral or protective zone definitely prevents European houses approaching or encroaching on the Asiatic or African quarter and *vice versa*; it is also a useful open space which can be used for recreation purposes by all races."

Professor Simpson's object is thus sanitary. Lord Milner is also influenced by social reasons. To quote again his speech of the 14th July:—

"My own conviction is that in the interest of social comfort, social convenience and social peace, the residence of different races in different areas—I am speaking now of the populous city areas—is desirable, and so far from stimulating it is calculated to mitigate hostility and ill-feeling."

Nevertheless, Lord Milner's decision is bitterly resented not only by Indians in East Africa, but by educated opinion throughout India. The reasons for this resentment require careful consideration.

12. We will first consider segregation in commercial areas. The first objection is that it is irrational. If the end in view is to prevent "the intermingling, in the same quarters of town and trade centres, of races with different customs and habits," the nationality of a business firm would appear to be of less importance than the nationality of its employees and customers. It seems irrational, for instance, that a European and an Indian firm, which are alike dealing mainly with European customers and are alike employing Indian clerks and assistants, should be made to trade in different quarters. Or again, sanitation and social convenience do not appear to require that a European firm with a large native retail trade should carry on its business in the European quarter. The distinction would break down altogether in the case of companies.

Secondly, from the strictly commercial point of view, it is inconvenient that firms doing the same class of business should be separated by an artificial barrier. In the Uganda Protectorate, which is less affected by racial prejudice, the recently appointed Development Commission, in paragraph 209 of their Report, stated that they would be strongly opposed to any segregation in the business areas. And we are informed that the Uganda Chamber of Commerce has expressed similar views. Again, in Mombasa, the most important commercial town in East Africa, which is free from the racial bitterness of the uplands, we understand European opinion generally favours a joint business area.

Thirdly, it is feared that the condition of segregation which Lord Milner postulates, namely, that Indians should be fairly dealt with in the selection of sites, will not be fulfilled. And it must be admitted that the plans of Nairobi, Mombasa and Kisumu, facing pages 24, 45 and 59 of Professor Simpson's Report, are sufficient cause for anxiety. In Nairobi, Professor Simpson proposed that the whole of the present business quarter between the railway station and the river should be reserved for Europeans: Indians were to be relegated to the other side of the river. In Mombasa, again, the whole of the area adjoining the harbour of Kilindini was to be the European business area: Indians were to be kept on the other side of the island. And in Kisumu, where practically the whole of the trade is in the hands of Indians, one short street was allotted for the Indian "bazar," while an extensive block was to be laid out as European business quarters.

Fourthly, it is objected that segregation in commercial areas is impracticable. In Nairobi a considerable part of the land which Professor Simpson had included in the European commercial area, is already occupied by Indians, who, it is recognised, cannot be expropriated. We are indebted to Sir Edward Northey for the plan attached to this despatch, showing the layout which is now proposed. Comparison with the map facing page 24 of Professor Simpson's report will show that his recommendations have been substantially modified. We gratefully acknowledge the liberal spirit in which Sir Edward Northey has interpreted Lord Milner's orders. At

the same time, it is apparent that his proposals, which are based on practical considerations, are not consistent with Professor Simpson's theories. The European and Asiatic areas are now separated only by the width of a street; and the Indian bazar, which, in Professor Simpson's opinion, is the centre of infection, remains where it is, running out like a promontory into the European area. Moreover, a large number of plots in the revised European area, and more especially in the important Government Road, are still occupied by Indians, whom it is not intended to disturb. In fact, it would appear that commercial segregation in Nairobi is now practically narrowed down to the question whether Indians shall be allowed to bid for certain unoccupied plots in the best business streets, in which Indians are already established but which it is now desired to reserve for European occupation.

13. If, then, the object in view is sanitation and social convenience, we submit that the criterion should be the class of business, and not nationality. We suggest that there should be a joint commercial area, regulated by strict sanitary and building laws, which would ensure that only businesses of good class, whatever may be their nationality, should be established in the best streets, and that businesses of inferior class, whatever may be their nationality, should be confined to less important streets. Further, it has frequently been noticed that the practice of "living-in" leads to insanitary habits and overcrowding; and we would suggest that "living-in" should be prohibited, at any rate in the best streets. In other words, to use the phrase which, we understand, is current in Nairobi, there should be a joint "lock-up" commercial area.

14. We have next to consider the question of segregation in residential areas. It is admitted that the Indians in East Africa naturally prefer to live together in their own quarters, and have no desire to live in the European residential area. They have only asked that they should be allowed to acquire suitable residential sites, which hitherto have generally been denied to them. The only exceptions are the few Indians who have been brought up to live in European style; and it is understood that the Government of the Colony would not desire to enforce the policy of segregation rigidly in such cases.

15. The Indian objection to residential segregation is primarily a question of principle. It is felt, not only by Indians in East Africa but also throughout India, that compulsory segregation implies a racial stigma. In theory, it may be that there is no question of racial discrimination against Indians. It is unfortunate, however, that the policy of segregation as advocated by Europeans in East Africa, is animated by the racial feeling which marred the Economic Commission's report. And it is not easy for Indians to appreciate that the reasons for which Lord Milner has accepted this policy are wholly different. Nor is it a matter of mere sentiment. They fear that in practice the policy of segregation will be administered in a spirit of racialism rather than of evenhanded justice. In his speech of the 14th July, Lord Milner said that the condition on which he was prepared to defend segregation, was that there should be fair treatment of both races in the matter of sites. "I mean to say" he added, "that you should not give all the best sites to Europeans and cram the Indians into inferior localities." This, however, they consider, is precisely what has happened in the past, when the principle of segregation was not formally recognised. And they see no reason to expect that the formal recognition of the principle will better their condition.

16. These fears do not appear to us to be groundless. In the projected plans of Nairobi, Mombasa and Kisumu in Professor Simpson's report, the areas demarcated for European and Asiatic residence, respectively, apart from any question of convenience, are wholly disproportionate to the numbers of the two communities. And it is understood that in the case of residential areas no substantial modification of Professor Simpson's proposals is intended. It seems to us, indeed, almost inevitable that compulsory segregation will mean that the best sites will be allotted to the race which is politically most powerful. Further, it can be taken as almost

certain that the race which controls the Municipal Council will spend an unfair proportion of the revenue of the Municipality on its own quarter, and will neglect the areas occupied by other races. The practical effect of compulsory segregation on the race which is politically weaker, can be seen in the Asiatic ghettos in the Transvaal.

17. We deeply regret that Lord Milner should now have considered it advisable to adopt the principle of race-segregation. It seems to us to be a reversal of the principle for which His Majesty's Government have always contended in the parallel case of South Africa. We may, perhaps, be permitted to quote the words in which the late Mr. Alfred Lyttelton, in his despatch dated the 20th July 1904, rejected the proposals which the Governor of the Transvaal had submitted for the segregation of Indians in the Transvaal :—

“ His Majesty's Government hold that it is derogatory to the national honour to impose on resident British subjects disabilities against which we had remonstrated, and to which even the law of the late South African Republic rightly interpreted did not subject them, and they do not doubt that when this is perceived the public opinion of the Colony will not any longer support the demand which has been put forward. ”

We believe that sanitation and social conveyance could be adequately secured by mutual consent, by strict enforcement of sanitary and building laws, and by a just administration of municipal revenues. In this way, the end which Lord Milner has in view, to promote social comfort, social convenience and social peace, might be attained. But legislation on racial lines, so far from mitigating, will stimulate hostility and ill-feeling. It will, we fear, gratuitously provoke a conflict which may have grave political consequences in this country and throughout the Empire.

18. *Restrictions on ownership of land.*

We will consider first the restriction on the ownership of land in townships. In paragraph 8 of the despatch of the 21st May, Lord Milner says that it seems necessarily to follow from the adoption of the principle of race-segregation that as a general rule no transfer of land either by way of ownership or mortgage between Europeans and Asiatics should be allowed; and similarly, when township plots are put up to auction, Europeans should not be allowed to bid for plots in the Asiatic quarter or Asiatics to bid for plots in the European quarter.

19. Even if the principle of race-segregation is admitted the necessity of this consequence does not seem to us to be obvious. Professor Simpson himself, at the end of paragraph (16) of his report, says :—

“ The town-planning and division into separate zones and reservations would not prevent any European, Asiatic or African owning land or buildings in any zone, except the neutral zone, provided they conform to the provisions of the Ordinance relating to these zones. ”

We would also invite attention to paragraph 212 of the Report of the Uganda Development Commission :—

“ We have said that we advocate segregation in residential areas, but we consider that a person should be able to acquire land in any area in a township, even though he may not be able to occupy it himself. Any restriction on acquisition would prevent a plot holder from obtaining the full market price for his land and we do not think that this is justifiable or necessary. ”

It may be added that the restriction would close a legitimate field for investment both to Indians and to Europeans, and in the case of sales of new plots would be likely to prevent the State also from obtaining the full market price for Crown lands. It is understood that Indians already own many plots in the areas now occupied by Europeans, and *vice versa*. It

would appear to us to be inequitable to restrict the right of transfer of plots already alienated, and unnecessary to impose any such restriction in the sale of new plots which may be alienated hereafter.

20. There remains the restriction on the acquisition by Indians of agricultural land in the uplands. It is suggested in paragraph 6 of the despatch of the 21st May that this merely re-affirms Lord Elgin's decision, contained in his despatch of the 19th March 1908, that as a matter of administrative convenience, grants of land in the upland area should not be made to Indians. We understand, however, that practically no land which is now capable of development remains to be alienated in the uplands. In the course of his address to the Convention of Associations at Nairobi on the 9th August last, His Excellency the Governor is reported in the East African Standard of the 14th August to have said :—

“ By the time this whole settlement scheme (the Soldier Settlement scheme) had been re-adjusted, *i.e.*, that firms which had not turned out to be what it was hoped they would be, were replaced by something better, there should not be a farm left worth having. ”

It would thus appear that there is now practically no land left to which Lord Elgin's decision could be applied. It is understood, however, that the restriction has now been extended so as to prohibit the *transfer* of land to Indians. We would point out that this goes far beyond Lord Elgin's decision, and is incompatible with his own pronouncement that it is not consonant with the views of His Majesty's Government to impose legal restrictions on any particular section of the community in regard to the acquisition of land.

21. Lord Milner has justified the exclusion of Indians from the uplands on the ground that Europeans are by nature physically excluded from other areas. Hence if the limited area which is suitable for European settlement were thrown open to the competition of Asiatics, there would be, taking the Colony as a whole, a virtual discrimination in favour of Asiatic as against European settlement. He cannot, therefore, regard the Indian claim to be admitted to the uplands as just or reasonable.

22. It has been argued with force that there are vast areas in the Empire suitable for European settlement from which Indians are excluded either by law or climatic conditions, and that it is, therefore, unjust that Indians should be prohibited from acquiring agricultural land in a colony which has been, to a considerable extent, developed by Indian enterprise. Apart from this, however, it is not clear that the admission of Indians to the uplands would be a virtual discrimination against Europeans. First, it is necessary to determine what exactly is meant by the “ uplands. ” This term is defined in the despatch of the 17th July 1906, in which the Colonial Secretary approved of the principle “ that the land outside Municipal limits roughly lying between Kiu and Fort Ternan should be granted only to European settlers. ” It might be inferred from the despatch of the 21st May and from Lord Milner's speech of the 14th July that the European settlers were confined to a comparatively small area, while Indians enjoyed a monopoly elsewhere. But reference to the map appended to this despatch for which we are again indebted to Sir Edward Northey, will show that by far the larger part of the area coloured red, which is alienated land or land surveyed for alienation, lies between Kiu and Fort Ternan. Further, almost the whole of the alienated land outside these limits, that is in the lowlands, which *ex hypothesi*, are unsuitable for European settlement, has been alienated to Europeans. The total area alienated to Europeans or available for alienation is given as 11,859 square miles. The total area held by Indians, we are informed, is only 32 square miles, out of which 21 square miles have been purchased from Europeans and only 11 square miles have been obtained from the Government. In addition, Indians hold a small area of agricultural land in the coastal belt; but here again, we understand, Europeans own large plantations.

23. The attitude of the Government towards the acquisition by Indians of agricultural lands, even in the lowlands, can be judged from the following case, which has been brought to our notice.

On the 11th February 1918, an estate area 35 square miles, situated at Voi in the lowlands, lying about 150 miles east of Kiu, the eastern boundary of the uplands, which belonged to the Deutsche Englische Ost-Africa Kompagnie Gesellschaft, an enemy firm, was sold by the Liquidator; together with the machinery standing thereon, to Mr. William Stirling of Nairobi for R1,700. By an agreement, dated the 22nd June 1918, Mr. Stirling agreed to sell an area of 10,000 acres, being part of this estate, to Messrs. Jiwa Walji and Habib Nanji, British Indian subjects, for R82,500. The Hon'ble the Land Officer, however, refused to sanction transfer. At an interview with Mr. Allen, of the firm of Messrs. Allen and Hamilton, Solicitors for Messrs. Jiwa Walji and Habib Nanji, on the 13th September 1918, the Land Officer was unable to suggest any reason why consent to transfer had been refused, beyond the fact that it had not been the practice of the Government to grant farms to Asiatics exceeding 100 acres in area. This was confirmed in a letter dated the 14th September 1918, addressed by Messrs. Allen and Hamilton to the Land Officer, which continued as follows:—

“ The concession which it is desired to transfer from Mr. Stirling to our clients is situate at Voi, a part of the Protectorate which it has never been suggested should be retained exclusively for exploitation by Europeans

It is the inherent right of a British subject such as Mr. Stirling is, to sell his property to the best advantage and to any one whom he pleases, and it is the inherent right of our clients as British subjects, to purchase any property they think fit, provided only, in the case of land, that the proposed transaction does not infringe any law or regulations in force at the time.

We are aware that transfer requires the consent of Government, but such consent should not as may not be arbitrarily withheld to the prejudice of individuals.

Our clients have two or three other Indians associated with them in the proposed purchase and they have undertaken to pay Mr. Stirling R82,500 purchase money, so it is obvious that they are substantial persons.

We would ask you to be good enough to have the application for transfer referred back to His Excellency in Council with the request that the matter may be reconsidered in the light of the facts set forth in this letter. If the refusal of consent cannot be withdrawn, we request that we may be informed as soon as possible of the exact reasons for the refusal.”

In his letter No. 7304 II. L.-A. J., dated the 17th October 1918, the Land Officer replied to Messrs. Allen and Hamilton as follows:

“ In reply to your letter No. 478-3 of the 14th instant, I beg to inform you that His Excellency has given the matter long and careful consideration, but does not consider the present an opportune time to introduce such an important innovation in the Land Policy of the Protectorate as would be constituted by the registration of this proposed transfer, to which therefore His Excellency regrets that he is unable to consent.”

We submit that it is not easy to reconcile the land policy of the East African Government with Lord Milner's assurance that “ It has been the avowed principle, and it is the definite intention, of the British authorities to mete out even-handed justice between the different races inhabiting those territories.”

24. In the circumstances which we have set forth, we are unable to agree that the Indian claim to be allowed to acquire agricultural land anywhere in the Colony is neither just nor reasonable. We do not consider that the proposal in the latter part of paragraph 6 of the despatch of the

21st May is adequate compensation for the exclusion of Indians from the uplands. And we hold most strongly that there is no justification for the extension of Lord Elgin's decision so as to prohibit the transfer of land to Indians, which, in our view, is incompatible with his own pronouncement. We would add that it is the opinion of Sir Benjamin Robertson that climatic disabilities in the Colony, as a whole tend to operate against the Indian rather than against the European settler. The European, who works on the plantation system with native labour, can and does cultivate the lowlands. The European planter is no more excluded by climatic considerations from the lowlands than he is excluded from other tropical countries. On the other hand, it is doubtful whether the Indian farmer would prosper in the cold climate of the uplands. We understand that this opinion is supported by experience in Natal. The acquisition of agricultural land by Indians in Natal is not restricted. There are many wealthy Indians, and there are more than 100,000 Indians of the agricultural class. There is a keen demand for land in the coast belt, which has not been satisfied. But very few farms have been acquired by Indians in the uplands; and the evidence before the recent Commission was that where Indians have attempted to farm in the uplands, they have generally failed. If then, as Lord Milner suggests, the issue in Kenya Colony is merely a question of climate, we would urge that it be left for the climate to decide.

25. The despatch of the 21st May purports to deal only with the various questions affecting the Indian community in British East Africa. We are informed, however, by Sir Benjamin Robertson that under the orders of the Colonial Office, Lord Milner's decisions were announced simultaneously in Nairobi and Entebbe, and are understood to apply *mutatis mutandis* to the Uganda Protectorate. We were not previously aware that the position of the Indians in Uganda was even under the consideration of the Colonial Office. Moreover, from the information before us, it would appear that the East African decisions are generally inapplicable to conditions in Uganda.

26. In the first place, we understand that in Uganda there is no Legislative Council nor any elected Municipal Council. On the contrary, in the important Buganda Province, the native Lukiko already enjoys a substantial measure of autonomy, and it is likely that similar forms of native government will eventually be established in the other provinces.

Secondly, as has already been stated, the Uganda Development Commission, in paragraph 209 of their Report, have rejected the principle of segregation in business areas as impracticable.

Thirdly, the Development Commission in the same paragraph of their Report, which was signed by two Asiatic members, accepted generally the principle of separate residential areas for different races; and it would appear that if no orders had been issued, this question would have been settled amicably by mutual consent.

Fourthly, as already stated, the Development Commission in paragraph 212 of their Report have rejected restrictions on the acquisition of land in townships as neither justifiable nor necessary.

Finally, there are no "uplands" in Uganda.

27. In short, the racial issue would seem to have been raised unnecessarily in Uganda. We are informed by Sir Benjamin Robertson that the relations of the Indian community in Uganda with the Government and with unofficial Europeans have always been cordial; and this is borne out by the friendly spirit of the Report of the Development Commission, on which all classes were represented. We may perhaps be permitted to quote paragraph 43 of their report, in contrast to the racial bitterness which animated the Report of the East Africa Economic Commission:—

"The country owes much to the Indian trader and we consider that a broad policy of toleration should be adopted towards him. He has shown energy and enterprise, and has assisted in the opening up of the more remote districts. He is also of value as an agriculturist and his activities in this direction might well be encouraged."

It seems to us regrettable that Uganda should have been drawn into the East African controversy. As things now stand, the Indians in Uganda fear that disabilities to which they have not hitherto been subjected, will now be imposed upon them. It will relieve anxiety if they are assured as early as possible that this is not the intention of His Majesty's Government.

28. To conclude, we are unable to accept Lord Milner's decision as a final settlement. It is our duty to impress on you that public opinion throughout India, regards the case of the Indians in East Africa as a test of the position of India in the British Empire. At the Imperial Conference of 1918, for the sake of Imperial unity, we accepted the reciprocity resolution, which practically excludes Indians from the self-governing dominions. We cannot agree to inequality of treatment in a Crown Colony, more especially in a colony in which India has always had a peculiar interest. We have shown in this despatch that, whatever may be the intention of Lord Milner's decisions, there is in practice an unfair discrimination against Indians in East Africa. If further proof is needed we may point to the fact that in Tanganyika territory, where Indians are protected by the Covenant of the League of Nations, Lord Milner's decisions cannot be applied. It seems to us to be an impossible position that British Indians in a British Colony should be subjected to disabilities to which they cannot be subjected in an adjoining mandated territory.

29. It has been suggested that a Royal Commission should be appointed to consider the whole question of the administration of the East African territories; and it appears from his reply to Lord Islington's deputation on the 19th April, that Lord Milner himself is not averse to the proposal. We would urge the appointment of such a Commission and the inclusion of the Indian question in the terms of reference. In no other way, we believe, will it be possible to assemble the facts on which a just decision can be based. We would also urge that the Government of India should be represented on the Commission. We cannot admit that we are not directly concerned. To quote once more Lord Milner's reply to Lord Islington's deputation, "We will cease to be an Empire if any portion of the Empire is entirely relieved from responsibility for what happens in another." Government of India cannot and will not disclaim responsibility for the welfare of the Indians who are settled in East Africa.

(4)

Telegram from His Majesty's Secretary of State for India, No. 4299, dated the 24th December 1920.

East Africa. Your despatch of October 21st. I need hardly say that I am fully alive to importance of question and as responsible here for protection of Indian interests, I have urged upon His Majesty's Government the strength of case which you have so cogently presented. I have not answered your despatch merely because the matter is still before His Majesty's Government and I wish Your Excellency's Government to be assured that your despatch has reinforced case which I was already urging.

Sd. C. A. Innes,
Secretary to the Govt. of India.

(15)

PRESS COMMUNIQUE DATED SIMLA, THE 16TH JUNE 1921.

In continuation of the Commerce Department's Resolution No. 9101, dated the 27th December last, publishing a copy of the despatch from the Government of India to the Secretary of State for India, regarding the position of Indians in Kenya Colony, it is announced, for general information, that intimation has now been received from the Secretary of State for India that His Majesty's Government has decided that, pending its decision on the general question of policy raised in the above despatch, the Kenya Government should adopt in controversial matters a policy of marking time. In order, therefore, that there may be no appearance of pre-judging, while it is under consideration, the question of segregation, it has been decided to recommit the Public Health Ordinance recently passed by the Kenya Legislative Council with the omission of the segregation clauses to which objection has been taken. In pursuance of the same policy, the notice of the 12th October last creating a European Reservation in Mombasa has been withdrawn, and it has been decided that no other reservations should be proclaimed and that no sales of township plots should be held in Kenya at which Asiatics are excluded from bidding.

(16)

RESOLUTION BY THE GOVERNMENT OF INDIA, DEPARTMENT OF REVENUE AND AGRICULTURE, No. 40-R. A., DATED SIMLA, THE 24TH AUGUST 1921.

The Third report of the Standing Joint Committee on Indian affairs dealing with the political status of Indians in Kenya Colony is published for information. The despatch of the Government of India No. 33, dated October 21, 1920, to which it refers, was published under Resolution No. 9101, dated the 27th December 1920.

ORDERED TO REPORT:—

That the Standing Joint Committee have proceeded to consider the Despatch of the Government of India, No. 33 of 21st October, 1920 (Command Paper 1311 of 1921), relating to the political status of Indians in Kenya Colony. They have taken this action on the initiative of certain members of the Committee in accordance with the procedure set out in their First Report.

1. This question has for a considerable period been one of some prominence. It has formed the subject of correspondence between Lord Milner, the Secretary of State for the Colonies, and the Officer Administering the government of the East Africa Protectorate, the India Office, and the Indian Overseas Association.

The Indian Community of the Colony gave expression to their views when a deputation on the general subject of reforms was received by the Secretary of State for the Colonies on April 19th, 1920.

2. The original policy laid down by the Colonial Office in regard to these questions is shown in the Despatch of Lord Milner of the 21st of May, 1920, to the British East African Government—

(1) The Secretary of State agreed to the election of two Indian Members of the Legislative Council on a special Franchise, and similar representation of Municipal Councils.

(2) He did not see his way to remove the restriction upon acquiring Land in the Highlands, which he claimed would be discrimination in favour of the Asiatic as against European settlement, but he offered other areas, for Indian colonisation, and in paragraph 8 he laid down the principle of limited ownership of Town-plots.

(3) He adhered to "Segregation" on the grounds of sanitation and social convenience;

and he also stated that he could not countenance any restrictions which would place natives of India at a disadvantage as compared with other immigrants.

3. This Despatch of the Secretary of State for the Colonies was forwarded by the Secretary of State for India to the Government of India, who replied in their Despatch No. 33, dated 21st October, 1920 (Command Paper 1311 of 1921), setting forth their views upon the subject.

These views were briefly as follows:—

(1) As regards the Franchise, they reiterated their opinion that there should be a Common Electoral Roll. They admitted that the bulk of the Indians were not ripe for the adult suffrage which the Europeans at present enjoy, but they proposed that there should be a Common Franchise on a reasonable property basis, *plus* an educational test without racial discrimination, for all British subjects.

(2) They considered that the original discrimination exercised in making government grants of Land in the Highlands was not now at issue, as practically all the land had been allotted, and that there was no justification for extending this discrimination to the transfer of upland farms which were already in occupation. Even if the principle of Race-Segregation were admitted the necessity for the prohibition of the transfer of town plots from Europeans to Asiatics did not seem obvious, and they considered it inequitable to restrict the right of transfer of plots already alienated, and unnecessary to impose any such restriction on the sale of new plots which might be alienated hereafter.

(3) The decision of the Colonial Office as to the Segregation of races was, they asserted, resented not only by Indians in East Africa but by educated opinion throughout India. They believed that sanitation and social convenience could be adequately secured by mutual consent, by strict enforcement of sanitary and building laws, and by a just administration of municipal revenues. Legislation on racial lines would stimulate hostility and ill-feeling and would, they feared, gratuitously provoke political trouble in India and throughout the Empire.

As a basis for these specific suggestions the Government of India urged that there was no justification in a Crown Colony or Protectorate for assigning to British Indians a status in any way inferior to that of any other class of His Majesty's subjects.

They referred in conclusion to a suggestion that a Royal Commission should be appointed to consider the whole question of the administration of East African Territories, and urged the appointment of such a Commission, and the inclusion of the Indian question in the terms of reference.

4. The discussions had reached this point when the Committee took up the question.

The Committee have heard witnesses representative both of the European Settlers and of Indian opinion in Kenya. They have also had the advantage of the evidence of official witnesses connected with Kenya, and of Sir Benjamin Robertson, who visited the Colony on behalf of the Government of India. The Under-Secretaries of State for the Colonies and for India have also attended the Committee and explained the present attitude of their respective Departments.

The Committee have examined and sifted the oral evidence both in relation to the policy of the Colonial Office and to the proposals of the Government of India in the hope of ascertaining some common ground for settlement.

5. The Committee have moreover reviewed with care the proposals made by the Government of India in their despatch of 21st October.

The claim made by the Government of India, as to status on behalf of the Indians in Kenya, is clear. They do not suggest that responsible government should be given to the Colony, or that the present official majority on the Legislative Council should be abandoned, or that the basis of Crown Colony Administration should be modified, but they claim for the British Indians that they should share with the European Settlers on a Common Franchise the right of electing members of the Legislature and of the Municipal Bodies, and that there should be no discrimination against Indians as such, as regards other rights which those Settlers enjoy.

In this connection the Committee have noted the wide concessions affecting status which are granted to all Nationals of States, Members of the League of Nations under the Draft Mandate for the adjacent Mandated Territory of Tanganyika (Command Paper 1284 of 1921).

6. The Committee have decided to recommend the acceptance of the general principle which the Government of India have laid down, namely, that there is no justification in Kenya for assigning to British Indians a status in any way inferior to that of any other class of His Majesty's subjects. Kenya is a Colony in which India has always had a peculiar interest, and Indians have taken a large share in its economic development. It is true that the Committee quickly realised that the question involved not merely the status and privileges of Indians in Kenya Colony, but in any British Colony, Mandated territory or Protectorate into which Indian immigration has occurred, or may occur in the future. The handling of this question cannot therefore be dissociated from Imperial policy of vital importance and may even affect the self-governing Dominions. But it is with Kenya alone that this Committee are at present concerned, and their recommendations are limited to the problems which have arisen there. It is the view of the Committee that any opinions which they may express with regard to Kenya need not of necessity be applicable to other cases, where the conditions may be different, and they have no desire to prejudge future issues which may not be wholly analogous.

In the light of this conclusion they have examined the specific proposals of the Government of India as to Franchise, Segregation, and Ownership of Land.

7. As regards the Franchise, the Committee accept the contention that Indians at present are not properly represented in the political and municipal life of the country, regard being had to their numbers, the position which they occupy, the taxes which they pay, and the part that they are taking in the industrial and commercial progress of the Colony. The Committee believe that a reform of the Franchise is due, which will secure for Indians an increased representation in the Legislative Council and Municipal bodies, and that effect should be given to such reform without undue delay. It may be that the best machinery will be found in the adoption of a common Electoral Roll and a Common Franchise on a property basis with an educational test. This is in effect the Indians claim; but it was strongly objected to by some of the witnesses on the ground that, as the Indian outnumber the Europeans by more than three to one (about 30,000 to 8,000, or 9,000), a

Common Roll, even with a restricted Franchise, would, if not immediately, before long, give a majority to the Indians and create a situation which the Europeans could not accept. Upon the information before them, the Committee do not feel in a position to suggest in what precise manner the Franchise should be framed with regard to the various interests concerned in Kenya. Any standard of property and education must be a question for examination, and the new regulations cannot be prepared satisfactorily without an enquiry into local conditions and an attempt to compose on the spot the contending opinions in Kenya.

8 Compulsory Segregation is undoubtedly considered by Indians as a badge of racial inferiority, and the question of how far it can be avoided ought to be carefully explored. There is evidence that certain Indian quarters in the towns have become a danger to the general health. The Committee see no reason to suppose that the arguments which have been put forward in defence of Segregation could not be met by a system of sanitation founded on the careful enforcement of uniform enlightened regulations.

Experience is available in India of the success with which such regulations can be made effective to enable Indians and Europeans to live and carry on business side in harmony without resort to legal Segregation.

9. There remains the question of the Ownership of Land, which is represented by Indians as another instance of the racial discrimination of which they complain.

The claim of Indians to the right of settlement in the Highlands of the Colony presents difficulties of a special kind. The Committee are informed that the bulk of the available land has already been conveyed away; and they understand that the Colonial Office regards itself as bound by certain pledges in favour of European Settlers. They have naturally no desire to suggest any breach of faith; but they have received evidence which would seem to justify further enquiry into the matter. To what extent reform can be effected on practical and equitable lines is a matter for investigation which the Committee clearly could not undertake. But on the result of such an investigation the policy to be adopted could reasonably be made to depend.

10. The Committee have reached the conclusion that the evidence before them is insufficient to serve as a basis for any fair judgment on these important questions. It has only served to emphasise the delicacy and extreme difficulty of the whole problem, and convinced them that they cannot hope to get the material for making comprehensive recommendations from any evidence which can be obtained in this Country.

To pass a dogmatic judgment on the several points at issue would be impossible without local knowledge to which the Committee cannot pretend, or without calling masses of evidence which it might be inconvenient or impossible to obtain. Nor could the Committee, sitting in London, estimate with accuracy the depth of feeling which ranges itself behind the widely divergent views held in the Colony, or make satisfactory efforts to allay these feelings and reconcile those views. Further, the Committee recognise that it would be difficult, and possibly unfair, to expect the local government of the Colony and its officers, to translate into the details of administration conclusions which may not be received with complete and general approval in the Colony.

11. The Committee therefore strongly urge that some impartial body should visit Kenya and formulate detailed proposals as regards the various questions at issue. Practically every witness who has appeared before the Committee has admitted the advantages of such a course. The Committee recommend that, subject to the recognition of the general principle of status, this body should be charged with submitting proposals for the settlement of the difficulties as to the Franchise and the Ownership of Land and to report how far Segregation can be avoided, or proper Sanitary regulations enforced.

The Committee are concerned alone with the grievances of British Indians in Kenya, and if the enquiry is to be limited to these grievances, they make no precise recommendations as to the nature of the Tribunal which should be appointed.

12. The Committee are aware, however, that there are other problems in East Africa which will call for local investigation, besides the grievances of Indians. And even in the examination of those grievances it must not be forgotten that it is the Native population which forms the predominant factor in the country. It vastly exceed the Europeans and the Asiatics in number. In Kenya alone, the Natives number probably 2,800,000, while the Europeans and Asiatics together do not exceed 40,000. The continuance in Kenya of the Crown Colony system of administration implies the recognition of our duty to the Native African Races, and their ultimate participation in some form of self-government will depend on their response to the influences of civilisation.

The problem of the Indian Community is thus only part of a much larger one which faces His Majesty's Government, not only in Kenya but also in the adjacent tropical Colonies and in the Mandated Territory of Tanganyika: and the comparatively narrow problem to which the Committee have addressed themselves has brought into the perspective matters of urgent Imperial moment in tropical administration. If it is found desirable to appoint a Royal Commission to consider those matters, the Committee recommend the inclusion of the Indian question in its terms of reference.

Press note dated Simla, the 18th October 1921.

Intimation has been received from His Majesty's Secretary of State for India that the Governor of Kenya was to make the following interim announcement on the 17th October regarding the status of Indians in the Colony:-

"No hasty decision will be taken, and in any event no radical changes of the existing constitution will be made until the end of the period of three years when the existing Legislative Council will normally be dissolved. Further, I am prepared to nominate one Indian member to my Executive Council, and, after consulting with the local Indian Association, to nominate four Indians to the Legislative Council in lieu of the two at present provided for; this only as an interim measure pending settlement of the main policy".

The period of three years referred to dates from the election of the existing Legislative Council about January 1920-

91

No. 733.

GOVERNMENT OF INDIA.

**DEPARTMENT OF EDUCATION, HEALTH AND
LANDS.**

OVERSEAS.

Simla, the 18th August 1923.

RESOLUTION.

On the 13th August, 1923, the Government of India received from His Majesty's Secretary of State for India a memorandum in the form of a White Paper summarising the history of the Indian question in the Kenya colony and protectorate, and setting out the general policy laid down by His Majesty's Government, together with the decisions taken on the practical points at issue. This memorandum was presented to Parliament by command of His Majesty on the 23rd July 1923. In view of the importance of the issues involved and the interest taken in India in their determination the Government of India have thought it desirable to give publicity to the memorandum with the least possible delay. They therefore publish it as an annexure to this resolution.

2. A perusal of the memorandum will show that the provisional decision embodied in Lord Milner's despatch of the 21st May 1920, was unacceptable to the Government of India. The Government of India felt that it erred by not granting to Indians due and effective representation on the legislative and municipal councils; by insisting upon the application of the principle of segregation of races, and by putting restrictions on the Indian ownership of land. They objected in particular to the special franchise proposed and pressed for a common electoral roll and a common franchise for all British subjects, without racial discrimination, on a reasonable property basis, *plus* an educational test. With regard to segregation, then a real menace on account of the report of Professor (now Sir William) Simpson, referred to in paragraph 5 of the memorandum, they urged especially that any form of compulsory segregation was felt by Indians, whether resident in East Africa or India, as a racial stigma, and that any discriminative legislation on racial lines in this matter would stimulate hostility and ill-feeling. The Government of India also stressed the fact that they could never agree to the unequal treatment of Indians in a crown colony, more especially in one in which India had always had a peculiar interest.

3. On receipt of the views of the Government of India, His Majesty's Government reopened the question, and the prolonged negotiations referred to in the memorandum took place. These ended in what has come to be known as the "Wood-Winterton Report". The terms of the settlement proposed in this report were far more favourable to the Indian claim than those contained in Lord Milner's despatch. In particular they conceded a common electoral roll, subject to certain restrictions designed to secure a distribution of seats, adapted to the then existing conditions, between the European and Indian communities, whilst they did away with segregation on racial lines. In other respects also, with the exception of the Highlands, they were framed in a liberal spirit. The Government of India accepted the proposals with regard to municipal franchise, the Executive Council, segregation and immigration as the best obtainable in the circumstances. But on the question of electoral franchise they adhered to the views they had previously expressed. If reservation was considered unavoidable, they preferred the second alternative proposed,

under which some constituencies would be created in which Europeans and Indians would be eligible as candidates. But they urged that the number of seats reserved for Indians should be increased. On the question of the Highlands they agreed to the proposals only on the understanding that no further advantages were likely to be forthcoming from the maintenance of their claim to an immediate cancellation of the existing policy in this matter. They also asked that the announcement should make it clear that the right to reopen the question was reserved unconditionally, and stipulated that the exclusion of Indians should not in any case be embodied in legislation. As noted in the memorandum, the India Office made a reservation with respect to the Highlands, whilst the Colonial Office on its part made a similar reservation in the matter of the restriction of Indian immigration. The Kenya Government unfortunately took a view different from that taken by the Government of India, and rejected the scheme, mainly on the ground that it gave no sufficient safeguard to the European community against Indian preponderance in the future. The European community itself went even further, and claimed for the colony responsible self-government, with Europeans as the controllers of its destiny.

4. In paragraph 16 of the memorandum are set out the steps which were taken to arrive at an agreed settlement in the anxious period which elapsed subsequent to the preparation of the "Wood-Winterton report" in September 1922. By July, 1923, the negotiations for such a settlement had failed, and it became necessary to pass orders to end the dispute. The provisional proposals of the Colonial Office on the subject were telegraphed to the Government of India to admit of a final representation being made before the actual decision of His Majesty's Government was taken. They were on the lines of the decision which has now been announced. The Government of India accepted the principle that Kenya should be held in trust on behalf of the African population. They welcomed also the intended pronouncement that the grant of responsible self-government within any period of time which need be taken into consideration was out of the question, and the assertion of the principle that only in extreme circumstances would legislation designed to exclude from a British colony immigrants from any other part of the British Empire be permitted. They noted also with satisfaction the final abandonment of any idea of compulsory racial segregation. At the same time they felt it to be their duty to stand by the attitude they had previously adopted regarding the "Wood-Winterton report" in respect of a common electoral roll. They urged that such a franchise, with the provision of reserved seats, was not incompatible with African representation in due season and with Arab representation forthwith, and that there was no prospect of composing the racial differences and tension in Kenya unless and until Europeans and Indians exercised their voting powers on a common basis. They pointed out that the Indians in Kenya preferred a common electoral roll and that the Government of India could not derogate in any way from the claim that they had always made that Indians in a Crown Colony must be accorded equal status with Europeans. They also pressed for larger representation for Indians. They again asked that the right to reopen the question of the Highlands be asserted, and that the exclusion of Indians from the Highlands should not be embodied in legislation. With regard to immigration they pointed out that, whilst the statement of principle was not open to objection, there was no evidence to show that any economic reason existed for its application in the form of restrictive measures at the present juncture, and they expressed the fear that by its application Indians would be made to suffer. On the question of the municipal franchise they adhered to their previous views in favour of a common electoral roll and a common franchise. Finally, the Government of India asked that in any announcement made their position might be made clear.

5. The decision now announced has conceded five instead of four seats on the legislative council to Indians. It contains also the offer of land in the lowlands for such Indians as will develop it themselves. In other respects no change of substance has been made in the provisional proposals. The Government of India have now to consider the position. They recognise to the full the fairness with which they have been heard, and the obvious desire on the part of His Majesty's Government to give full weight to the Indian point of view and to arrive at a just and equitable conclusion. They appreciate also the readiness with which their request to have their attitude made clear has been met. They feel also that the decision itself marks an advance on that contemplated in 1920, though it falls short from the Indian standpoint of that set out in the

“ Wood-Winterton report ” of 1922. In particular they take note that no final conclusion on the question of the future control of immigration has been reached, and that the exclusion of Indians from the Highlands has not been embodied in legislation. At the same time they cannot but record their deep regret that His Majesty’s Government did not feel justified in giving greater effect to the recommendations made by them and the Secretary of State for India. They are conscious, however, that they are under obligation to accept the decision of His Majesty’s Government and that His Majesty’s Government cannot now be asked to reconsider and revise a decision just reached after protracted deliberation. Nevertheless they must reserve to themselves the liberty of making such representations as may be necessary whenever in future a legitimate opportunity should present itself, either as a result of the experience gained, or by change of events, or otherwise. Action to implement the decision arrived at has now to be taken by the authorities concerned, particularly in connection with the preparation of the electoral roll for Indian voters and the qualifications of candidates, and in the case of the Nairobi municipality with the representation of the important Indian community there resident. Rules in which India is specially interested have also to be formulated regarding immigration. In this case, as in other cases which may arise hereafter out of the decision, it will be the duty of the Government of India to make such representations and to offer such advice to His Majesty’s Government as they may consider necessary to safeguard the interests of India. In the performance of this duty, particularly in the matter of immigration, the Government of India will rely on the statement of policy contained in the memorandum that racial discrimination in immigration regulations, whether specific or implied, designed to exclude from a British colony immigrants from any other part of the British Empire “ would not be in accord with the general policy of His Majesty’s Government ” and that His Majesty’s Government “ cannot countenance the introduction of any such legislation into Kenya ”.

M. S. D. BUTLER,
Secretary to the Government of India.

I have the honour to inform you that I have now had an opportunity of discussing personally with Major-General Sir Edward Northey and with Sir Robert Coryndon the various questions affecting the Indian Community in British East Africa, which have formed the subject of correspondence with yourself and the India Office and the Indians Overseas Association; and before arriving at a decision on these questions, I had the advantage of receiving a deputation which was introduced to me on the 19th of April by Lord Islington and which included Indian representatives sent from East Africa.

2. I have given very careful consideration to these important questions as I was desirous of securing, if practicable, an adjustment of the existing situation, which clearly tends to create discontent in a section of the community in British East Africa. I do not propose, however, review the situation at length, as you are fully aware of the position; and it will suffice if I comment briefly on the main points which have been raised and on which a decision is required.

3. The Indian community would wish to have equal rights with the European settlers in regard to representation in the Legislative Council of the Protectorate, that is to say, that their representatives on the Council should be elected instead of nominated and that the method of election should be the same as that recently introduced for European representatives. Lord Islington, in introducing the deputation to which I have referred, stated that he realised that a solution of the present difficulties could not be found in granting the franchise to Indians in the Protectorate generally on the same basis as to Europeans. I fully share this opinion and I have hitherto held the view that having regard to the very small number of the Indian community who can be regarded as qualified to exercise a franchise the time has not yet come for basing the representation of Indians in the Protectorate on the elective principle. I am, however, impressed by the representations which have been made to me both by the Indian representatives from East Africa and by the Secretary of State for India as to the importance which is attached by the Indians to the election of their members. I have, therefore, decided that arrangements shall be made for the election of two Indian members of the Legislative

Council or a special franchise as to which I shall await your recommendations.

4. It will follow as a result of elective representation of India ⁹⁴ the Legislative Council that the same arrangements should be made in connection with Municipal Councils and in this case also I shall await your recommendations as to the detailed arrangements to be made.

5. As regards Indian immigration into East Africa, I could not countenance any restrictions which would place natives of India at a disadvantage as compared with other immigrants; and subject to the Protectorate Immigration Ordinances which are of general application, there must be no bar to the immigration of Indians.

6. The removal of the restriction on the acquisition by Indians of agricultural land in the highlands of the East Africa Protectorate has been strongly urged. The Earl of Elgin when Secretary of State for the Colonies, informed the Governor that it was not consonant with the views of His Majesty's Government to impose legal restrictions on any particular section of the community in regard to the acquisition of land, but that as a matter of administrative convenience grants of land in the upland area of the Protectorate should not be to Indians. The ground for the decision was that the area of agricultural land in the Protectorate suitable for European settlement is limited. The decision, which applies only to agricultural land has been re-affirmed by Secretaries of State subsequently; and I do not feel that I should be justified in reversing it. It is clear that if the limited area, on which alone European Settlers can live, were thrown open to the competition of Asiatics, who are physically fitted to settle in other areas from which Europeans are by nature excluded, there would be, taking the Protectorate as a whole, a virtual discrimination in favour of Asiatics as against European settlement. I cannot regard the Indian claim on this point as just or reasonable: on the other hand, I am anxious that reasonable opportunity should be afforded for Indian agricultural settlement, and I am advised that there are areas of adequate extent and good quality, which could be set apart for that purpose without infringement of native rights. Sir Edward Northey has made certain suggestions on this subject, and he will inquire further into it on his return to East Africa. I think it very desirable that there should be no doubts of our sincerity in this matter; and I hope therefore that there will be no delay in provisionally selecting at least one area for Indian settlement, which the Commission, which, as I understand, has been appointed by the Indian Government for this purpose, may be invited shortly to inspect.

7. A further matter to which much attention has been directed is the policy which for convenience may be termed "re-segregation." I regret that this policy should have given offense to the Indian community, and I feel sure that they are under a misapprehension in the matter. There is no question here of discrimination against the Indians. In this case, as in that of land settlement, I have no wish to sacrifice Indian to European interests. But I am convinced that, as long as the Indians are fairly dealt with in the selection of the sites, the principle that in the laying out of townships in tropical Africa separate areas should be allotted to different races is not only from the sanitary point of view but also on grounds of social convenience the right principle. It is in my opinion best for all races, European, Indian, or native, I desire therefore that the principle should be adhered to in residential areas, and whenever practicable in commercial areas also.

8. If this principle is to be effectively carried out, it seems to me necessary to follow that as a general rule no transfer of land, either by way of purchase or mortgage, between Europeans and Asiatics in townships should be allowed. There may no doubt be exceptional cases, in which it would be unjust or inadvisable to forbid such transfer, but these can be met by leaving discretion to the Governor-in-Council, to give sanction, when some special reason can be shown. Similarly, when township plots are put up to auction, Europeans should not be allowed to bid for plots in the Asiatic quarter or Asiatics to bid for plots in the European quarter.

9. As regards education, to which reference is made in the memorial of the 22nd of March, 1919, from British-Indian subjects in East Africa to the Viceroy of India I should be glad to see improvements effected in educational facilities for all classes in the Protectorate. The local Government has increased materially during the last few years the provision made for education; but, owing to the lack of funds progress has not been as rapid as I could have wished. I trust however that you will give close attention to the question of increasing educational facilities in the Protectorate, and that in this respect full consideration will be given to the claims of the Indian community.

10. The question of medical and legal practice in the Protectorate is raised in some memorial. The position in regard to medical practice is determined by the Medical Practitioners and Dentists Ordinance 1910, which was sanctioned after consultation with the General Council of Medical Education and Registration and the British Medical Association. I understand that the greatest care is taken by the General Council in considering any medical diplomas brought before them; and I see no reason to doubt that the holder of any diploma which is a guarantee of fitness to practice would be declared by the Council to be eligible for registration in the United Kingdom. I am not therefore disposed to suggest to your Government any amendment of the existing Ordinance, which already provides for the practice of systems of therapeutics according to Native, Indian or other Asiatic method by persons recognized by the community to which they belong, to be duly trained in such practice.

37

As regards legal practice, under the rules of Court locally in force, those who have been admitted to practice in some other part of the Empire, a provision not less liberal than that which obtains in some Colonies and Protectorates. I should however see no objection to arrangements being made for the High Court in East Africa to admit to practice an applicant who has obtained the necessary qualifications for admission in India or any other part of the Empire but has not yet been actually admitted to practice in that country, if it is only a matter of formality or the payment of a fee which is delaying such admission. Apart from this, I do not see any reason to suggest an alteration in the existing rules.

11. A further complaint made by the memorialists is that Indians have not the privilege of trial by jury. It had already been suggested by you that trial by jury for Indians might be introduced experimentally after the war, and I have to request that you will take the necessary action to give effect to this as soon as possible.

12. I do not wish to deal in this despatch with the recent currency changes in East Africa, but as the subject was raised by the deputation on the 19th of April, I may remind you that this is a matter of extreme difficulty, to which I have given most careful consideration; and that I do not anticipate now that any alteration in the new arrangements will be made. I explained to the deputation that the action taken by the Government is in the nature of a compromise, which I believe meets, as far as circumstances allow, the conflicting interests of all sections of the community in East Africa.

13. I have dealt briefly with the specific grievances which have been brought to my notice, and I do not wish to prolong this despatch. But in conclusion, I must refer to the report of the Economic Commission, as certain statements and allegations in the report with regard to Indians in East Africa have provoked strong protests. I much regret that such expressions should have been used, and I was glad to have the opportunity of informing the deputation which I received that they do not represent in any way the views either of His Majesty's Government, or of myself, and that in examining these various questions of policy affecting the Indian community in East Africa, I dissociate myself altogether from those parts of the report.

The Kenya Colony and Protectorate has an area of some 245,000 square miles and is situated between latitude 5° N. and 5° S. and bounded on the east by the Indian Ocean and Italian Somaliland, on the north by Abyssinia, on the west by the Victoria Nyanza and the Uganda Protectorate and on the south by the Tanganyika Territory. The country presents the greatest variations in climate and altitude. The coast is tropical and the climate damp and hot, though temperature readings are not excessively high and seldom rise above 90° in the shade. The northern territory is hot and dry, and is chiefly waterless desert country of a low altitude. The Victoria Nyanza is at an altitude of 5,500 feet, and the country immediately surrounding it is hot and tropical but rapidly rises and sub-tropical and almost temperate conditions prevail. Between the coast strip and the more elevated interior is a well marked desert zone which, in the old days before the building of the Uganda Railway, must have formed a very effective barrier between the comparative civilisation of the coast and the primitive savagery of the interior. A considerable area of the country comprising the provinces of Uanda, Kikuyu, Mavasha and part of Kavirondo is situated at an altitude of over 4,000 feet and presents several mountains of which the highest is Mount Kenya (17,040 feet) after which the Colony and Protectorate have recently been named. The climate of the upland areas shows considerable variations, and though cool nights are the rule, the flat plains or sheltered valleys may be uncomfortably warm in the middle of the day. On the north-west border of the Colony the land slopes up to the mass of Mount Kenia (14,020 feet).

The inhabitants of the country may be divided into classes (1) the native Africans of Bantu or Nilotic origin, (2) the tribes of Hamitic origin, Somalis, Gallas and Masai, and (3) members of trading or invading races, Europeans, Arabs and Indians. Of the foregoing it may be stated roughly that the distribution of the first class is in the large native reserves, the second in the

northern

northern areas with the exception of the Masai who have their own reserve along the Tanganyika border, and the third along the coast strip and in the various townships with a comparatively large part of the European population as farmers in the Highlands. The presence of numerous townships of which Nairobi and Mombasa are the largest indicates that there is an urban population, and this is of considerable magnitude and attracts natives from the various tribes who more and more tend to become detribalised and to become permanent town dwellers. A second division of the community, therefore, arises, viz., an urban and a rural population

In Native Reserves.

It is doubtful many even of those Europeans who come most closely in contact with the native in his own Reserves fully realise how low the sanitary standard in these reserves actually is. The European travelling in a native district, by means of porters and servants carries with him in the form of band and bed, food and filters, a bath and a change of clothing, a fairly sanitary environment. A bright sun, a warm climate, the dark skin of the native the fact that for the most part it is only the more healthy of the male population who are usually in evidence and the fact that the interior of a boma and still less the interior of a hut are seldom seen tends to obscure the fact that large numbers of the population are not physically fit, that most are unwashed and that nearly all live under conditions which cannot be described otherwise than as grossly insanitary. A fair measure of the sanitary standard of a population is the infant mortality rate and that would appear in these parts to be in the neighbourhood of 400, that is to say, of every 1,000 children born, 400 die within the first 12 months of life. Two facts favour the continued existence of the native populations of the Reserves; firstly the high fertility rate of the women, secondly the fact that the population of the country side is nowhere very dense and seldom collected into villages of any size. It might almost be said that a third condition is necessary - a continued large infant mortality. Were the infant mortality rate to fall while the fertility rate and the sanitary standard remained the same as at present, no permanent increase of the population could reasonably be expected. A temporary increase there would be, but under existing sanitary conditions any considerable increase would but provide material for the constitution of an epidemic which would ravage the population to a degree unknown before.

∅ The infant mortality rate for England for the year 1921 was 83 per 1,000.

The above hypothesis is not put forward as an argument against taking such measures as may at present be feasible for the preservation of infant life, but merely as an illustration of the degree to which insanitary conditions prevail and of the urgent need for tackling from the beginning the problem of advancing the public health. It is not sufficient to reduce the infant mortality; it is also essential to secure for the adult some possibility of living a healthy life.

It becomes necessary, therefore, to consider what conditions are required for the production and maintenance of a healthy community. Four things would appear to be essential: proper feeding, good housing, cleanliness and most essential of all a degree of culture which renders such things desirable. But none of these things are to be found to any extent in the Native Reserves.

Proper feeding is unknown. It is true that in ordinary seasons death from starvation is unknown in the reserves - though it must not be forgotten that in times of famine many individuals may die and many children probably suffer permanent injury from the effects of starvation - nevertheless, nearly every year for some weeks or months before the harvest a large proportion of the population is more or less underfed. After the harvest for a similar period many suffer not only from over-feeding but from over-indulgence in fermented drinks made from the grain.

The existence of native custom and belief which insists that a goat be sacrificed and eaten in connection with many events of not uncommon occurrence, would seem to show that there is a physiological need among most of these folk for flesh as an article of diet, but here again the result is a period of over-eating on one particular food followed by weeks without it. The whole story is one of lack of organisation and waste.

Good housing is likewise conspicuous by its absence. The ordinary grass-roofed wattle and daub native hut is perhaps the most sanitary dwelling that can be constructed or imagined. It is small, largely without ventilation and absolutely devoid of light; it

cannot be kept clean. Its walls and its floor give ready harbourage to insects which are frequently the carriers of disease, while its roof is the home of anything up to sixty rats. At night goats, calves and chickens are added to the population. In addition to its other drawbacks the native hut of these parts is not an economical structure; if it is to be kept in repair, an absurd amount of time has to be devoted to the matter.

Lack of housing, it is true, hardly exists, lack of anything approaching decent housing is almost complete. There are two reasons for this state of affairs, firstly the almost entire absence of timber large enough to provide poles for a wall more than four feet in height, secondly ignorance of any method of using alternative material. The art of sun dried brick-making is not known to one in ten thousand. If it were, it would be of little use. There is neither timber for the roofs nor the technical skill ~~to~~ to work it, if it were available.

Cleanliness is dependent on many factors; it is dependent on housing and always difficult in a house which has no windows and into which it is almost necessary to crawl to enter and it is always dependent on training, but whether in connection with one's person, one's clothes, or one's cooking pot it is ever dependant on an adequate water supply. In the majority of places in the Native Reserves of Kenya there is nothing even remotely resembling an adequate water supply. Only a very small proportion of the population live so near either to a lake or a river that a supply adequate at least in quantity, if not in quality, is available, and even in these cases water for domestic use has to be carried by hand in small vessels. As a consequence no more is used than can be helped. In most places, however, the quantity is small, the quality bad, and the distance which it has to be carried frequently considerable. For the majority of the population the sole water supply that is available during most of the year consists of small water holes dug in a rapidly drying swamp or some small collection preserved by damming some rivulet during the rains. The art of well digging, perhaps fortunately,

fortunately, is still unknown.

As regards the outlook on life of the African native, all that need be said here is that it is perhaps almost as impossible for an European to conceive its present limitation as it is for him to guess to what extent it can be developed. Apart from the instincts which prompt him to satisfy his hunger and reproduce his species, there is little but apathy. Death and sickness are only two of the many things which he accepts as a matter of course. Such efforts as he may have made in the past either to delay the former or alter the course of the latter have been too uniformly unsuccessful to encourage further effort, and it is hardly, therefore, surprising if such admonitions with regard to sanitary matters as have been addressed to ~~take~~ the inhabitants of the Native Reserves by officers either of the Medical Department or of the Administration have been largely without lasting effect. That being so, it is a matter for immediate consideration to devise methods for securing sanitary improvement. Of the four things which were mentioned as essential to a healthy community, the first three are dependent on two conditions which again are interdependent, education and prosperity. The people must know how to use the available food and how to conserve it. They must grow timber or buy it and they must know how to use it. Water supplies must be conserved and food must not be wasted. All of these require money and knowledge as to how money should be used. But neither prosperity nor education are likely to be achieved, unless there be first obtained an outlook on life which suggests that their acquisition is worth while.

During the past twenty years very little alteration has taken place in the outlook of the average native of Kenya, even the outlook of those who have received some education either at a mission or elsewhere is at bottom but little different from that of their fathers. Presumably the outlook of the inhabitants of Europe was once much the same, and it might serve some purpose to consider how the change was brought about among these people who now are civilised.

Largely

Largely it would seem that individuals have only advanced when and in so far as they have been welded together into communities and from being separate and therefore useless cogs have become part of a machine with a purpose, each cog serving a common end. At present the native population of Kenya is purely individualistic and 'there is no community of purpose'. The outlook on life does not extend beyond a plot of land and what it can produce. Can then interest and a purpose be supplied? It would appear that it can. The comparison between a town which has not achieved local Government and the same town after it has been given some measure of control of its own affairs with the responsibility for finding funds for these improvements it may require seems to supply the answer.

Hitherto the benefits which the natives has received from a settled and civilised Government have come to him independently of his own volition. Medical Officers, roads and other services materialize in a fashion which is not understood, and it is not realised that the money which pays for these comes from the people as a result of taxation. Were it possible to allot a sum of money, however small, to each district to be spent by the people themselves through the activities of a local council presided over by the District Commissioner, it would not be long before a glimmering of a common interest would be aroused, and could these funds be collected by the people themselves that sense of responsibility would be engendered which is ever the forerunner of progress.

But all this would require direction. 'The welding of communities has always been the work of some unusual individual.' So far the native populations of this part of Africa have never produced an unusual individual, and the individual must, therefore, be supplied.

It happens that in every district one is available in the person of the Commissioner only too willing to carry out his proper function -- the promotion of the welfare of the people under his charge -- if only he had more time to devote to the matter. Under

the Public Health Ordinance the District Commissioner and the Medical Officer constitute the Local Authority responsible for the public health. The Ordinance will require to be amended if it is found necessary to remove any impression that the Officer administering a district can share the responsibility of promoting the public health with any one but the people themselves. In matters of policy the function of the Medical Officer should be confined to advice -- in treatment only should he be executive -- the responsibility for taking action should be confined solely to the Administrative Officer and he must have time and opportunity to give effect to his policy. When he is able to do so but not earlier will sanitary progress become possible.

The townships in the Native Reserves are townships only in name. The populations are small and consist of the Government officers, interpreters, messengers, police, station labour, a few Swahili or Nubian traders, and perhaps half a dozen Indian shopkeepers and their families.

The maintenance of these stations in a satisfactory condition is largely a matter of field sanitation and, thanks to the attention which is given to the matter by the Administrative Officers concerned, a fairly high standard usually obtains, and the conditions under which the native inhabitants of these stations live represent a great advance on those which prevail in the surrounding reserve.

Sanitation in the Settled Areas and Townships.

Sanitation in the Settled Areas presents problems which are just as difficult as and perhaps even more pressing than those presented in the Native Reserves.

Furthermore, the question of the standard of sanitation which may pertain in the settled areas is not a matter affecting only the present and the more permanent inhabitants of these areas: It is a matter of importance to the country as a whole.

It has already been said that the primitive African native has but little idea of what is necessary to secure his own well being in the Reserves; he has none at all as to what may be necessary in a town. As a consequence he makes few demands, and the attention of his employer busy with the management of his own trade or business is not attracted. Miniature slums arise. In a small town the effects are unlikely to be felt by any one but the employee, in a large town the effects would ultimately be deleterious to all sections of the community.

Furthermore, there is the question of education. More and more many natives come to work in the larger towns. Some stay on, some after a few months or years return to their reserves. If prosperity in these reserves is to be followed by sanitary

progress, on the part of the inhabitants in the matter of feeding, housing and cleanliness, it will, to no small degree, be dependent on whether the sanitary standards in the towns where some of them resided for a time were high or low. But the attainment of a high sanitary standard in the towns and in the suburbs which are growing up around them is no light matter.

It is one thing for active, intelligent and educated Europeans to establish themselves in a new country and in new towns, it is another and much more difficult matter to establish the complicated machinery necessary to reproduce the high sanitary standards of the countries from which they came, or to provide the organization necessary to work it.

To the majority of the inhabitants of England the very existence of many of the customs on which their comfort and convenience depend is unknown. The results of many of these customs are not always obvious, or ~~where~~ where they are, they are accepted as a matter of course. It is not always realised by the householder that neither a decent water supply, "modern drainage", nor an easy approach to his house by a well graded road would exist, were there not somewhere in the background a very complicated organization.

ASIATIC HOUSING.

Asiatic housing in the bazaar area now presents a new phase. Before the depression in trade set in premises were overcrowded, as there was insufficient housing. During the present trade depression certain premises are overcrowded, even the stores, kitchens, etc., being used as dwellings, but at the same time there are a large number of vacant premises. Tenants plead that business is so bad that they cannot afford to rent proper housing but have to share one building amongst many as a measure of economy. 31 cases of overcrowding were dealt with during the year, the majority of cases occurring in the bazaar area. In most cases of overcrowding, ~~the~~ the problem tends to resolve itself into one of chasing people from place to place. Four premises in the bazaar area have been demolished and entirely reconstructed on sanitary lines, in spite of the present financial depression, and it is hoped to continue this work during the ensuing year.

Investigations were made during the year into the general condition of Asiatic Housing in the commercial area. There would not appear to be any common lodging houses in the town, but there are a large number of tenement dwellings. Most of these dwellings are far from sanitary but with a limited staff it is practically impossible to carry out improvements on an extensive scale. In many cases the only satisfactory way of dealing with such dwellings is by complete demolition and entire reconstruction on proper lines. The existing building regulations are quite inadequate in this matter and if the erection of such buildings is to be prevented in the future, more extensive powers will be required. An enormous proportion of the housing in the commercial area is distinctly insanitary. Flats and small buildings alternate with unimproved plots and overcrowded landings alternate with vacant ones. That such a state of affairs should exist it is obvious that something is radically wrong.

The overcrowding of land with buildings and with people should be prevented as the more intensively land is used the more valuable it becomes, and the more valuable it becomes the more houses must the builder erect per acre in order to make his speculation pay. High rents and overcrowded dwellings go hand in hand and a vicious circle is thus established.

In a town in which it is possible so to develop the land with buildings of such cheap construction and so overcrowded with tenants that a landlord is able to recover his capital outlay in a very few years' time, it is no wonder that land values are high. It is most necessary to introduce legislation to restrict the number of dwellings per acre, as it is only by so doing that the present overcrowding can be stopped and the people provided with healthy housing; good and cheap housing is one of the basic essentials of sanitation. Such legislation will lower the price of land, and owners will be able to provide housing at low rentals, while still obtaining a reasonable return on their capital. We shall also, by these means, strike at the root cause of insanitary housing conditions. The multiplication of slum dwellings will cease and vacant land which in itself is providing facilities for innumerable forms of nuisance will be developed on sound lines. The present policy of inaction in this matter invites land speculation with all its attendant evils. Prevention is better than cure and if we can prevent any more of such buildings being erected, distinct progress will have been made. Nairobi will have to face this problem sooner or later, and it is false economy to put off the evil day. When a town planning scheme is eventually brought in, large sums of money will have to be paid in compensation to remove the buildings that are being allowed to go up now, and the owners will be perfectly justified in demanding such compensation.

Building plans have been submitted which contained proposals to construct dwellings showing tenancies of from sixty to two hundred and eighty to the acre, and there is no specific exist-

existing legislation to prevent even worse proposals than these being given effect to. Such conditions are only approached in the very worst slum districts to be found in Europe or in the great towns of the East, and yet we are allowing such conditions to exist and multiply in the new town of Nairobi.

Little progress has been made with regard to the Asiatic Residential Area during the year, and it would appear to be a little doubtful if there is any real demand on the part of the Indian for plots in this area at the present moment,

African Housing.

Native Housing conditions in Nairobi remain practically as bad as ever and very little progress has been made to improve the situation during the year. The importance of the question of cheap and satisfactory housing for African natives has not yet been sufficiently realised. Employers under the Masters and Servants Ordinance are bound to provide adequate and proper housing for their native employees, but this Ordinance does not seem to be enforced to any great extent in this town. Government and The Municipality, the two largest employers of labour, in the town, are the worst offenders in this respect and a large proportion of their native housing is totally unfit for human habitation.

In the residential areas of the town native housing is in most cases of very inferior type. In the Commercial Area in the majority of cases natives cannot reasonably be stated to be housed at all, odd corners, kitchens, passages, verandahs, bathrooms and even latrines being used by them, or in other words any odd place which provides some sort of roof.

The opening of the native location is a step in the right direction but so far it has only touched the fringe of the problem, in spite of the good progress made. The majority of the available plots have already been taken up by the inhabitants of

Definite proposals for amelioration are now under consideration by Government and the Municipality, March 1935.

Mombasa, Mankini and Kaburini villages who are building their own houses of a fairly satisfactory type for the present. The difficulty of providing housing at the native location for casual labour which is not sufficiently wealthy to be able to provide housing for itself is already apparent but the problem will become acute when native labour from the Commercial Area has to be dealt with. The policy of leaving the native to solve his own housing problem will break down when we reach that class, the casual unskilled labouring class, the housing of which is ever the real problem before the Local Authority. The majority of the people who have already moved and who are now moving into the native location have never been particularly badly housed. It was primarily the situation of their housing, not the class of housing, which was open to objection. They are also obviously sufficiently wealthy to provide themselves with housing. The natives with whom we are really concerned do not at present command any housing of their own worth the name, and are never likely to be able to provide such for themselves. They are a product of town life and a similar class exists in all our Western States. In all cases housing has to be provided for them, as they are never able to build houses for themselves. Adequate housing for these natives at an economic rental will have to be provided sooner or later, and this should be clearly realised at the outset. We cannot hope to move these natives from the Commercial Area until housing is provided for them elsewhere. It is of the utmost importance that the Municipality should discuss this problem at the earliest opportunity and consider the advisability of raising a loan for this purpose. Unless this problem is tackled immediately there is a great danger of the native location scheme coming to an end in a few months.

A certain amount of accommodation exists in the town for Natives, more especially in Tangani Village, in the form of "rooms let in lodgings". This provision has never touched the real need in the past and a continuation of the system of ^{native hut rents} in the new location is not likely seriously to touch the problem.

problem in the future.

The demolition of 218 native huts in the town as an anti-plague measure has incidentally disclosed the fact that a large number of dwellings in the residential area are unprovided with either sanitary or adequate accommodation for native domestic servants.

Proper and sufficient accommodation for these servants will have to be provided or else the residence of such natives on the premises will have to be discontinued. A rather difficult position arises in this connection with regard to the obligation of tenants to provide housing for their employees under the Masters and Servants Ordinance. A certain amount of hardship will result if tenants in a somewhat floating town population are to be required to meet the expense of providing satisfactory accommodation for their domestic servants. The solution of the problem is to force the owner to do so through the tenant. If we restrict occupation to proper accommodation, a public demand for proper and adequate accommodation will arise and owners will, sooner or later, meet the demands of tenants. The position of the civil servant in this matter is going to be extremely difficult if Government should find itself unable or unwilling to provide proper and sufficient native housing in connection with Government quarters for European staff. Present conditions, however, cannot continue indefinitely, either proper accommodation for domestics must be provided or their residence on the premises must cease.

It will thus be seen that the whole question of native housing in Nairobi is one of paramount importance. The development of the native location scheme, on proper lines and the provision of Municipal housing at economic rents in this location is probably the solution of the problem. The native population of Nairobi is considerable, and this population is likely to increase, the tendency of the native throughout the Colony being to become more and more detribalised. This population may be

divided

divided into two classes:-

- (1). Natives who are actually employed in the town and natives who cater for the legitimate requirements of other natives in the town.
- (2). Natives who are not in regular employment in the town, but who are merely living in the town.

The former class have every right to live in the town and housing will have to be provided for them. The latter class do not require to be housed in the town. At the same time the latter class have largely become detribalised as a result of European influence. They do not wish to return to their reserves; and their Chiefs in many cases do not want them back. The present proposal is that these people should be allowed to live somewhere in the vicinity of the town if a suitable site can be found, though not actually within the Municipal Area. The suggestion is that a Garden Allotment Location should be formed for such natives where they could be kept under a certain amount of supervision. The produce grown by these people might also have a considerable influence in the future in bringing down the general cost of living in Nairobi, more especially for the native.

The impartial administration of justice as between white and black is the last of our British East African responsibilities to which I here briefly refer. The question is a grave and complex one, as only those who have studied the native mind and character, and lived in close contact with them can fully realise. Some recent events, in South as well as East Africa, in connection with this subject are fresh in the public recollection. A native condemned to death for an outrage on a white woman in South Africa was not long since reprieved by the High Commissioner. A white resident in Rhodesia subsequently shot another native for insulting his daughter, was tried on a charge of murder or culpable homicide, and acquitted by a white jury. A British subject, a well-known and popular white settler in British East Africa, has been recently deported by order of the Imperial authorities, after his acquittal by a jury of his fellow-colonists from the charge of murder or culpable homicide in the shooting of a native sheep-stealer practically caught in the act. The facts and details of these cases, the latter in particular, are now common knowledge, and need not be restated here; They have already been discussed in the public Press, the deportation case especially having been the subject of some controversy in regard to its legalness, and to the responsibility assumed by the Home Government in going behind the verdict of a colonial jury and ~~stark~~ ordering the deportation of an acquitted and therefore legally innocent man. (*See the Times of 7th Nov. 1911*)

In an interesting and instructive article in the January Fortnightly, By Mr. H. Lardner Burke, K.C., entitled 'Trial by Jury in our African Colonies,' the question of modifying the jury system in British East Africa is fully dealt with, and South African precedents are cited. Referring to the deportation case Mr. Burke writes:

"The principle involved is of the highest importance. We cannot have executive interference with legal results. Security vanishes and uncertainty reigns. We cannot countenance the principle of deporting an acquitted man, or the plea of autrefois acquit will lose its beneficent significance in our legal system."

All this is admirable. A change of tribunal is then advocated. Unfortunately in an earlier paragraph the article is somewhat marred and prejudice aroused by the allegation of callous heartlessness against the deportee. From information obtained upon the spot, I believe this allegation to be entirely unfounded,

and based on an erroneous and distorted presentment of the facts. Inasmuch also as local white opinion approved the acquittal and disapproved of the deportation, the allegation is a constructive slur on the white manhood of British East Africa.

The plain truth is that white settlers are at present inadequately protected in British East Africa by the arm of Colonial law. No complaint is made of this. It is a necessity of the case. The country is too large and new, its revenues and white population too small, and its communications as yet not sufficiently developed for the purpose. There are no police-stations in the bush or on the veld. The white settler's chief protection lies in the fact that he is a white man, and generally of that able-bodied, energetic, and self-reliant class who open up and settle our new Colonies, and are well qualified, in emergency, to look after themselves.

It is not surprising, therefore, that in exceptional circumstances and under extreme provocation this kind of man, in protection of life, home or property, occasionally takes the law into his own hands, especially when he finds that local legal processes are unequal to the occasion. For this he must stand his trial, and rightly so, before a jury of his fellow-colonists, who are the best and only true judges of the provocation, eye, and the danger, when a white woman is insulted, or - a difference only of degree -- property is stolen by native blacks. But if our paternal Government intervenes and sets local procedure at naught, then, clearly, it is also incumbent upon them adequately to police the Colony; and, as a minor, but not unimportant detail, to find the money required for the purpose. They draft Metropolitan police into Wales when industrial riots occur. Are they prepared on occasion to do the same for British East Africa? But this is the measure and the test of the responsibilities they would apparently assume.

But I believe every thinking man who knows the country will agree that the first necessity for the native is to be made to work, along with gradual education in the elementary Christian virtues of honesty, truth-telling, and some degree of thrift. Native labour is the necessary corollary in Equatorial Africa to the white man's brains and enterprise. The very worst master the native can have is himself. The registration of labour, an effective pass-law, adequate taxation of idle nomad tribes, where they will feel it most - through their flocks and herds - the simplest and most effective code and administration of criminal law - all these things are talked of, and sooner or later will have to come. Meantime, for the stay-at-home philanthropist to talk of the native as a possible equal of the white man, at all events for many generations to come, is mischievous folly. He is a child in intellect and morals. Allow him a white standard of freedom, and he still remains a miserable slave to his own inherent laziness and evil passions, the legacy of centuries of savagery. Ours is the responsibility to reclaim these millions of natives, and of fair acres of the earth's surface, for civilisation and development - a responsibility from which it is impossible to withdraw.

THE KENYA CONFERENCE.

Early this month a Conference will be held at the Colonial Office at which the position of Indians in Kenya Colony will be exhaustively discussed.

The Governor, Sir Robert Coryndon, has come home specially to attend this Conference, and the interests of the British settlers will be represented by a delegation elected for the occasion. Lord Delamere is the head of the delegation; Mr. T.A. Wood, of the Legislative Council, and Mr. Archer, President of the Convention of Associations in East Africa, are members. It is hoped that the services of the Rev. Dr. Arthur, Secretary of the Protestant Missionary Alliance, will also be available. All the members of the delegation are settlers of long experience in East African affairs and have been entrusted by the British colonists with the fullest powers on their behalf.

The deputation from India which will attend the Conference in order to lay the India point of view before the Colonial Office authorities left Bombay on April 14. It is accompanied by the Rev. C.F. Andrews, who visited Kenya two years ago. The Aga Khan, who is keenly interested in the whole question, is expected to attend in London when the rival deputations meet in Conference.

The British public probably has no conception of the magnitude of the issues at stake; but it is hoped that a perusal of the following pages will convince readers of this Review that these issues are every whit as momentous as those which exercised the public mind on the eve of the American Declaration of Independence in 1775-6, or those which arose over the attempted coercion of Ulster in 1914, and which seemed to be on the point of plunging this country into civil war, when the tragedy of the Great War overshadowed and eclipsed every other issue all the world over.

RELATION OF EUROPEANS AND ASIATICS IN KENYA.

1. The population of Kenya Colony, according to the census taken in June 1921, was :--

Europeans.	...	...	...	9,651
Indians	...	...	...	22,822
Natives, between 2,500,000 and 3,000,000.				

2. The responsible offices in all Government departments are held by Europeans, Indians being employed only in the lower grades of the service.

3. The Legislature consists of a majority of European officials, who are, through the Governor, under the direction of the Colonial Office; eleven elected European representatives; one nominated Arab representative; and four Indian representatives. The original number of India representatives was two, and the "politically-minded" Indians who purported to represent the Indian community declined to co-operate unless the number was increased; and their agitation was successful. This 'non-co-operation' is, of course, the main platform of the Gandhi policy, which is responsible for all the trouble. The interests of the natives are looked after by the appointment to the Council of the Chief Native Commissioner.

4. A certain portion of the Highlands of Kenya has, in accordance with directions from Home Government, since 1906 been reserved for European occupation.

5. A principle of residential segregation between the various races European, African and Asiatic, has obtained for many years.

6. Immigration, except in the case of criminals and indigents, is unrestricted.

7. The Indian community mainly follows three paths of activity: shopkeeping, artisan and clerical employment.

THE MILNER POLICY.

The growing disloyalty in India, which reached a climax when Mr. Montagu was Secretary of State, caused the India Office to entertain the idea of throwing Kenya as a sop to India. This movement started during the war, when practically the whole European population of Kenya was on active service. The movement was supported by local India agitation, and became so threatening to the welfare of the colony that the whole subject has to be carefully reviewed by Lord Milner (then Colonial Secretary), with the result that in 1920 a despatch from the Colonial Office was published ^{announcing} announcing the 'Milner policy',

This policy by no means satisfied the Europeans or the Indians, but it was accepted by the former tacitly as a temporary compromise to tide over a critical period without discord.

The points of the 'Milner policy' to which the Indians took

exception were :

- i. The recognition of the right of occupation of the reserved portion of the Highlands by Europeans to the exclusion of Asiatics.
- ii. The upholding of the principle of segregation.
- iii. The limitation of the right of India representation on the Legislative Council to two members, elected on a communal franchise.

It must be understood that these objections are not raised by, and indeed do not appeal to, the masses of the India population; they were put forward and are upheld by the politically minded Indians who are the agents of the Gandhi secessionist movement in India. The agitation was immediately renewed, and still more extravagant demands made, on the advent of Mr. ~~Winston~~ Winston Churchill to the Colonial Office. Complete equality with Europeans was demanded, as a short cut to complete supremacy, to be asserted by the force of numerical superiority.

This complete equality would entail:

1. The right to hold any position, however prominent, in the Civil Service and local Military Forces.
2. The right to equal representation with the Europeans on the Legislative Council on a common franchise.
3. The right to acquire land in the hitherto reserved portion of the Highlands.
4. The abolition of the principle of segregation.
5. The right of immigration without any restriction of numbers.

WAR SERVICES OF KENYA INDIANS.

The above claims are advanced on the grounds (inter alia) (1) that the Indians are British subjects, and (2) of the Indian war services.

Without wishing to disparage the achievements of the fighting races of India, under the leadership of English officers, it should be pointed out that the war record of the local Indians is not one of which they can well be proud. The adult male Indian population of Kenya, Zanzibar, Uganda and Tanganyika during the war is believed to have been about 20,000, and of these 1383 became members of the forces. Of this number only 376 were combatants, the remainder being employed as clerks, transport drivers and sweepers (scavengers). The large majority of the 1383 Indians who served were automatically absorbed into the Forces by reason of the department in which they were employed (e.g., the Uganda Railway) being made subject to martial law.

The casualties suffered by local Indians were :--

Killed.	...	Nil
Died of wounded.	...	Nil
Wounded.	....	Nil
Executed for treachery	...	5

(the death sentence in three other cases being commuted).

The local Indian during the war was notorious for his efforts to avoid military service.

Further it is significant fact that of the large number of British Indian traders in German East Africa while the campaign was in progress practically none were interned by the Germans.

The advocates for equal rights for Indians in Kenya claim them as an act of justice to those Indians who are already resident here. There is a feeling among the European colonists that the illuminating figures quoted above hardly justify this claim.

The war record of the native tribes presents a contrast. The total who serves, either as combatants with the King's African Rifles, or in the Labour or Transport Corps, or as carriers, was upwards of 600,000, of whom it is believed at least 10 per cent were killed or perished under the rigours of the campaign.

The agitation in Kenya is definitely identified with Gandhism by the above, and by the admission of the local leaders. As further evidence, two illustrations are selected at random: (i) in July of this year a hat belonging to Gandhi was auctioned at a mass meeting of Indians in Nairobi for a large sum amidst scenes of enthusiasm. (At this meeting, it may be mentioned, Mangal Das, one of the Indian leaders stated in English: "when we get self-Government in India, we too can bring our cannons and rifles and fight for our rights in this country"). (ii) The local Indian paper, the organ of the party, voices its approval of the following telegram from one Marcus Carvey, President of the International Congress of Negroes at New York, to Gandhi: 'Accept best wishes 400 million negroes, through us their representatives, for the speedy emancipation of India from the thraldom of foreign oppression. You may depend upon us for whatever help we can give.'

POLITICAL AND ECONOMIC ASPECTS.

Mr. Winston Churchill enunciated the doctrine that all British

subjects are to be equal in His Majesty's dominions, and that neither race, colour, nor creed shall be a bar to the very highest position.

Such a doctrine, propounded in the interests of the Indian Seditious, themselves subject to the most rigid and exclusive rules of caste, strikes the practical British settler as merely fantastic; and when considered in connection with the primitive races of Africa, just emerging from slavery and barbarism, requiring helpful direction and discipline to raise them from the depths of ignorance and superstition, its application could not only be disastrous.

The grant of the elective franchise, coupled with unrestricted immigration, to a race which already outnumbers the European population by more than two to one, in a country in which--to use Mr. Churchill's words--'the European has not the power to constitute a white proletariat', must ultimately give them a controlling influence in the government of the Colony, no matter what safeguards are devised. The inevitable final step will be the virtual evacuation of the Colony by the bulk of its European population and the degradation of the remainder, since the two civilizations, from every point of view, are so opposed that a mixed community of the two races is unthinkable.

(The bulk of Indian immigrants into Kenya consists of artisans, clerks and small traders. With regard to the first two classes, it may at once be admitted that hitherto they have been an economic necessity, and that for some time to come, but in a decreasing ratio, they will continue to be so.) The gradual improvement of the native's manual, mechanical and intellectual capacity will enable him gradually to replace the Indians. If the Colony is to be indefinitely flooded with Indians, not only is the prospect of the native hopeless and all incentive to progress removed, but the Indian will continue to oppose every artificial obstacle in his power to his advancement, and with increased political power, will do so with ever increasing success.

(As to the Indian trader, he has already eliminated the native trader from his rightful position in the Colony, though at the same time it must be admitted that a strictly limited number of Indian traders is advantageous to the commercial and domestic life of the community.)

The British European colonists are definitely of opinion that the 'Milner policy', which was reluctantly acquiesced in as a temporary measure at a time of great stress, has been grossly abused by the Indian agitators, and is inadequate for the protection of themselves and of indigenous population.

They, therefore, now insist that the ultimate Asiatic policy of the Colony must include the principles which they have for long past maintained as essential to the development of Kenya and to the maintenance of Imperial integrity, principle which the Convention of Associations of Kenya affirmed in June 1919, and, in affirming in 1921, digested into the following five cardinal points:--

- i. Strictly controlled immigration at present with a view to ultimate prohibition, consistently with the principle enunciated in 1917, and confirmed in 1921, by the Imperial Conference, of the inherent right of every community within the Empire to determine the composition of its own population.
- ii. Two nominated and not elected Indian members of the Legislative Council
- iii. Segregation in residential areas, and where practicable, in commercial areas also.
- iv. No alienation to Asiatics of land in the Highland area.
- v. Full recognition of existing Asiatic property rights.

As regards segregation. A people which has elevated caste into a religion and carried the principle of exclusiveness to the extreme pitch can hardly be taken seriously in their objections to segregation. In fact, the leaders of the local Indian agitation have boasted that Indians have no wish to live amongst Europeans and that they claim to be entitled to live where they choose on principle only.

The dangers of non-segregation of an Oriental race in a European community are mainly on sanitary and moral grounds.

The views of the bulk of the local Indians on sanitation and hygiene are worse than primitive, and, particularly in a tropical country, their proximity to European residential areas is fraught with the greatest danger to the latter community. From the moral aspect, the breaking down of the barrier of segregation will inevitably lead to the establishment of mixed schools, with the undesirable consequence of English children sitting alongside Indian children who are in all probability married and initiated into the mysteries of sex.

The Europeans of Kenya cannot agree to face dangers of such magnitude, and have never ceased to protest against the mistaken policy of the Colonial ~~Executive~~ Office and the breach of faith involved in its repudiation of guarantees upon the strength of which our soldier settlers embarked their

capital, took up land, and made homes for themselves in a distant colony.

THE ASIATIC INQUIRY COMMISSION.

It is worthy to note that in February 1921 the Asiatic Inquiry Commission, appointed by the Governor-General of the Union of South Africa, presented its Report to the Union Parliament; it contained the following recommendations:--

1. That there should be no relaxation in the enforcement of the Immigration Laws.

2. That Law 3 of 1885 (Transvaal) should not be repealed.

(This Law, as amended, was promulgated on January 26, 1887; it provided that Indians should not be eligible for the burgher right, or be allowed to own fixed property, except in such streets, wards, and locations as the Government for purposes of sanitation may assign them to live in).

3. In Natal (where the conditions, qua Indians, most nearly resemble those in Kenya) the right of Asiatic to acquire and own land for farming and agricultural purposes, outside the townships, should be confined to the coast belt, say twenty or thirty miles inland. This recommendation is on all fours with the contention of the European settlers in Kenya that the Highlands of the Colony must remain in perpetuity the exclusive property of the white settlers.

The Report of the Commission quotes a very significant passage from Lord Milner's covering letter to a despatch of Sir Arthur Lawley's in 1904:

"I think that to attempt to place coloured people on an equality with white in South Africa is wholly impracticable and that moreover it is in principle wrong.

The viper of Indian sedition, which had for so long been cherished in the bosoms of Liberal politicians, stung its deluded foster-father's mother, through the medium of the public Press, in the following pregnant utterance -- (apropos of the Report of the Asiatic Commission). :

"We might at the outset inform both the Houses of Parliament that we (the British Indian Association) intend to appeal to the League of Nations regarding our rights and status as citizens of the British Empire, and being members of one of the signatories of the League of Nations, viz., India, if the laws affecting us inimically at present in the Statute Book of the Union are not repealed during the present Session of Parliament."

RETIREMENT OF MAJOR-GENERAL SIR E. NORTHEY.

Early in 1922 Mr. Winston Churchill submitted fresh Indian proposals which did not include restrictions of immigration, and which threatened the immunity of the European Highlands from India Settlement. These terms were not

acceptable to the European community, and General Northey was summoned home to discuss the matter with the Secretary of State. The Governor managed to get them rescinded, and he returned to the Colony with the news that the subject was reconsidered.

At the end of August, however, the white community was electrified by a despatch from the Colonial Office ordering all official members of the Legislative Council to vote as directed by the Colonial Office. If their consciences forbade them to vote as directed, their only remedy was to be the resignation of their posts as civil servants and the consequent loss of their means of livelihood.

As the officials are in a majority on the Council, this procedure meant simply that Mr. Churchill was determined to establish a one man dictatorship from home, and that maintenance of the so-called Legislative Council would in future be mere eye-wash to deceive and hoodwink the British public and Parliament. Having thus cleared the way, the Colonial Office Autocrat sent out fresh orders on the Indian question under a ban of secrecy, and the colonists did not hear of their arrival until some months later; but meantime, in October, General Northey was recalled, and another Governor--Sir Robert Coryndon--appointed.

It is of course clear the General Northey did not see his way to ~~enforce~~ enforcing the more than doubtful methods of the Colonial Office to give effect to its policy of throwing the Kenya settlers as a sop to the Indian malcontents in order to stifle agitation among the politically-minded natives of India under Gandhi's banner.

It has been made clear by Mr. Churchill that he considers it the duty of a colonial official to resign his appointment if his conscience forbids him to carry out the orders of the Colonial Office; this view ^{would} ~~might~~ be endorsed by most reasonable people, under normal conditions, as necessary to the most elementary discipline. But the circumstances in this case and the issues involved were anything but normal; the life of the community and even the integrity of the Empire were at stake.

Now, as regards the question of resignation in such circumstances. Suppose an official feels unable to carry out an order which he considers unconstitutional, and instead of tendering his resignation decides to put the onus on the Colonial Office of dismissing him from the service! In the case of a minor official it is possible that such a step might be taken without attracting an undue amount of attention or apprehension on the part of the public. But in the case of a Governor and still more in the case of a Governor supported by a majority

of the official members of the council, such action by the Colonial Office would seriously disturb the public mind; awkward questions will be asked in Parliament, and an inquiry demanded, with results which might be inconvenient to the Secretary of State, and even to the Government. The financial position of the majority of Civil servants seldom renders them sufficiently independent of their salaries to permit them either to resign or to court dismissal; but if the crisis be of such a grave nature as to render their position intolerable, they may decide to take courage in both hands and face the issue. This is what occurred during the Ulster crisis in 1914, when the same Minister tried to force the army into an adventure which the conscience of the army abhorred. We do not know what view Mr. Winston Churchill's successor will take, but we may be permitted to hope that he will realise in time the gravity of the issues which are at stake.

Sir Robert Coryndon has been ordered to carry on the government of Kenya on the lines dictated by Mr. Winston Churchill. The new terms appear to give way to all the Indian demands, in spite of the promises of previous governments to reserve the Highlands for Europeans. It was on the strength of these promises that the soldier settlers set out to colonise the country, and if the Indians be given equal rights with Europeans, Kenya will become uninhabitable for the men of our own race who have fought for our Empire.

It has been made clear that the Kenya Indians did not take a part in the Great War which entitles them to consideration on the ground that they fought ~~for~~ for the Empire, or even for Kenya. It is indeed the expressed intention of the Indian agitators to flood the colony with Indians until they have complete control over it, and the policy of the Colonial Office is to assist them in this design. They have frequently stated that their aim is to fill the Civil Service with Indians, and they even speak of an Indian Governor. The whole agitation is engineered from India---it is part of the propaganda and agitation of the Gandhi non-co-operators, who desire to secede from the British Empire, and in doing so take Kenya Colony with them as the first Indian Colony. Once the Indians are given equal franchise, the rest must inevitably follow. And the Colonial Office appears ready to grant it.

It seems incredible that a people who are admittedly not yet fit to govern themselves in their own country should be permitted to govern Englishmen in an English Colony.

It is the deliberate opinion of the British settlers that the proposed action of the Colonial Office is more provocative than that which caused the American Colonies to make their Declaration of Independence and defy the attempted military

coercion of the British Government. The settlers are unanimously determined to oppose the equal Indian franchise to the last gasp. Should the Government try to force legislation through, they are prepared to take the government of the colony into their own hands. Should the Government attempt to coerce them with military force, they are ready to take up arms in defence of their rights and their homes. The settlers feel confident that if the Government try to use force the situation at the Curragh in 1914 will be enacted over again. There can be no question as to the secret sympathy of all British officers and ~~officials~~ officials with the attitude of the settlers in Kenya; but this is not all, for any attempt at the coercion of Kenya would set the whole of South Africa in a blaze, as the whole of Union and Rhodesia undoubtedly share the sentiments of the settlers in regard to the Indian question.

Will the Government of George V. commit the same tragic blunder in Africa that Government of George III committed in America a century and a half ago ?

And there is a wider aspect even than this. If the East is permitted to penetrate Africa, and the trusteeship of the vast native population be transferred to other alien hands, then gone for ever is the dream of a series of Christian African States created and linked together by the genius of British Colonization. Is England to be branded with the betrayal of the African native to Eastern rule and the proselytism of a debased religion ? It is not an inspiring outlook.

F. G. Stone.

(Brigadier-General
F. G. Stone, C.P.G.)

To the Editor of the Manchester Guardian.

128

Sir, - May one who has spent nearly if not quite as many years in Eastern Africa as Archdeacon Owen write to warn your readers that his anti-Indian views are shared neither by all the Europeans nor by all the Africans in Kenya ?

Authority in Kenya rests with the Governor, who must carry out the policy of the Colonial Secretary, who in turn is responsible to Parliament. The Archdeacon's letter implies that authority, on the contrary, rests with the Europeans who own land and do business in Kenya. In a sense he is right. A succession of Governors has, from weakness or partiality, allowed the local planters and their dependents to impose upon the Government a policy designed in their own interests.

A few facts will explain the nature of that policy. Less than a thousand Europeans have received 11,000 square miles, as compared with 22 square miles given to Indians, while no African is allowed to own an acre. In every recent year some land, misnamed "native reserves," has been alienated to Europeans by the Government. Wage-earning at an average of a halfpenny an hour is practically compulsory, and at least a quarter of these wages are paid to the Government in direct taxation, while the richest European pays no direct taxation except a poll tax of 20s.

Who are to blame ? Largely, it is to be feared, those who, like Archdeacon Owen, take the part of exploiters and do nothing to help the British public to act in defence of native rights. No doubt he deploras these evils. Why, then, does he not tell your readers that the Indians^s in Kenya set in the forefront of their claims the demand that the authority unconstitutionally acquired and corruptly used by a handful of concessionaires should be restored to Imperial Parliament and its agents ? As for native opinion, everyone in Kenya knows that the Indians' leaders dare no longer advocate the redress of native grievances, since, when they did so, unarmed Africans, men and women who demonstrated in sympathy were massacred.

In a nutshell, the situation is this. A tiny oligarchy of Europeans in Kenya has in half a generation reduced the population by a quarter, crushed out native industries, and reduced the survivors to serfdom in order to make them labour for their profit. How best can privileges thus unwisely granted and unjustly used be dealt with ? If the whole history of political privileges is any guide, the answer is, by the extension of these privileges to a gradually increasing number. The Indian proposals would enfranchise

every educated man in Kenya of whatever race. (Be it remembered also that they 129
would give those elected members a purely advisory place in the Government .)

The burden of the Archdeacon's letter is the need for voicing African opinion.

The Indian proposals alone would satisfy that need, and they would do so
increasingly until, as education spreads, African opinion would become, as
of right, the dominant voice in an African country.- Yours &c.,

Brailsford, April 24.

Norman Leys

To the Editor of the Manchester Guardian.

130

Sir, - Mr. Ainsworth accuses me of misleading your readers. May I be allowed to state the facts on the chief points he raises, as precisely as I can?

Mr. Ainsworth says the reason no native owns any land is ^{that land is} tribal property. Very well. If I had said that no tribe owns any land I should have stated the truth. It is exactly true that no tribe, chief, or individual native in Kenya Colony has any legal security in a single acre of land. It is the case, of course, that certain areas are marked "native reserves" on official maps. The word reserve is a complete misnomer, which serves only to mislead the public of this country. All land so described is simply Crown land, which the Government may sell at will, without legal process of dispossession. Until two years ago, when, thanks to exposure of the facts in this country - in these pages and elsewhere - alienation was stopped by the Colonial Office, many thousands of acres in these so-called reserves were alienated every year. Until 1920 not a penny of compensation was paid to the thousands of natives thus dispossessed. Many thousands of natives are now paying rent, in money or labour, for the privilege of living on land occupied for generations by their ancestors, land given away or sold by Government to Europeans for sums often one-hundredth part of its market value. (Mr. Ainsworth denies that the natives have to pay rent. They are prohibited from paying rent, either in kind, or money or labour.)

Mr. Ainsworth says that ^{no} native fails to get land in his tribal area. That is true. Africans share the necessities of life to a degree scarcely known in Christendom. Never the less there is real land hunger in some tribes. There would be far more if it were not for the rapid fall in the population. Official estimates show that fall as a third in twenty years. I called it a quarter, to allow for over-statement in the earlier estimates. It is to be explained mainly neither by war nor by disease, but by an industrial system which differs from slavery only by the absence of any legal ownership of men's bodies. So great a fall in population is paralleled only in the Belgian Congo, of evil memory. But while on the Congo the system has been considerably reformed, in Kenya it is unhappily still unreformed. Reform should be easier to us than to the Belgians, since the policy followed in British Eastern Africa is unique in our Empire. In West Africa the land belongs in law to the natives. It is theirs so securely that no Government can sell it to strangers. In Kenya our Government not only gave most of the best of the land away, ^{but} ~~it~~ used every conceivable means short of actual enslavement to compel the natives to leave their homes in unalienated land to work, at wages artificially fixed, and averaging now less than a penny an hour, on the estates of the concessionaires. These

concessionaires are the people who have the audacity to ask the British Government, Parliament, and electorate to refuse the franchise to Indians and educated Africans, on the ground that they alone can be safely entrusted with the rights and liberties of the natives.

131

Mr. Ainsworth objects to my use of the word serfdom. Let me refer to two facts of Kenya law. It is a criminal offence for a native of the country to fail to carry upon his person, at work or at play, on the road, in the field, in church, in a train, ~~in~~ a document containing his thumb print and other personal particulars, including his industrial history as given by all his past employers. It is also a criminal offence, punished like the other offence by imprisonment or fine amounting to several months' wages, for an employee to absent himself from work without his employer's permission. Most people in this country would agree that life under such conditions is serfdom.

According to Mr. Ainsworth the controversy over the claims of the Indians " really concern^S the Europeans and the Indian resident in the colony ". On the contrary, it is a matter in which the British Government, the British Parliament and the British electorate have, together, the sole responsibility. As he is himself in some degree responsible for the existing system in Kenya it is natural for him to defend it. But it is not open to him to attempt to conceal the nature of that system from the public. How should we now stand in India if we had handed over its political and economic control to immigrants from Europe after endowing them with millions of acres of Indian land ?

Burke saved India for the Indians and our Empire from disgrace and disruption by public appeal to the conscience of our country. There are no temples and palaces to sack in East Africa. There are only ignorant, voiceless and helpless people with nothing but the right to live and work at peace in their own homes on land that is ours neither by treaty nor by conquest, but theirs. That right they have been robbed of. In their case also the only possible remedy lies in appeal to the honour and justice of our country. - Yours
&c.,

Brailsford, near Derby, May 5.

Norman Leya.

Manchester Guardian April 23, 1923.
1824

Interview with Dr. J. W. Arthur, Secy. of the
Alliance of Protestant Missions Societies.

"It must be remembered", said Dr. Arthur, "that it was the white man who saved this part of Africa from the slave trade and all that it meant. The Indian community, it is true, have had tough with the coast for three centuries, but it is not unfair to say that they have done nothing to better the condition of the Africans, although latterly they have benefited them by bringing them cheap goods and trading in African products, a fact that the Africans willingly recognise. In the aggregate and despite the introduction of certain Western vices I believe that white influence has been in a very real manner for the moral uplift of the Africans, of whom, according to the 1917 figures, there are 2,704,143 in Kenya, and that the responsibilities of our trusteeship for the natives would not be carried out if there were unrestricted immigration from India and the influences of Eastern civilisation and morality were to become paramount."

Broken Promises.

But Dr. Arthur makes no excuses for the general attitude of suspicion towards the British Government. "The Africans' loyalty to it has been gravely shaken by loss of faith owing to the breaking of promises. Chief of the causes has been the policy with regard to the land question, for the land to the native is his very life, and second is the fact that he has had inadequate return for the taxation levied. The Indian question is nothing compared to this. Under the Crown Lands Ordinance of 1915 the native lands were taken over, so it was alleged to prevent the native alienating them. But this has left him a tenant at will of the Government. He has no title deeds, whereas the Indians have. What is wanted is more native reserves held under communal title deeds. No more land should be given out till these reserves are arranged for."

The African Natives' Rights.

The poll tax on the natives is this year expected to produce about £450,000, roughly a 25 per cent reduction owing to less taxation than in previous years. "But," said Dr. Arthur, "in 1921 only £17,583 was spent on native education, while there has recently been a cut in allowance for medical services, which means that only two Government doctors are available over an area with 800,000 inhabitants." The contrast is seen from the fact that £50,000 is spent on the education of the children of 9,000 whites, who, though they pay an adult poll tax, mainly contribute to the revenue through indirect taxation to which, of course, the natives are also subject.

"What is wanted, therefore, is both extensive developments of native

reserves -- a point Sir Robert Corvndon is always emphasising -- further simple education, and also education in methods of agriculture, veterinary practice, and so on, the provision of better seed, and a recognition of the fact that there must be no taxation without representation. At present there is none on the Central Legislature except through the Native Commissioner a Government official. In half a generation the native has advanced in an extraordinary manner from a state often of savagery, and till he is able to send direct representatives his interests should be looked after by someone who is not a Government official, chosen by communal franchise."

Manchester Guardian Tuesday, May, 15th, 1923.

The Kenya Question.

To

The Editor, The Manchester Guardian.

Sir,

I have read the letter in the Manchester Guardian signed by Lord Francis Scott, dated May 5th. May I be permitted the courtesy of a reply in your columns?

The first question dealt with is areas of land occupied by natives, the Masai reserves being given as nine million acres. Does Lord Francis Scott know that a very large portion of this is absolutely waterless, that in dry weather the small rivers, which exist ordinarily entirely disappear, and that the country in general is as bare as a read? Does he know that the Masai lost between 1918 and 1920 five hundred thousand head of cattle? Has he ever visited the country between the Turkell River and Abyssinia, where grass grows in tufts only at intervals and the whole is covered with rock and broken quartz? The Kikuyu has some rich lands certainly, to which the covetous eyes of settlers are always turned, but here too are tracts of barren land.

The chief objective of the settler in Kenya is self-government, so it is interesting to know the views of the country's leaders on native rights. Lord Delamare, in an address to his constituents, is thus reported: "The greatest bar, in my opinion, to a sufficient labour supply for the development of the country is the fact that any native can become an owner of free land in the reserves." This from a gentleman who was granted 100,000 acres and has acquired another 100,000, all lands which were formerly owned by natives who were turned out of their homes to make way for Europeans. Another member of the Kenya Legislative Council wrote in South Africa some years back (taken from the 'Indian Chronicle', Mombassa): "We white men are dependent on the aid of the natives; to assist us they must be moulded to our way, but they do not want to be. We have stolen their lands; now we must steal their limbs." Does Lord Francis Scott know that several tribes, such as Elgeyo, Kamasia, Marakwet, Uasingishu Masai, and Nandi, have actually had to pay Europeans for grazing their cattle on lands which were taken from them for European occupation?

Wage earning, theoretically, is perhaps not compulsory, but practically it is. Two years ago, it was no secret that natives were to be forced out to work for Europeans; hence Circular No. 1, which was discussed in Parliament. Pressure was brought to bear in the shape of increased taxation. With practically no warning the tax was raised from 6s 8d per annum to 16s for a nine months year. This meant about a sixth of all possible earnings going as tax, or the sale of stock at a moiety of its value by those who could not, for various reasons, leave their homes. The Thuku meetings in Kikuyu and the unrest in Kavirondo were without doubt, largely due to overtaxation, to the uncertainty of land tenure, and the reduction of wages. When it is stated that the native tax is 16s or 12s, the ordinary mind might believe that each native paid one tax only. Such is not the case. Many have old women relations, an old mother, mother-in-law, or quite possibly several old wives of a deceased brother, on all of whom the tax has to be paid, and even in some districts cattle huts are charged on. Thus it is not infrequently the case that a native pays far more than a European.

As to the £ 5,000,000 loan, the native may possibly benefit indirectly, but in some cases he is not the gainer. The railway extensions projected were solely for the European community, the one to the Uasingishu and the other to West Kenya; this latter does not come out of loans, but savings. The first part of the Uasingishu line runs parallel to the Uganda railway for sixty miles, at no point farther than eight miles distant. This small section is to cost some £ 600,000, and is solely within a European area, as it is till it passes Mount Elgoan, if it ever does, more than 100 miles farther on into the Kavirondo country, a mere afterthought. The extension to West Kenya is to benefit a sparsely settled European area. If this line had been to benefit natives it would have passed into East Kenya. It will certainly pass through a portion of the reserve, but only because it cannot be avoided by any survey. Who is paying the interest on these Kenya loans? The reply is always the same, that the greater burden falls on the native. He not only pays direct taxes but 80 % of some of the import duties, such as those on cotton goods and tobacco.

The slight benefits he derived from medical services in the reserve have now been curtailed, though a medical survey reported last year that 98 % of the population in districts on the coast were suffering from diseases, many of them curable. In 1920, 10 % of the natives in one district on the coast died of smallpox, no European medical aid whatever being rendered. There are now five districts on the coast extending from Dick's Head to the Tanganyika border, some 250 miles, with a population of about 150,000 persons, not to mention European Government officials and settlers, with no European doctors outside Mombassa. The two or three in their residence on the island there are generally fully occupied with purely local work. What have these natives got for the taxes they have paid for the past twenty years? Can anyone point to any single advantage of any practical value beyond the slight medical assistance now withdrawn? --

yours faithfully J.W.T. McClellan
(27 years in Kenya.)

Mr. McCollan, for example, appears to disapprove entirely of our occupation of East Africa as being a fundamental mistake. Does he seriously suggest it was a mistake to occupy the North American continent with a virile population? Would he really prefer to have left the nomadic Masai roaming over thousands of East African acres with a few head of stock in proportion to area, of such inferior grade as to be useless in the world's markets? Or to have left the Arab population of the coast to their slave trade in the interior? It is quite safe to say that the natives are in a far better position to day, after a few years of enlightened British government, than they were before our occupation and development of their country.

The statements regarding native taxation call for comment. The latest figures show that the European population contribute over £35 per head, as against about 4s. 6d. per head from the natives, and the rise in native taxation in 1920 referred to, was due in the main, first, to fixing the exchange value of the rupee at 2s. in place of 1s. 4d. and the necessity to cover the cost of increased official salaries, and increased cost of administration. Of this increased cost the European community had, of course, to pay its share.

It is also equally inaccurate to say that the railway and other development is solely in the interests of Europeans. Economic surveys were first undertaken to assess values of estimated production. The new Uasin Gishu extension is a portion of a new trunk line designed to tap thickly populated native areas eventually, but must first pass through a European area. The new line does not run "parallel to the Uganda railway for sixty miles, at no point farther than eight miles distant," and takes off at Nakuru, instead of Mau Summit, to avoid considerable 2 per cent grade, replacing it with $1\frac{1}{2}$ per cent. a definite economy in future working. Another small detail is that it places a present annual production of one hundred thousand bags of maize a few miles nearer markets by reason of shorter road haulage, quite apart from the plateau production, which is not marketable today owing to the distance from rail.

The critic is still farther "off the mark" in his references to what he describes as the West Kenya extension. This when begun will extend the present Thika branch mainly through native country, for a considerable distance. It is likely to be years before it reaches the "sparsely settled European area" to the north-west of Mount Kenya. In the meantime we all hope it will become more thickly settled, and so increase production to relieve the burden of taxation both to native and European. The reference to "the country between the Turkwell-

river and Abyssinia " is not understood in connection with the Masai reserve. This portion of Kenya is mainly under military control as a barrier against Abyssinian aggression, and at no time formed part of the Masai reserve.

But the real issues are more important. Even if we have made mistakes in the past government of these natives, are we at all likely to improve the position by allowing Asiatics, who have not yet shown themselves capable of government in their own country, to share the control with us ? Can we have the equality which the Indians are demanding without intermarriage ? There is no such thing as qualified equality, and segregation will not produce equality between two such dissimilar races. --- Yours &c., Thos. A. Wood.

To the Editor of the Manchester Guardian:

Sir, -- May I crave your further courtesy for the purpose of referring to Dr. Leys's comments contained in his letter which appeared in your issue of the 8th ?

I regret I have not available a copy of the East Africa Land Ordinance, and therefore cannot quote that part which deals specifically with the question of land required for the use of natives. The general sense of the section is, however, that lands in the occupation of native tribes and required for their use shall be reserved for that purpose, and may ~~be~~^{not} be alienated.

Notwithstanding the fact that native law recognises that land occupied by a tribe is communal property and that no member of a tribe has anything but a right to occupation for his own use, there arose some time ago, with the advent of new conditions, the danger of individual natives selling not only their actual holdings but also unoccupied land to strangers. Therefore it became necessary to safeguard the position by bringing all land within the category of Crown land. The effect of this is in every way advantageous to the natives.

May I ask how the word "reserve" is calculated to mislead the public? It means that the tribal lands are reserved for ⁿ native use and definitely ~~is~~^{is} excluded ~~from~~^{from} occupation by any but members of the particular tribe concerned. As regards their adequacy I adhere to my contention that areas so reserved are ample.

Of the total area of the colony and protectorate, which is approximately 240,000 square miles, barely one-quarter has ever been occupied by settled tribes, but somewhere about double this figure represents the area of land over which, at varying intervals, nomadic natives, whose total population is estimated at about 250,000 wandered with their stock. The administration of these nomads, liable as they were to wander over this vast area which possessed no evident boundaries, was naturally a physical impossibility; and as such people, particularly the Masai, were usually a danger to the more settled tribes and also likely to cause complications with neighbouring Governments, and as the indiscriminate movement of stock was a danger to cattle generally, it became necessary to settle such people and their stock in ~~reserves~~ recognised districts. That there is non-native settlement in East Africa at all is due to the fact that the country contained large areas of land totally unoccupied

by native tribes.

138

Regarding the allusion to the population figures, Dr. Leys is right as to a decrease in the figures. I assume he has in mind the original estimate of about 4,000,000 made some eighteen years ago. Up to that time, and, indeed, for some few years afterwards, estimates were entirely conjectural. Our subsequent close administration and the resulting information caused a very considerable modification of the original estimate; hence a reduction in the population figures. The population eighteen years ago was probably less than two and a quarter millions; today it is approximately two and three quarter millions.

The "document" to which Dr. Leys refers, which natives are required to possess, is called an identification certificate; in reality it is a life-long *which allows the native to travel anywhere in* passport, the possession of ~~the~~ country without hindrance. In a country where hundreds of thousands of natives are constantly moving about, whom, apart from their tribal origin, it is almost impossible to identify individually, and many of whom have predatory instincts, some form of identification became necessary. The certificate can be and is of very considerable assistance to the holder; far from being a hardship, as suggested by Dr. Leys, except perhaps to the man who is out with evil intent, it should, under the changed conditions of native life in East Africa, become a blessing.

As Dr. Leys, in referring to myself, says, "As he is himself in some degree responsible for the existing system in Kenya it is natural for him to defend it," I would like to assure him that my object in writing is to explain and not to defend, ~~as~~ I do ^{not} consider any defence necessary. -- Yours &c.,

John Ainsworth, Late Chief Native
Commissioner Kenya Colony.

73, Hauteville, Guernsey, C.I., May 17.

The Kenya Question.
To the Editor of the Manchester Guardian:

151
139

Sir, - May I be allowed a very brief final rejoinder to Mr. Ainsworth?

He no longer disputes that not a single acre in Kenya is in native ownership. But he insists that "reserves" is a suitable word for the land natives are still allowed to occupy. Mr. J.W.T. ^{McClellan} ~~McClellan~~, C.M.G., for long a Provincial Commissioner in Kenya, recently explained - in your columns - why some people think it so misleading. He gave a list of tribes that have to pay rent to Europeans for land once called "reserves" and for generations in their sole occupation. Only last year a hundred square miles was cut off the Nandi "reserve," perpetually assured to them by treaty in 1907, and was given to Europeans. When land can be, and is, habitually given away or sold to Europeans by the Government, without either appeal to the courts or compensation (except by ^{an} act of grace) for no possible reason except that those who get the land have enough influence to make the Government get it for them, to call it "reserves" is scarcely honest.

Mr. Ainsworth ^{is} justifies the alienation of land to Europeans on the ground that they can use it, while Africans did not use it. On the contrary, it is being used now, not by Europeans, but by Africans. They do the work, while their masters pocket the profits of their industry. They even pay 99 per cent of the direct taxation of the colony. And mark the result. Production per head is far lower in Kenya than in West Africa, where there are no European landlords. In Eastern Africa, with few exceptions, Government policy has prevented any industry but the growing of food for local consumption on what Mr. Ainsworth calls "adequate reserves". Cultivation ~~for~~ for export is done by Africans in Kenya on land given to Europeans, in West Africa on land belonging to natives. One wonders why, if in Kenya "identification certificates" are such a boon to Africans, no one in West Africa seems to want them. Can it be because they are designed to make ^{every} ~~every~~ body who is physically capable earn wages? To abolish them would save a bankrupt exchequer £20,000 a year. It was the concessionaires who refused the economy and cut down expenditure on native education instead, that costs £22,000 a year.

What some of us want is a Royal Commission on Kenya. Once an impartial investigation reveals the facts public opinion will soon make short work of the system. -- Yours &c.,

Brailsford, near Derby, May 25th.

Norman Loya.

The Salisbury Principle.

140

(embodied in the 1921 resolution of the Imp. Con.)
This principle gives effect not only to repeated declarations of

British statesmen, but to the most categorical and fundamental engagements governing British Indian relationships. The origin of this principle goes back to 1875-6, when white settlers in British colonies were confronted with the full effects of the abolition of slavery and were demanding Indian immigration in their own interests. Lord Salisbury was then presiding over the India Office, and he saw the very difficulty which now faces the Duke of Devonshire, and after prolonged controversy the India Office finally agreed to allow Indians to emigrate under contract to the colonies to assist the settlers. But, said Lord Salisbury in his memorable despatch of March 24, 1875.

Above all things, we must confidently expect, as an indispensable condition of the proposed arrangements, that the colonial laws and their administration will be such that Indian settlers who have completed the terms of service to which they agreed as the return for the expense of bringing them to the colonies, will be in all respects free men with privileges no whit inferior to those of any other class of her Majesty's subjects resident in the colonies.

British East Africa (Kenya) is under a double obligation to observe this principle, first, because British Indians colonised the East African littoral a century before any white British subject had settled there; and, secondly, because when the settlers of East Africa required labour for developing the country in their own interests they recruited labourers from India in full knowledge of the "indispensable condition" laid down by Lord Salisbury.

The Indian Community in Kenya is apparently prepared to agree to a conditional franchise, provided the "conditions" are common to all races. It is inconceivable that a property and educational test would enfranchise more than 3,000 to 5,000 out of the 30,000 Indians, whilst the same tests would almost certainly enfranchise from 6,000 to 8,000 whites. The settlers say that the menace of this risk for the native of Kenya is too great but the amazing thing is that their welcome (if new-born) enthusiasm for native rights and welfare does not contemplate meeting the assumed danger by extending the franchise to educated natives! They would probably argue that they have so few educated natives - a fact by no means surprising in a colony where the magnificent sum of 6½d. per head per annum is spent on native education.

*John H. Harris, in the Manch. Guard.
of April 26, 1923.*

Saturday Review
7th April 1925.

Imperial Citizenship.

Lord Peel has spoken lately, at Cheltenham, of Imperial Citizenship. Whether he regards it as already existent or as an ideal towards which the Empire is moving, is not plain from condensed reports of his speech, but it is notorious that its existence is assumed by the aggrieved party in such disputes as that in Kenya, and we may expect to hear a good deal of the infraction of Imperial Citizenship from one at least ~~from~~ ^{of} the two deputations which have just left Kenya for London. Further, some of the time of the forthcoming Conference of the Empire's statesmen is sure to be wasted over Imperial Citizenship, either as existent in some unsatisfactory because attenuated shape, or as something which the Empire should with all speed create. We need not, therefore, apologise for brusquely brushing away some of the confusion of ideas, due to rhetoric and to vague memories of Roman Citizenship, which has gathered round this subject.

In our opinion there neither is, nor can be, any such thing as Imperial Citizenship. Of the various rights enjoyed by the persons under the British flag, a large proportion are shared by British subjects with aliens temporarily sojourning there, and these really derive, not from the beneficiaries being British in allegiance, for many of them are not, but simply from their existence as human beings in a civilised state. Of the remaining rights, nearly all are due to acts of the local or the Dominion or other central, but not Imperial, legislature. Such rights may be enjoyed by a British Subject in one part of the Empire without giving him an effective claim to all of them on his migrating to another part. On migration he will have only such of them as the local legislation allows him explicitly, or by ~~failure~~ failure to exclude persons of his race. Thus an Indian, whatever the political rights conferred on him by the Government of India, with the consent of Parliament, may have only a portion of them in a Dominion or a Crown Colony, because

legislation there has penalized persons of his race; and though he will have all in England, including that of sitting in the House of Commons, if elected thereto, that will be simply because in this country there is no excluding legislation.

What rights, then, does being a British subject ensure always and everywhere? We believe only one right, that of protection against ~~foreign~~ foreign powers; and as this right becomes of practical ^{value} only outside the Empire, it is obviously irrelevant in any discussion of the rights secured within the empire by being a British subject. And if being a subject carries with it automatically so little, citizenship is even more local and limited in the rights it gives. To base any empire system on citizenship would be to shut out millions ~~whom~~ who are British subjects, but who have no part in the franchise in their own country and most assuredly ~~no~~ no ~~chance~~ chance of it else where in the ~~Empire~~ Empire. The category, British subjects, being the only one that is comprehensive, ~~that~~ it is with that category that statesmanship must work in unifying the Empire, and we have seen that a British subject, as such, is entitled to nothing but defence against external foes. British allegiance has its high value as a condition of numerous benefits, but in and by itself gives no rights enforceable throughout the Empire.

Those who think to alter this ~~condition~~ condition of affairs, either by pious rhetorical assumption that it has been altered or by uniform legislation by all the Governments of the Empire, overlook an insuperable obstacle. They forget that the tendency in all the Dominions, as in a Crown Colony where white men have ~~it~~ settled, is towards legislative discrimination as between European and non-European and not as between British subject and alien. The reason is not far to find. The European, or American, can be socially assimilated, and does not lower the standard of living; the Asiatic can ~~not~~ be socially absorbed and introduces an awkward ~~factor~~ economic factor. Short of complete change in conditions, which would need a miracle, Dominion legislation ~~is~~ in regard to immigrants

- 3 -

immigrants as they arrive, and in regard to their rights when they settle, will continue to be governed by social and economical ~~ag arrangements~~ arguments, and Imperial Citizenship will remain a dream. But suppose it to be established, we should be faced with at least two unpleasant problems. One evidently would be the problem of naturalization. Different parts of the Empire have very different needs in respect both of the amount and the kind of population they need. Who could blame an inadequately populated unit of empire for great liberality in granting naturalization to persons of a type which other parts of the Empire would object to receiving? Yet the hypothesis is that ^eevery person admitted to British allegiance anywhere would have full citizenship in every other part of the Empire. Again if there is to be a citizenship carrying the same rights everywhere, will it not be necessary to exclude from it at least the most backward Asiatic and African populations? In other words, will not the new liberty for some British subjects involve new formal degradation for others?

We need not labour these points. Imperial Citizenship is a dream, ~~unatt~~ and attempts at its materialization would be mischievous as well as unsuccessful. The more it is talked about the more bitterness is imparted to disputes in which it is supposed to have been ~~not~~ violated. The future of the Empire is in practical cooperation for defence and for economical ^edevelopment, not in endeavours to reproduce, in circumstances ~~after~~ utterly different, that Roman Citizenship which is largely misunderstood by those who invoke it.

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EDUCATING THE AFRICAN.

NEED OF A POLICY IN KENYA.

Chaos and Contrast.

The arrival of Dr. Jesse Jones and his colleagues of the Phelps-Stokes Commission at Mombasa brings again into prominence the fact that Kenya has no policy of native education. Attention is called to this serious flaw in the administration of the Colony from time to time by individual enthusiasts, by bodies such as the Convention of Associations, awakened to a keener interest in the African through the political demands of the Indian, and by the elected and nominated members of the Legislative Council as part of the stock-criticism of the vote of the Education Department when the Budget is examined once every year.

There are others, of course, who do not treat the subject in so spasmodic a manner; the missionaries, for instance, who are in daily contact with the problem in a very acute form, and whose finances are subject to grave fluctuation and reduction unless the claims of the Missions for grants-in-aid are impressed with sufficient weight and emphasis upon the attention of the Administration.

A year ago, this desultory public interest was given definite direction by the political situation, particularly the conviction of prominent leaders of the Settlers' Party that the real solution of the Indian question lies in the ability of the community to squeeze out the Asiatic as an economic factor and replace him by skilled or semi-skilled Africans. To this end, a determined campaign has been inaugurated and prosecuted for over 12 months, with the result that in some districts the Asiatic, as a small trader, has been ceased to exist and a farmer who requires the services of an Indian carpenter must put up his case to his neighbours before he can employ the Asian -- or appease his conscience as best he may. Inhabitants of the Seychelles Islands have been imported with varying success, and it is interesting to note, in passing, that even if the Imperial Government determined to refuse to control immigration, there are those with influence in the country who would, in the absence of restriction, be prepared to import cheap labour from Southern Europe with which to carry on the "squeezing out" process until the African is able to play his part.

Technical Training.

Naturally therefore technical education of the African is a favoured method of preparation of the Kikuyu and the Kavirondo, and I am afraid that responsible officers of the Administration have not been able entirely to withstand the influence upon education policy of the political campaign on the subject of eliminating the Asiatic. In the 1924 Budget the grants to Missions for literary and technical education have been reduced by 30 per cent., and now stand at about £10,000, while the word

"literary" has been definitely deleted. The Missions declare that the limitation ¹⁴⁵ seriously handicaps them in their work, because they believe that their efforts should be directed to improvement of the African in his own home in the reserve and not to the preparation of the skilled artisans, in competition with State schools, for the purpose of supplying European employers engaged in a political movement.

On the other hand, the Government is strengthening its equipment for imparting technical knowledge, and this policy, in combination with the encouragement of the African in matters agricultural, has most effectively placed literary education in the background.

The difficulty in Kenya is that there has been no direction and no coordination. From time to time in past years the present Director of Education has put forward schemes for the extension and part of the village school system, for closer inspection of Mission effort, and for the improvement of State facilities, but on every occasion the shortage of money has defeated his enthusiasm. I believe that he has been easily affected by the indecision of others, and that constant disappointment has not strengthened his spirit. It is not improbable that when a definite policy is selected some other individual may be given the opportunity of carrying it out -- someone from a strikingly successful colony or Dominion where the intellectual brilliance of the native is a matter of perpetual wonder to an unsophisticated Colonial Office.

ADULT NATIVES IN SCHOOL.

One may see school classes at Missions which would delight the heart of a member of the Aborigines Protection Society or of the admirer of the work in the foreign mission field. One may see mother and daughter, side by side, imbibing the alphabet, and great hulking Africans, over 30 years of age, sitting on the same seats as wide-eyed children vainly endeavouring to understand the mysteries of simple arithmetic. Clever natives who hoped, one day, to pass out as certificated teachers have recited for my benefit in carefully expressed English with a slight "burr", betraying the Scottish nationality of their teacher -- the general details of the fall of the Roman Empire. And then I have returned to Nairobi to meet an ordinary European who objected to Missions and to education of the African in general because a "boy" had answered him in English -- which the white man had considered the height of insolence.

In State schools and Mission workshops one may see the excellent woodwork or masonry executed by the African, and yet day after day contractors have complained that when it comes to practical work, the so-called skilled and trained native apprentices and workmen are absolutely useless unless they are shown how to do everything.

But the African is capable of achieving things. An ex-Postmaster-General introduced him into the Posts and

introduced him into the Posts and Telegraph Department, where he now performs all the operating work, she drives trains on the Uganda Railway, and in the locomotive workshop he is an increasing factor in the labour supply. In one district the African is clamouring for more schools, and in another, only a few miles away, a Chief has put a curse on the school building, and pupils who dare to attend are thrashed by their parents. To complete the picture of incomprehensible chaos and contrast, the Government has adopted a report providing for the establishment of an African Civil Service.

It is surely wrong that an African who is able to do a full day's work should sit with children learning the rudiments of an education which will be almost useless to him, yet, under the present conditions, he cannot improve his mind elsewhere. It is wrong, too, that so much effort should be made to teach a whole population to speak English when Kiswahili is a lingua franca and when much better progress could be made in the native tsagga tongue while half a million native children in Kenya are absolutely neglected by the State.

GOVERNMENT SHORTCOMINGS.

The difficulty is that, as has been said, the Government has no policy. It has not made up its mind what part the African is to play in the development of the country, it has no vision to see the effects of education on the social life in the reserves, and it cannot determine the limitations of native intelligence or its probable potentialities.

A Commission recorded voluminous evidence and reported in 1919 that the best way to further the education of the native was by cooperation with the Missions; that definite moral instruction based on religion was essential and should be given to native teachers, that technical education should be provided with due regard to the limitations of the market, and that, in the first instance, primary education should be given in the vernacular. The 1919 Report has been pigeonholed; it is a pleasant record of one of the more important outbursts of spasmodic enthusiasm.

Meanwhile the sons of chiefs are growing up, approaching the time when they will have to take over the responsibilities of administration in circumstances very different from those in which their fathers assumed control, yet there are no facilities for the formation of the character of the chiefs and headmen of the future; they are not trained in administrative work, and the State does not even worry to see that they go to school.

14757

In all circumstances, if the Phelps Stokes Committee can inform the Government and people of Kenya where they are drifting, and suggest a course that might be followed with advantage, they will perform a great service, to the Empire in East Central Africa.

Uganda.

By Sir R. Coryndon.

148

(United Empire, June 1920)

The main provisions of land tenure. No Crown land may be leased for more than 99 years; freehold title to Crown land is, for the present, prohibited. There is little difficulty as a rule in a European obtaining a lease of land for bona fide cultivation & occupation, though much of course depends upon the locality. Under the agreements of 1900 & 1901 respecting the Buganda Kingdom & the Toro & ~~the~~ Ankole countries, very large areas of land were granted as freehold property to natives of the Protectorate. In addition, generous areas were allocated as official estates to chiefs then holding certain offices, & these estates pass to the succeeding chief with the office. Subject to the consent of the Governor & with the approval of the Lukiko, natives are allowed to sell portions of their allotments to non-natives. Land so purchased carries with it mineral rights subject to a 10 per cent. ad valorem duty, payable to the Crown when such minerals are worked. ... land not dealt with under the agreements mentioned above, or otherwise alienated or excluded under existing arrangements, is vested in the Crown.

The customs work of the E.A.P. & U.P. are controlled together, under a general ad valorem import duty of 10 per cent. on most goods.

My predecessors were wise to take over the best of the native ~~form~~ system of govt. (in Buganda Province) & to adapt & co-ordinate it to our own tried principles of equity & justice. The province is divided into *szas*, *sombololes* & *minikes*. In each of these districts regular weekly *Lukikos* are held & current business is dealt with, tax collection, agricultural & veterinary regulations, small offences against the state & so on; proper records are kept, & a report is made regularly to the *Lukiko* above. It is one of the duties of our Administrative Officers in their frequent trips to attend meetings, examine the books & records, & issue advice or blame or praise. The *szas* chiefs meet regularly in *nzaps* & by this system of decentralization close touch is kept upon all the native affairs of the Province. ... Revenue is provided by a rebate of 20 per cent. of the native tax, & from this the *Kabaka's* liberal allowance is met, & salaries of all the Ministers & all the Chiefs, & payment for country inspectors & police, the cost of building material, stationery, uniforms, & so on. The finance minister controls their expenditure of about £16,000 a year & much work in connexion with provisional & final land title & certificates, & in a dozen different directions, is carried out with very remarkable accuracy & sense of responsibility. ... Here is an excellent example of the best results of indirect rule as opposed to direct rule.

Cotton was started about eleven years ago by the then Governor, Sir Hesketh Bell, & has been steadily developed since by the Dir. of Agric., Mr. S. Simpson. ... The crop last year was about 11,000 tons of seed cotton, of which about 35,000 bales of over 400 lbs. each, of good lint was exported. The most important point in

connexion with Uganda cotton is that it is entirely native grown & that from the native point of view there is no competitive crop. It is grown in half-acre & one & two-acre plots by thousands of small cultivators throughout the country & is harvested & carried to the gineries by the natives themselves; the perennial difficulty of securing sufficient native labour, therefore, does not enter. The quality is a little below that of Egyptian. The length is from $1\frac{1}{8}$ to $1\frac{3}{16}$ of an inch & the present price in Manchester is now about 20 pence above "middling" American, making it about 4s. per pound.

... The native growers are paid in cash, & for a crop of 50,000 bales this year, there will be distributed throughout the cotton areas in Uganda to the native growers, ginney hands, & road transport workers, probably not less than five million pounds in cash.

Besides cotton, coffee & rubber (main crops), there are valuable native crops available for development & export when transport is assured. The main development will probably be with oil seeds, for which there is an increasing world's demand. The chief of these are cotton seed, ground nuts & simsim. Beyond these, there is a large trade in hides & skins.

The natural aptitude of the Baganda & some other natives of the Protectorate for the lower branches of skilled work. Much of this work is now in the hands of the Indian workmen, but the pay is high & the quality of the work not very good. ... There are today probably not far short of 5,000 Asiatics in the Protectorate. Much of the cotton is in the hands of Bombay & east coast firms & they own & manage about 40 per cent. of the ginney business.

House of Commons.

4th March 1892.

151

Mr. Labouchere: In May, 1887, a certain number of gentlemen obtained a concession from the Sultan of Z. extending over a length of coast line of 150 miles & about 10 miles in depth. This concession gave them practically absolute sovereignty over this district power to administer it, to levy ~~rates~~ taxes, &c. In Sept., 1888, that is to say, a little more than a year afterwards application was made for a charter by the Company, & the facts upon which the application was based were these: that this concession had been obtained from the Sultan of Z.; also that preliminary agreements had been or were being made with the tribes landward of Z. within the sphere of British influence, & that certain gentlemen had subscribed £250,000. Having got a charter they issued a prospectus & asked for a further sum of £250,000. Money was asked for on the plea that it was intended to construct a railway out of which, when constructed, a good deal of money was to be made. (Thus was philanthropy — the desire to civilize Africa & to benefit their fellow-men — to be united with business.)

Sir J. Kennaway: A hundred years ago we were actively engaged in the Slave Trade, & it was only in 1833 that the Slave Trade was made illegal. The trade was then carried on on the West coast of Africa & we spent large sums of money on cruisers to check it, but it was only put an end to 20 years ago. It then broke out on the East Coast, & a Committee of this House in 1872 considered the question. The result was Sir Bartle Frere's mission to Z. & a system was adopted which ~~put~~ for a time put a serious check on the trade. Later on interest in the question revived, & at a great meeting at St. James's

2

Hall, under the presidency of Earl Granville, 152
Lavigerie spoke a resolution was passed urging the
Govt. to concert with the other Powers in Africa to
take measures to stop the trade. Lord Selkirk then
wrote a dispatch urging that a Conference should be
summoned at Brussels, but the time was inopportune.
Then came in this House from Mr. S. C. Burton a Resolu-
tion that an address should be presented to Her Majesty
to ask the Signatory Powers to meet in Conference to devise
such measures as should be effected for the suppression
of the Slave Trade. Then came the Brussels Conference.
That Conference pledged the Signatory Powers to put an end
to the crime & devastation caused by the Slave Trade,
& suggestions were made as to the construction of roads &
railways giving an easy access to inland waters. It was
provided that they might delegate their powers to companies
but that they would be, nevertheless, responsible for the
fulfilment of the engagements they contracted.

While the B. E. A. Company might have remained
on the coast & made a great deal of money, they
pushed forward to Uganda, so that it should not be
left to Germany, & sent forward to Capt. Lugard. They
cannot however carry on the operations unless this rail-
way is made — the cost is so enormous. If it be
made, the cost of bringing down to the coast coffee &
other valuable goods will be much reduced. If it be
not made, the Coy will not suffer, but the prestige of
this country will. It has been suggested that the Co.
is practically bankrupt. They have ample means to
carry on their operations of (sic) of the coast, where the
Customs Duties already amount to £6,000 a year, & if
other concessions are granted they will get a good return
for their capital outlay. The Co. is under no obligation
to carry on this work in the interior, that obligation
is Imperial, & what they have done has been for the
benefit of this country.

It is true that it is not a slave-trading country, but all the portage is done by human agency, & therefore if the railway were made there would be a large diminution of the Slave Trade.

Sir Lewis Pell: The present policy of the Govt resulted in the intervention of Germany in Africa, till that happened nothing was done. When that took place Lord Granville had his attention drawn to it, & he got into communication with the German authorities, went in for delimitation & spheres of influence; Lord Salisbury's Govt. carried on that policy & thence came the General Acts of Brussels. But supposing the Govt had never touched that policy the Co. would still have been in existence; & it is still able to go on along the shore lines if it restrains itself from endeavouring to suppress the Slave Trade by civilizing means in East Africa, rather than by force at sea, was submitted to Govt. 31 years ago, for I submitted it myself in a despatch dated 17th Feb. 1862. So much impressed was I with the necessity of that change in policy, that I declined to go on with the sea policy of force; & I resigned my appointment & returned to India. To my certain knowledge 16 years ago Sir Wm. Mackinnon spoke to me on this subject. I said it was a good idea, but that the Govt. would not carry it into practice, & I did not want anything more to do with it. Later on, however, the E. A. Com. was formed by certain gentlemen putting down £250,000 & then appealing to the public to see if the public would come forward for purposes of profit with, I think, another million. Thus a nucleus was formed; & yet it is said that this was not philanthropy. I believe the heart's desire of this country is to extend our sphere of trade & root out the slave trade everywhere.

I do Imperial
wk. To my certain
knowledge the idea
of attempting to
suppress the slave
trade

I had in my hand a list of 78 Treaties entered into with various Chieftains between the coast line & the Victoria Nyanza, placing districts & tribes under

our Protectorate. This is the form of Treaty 154¹ -

"Let it be known to all whom it may concern that — has placed himself & all his territories, countries, peoples, & subjects under the protection, rule, & government of the Imperial B. E. A. Co., & has ceded to the said Co. all his sovereign rights & rights of government over all his territories, countries, peoples, & subjects, & that the said Co. have assumed the same rights so ceded to them as aforesaid, & that the said Co. hereby grant their protection & the benefit of their rule & govt. to him, his territories, countries, peoples & subjects, & hereby authorize him to use the flag of the said Co. as a sign of their protection."

Sir Wm. Harcourt: You have no authority, you have no right whatever, within those lands which are not under your sovereignty or protectorate, except such as in any particular spot may have been given you by Treaty with any particular Chief. Now what is the consequence of this. Every act of force you commit against a native within a sphere of influence is an unlawful assault; every acre of land you take is a robbery; every native you kill is a murder, because you have no right & no authority against these men. (The other night the Chiefs of the Ex. [Goschen] said we had Treaties with them all.)

An Act passed in the time of Lord Palmerston's Govt. says:

Nothing herein or in any such commission or commissions contained shall extend, or be construed to extend, or invest Her Majesty with any claim or title whatsoever, dominion or sovereignty, over any such territory as aforesaid or to derogate from the rights of the tribe or people inhabiting any such territory or the Chief or ruler of any such territory or dominion.

(How was the Treaty obtained from King Mwanga, which gives the British the title to be there?) This Treaty is forced upon this man. Capt. Lugard himself says:

A warm discussion arose on many points, then the chiefs were for signing, but the King held back & giggled & fooled; he demanded time. I replied by rapping the table &, speaking loudly, said he must sign now. I threatened to leave the next day if he did not, & possibly to go to his enemies, the WaNyoro. I pointed out to him that he had lost the southern half of his kingdom to the Germans by his previous delay, & that he would lose yet more if he delayed now. He was, I think, scared at my manner, & trembled very visibly, & was on the point of signing, when a rabble with guns, which crowded the doorway, threatened to shoot the first man who signed, shouting that they were selling the country.

These men knew well perfectly well that the object of the Treaty was to sign away the lands that belonged to them. This is the way this Treaty was made:

"So far as I know," Capt. Lugard continues, "these belonged to neither party. I thought it a ruse of the King at the time, but I am now inclined to believe it was genuine. They began by cocking their guns & putting in cartridges. I had ~~an~~ increased my Sudanese escort to 20 men & they were drawn up on one side with bayonets. Seeing that an immediate signature was hopeless, I said that tomorrow being Christmas Day, we would not act upon it, but that on the day following I must have his reply. ... On Christmas Day there was much excitement &

156

discussion, & a fight ~~imminent~~ seemed imminent but late at night I heard that the Catholic ch had agreed to sign, & that the King would do so to ... On Christmas Day the 26th the whole burg came into the camp. In explanation of the course of action pursued, I must explain that in my opinion Mwangi was a coward & an irresolute buff, with whom it would be better to show a firm strong head, & he would accord the position which one took of oneself. This estimate proved correct, & I was troubled by no impertinent questions regarding the number of men & guns I had brought. At the first interview he seemed greatly relieved & pleased at my tone; for while acting in a somewhat high-headed way, I was careful to be excessively polite in the matter.

And the Treaty was signed; & then you will not be surprised to learn after that that the first thing the King did was to take & repudiate a Treaty which he had made under these circumstances. Capt. L. says:

No sooner had the Treaty been signed than the King began to repent his act & sent a paper for me to sign, stating that all the States therein named should be subject to Uganda, together with other stipulations of a vague nature. I declined to sign it, but made many explanations. ... Consequently, to the present day (4th Jan.) I have managed to avoid another interview, & hope to do so until I have the Treaty safely on its way to the coast.

Above all, a force is needed strong enough to overawe both parties and the King.

(Not much trade in Uganda, but, says Capt. Duggan) Uganda, however, as a road to the territories lying towards Albert Nyanza must

~~will~~ ^{always} remain an important acquisition. 157

Therefore, Sir, this head of Africa (Stanley called it so) only valuable as a road to somewhere else.

Mr. Groschen:

Lord Granville's dispatch ^{to our Ambassador at Berlin} _{reg.} the construction of railway
Sir Wm. Harcourt has spoken as if this Company had designs upon the lands of the tribes it passes over — as if it were a kind of plundering company at best.

Sir W. H.: I said one of the great objects was that it should promote colonization — the settlement of British settlers.

Mr. Groschen: Quite so, but there are two ways of getting land. One is by taking it & the other is by paying for it.

The Times, May 24, 1924. 158
Kenya.

The European settler basks in the warmth of the sun of prosperity. Prosperity all round.

A native chief, who is intensely proud of his people — the Kavirondo — informed me that a year ago there were 1,000 acres under cotton in his district, but that this season the acreage had increased ten times, & if the results were encouraging, there would be a further heavy increase in the very near future.

The long-promised railway to the Uasin Gishu Plateau — where the Dutch settlement is — has become an accomplished fact; the Thika Railway is under construction; a huge project is in hand to build a line of 200 miles into Uganda; branch railways will be built which will reach half-way to the Belgian Congo; harbour works have been promised as soon as funds permit; & above all, a Labour Government has introduced supplementary estimates into the House of Commons for a vote of £3,500,000 to develop a colony of which they have been most severe critics.

"Native life in East Africa." ~~By Dr. Karl Weule~~ By Dr. Karl Weule

Lastly, the native is not without an important bearing on the future of our East African Colony. As an ethnographer I am in a better position to form an opinion about him than with respect to other questions, in which the outsider like myself has only common sense to guide him. The black man is pronounced by some, "an untrained child;" by others, "utterly depraved and incurably lazy." There is yet a third party who are inclined to leave him at least one or two small virtues, but these are steadily shouted down. It is true that the native population of the coast towns have a horror of any serious work, and look down on it as a lowering of themselves; but I think we may be permitted to entertain a better opinion as to the great mass of the people in German East Africa. The most numerous tribe in the whole colony are the Wanyamwezi, who are estimated at about four million souls, and occupy the whole central area east of the great Rift Valley. No one has yet ventured to doubt their industry or capacity for progress; they are excellent agriculturists, and at the same time they were, for a whole century, the mainstay of the caravan trade between the coast and the heart of the continent. — p. 418.

From Weule's Native Life in E. Africa. 150

"Another question is, how shall we, on this basis, make ~~our~~ ^{our} black fellow-subjects useful to ourselves? In my opinion, there are two ways, as to both of which the pros & cons are about equal. Both have been in operation for some time, so that we have a standard ~~to~~ to guide us, in forecasting the ultimate development of the whole colony. In the one the native is not encouraged to advance in his own home & on his own holding, but is trained as a labourer on the plantation of a European master — plantations being laid out wherever suitable soil & tolerably climate promise a good return for outlay. The other method has the progress of the native himself in view, & aims at increasing his economic productivity by multiplying & improving the crops grown by him on his own account, teaching him new wants & at the same time increasing his purchasing power. In this way it is hoped that he will exchange his exports for mss.

The future must show whether the German people will decide for one of these ways to the exclusion of the other, or, whether, as heretofore, both will be retained. For the mother country their value is about equal & depends upon the degree of activity shown in colonial affairs as a whole. But the second is decidedly to the advantage of the native himself. As a plantation labourer he is & remains a ~~labourer~~ mshenzi; as a peasant proprietor he is able to advance. At the same time we must not forget that our Colonies were founded in the expectation of providing homes for our surplus population, & that if the native is to claim the most

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101175

fertile parts of his own country for himself, nothing can come of that ver sacrum. It also depends upon the general direction of our policy whether the numerical increase & physical improvement of the natives are to our interest or not. Some primitive peoples have almost or entirely disappeared under the influence of civilization; the Tasmanians belong to history; the Maoris of New Zealand & the Kanakas of Hawaii are rapidly diminishing, & we have lately heard of the last Veddah in Ceylon. The negro race does not belong to these candidates for extinction; on the contrary, ~~where~~ wherever it has come in contact with the white, it has grown stronger in every respect; there is therefore no fear of its dying out. But shall we go further &, by artificial selection, deliberately raise their coefficient of multiplication? Certainly we ought to do so, for a numerous resident population is under all circumstances a benefit to us. It solves the labour problem for the planter, &, on the other hand, the European manufacturer & merchant will, of course, prefer a large number of customers to a small one. How is this improvement to be initiated? ~~to be~~...

In Europe some people are stupid, others of moderate capacity, & yet others decidedly clever. The huge lip-ornaments of the Makonde & Makwe women sometimes produce the impression of a simian type of face, & small boys occasionally suggest by their features a not remote kinship with a missing link, but this exhausts the list of excuses I could have alleged for looking down from a superior height on the people in question. In all the months spent among the natives of the Rovuma Valley, I never discovered any reason why we should, as we are so

3

162

fond of doing, associate the idea of abundance with the African. On the contrary, the behaviour not only of the elders, but of the liveliest of the young people in their intercourse with — & myself, was characterized by a quiet dignity which might well have served as an example to many a European of similar social position. My personal experiences will not allow ^{me} to believe ~~me~~ in the dogma of the negro's incapacity for development. It cannot be denied that he has achieved a certain intellectual progress, even in North America, though the obstacles there are greater than the facilities.

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The translator, Alice Warner, says in the Introduction:

There are few if any parts (in G.E.A.) where German peasants & workmen could expect to live, labour & bring up families. So far as the country has been settled at all, it is on the plantation system: European capitalists cultivating large tracts of land by means of native labour. ... It is not a healthy one (system) for employer or employed; it always tends in the direction of forced labour & more or less disguised slavery; & in the end to the creation of a miserable & degraded proletariat. Much more satisfactory is the method by which Dr. Weule extends a somewhat qualified approval of securing to the native his own small holding & buying his produce from him, as has been done to some extent, with the best results, in our own Gold Coast Colony.

I am glad that Dr. Weule stands up for the native in respect of the old accusation of laziness.

A man — whether consciously a follower of the Nietzschean doctrine or not — who thinks that "the lower races" exist to supply him with labour on his own terms, is naturally impatient of

103

a religion (Christianity) which upholds the claims of the weak, & recognizes the status of man as man.

United Empire, May 1923.

A. Davis.

Nairobi in 1908 was predominantly Indian in its supply stores: four or five years later the aspect entirely altered, & Euro. firms starting business practically captured the cream of the European retail trade of the town. The Bazaar trade, catering for the Indian & the Native, still remained in the hands of the Indian. But, even here, behind the Indian stood the merchant-agent, to the extent that the greater portion of the Bazaar merchants have always been heavily in debt to the European supplier, & in large measure, financed by the British Banks. Three large British banking institutions cater for & support Kenya industry, so commerce in all its aspects rests ~~entirely~~ primarily in Euro. hands.

Any open-minded student of colonial British growth cannot fail to realize that in a land where the British or European colonist becomes rooted to the soil & permanently resides with his wife & family, there he is fated & will ever strive to become permanent. Kenya has this ^{permanent} Euro. settlement now established in the Highlands & increasingly at the coast. The Euro. population has doubled itself within the last five or six years. ... To-day, despite its large coloured population, the Euro. settler & established trading firms are paramount in activity, in actual presence, & in political power. This position cannot & dare not be ignored.

Shall Kenya, which strides the eastern portion of Equatorial Africa, develop into a stronghold of Europe in Africa, or be encouraged as a wedge for Asiatic domination, cutting in twain the all-red route dreamed

of by Cecil Rhodes? ... Regarded from an ethnological ^{stand} point, ~~is it~~ is it wise to bring Asia to ~~Europe~~ - Africa before even the great problem of the native African has definitely shaped itself? Is it fair to the African to cumber his industrial advancement by opening the floodgates of Asia into the skilled labour market? And taken from the standpoint of Britain's colonization, which is moulding the African in Western ways, is it good statesmanship deliberately to encourage Asiatic control & Eastern religion & thought into the millions of tribesmen inhabiting the Great Lake regions? For Kenya is the focus & centre of real dominion over Central East Africa. ... Today, it is for either the European or Asiatic to control; to-morrow the native African will present his case. Under ~~the~~ whose guidance shall the African improve his condition and become a civilized being; shall he imitate Eastern ideas or Western cult?

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United Empire, March 1923.

Sir Humphrey Leggett was a director of land settlement under Lord Milner's Govt. in S. Africa, a member of the Leg. Coun. in E. Africa, & had been on various commissions for the Colonial Office.

Sir H. Leggett said: Coming years would increasingly prove that the sweeping of Germany out of Tropical Africa had been a blessing to the natives & to the rest of the world. The German system was to make the natives into hewers of wood & drawers of ~~wood~~ water, but the British system, taking wise cognisance of the fact that the natives were the greatest asset of the country, encouraged them to produce things for themselves, & to export the surplus in payment of Europ. goods. In East & West Africa there was, today, a ~~native~~ native population of 50 million.

(~~He thought~~) In 1906 200 bales was the output (of cotton) of the country (Uganda), & that was the result mostly of missionary efforts, & from 200 bales in 1906, by 1912 the output of Uganda was 50,000 bales. He thought the value

of this was about £1,500,000. Then came the war...
the slump ^{came} after the war (the crop was under 25,000 bales.)
However this year's crop was estimated at 100,000 bales.

16577

The Regeneration of Africa.

by Alfred Wigglesworth

166

(United Empire, Sept. 1923)

utilization to the highest purpose of the fertile lands of Africa.

(= sweet doing-nothing,
sweet idleness)

Unlimited demands will be put upon labour & the dolce far niente of the African native is doomed to disappear. Africa must awaken from its torpor & by wise policy and sound counsel the Europeans must attract the native to a keener appreciation of those pursuits which he now follows in a slipshod, haphazard fashion.

The prohibitive cost of transporting produce in 40-lb. loads on the heads of men travelling five to ten miles a day is a serious obstacle to production. ... The Uganda Railway was constructed before settlers arrived, but some goods of considerable value were available for transport.

A constructive policy must be framed by the Great Powers for the co-ordination of efforts & for a solution of the labour problem so that the development of Africa may take place without let or hindrance. Labour is ^a ~~very~~ ~~serious~~ serious problem, for in spite of a fairly abundant population, natives are slow to adapt themselves to the European habits of work. The accepted doctrine is that the European Governments are trustees of the native, & protect him from coercion on the part of planters, but it is a mistake to grant complete exemption to the natives whose wants are so exiguous that a few days labour in a year are sufficient to provide their needs. Unquestionably the benefits the native derives under the British, French, Portuguese or Italian rule, should yield compensations

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167179

in the shape of increased production, otherwise the change of system of bribe in its train no practical benefit to either community. If it be not so, the enhancement of the value of produce, due to a beneficent Government will, in fact, enable the labourer to indulge his idleness to a still greater degree.

It is evident that the native cannot enjoy the privilege of European rule without shouldering its burden, & ways & means must be found for encouraging him to work for his living, by fostering a desire for luxuries: gramophones, bicycles, clothes, &c. &c. or by offering inducements, such as regular food supply, medical treatment, schooling, & the chance of rising eventually to take some modest share in the ~~employment~~ management of local affairs. ... Settlers now realize that the intelligent African is not only amenable to discipline, but has a remarkable facility for learning new jobs, & can, when trained, turn his hand to many crafts, now on the East Coast the monopoly of the Indian pundits.

It is customary at present to regard the native East African as lower in intelligence than his brother on the West Coast, but those who understand him will not admit this point. Greater opportunity has been given on the West Coast to develop the individual character of the native & to afford him opportunities of cultivating on his own account crops, such as cocoa, which were formerly plantation work under the control of European managers. The results ~~are~~ have thoroughly justified the course, as the production of cocoa, for instance has risen in a period of about

twenty years from 1,000 lbs. to 168
tons, a very large proportion of the world's consump-
 tion, whilst the natives have ~~the~~ improved their
 material prosperity & are enjoying its fruit. ... It
 may be some time before the East African arrives at
 such a ~~stage~~ state, but the enlightened policy of the
 Governor of Kenya in encouraging ~~such crops such as~~
~~maize~~ through his Prov. Commissioners, the production
 of native products such as maize, is proving the
 great capacity of the native to add to the world's
 wealth by cultivating a greater area of soil than that
 which is necessary for his own small requirements. ...
 (The production ~~of~~ crops for export will not only add to
 the prosperity of the native but will considerably increase
 the wealth of the Colony by encouraging the importation of
 European goods.) At present the buying capacity of the
 native &, in addition, his capacity to pay taxes, is very
 seriously curtailed by the lack of development.

In time, no doubt, the native will acquire ~~new~~
 European customs & wants, & the habit of work will
 grow. Whether this will lead to increased happiness & con-
 tentment of spirit is a moot point, but the wheel of
 progress tends, in its revolution to draw all men into the
 vortex of work; & the coming years are likely to see a
 metamorphosis of the African native.

Tanganyika Territory
(United Empire, July 1923)

169

Tanganyika lies between 1° & $11^{\circ} 44'$ South latitude & about $28^{\circ} 50'$ & $45^{\circ} 35'$ East longitude.

In 1877 Mr. (afterwards Sir) Wm Mackinnon was actually offered a concession & 70 years' lease of the Customs & administration of the whole area, later comprised in British & German East Africa.

The climate of Tanganyika Territory is determined by the position between 1° & 11° South latitude, & its position relatively to the Indian Ocean.

The policy which is being followed is to develop the people so far as possible on their own lines, & in accordance with their own ideas & customs. ... Every endeavour is being made to restore the old tribal organizations, & ~~it is~~ On the coast the tribes lack tribal organizations, but up-country districts where tribal cohesion is greater, & ~~where~~ the policy has been to control the people through their own chieftains, replacing the Akida (= paid native official), when possible, by a headman of the people's choice.

~~Inducements~~

A committee was appointed during 1921 to consider the formation of an African Civil Service. The Government is anxious to offer the natives inducements & facilities to rise above menial posts & to fill appointments which are at present occupied by Asiatics.

A new Land Ordinance has been enacted. Its basis follows the principles of the land legislation in Nigeria, & provides for the leasing of public land up to a maximum of 5000 acres, with a reservation of all mineral & water rights to the Govt.

Up to the end of 1922 the number of ex-¹⁷⁰-cessing properties sold was 573, with a total area of 295,000 acres. The sum of £1,122,000 was obtained from the sale of these properties.

The stimulation of native cotton production could also supplement the state revenue. The production of cotton had been regarded chiefly as a plantation crop.

The ~~possibility~~ suitability of the coast for production on this system was probably not overlooked, but the vested plantation interests & the demand for the plantation labour was no doubt the reason why native crop cotton growing (sic) ~~by~~ was not encouraged in those regions. In 1913 the area actually planted with cotton by European concerns is given as 22,000 acres, whilst 37,5000 acres were under cultivation by natives.

On the slopes of Mounts Kilimanjaro & Kenia, in Usambara, on the Ufipa Plateau & in the highlands of the south-western area, a European family could live in health for a continuous period without the necessity for frequent changes to a healthy climate

=

At the present time Cocoa is (in Nigeria) in the hands of the natives, & will continue to be, owing to the fact that the Govt. will not allow Europeans to take up land freehold for the purpose of farming. The native farmers are ignorant of how to get the best from their plantations. On the Gold Coast, which is one of the most important, if not the most important, of Cocoa-producing countries of the world, the Agricultural Dept. have largely aided the natives & great strides have been made by them with the help of certain European firms who have the progress of the industry at heart & no wish to exploit the native at the expense of the industry.

Africa.

Agricultural Progress in the Gold Coast -- The Gold Coast authorities are energetically tackling the question of agricultural development and attempts are being made to interest the natives in new agricultural industries, and to assist in their establishment in those districts of the Colony, where Cocoa is not grown. The production of Cocoa is, of course the principal industry in the Gold Coast, and is entirely in the hands of the natives. The exports of Cocoa amount to about $\frac{1}{4}$ of the world's commercial supply, and have an annual value of over £10,000,000. Along the 300 miles of sea coast there is a good deal of land that is suitable for the planting of coconuts, which at present are only grown to a small extent in the Eastern Province. The Government has obtained, on loan from the Local Chiefs, plantations of 300 acres each in the Western and Central Provinces, and small ones amounting in the aggregate to 300 acres in the Eastern Province. The land is being planted with coconuts, and drying houses and store houses are being erected for the preparation of Copra. It is hoped in this way to demonstrate that a profitable industry can be built up as an adjunct to the fishing industry, which is at present the principal occupation of the natives along the coast. When the cost of establishment has been recovered, the Government proposes to hand over the whole concern over to the native chiefs for the benefit of their communities. Similar action is being taken in connection with the introduction of sisal hemp, which promises to do well in certain parts of the Colony. A plantation of 1000 acres is being used as a demonstration area, and in this case also, when the cost of establishment has been met, the plantation will be handed over to the Local Chiefs and his people for their own benefit. It is hoped that this method of co-operation with the native proprietors will have a stimulating effect on agriculture in the Gold Coast.

THE SERVANTS OF INDIA SOCIETY.

172

(BOMBAY BRANCH.)

Telegraphic Address

"SERVINDIA."

Telephone No. 20074.

Servants of India Society's Home,
SANDHURST ROAD, GIRGAUM,

Bombay, _____ 192 .

27th June 1907

The Earl of Eglinton (Secy. of State for the Colonies)
(in reply to Lord Hardwicke's motion)
The administration was assumed in 1895, I think, & continued under the Foreign Office until 1899/1905.

I do not think I rejected the Land Com.'s Report. But I did criticise it from one particular point of view, as to whether it is expedient in the interest of the country that land should be held in large areas by single individuals or combinations of individuals, & whether there is to be free transfer in regard to those areas. (Development was impeded by the great grants of land in Australia, Canada & Natal.) (Speculation sure to arise from a free grant of land.)

Not unreasonably obstructive. Not a white man's country. Natives 4 millions, Asiatics 25,000, White men 2,000. I

think your Lordships will agree that for the administration of territory inhabited in that manner we, & now the local Govt. under the Local Govt. Council appointed (1906?), have responsibilities toward the natives which we cannot possibly forget.

(The Masai settled on a reserve.) That is of great importance, but because it opened up a valley called

unrestricted speculation is bad

185

the Rift Valley ^{is} which is suitable for the occupa-
tion of the white ^{men} to that ^{kind} of occupation

But I wish to insist ^{once more} that in our
administration of this country we cannot look only to the
who, no doubt greatly for the benefit of this country,
have gone from Europe & settled & taken possession of
lands which they can make the best use of, but we
must bear in mind & exercise the greatest caution
order not to overlook the interests of the great popula-
tions which the course of Swaziland has entrusted to
our keeping.

We have inserted in their Estimates for the first time
some grants for education through the missionary societies, who
have done good work in that direction, & we have
that a Secy. for Native Affairs should be appointed.

THE SERVANTS OF INDIA SOCIETY.

173

(BOMBAY BRANCH.)

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Bombay, _____ 192 .

2

27th June 1907

Lord Hindlip. The Land Com. appointed late in 1904 by Sir Donald Stewart. Report presented in May 1905 & was signed by Lord Delane, two of H. M.'s Judges, & a prominent settler in the country. 18 sittings were held & 44 persons of all classes were examined.

Transfer (of land) is only allowed with the permission of the Governor. Restrictions on the transfer of land must be removed. A sound view to take is that Govt is justified in imposing reasonable conditions for development (utilisation of resources within a reasonable time) when granted in the first instance. The simplest condition to impose is the expenditure of a certain sum of money on a certain area of land of a particular class. (With this condition on the purchase ^{these} might be free transfer). (It hampers smaller men ^{= in petty capital} for they cannot offer enough security acceptable to banks)

Eastern Africa Indian National Congress. 174

NAIROBI.
P. O. Box 360.
Telephone No. 336.

Sub-Standing Committee's Office.

Nairobi, 11th December, 1920.

~~MOMBASA.~~

In reply please quote
No. 22 and date
Mombasa P. O. Box No.
Telephone No.

Sir,

On behalf of the Committee of the Eastern Africa Indian National Congress, I have the honour to refer to the cablegram dated the 23rd August sent by me and to submit hereunder further detailed observations, which the Committee feels sure will receive your earliest consideration and might serve to convince you that the statements made by the Right Honourable Lord Milner in the House of Lords on 14th July last regarding the status and position of the Indian Community in this country were based on meagre, inaccurate and incomplete information as regards the actual facts of the situation. It would seem from His Lordship's speech that the complaints of the Indian Community were grossly exaggerated and that in reality they had not much to complain about; whereas the real state of affairs is far different from the case made out by His Lordship.

2. Ever since the Colonial Office took over the administration of this Colony (formerly a Protectorate) Indian interests have been ignored and even trampled upon and a deliberate policy to drive out Indians slowly but surely has been relentlessly pursued. In support of this statement made by our representative in London Mr. Jeevan a whole series of Legislative and administrative measures

may

The Right Honourable ~~Mr.~~ David Lloyd George,

Prime Minister,

No. 10 Downing Street,

L O N D O N

may be cited, of which a few instances are given below.

3. The Mining Ordinance passed in 1912 expressly exclude all Indians from the Mining Industry, as it is laid down that only Europeans can obtain a Prospecting License, whereas the Mining Regulations of 1902 made no such distinction. No Indian can get a Prospecting License, consequently no Indian can peg out a claim on his own account. The same may also be said of the Ostrich Farming Ordinance passed in 1907. The wording of the Crown Lands Ordinance of 1915 contain nothing that can be said to be harmful to the interests of the Indian yet it has been so adroitly administered that the net result has been the almost entire exclusion of Indians from the farming industry. About this last Ordinance, more will be said while dealing with the question of Segregation and the allotment of Agricultural and Urban lands to the different communities.

4. The whole policy of the Government at present appears to be directed to one end, and that is the gradual elimination of all Indian competition and ultimately of all Indian citizens from this Colony. In proof of this, extracts from two official documents may be quoted:-

(a) Memorandum of an interview between His Excellency Sir Edward Northey and a deputation of the Indian Association Nairobi on the 24th March, 1919, the account whereof has been confirmed by His Excellency as correct:-

"...A general discussion then ensued on the various points, His Excellency saying that this country was primarily for European development and where-as the interests of the Indians would not be lost sight of in all respects, the Europeans must predominate."

(b) Letter from the Chief Secretary to the Government of the East Africa Protectorate No. 15528/41 dated the 6th June 1919.

"... His Excellency believes that though the Indian interests

"interests should not be lost sight of, Europeans interests must be paramount throughout the Protectorate"

5. Not only are European interests paramount at present, but they are all ⁱⁿ and all and the Indian interests find hardly any place whatever in the scheme of this Government.

6. At the outbreak of the German War many local Indian residents offered themselves for military service. Some were formed into Combatant Companies and sent out on active service. Many more joined departmental services in connection with the war and did their bit along with Europeans. Even compulsion was applied to Indian motor drivers and many of them were sent to the field. And yet when the time came to distribute rewards the Indians were shamefully treated. A Soldier settlement scheme was formulated for the sole benefit of the European ex-soldiers and more than 1500 farms were allotted to them under it. It must be well known to all who have had any connection with the campaign in East Africa that the Indian troops played a very important and decisive part in the protection of this Colony and the acquisition of Tanganyika Territory, which has been from time to time recognised by the Generals in the field as well as the Home Government.

7. And yet when a request was made that Indian ex-soldiers should also be given land, the reply was given that any land available would be given to European applicants, and if there was any residue it would go to the natives of the country. The following is the extract from letter No. 19285/10 dated the 18th March, 1919, from Hon. the Chief Secretary to the Government on this point:-

"2. In reply, I am directed by His Excellency to inform you that, in all probability, the land which is available for settlement will be insufficient to meet the needs of all the European applicants who are themselves ex-soldiers?"
 "3. Should, however, there remain any land available after provision has been made for above, I am to say that, in His Excellency's opinion, the Arabs and Africans of this country would have the first claim on any such residue?"

not only this but Sir Edward Northey actually made the preposterous suggestion that the big Indian landowners on the Coast should provide land for Indian soldiers. Whereas, although there are a number of European settlers admittedly holding far

more

more land than they can ever hope to develop, to the extent altogether of several million acres, no suggestion was ever made to them that they should part with even a portion of it for the benefit of their countrymen. On the contrary over a million acres were opened up on extraordinary cheap terms for development by European ex-soldiers.

8. Again at the conclusion of the war, the Europeans received various benefits in the shape of war-bonus, gratuity, occupation allowance (even when they were not occupying the enemy country) and many other benefits. Whereas Indians serving in the same offices and doing exactly the same work as Europeans were totally denied participation in any of these benefits, although repeated applications were made to the Governor and the Secretary of State.

9. In the acquisition of land, upto the year 1915, legally there was no restriction whatsoever for an Indian purchasing freehold land anywhere in the Colony. In that year the Crown Lands Ordinance was passed, giving the Governor the power to veto all transfers between persons of different races. In practise, this power has invariably been exercised in preventing Indians from buying land from Europeans. A similar policy had been followed for a long time before as regards leasehold land by inserting a clause in the lease preventing any owner from selling his land or any portion of it, without the consent of the Government; but a definite legal sanction was given to this policy by the Ordinance passed in 1915, at a time when the country was in the grips of war and all His Majesty's subjects were enjoined not to raise any controversial issues.

10. In face of these facts, Lord Milner says "In East Africa as in other countries under the administration of the Colonial Office, it has been the avowed principle and it is the definite intention of the British Authorities to mete out even-handed justice between the different races inhabiting these territories". All that we Indians here can say about it is that this pious principle has not shown itself

in the policy of this Government towards the Indians in this Country.

11. It may not be out of place at this stage to deal with the demands of the Indian Community which though various, can really be summed up in one phrase that there shall be no legal or administrative disability of any kind against any Indian on account of his nationality. We do not ask for any special favours but strongly maintain that it is an injustice to us to deny us British ^{Subject} participation on terms of equality in the progress of the Colony and the amenities of its life, which the Government of this Colony desires to reserve by special discriminating legislation to all Europeans of whatever nationality (presumably including after five years even the former enemy aliens).

12. (1) FRANCHISE - As regards the question of election as against nomination, little need be said as the principle of elective representation of a kind has now been admitted. It may be noted here that the Indian Community was unanimous on this point and the principle of election has also been supported by the Indian nominated members on the Legislative Council.

13. As regards the franchise at present intended to be granted to us, it is submitted that it is unjust to the Indian Community in several particulars. It is proposed by the local Government to grant to the Indian Community two seats on the Legislative Council and 3 or 4 seats on the Municipal Council of Nairobi by a restricted communal franchise, the details of which have not yet been settled.

14. (a) With regard to the principle of communal franchise, the Indian Community does not and never did approve of it, and it is calculated to introduce unnecessary racial antipathy between the different sections of the population. The system in Cape Colony and Rhodesia which puts all electors on one roll is eminently satisfactory, as every elected member feels his responsibility to all of

his

his electors instead of his being merely a partisan, which is with the best of intention unavoidable under a system of communal franchise. On this point the Indian Community never wavered in their conviction, although they were prepared to accept communal franchise as a stepping stone to a common franchise and a common register, as a concession to the desire of the European Community only if they were granted a number of seats in proportion to their population and vested interests. It was never expected that the principle of communal franchise would be divorced from the proviso about the number of seats. Adequate representation on the Council is a vital part in the proposal made by the Indian Community. But a sorry attempt has been made by the recent announcement of the Government of the Colony by conceding communal franchise without the slightest attempt to answer the demand for sufficient representation. Indian Community would much rather be put on the common register and a common franchise than accept communal franchise with only two seats on the Council.

15. (b) The hopeless inadequacy of the two seats allotted to the Indian Community will be evident to any but the worst biassed person, on the examination of the proportion of the respective ~~xxxix~~ population of Europeans and Indians. It is estimated that there are about 30,000 Indians and only 6,000 Europeans in the British East Africa. The proportion is five Indians to one European. It must also be mentioned that Indian command a very large bulk of the total trade of this Colony and they have very large vested interests in the country. The injustice and the complete absence of fairness of the allotment of only two seats in the Council to the Indian Community is glaring. Nor can the absurdity of the proposal be glossed over by any ingenious argument that as the number of seats allotted to any community will not affect the character of the Government as it has and will have for a long time yet, and assured majority of nominated officials, and so it does not really matter whether any

community

community (presumably any but really this affects only Indian Community) has only a few representatives on the Council. If that is so, it may be rightly asked, why should Europeans have twelve and Indians only two representatives. Why cannot they have an equal number each of the unofficial minority, or in the alternative why should Europeans be not satisfied with only two members in the Council?

16. Again, whatever might be asserted in support, India Community is convinced from past experience that their rights and interests cannot safely be left in the hands even of the Government of this Colony much less, therefore, can they be left in the grasping hands of the non-official European members of the Council. Things are not the least improved by making them both jointly responsible for the guardianship of Indian interests. The Government has itself proposed and passed such discriminating measures as Mining and Ostrich Farming Ordinances and the Crown Lands Ordinance of 1915. It has followed a consistent policy of discrimination against Indians. Whereas the European Community, except a very few broad minded people, has declared itself hostile to Indian interests and progress. The Economic Commission Report, Dr. Simpson's Report, and the minutes of the Convention of Associations may be given as illustrations of this attitude of the European Community.

17. The Indian Community, therefore, base their claim for adequate representation on the ground that there is a living and real danger menacing their economic and other interests and their unhampered progress. If their interests suffer or progress is obstructed, for want of a strong voice of their own in the Council, the development and the progress of the country will also be impeded to a great extent. Such a state of affairs is alike injurious to the loyalty and safety of British Indian subject, and a danger to the British Empire and interests of the Colony. It is the avowed principle foundation and real strength of the British Empire that it is an Empire of Partnership and not of domination. And

India is a partner in the Empire. The time has, therefore, come for Imperial statesmen to show courage and justice in their policy towards their Indian partners and prevent a calamity.

18. With the same object of safeguarding their interests and rights in the Colony the Indian Community also demands at least two members to represent them in the Executive Council. They can never submit to the perpetual predominance of the European Community. They strongly ask for an absolutely equal treatment with the Europeans in all political matters. It must be conceded that the Indian Community has shown great self-sacrifice and amicable spirit by forbearing from demanding that they must have a predominant voice in the Government, as they are entitled to by their population and interests. They are peaceful and do not mind sacrificing an important point for peace. But even the most peaceful may be pressed too hard and ultimately turn to bay. There in lies the danger which true state-craft should always work to avoid.

19. MUNICIPAL COUNCILS - What is stated above in connection with the representation on the Legislative Council holds true also in regard to elected representation on the Municipal Council. There is at present only one Municipality in the Colony, that at Nairobi. But time will come when new ones will be created and the principle established in the first will later on be followed as a precedent. Indian Community in the Colony cannot, therefore, shut their eyes to their treatment with regard to representation on the existing Municipal Council. Besides they are about three times as numerous and contribute nearly twice as much revenue to the Municipal chest. And yet Europeans have twelve members on the Council and Indians are offered only four. Now election of these four on communal basis is introduced but no more seats granted. Nor are the Indians interests safe in the keeping of Europeans. Because whereas money is lavishly spent on the sanitation and lighting of the European quarters so remote as Parkland and the Hill, the Indian Bazar and Indian locality in the town is hopelessly neglected. Bad lighting,
atrocious

atrocious conditions of roads and stinking filthy drains are their share of the bargain. This when the bulk of Municipal revenue comes from their pockets. No amount of political platitudes or adroit shuffling of arguments can get over this state of facts.

20. If the European members were doing their duty towards the whole town, there might have been some reason in saying that Indians have very little to complain about. But they are far from fairly and impartially doing their duty. Moreover they are extremely partial and prejudiced wherever Indian interests are concerned. And frankly we Indians do not expect them to do otherwise. It is incumbent upon us, however, to protect our own interests. The Europeans having a decided majority in the Municipal Council, and taking advantage of the absence of two nominated members (who, under the existing arrangement, are not sitting as a protest against inadequate representation) are passing discriminating legislation such as reserving rickshaws for Europeans and completely neglecting to provide Municipal services in the matter of lighting roads, drains in the Indian quarter. Contrast with this the lights and drains even in the outlying parts of European area. These services are necessary for the health and welfare of the Indian residents. And it is a purely business proposition to ask for adequate representation on the Municipal Council and not a matter of sentiment or dignity or honour although these also are no mean factors in the consideration. Indian Community, therefore, can never remain satisfied until they have sufficient representation on the Municipal Council to demand their due share of Municipal services and take their four members against twelve is an absolutely useless minority to do any good or justice to the Indian Community in the Township of Nairobi.

21. SEGREGATION - There is no subject on which the Secretary of State for the Colonies has been more misinformed than this. It is unfortunately true that at present

Indians

Indians in East Africa are compelled to live in a sort of ghettos for the simple reason that though there are vast areas of land available, the Government has never made provision for residential quarters for Indians. Figures are given below of the approximate population and areas of the two communities in the Township of Nairobi for example, which will render further comments superfluous:-

	Approximate Population	Approximate Area of land in acres.
Europeans	2,285	2,700
Asiatic	6,689	300

This gives the European about 1.20 acre per head and to the Asiatic .04 of an acre.

22. His Lordship further proceeded to say "There are no laws compelling the Indians to dwell in any particular locality or forbidding them to dwell in any other? This may at the present moment be true in a sense, but what is the actual position? All available land near the Township, which is valuable as residential sites, is with the exception of a few acres, leased or sold to Europeans. Any sale by a European to an Asiatic is promptly vetoed. And even those who have in the old days purchased land in the locality from Europeans are visited with all manner of warnings from the Government against building thereon residences for their own occupation. Letters from the Government to Mr. A.M. Jeevanji and Mr. Abdulrasul A. Visram asking them not to put houses on plots owned by them may be referred to.

Copies will be available from the Local Secretariat

23. The Government of this Colony introduced last year into the Council a Bill known as the Public Health (Segregation of Races) Bill, the provisions of which were intended to render it ^{un}lawful for any Asiatic to reside in any area reserved for European occupation. This Bill has been dropped probably as a result of wiser counsel, but it was announced when dropping it that it was ^{un}necessary and that the objects thereof could be secured in some other manner. A new Bill is now being introduced giving power to the Governor to make it unlawful for an Indian to reside or do business in any area

area reserved for Europeans.

24. It is submitted that it cannot be denied that the insanitary conditions in the Indian Bazaar are due almost solely to the fact that the area is congested and that there are frequent threats of removing it with the result that the Indian owner does not wish to risk putting up substantial buildings in a place from which he may be removed at any date and to the fact that the Municipality spends a very large portion of the Revenue (of which the Indians share is more than a half) in attending to the needs of the European residents. It should be noted that European residences are scattered about in the hilly and salubrious portion of Nairobi, whereas the Indians are confined to a small area in the outlying portion of the town. The total mileage of roads serving the European area is about 36, whereas the Asiatic area has only 6 miles of roads. Out of the total number of 540 lights, less than 30 are allotted to the Asiatic area. There is one very crowded thoroughfare in the Indian area known as River Road, in which there are no lights for a long stretch of the Road, in spite of the repeated pressure brought to bear on the Municipality since 1917 and in spite of the fact that Indians in this area have to pay lighting charges. The provision of roads and drains in the Indian area is also miserably inadequate. Prof. Simpson refers to the danger of plague in the Indian Bazaar; but it is a noteworthy fact that although the conditions in the Bazaar are far from satisfactory, ever since some sort of drains have been provided, there has been no case of plague in the Bazaar for a number of years.

25. Prof. Simpson can only have a very superficial knowledge of the Indians and their ways of living, otherwise he would not have made such a preposterous and futile suggestion that the religion of the Indians encourages and promotes unhealthy and insanitary conditions. The statement made by him can be totally refuted by the many houses built and inhabited by well-to-do Indians, who conform to all rules of

of sanitation. If there is some insanitation in the poorer Indian highly congested quarter, it seems hardly debatable that the proper way to remedy it is by the means adopted all over the world, that is, education and efficient municipal service rather than the introduction of a highly insulting racial discrimination against fellow-subjects and fellow-citizens to whom the State owes a duty to elevate them.

26. Apparently even to His Lordship the argument based on "Sanitation" did not appear convincing and so His Lordship goes on further to introduce a "social" argument. His Lordship says "....but, speaking for myself, I am not prepared to defend it (segregation) on sanitary grounds alone. My own conviction is that in the interests of social comforts, social convenience, and social peace, the resident of different races in different areas - is desirable, and so far⁺stimulating it is calculated to mitigate hostility and ill-feeling. Having said that I repeat once more that while I believe in the principle of a fair selection of localities which will not prejudice one race to the benefit of another"

27. It must be admitted that "social comfort and social convenience" play a very important part when individuals of any race select sites and houses for their residence. And this is the reason why we find a bulk of any particular race residing in some one quarter. For example we find Jewish and Italian quarters in London, European Cantonments in India and similar communal locations in other big cities in Europe and elsewhere. But comfort and convenience are matters wholly to be decided upon by an individual and must be left completely to his discretion. In no country, not even in India, where Europeans are a ruling race and do not much care to mix with the people of that country, has it been found either necessary or even desirable to introduce segregation, though as a matter of fact communities have a tendency to voluntarily segregate. An average Indian does not desire to leave his society and plant himself amongst people with whom he has very little in common. Voluntary segregation, however, is one thing and compulsory exclusive

segregation is another. There usually are a large number of exceptions to the average tendency to segregate; there could be none if segregation is introduced by law. And we strongly maintain that this is not merely an encroachment of natural private rights of citizenship but conveys also a gross insult to the Community to be segregated, so that even the proverbially lawabiding and peaceful Indian can never swallow it without a demonstration of indignation against it.

28. His Lordship further justifies his argument by saying that segregation is also in the interest of "social peace". An Indian is always the last to commit breach of the "Kings peace". So that we can only interpret the argument to say that if any Indians have the audacity to live in European locality the European would show their resentment of such misbehaviour on the Indians part and perhaps even go to the length of taking the law into their own hands. We cannot, frankly, believe that such a situation would ever arise. But granting for the moment that some unruly Europeans spirits, inspired by unreasonable and rank prejudice, are inclined to disturb and threaten breach of peace, is it not the duty of any sober Government to protect all citizens (Indians including) from such an outrage on private rights? To protect the turbulent and to make every effort to pander to and foster their foolish prejudices is unheard of in any civilised Government except perhaps in East Africa.

29. It will be evident from the above that it is unnecessary and even undesirable to introduce legal segregation of communities of grounds of "social comforts, social conveniences and social peace". The Government is adopting the policy is not merely insulting the British Indian Community in East Africa but is transgressing the limits of good and just Government by attacking the private rights of citizens of the Empire and by supporting those who attack them.

30. The question of segregation involves another point that the ownership of land and buildings in segregated area. Whatever reason there may or may not be for segregating

communities

communities in different localities for sanitary or social reasons there is none whatever to restrict the rights of citizen to buy and sell land freely wherever situated. There is no justification for introducing, under the miserably thin veil of sanitary and social interests, the doctrine "that in certain areas only Europeans are allowed to acquire land but it is equally true that in certain other areas only Indians are allowed to acquire land". The quotation from His Lordship's speech is in connection with the "principle of equality" as an apostle of which he stands up to defend the policy. We will have occasion to examine this principle as applied towards Indians. Our present purpose it is to show that there is absolutely no reason why the rights of subjects should be delimited in the matter of buying and selling land and building upon it. Any restrictions put upon free buying and selling and building are restrictions on legitimate competition and impedes development and business. Why not allow (conceding for the moment the principle of segregation) the right and freedom to exercise it if they can, to buy, sell and build upon land situated in any area without distinction? Can segregation of buying, selling and building also be supported on sanitary and social grounds? If a European has no objection to accepting money from an Indian, he can have none to rent a house or plot from an Indian. We maintain that segregation of transfer of land and developing it is mainly devised "to prejudice one race and benefit another". There is not a shadow of any other reason for its introduction and absolutely no justification for it. It is introduced wholly for the benefit of self-seeking Europeans who have no regard for justice and fairness so long as their interests are served. We will illustrate our point by figures for Nairobi Township which are typical of the whole of the Colony

	Population	Area of land acres
Europeans	2,285	2,700
Asiatic	6,689	300

Now if the respective areas are to be reserved for Europeans and Asiatics one European can have 1.20 acre of land whereas there will be 80 Indians to the same area of land. Competition of Indians is eliminated by allowing only Europeans to acquire and develop in European residential area; and European competition is eliminated by allowing only Asiatics to acquire land in Asiatic residential area. This is the principle of equality that His Lordship stands for. The effect, however, is this that whereas 6,000 Indians are excluded from bidding for 2,700 acres of land 2,000 Europeans are excluded from competing for 800 odd acres of land. It is not necessary to point out which Community benefits and which Community is prejudiced by this arrangements.

31. There is one more point which must be mentioned in this connection. Again we have to refer to the state of things in Nairobi Township, a typical case. The cases of Mombasa and Kisumu are exactly parallel to it. In Nairobi Township the best residential areas the Hill and Parklands are already almost wholly allotted to Europeans whereas the Indians have to ~~make~~ conglomerate in a small unhealthy locality unattended to by the Municipality and unrelieved by any natural advantage. Situated in a hollow the Indian locality is a sink of converging drains of the township and a dung hill of refuge. There has been ^{special} no of "the principle of a fair selection of localities which will not prejudice one race to the benefit of another". Nairobi is not at all an exception but a typical example of "the principle of fairness of selection of localities" as exercised and understood by the Government of the Colony

32. We have dealt so far with the arguments brought forward in support of segregation. We now introduce a reason against it which was conveniently overlooked by the sponsors of the policy. We maintain that exclusive segregation is not merely undesirable and unjust from our point of view but absolutely impossible. No European

can live in this country without one or more native servants and some of them even indulge in the luxury of keeping Indian servants. These domestics - almost invariably - live in. They have rooms in the same compound. Therefore, there could be no logicity in the arguments of sanitation unless segregation is enforced on these domestics also. And the Government, we are sure, will see the impossibility of enforcing segregation on these servants if they attempt to follow their arguments based on sanitary grounds to their logical conclusion. A more ridiculously pathetic situation cannot be imagined.

33. Segregation in Commercial Area - What has been said about Residential Areas in township holds true in this respect also and with greater force. It is conceivable that while there might be some show of reason on sanitary and social ground to introduce - the arguments we have already laid bare in their repulsive nakedness - segregation in Residential Areas, none of them can, lend support to the proposed policy of segregation of races in business quarters. Social reasons disappear altogether in business quarters. People come together to do business in particular localities and not to indulge in social frivolities or amenities. And they are satisfied if they have the necessities of doing profitable business within easy reach. They go home for social small talk and recreation.

34. The argument based on sanitary interests has less force here than when applied to residential areas. Most of the big shops in the important business quarter in Nairobi is a lock up area, i.e. where people come for doing business only. They do not live there. So sanitary regulations can be more easily and better administered here than in residential quarters. Even in the Indian Bazar where most of the shop-keepers live in the same premises since the drainage was improved there has been no case of plague or any other epidemic.

35. The question, therefore, remains why should the
Government

Government think it necessary or desirable to introduce wherever possible segregation in the business quarter also. We are constrained to answer again not for sanitary or social reasons but purely and principally to eliminate the competition of Indian Merchants in trade and in the buying and selling of plots in a very important business quarter, viz. the Government Road Nairobi. The European Community is afraid of the Indian competition and desires to cripple it if not altogether to stamp it out of business. The European merchants want to capture the Indian trade and as they cannot do so by fair means they have no compunction to hide themselves under open hypocrisy and do so by foul. The Indian competition, carried on by legitimate means, is an ever-haunting night-mare to him, and the Government supports him, under the disguise of sanitary interests. Land values in the business quarter are very high so if Indian cannot bid he will get them very cheap. Incidentally he will also remain in a central place of business as there are on the road many Government offices, banks and courts. An Indian merchant will have to shift to the outskirts of township in consequence. Can anyone see justice ~~justice~~ or fairness in this arrangement? We can see only pure injustice to and decided partiality against the Indian Community.

26. We most strongly maintain that there is no reason whatever why segregation should be introduced. And to do so would be an unparalleled outrage on the dignity and feeling of the Indian Community and they can never submit to it. The interests of sanitation can be effectively met by suitable building and sanitary regulations. The social amenities and comforts can well look after themselves.

37. AGRICULTURAL LAND - The declared policy regarding this point is to reserve certain areas viz. Highlands (the dimensions of which are not yet defined) for Europeans only and to confine Indians to the lowlying places. It will be noted that Europeans can if they like, under this scheme, acquire land in any part of the country, whether high or low;

but

but an Indian cannot acquire even a square inch in the Highlands. Indians have nothing reserved to them for exclusive benefit. Yet a European has all the land he wants or may want for some generation and to spare. But a spacious promise has been given that Indians will be given land, more freely hence forward which involves a tacit admission that it has not been so given so far even in the lowlands. Frankly the Indian community has no faith in such promises. They have lived long enough on spacious platitudes and alluring promises. They cannot do so for ever. They must have now some tangible proof of the avowed good faith. It is wanting in the Government policy.

38. The partiality of the past Government policy of allotment of land becomes evident when we look at the figures of acres allotted to Europeans and Indians respectively. About 8,000,000 acres have been so far allotted to European settlers whereas Indians have not got more than about 50,000 acres in all, of which only 5,000 were allotted by the Government. European population is somewhere about 6,000 whereas the Indian number 30,000 in the whole Colony. Is the distribution fair it may be asked. The Government has, leaving a few exceptions consistently vetoed the transfer of land to Indians. And the allotments made to them have been few and far between and hardly any since 1911 when at Muhoroni about 1500 acres were sold to them. Indians also hold some land near the lake Victoria Nyanza and some on the Coast near Mombasa included in the above total of 50,000.

39. The argument brought forward in support of the reservation of the Highlands exclusively to Europeans is that it is the only place where they can live in health. The lowlands are not suitable for him. This might be so but it is not a conclusive or sufficient ground why the place should be exclusively reserved for them. The highlands measure more than Europeans can ever hope to develop by themselves. At present they have hardly developed more than about 5% to 10% of the land they hold at the outside, this after twenty years

of occupation. Do they expect to develop the rest in the next fifty years? If they cannot, and we maintain they cannot, why should land be reserved for them. It must be opened out, in the interests of the country to those who can help them to develop it more speedily. There is no shortage of undeveloped land in this Country. All parties, including natives, can have enough and to spare. In face of this the Government policy of reservation becomes absolutely inexplicable and merely superfluous.

40. It becomes exasperating to an Indian when he finds himself shut out from the best of the healthiest parts of the Country following the old adage 'dog in the manger'.

41. Not only this but he does not get land anywhere else because the Government does not look with favour on his settling on the land. What little he has got to-day has been mostly acquired by private treaties from European holders who failed to develop the land in their time and were content to pocket the difference. A very large percentage of the land which Indians hold is adequately developed; on the other hand the percentage of European development is very small as above stated. The Kibos estate an Indian concern hold about 4,000 acres near the lake Victoria Nyanza and within three years of their possession they have 600 acres undersugar cane.

42. One other point must need be mentioned in this connection although it has been touched upon in the earlier part. Soon after the great war was over this country was thrown open to the soldier settlers on very favourable terms. It is not our intention to point out the many irregularities which happened under the scheme while allotments were made to soldiers by which land was given to those who were not soldiers, under one pretext or other. We only want to show that this soldier settler scheme found no place for Indian soldiers. No provision, it was thought necessary to make for them. It will be remembered that at one time more than 40,000 Indian soldiers were employed to conquer German to protect British East Africa. They fought the German menace as bravely as any within or outside the Empire and sacrificed their lives as freely and loyally for the stability

stability of the Empire freedom and justice. And yet as soon as the monster was felled they were left out of the scheme of justice and freedom and equality without even a murmur of protest from those who bragged the loudest for justice and equality. On the other hand when a representation was made to the Government that Indian ex-soldiers also should be given land on similar terms; the Government had the impertinence to suggest that the Indian rich men should make the provision themselves. As if the European land holders had contributed a square inch of their land to provide for the European soldier settlers.

43. CONCLUSION • We have considered in great detail - quoting facts and figures - the existing position of the Indian Community in Kenya Colony. Now it remains to take a general survey of it before we come to our specific demands affecting our political status in this Colony.

44. Abundant proof has been given to show the extreme partiality and one-sidedness of the treatment of the Indian Community and their interests. It will be agreed that there is not a shadow of the time honoured principles of justice, equality and fairness in the whole history of Indian settlement in this Colony. Statesmen may call themselves hoarse from their frigid isolated heights of position and privilege that there is not a single instance in which they have allowed themselves or their subordinates to depart in the least degree from the strictly honourable course of justice equality and fairness. But the facts and figures we have quoted are a sufficient and crushing refutation of all their hypocritical pretensions. Whenever Indians were concerned the policy of the Government always was not to recognize their just rights. They were always elbowed out to make comfortable room for the "heaven born" Europeans. Whenever any rights and privileges were to be granted for the development of the country, European entered first while Indians could merely peep in at the door. Legislation was framed to benefit European at the expense, rather to the prejudice, of the Indian^{who} patiently waited for any crumbs to come to his lot.

46. The European Community on the whole is extremely hostile in the interests and behaviour to the Indians. They want to prosper quickly in the world and so come over to these distant parts having either no patience opportunity or capacity to prosper in the old Countries where professions and other careers are crowded out. And in this matter the Europeans are no means an exception, Indians are out for colonisation for the same reasons. And these latter came out in these parts long before the Europeans came and have penetrated farther into the interior. One finds the enterprising Indian small shop-keeper in every place in the Colony. He is the real pioneer of development of the country. Europeans came in later. But they have the strength of the magnificent Empire behind them. The Empire protects them in all manners of ways and promotes their interests in every conceivable manner. The Imperial statesmen give their moral and physical support to the policy of the Government of the Colony. While the Indian is left out in the cold and friendless as if he did not form any part of the scheme of the development and progress of the country at all. The European interests prosper vigorously in consequence while the Indian progress is nipped by coldness and negligence of the Government. The Government obviously is, primarily and exclusively as at present constituted run for the benefit of the Europeans. Indians do not count. It is not possible, therefore, for Indians to entrust their vested interests and future development in this Colony in the hands of the European Community and European Government. The one is openly hostile and bellicose, the other is extremely unsympathetic and criminally negligent wherever Indian rights and dues are concerned. Indians, therefore, must have sufficient political rights and strong voice in the Central and Municipal Governments to protect their own interests.

46. The allotment of land and treatment of Indian ex-soldiers; several discriminating legislations; the administration of laws and their treatment in all political and municipal matters have without a single exception gone against them

them. To crown all this injustice and unfairness comes segregation. This has cut the Indians to the quick. It has grievously hurt his proper sense of self respect. He is keenly alive to the unfairness inequality and injustice.

47. Indians now maintain that the representation now granted to them, under the recent pronouncement, is hopelessly inadequate and unjust both in the Municipal and Legislative Councils. They must be allowed a very much stronger voice in both these institutions, they must also get their own members on the Executive Council.

48. They vehemently protest against the introduction of segregation whether in residential or in commercial areas, and demand that it must completely disappear. Apart from being radically against the "principle of equality and fairness", they are standing insult to the Indian Community and Nation.

49. They maintain also that the policy of the Government in allotment of lands has been extremely partial to the Europeans upto now. Also they cannot see any reason whatever why highlands should be exclusively reserved for Europeans who already have more than their legitimate share in the matter. They demand equal and fair treatment in allotments of new land without any restriction regarding transfer holding and developing of old allotments.

50. OUR DEMANDS -

- (1) Legislative Council - Common franchise and common register preferably, or as a step towards it. same number of elected members as those of Europeans elected.
- (2) Executive Council - Two Indians members and no less
- (3) Municipal Council - We prefer to have common franchise and common register, or as a step towards it equal number of elected members as those of Europeans.
- (4) We demand that segregation in any sense or in any area disappear altogether; and we ask for guarantees that it will not be introduced under any

any pretext or form.

(5) We also claim that there shall be no reservation of Highlands for Europeans; and that hence forward an Indian shall be able to acquire and develop land in any part of the Country on equal terms with Europeans without restriction.

51. We insist on being treated as equal partners in the Empire and ask for no special favours or protection. We can well look after ourselves given equal status and opportunity. But equality of status we are justly entitled to, and nothing less will be enough.

52. Indians have loyally fought for equality, justice and freedom and the British Empire. They firmly believe that the strength and stability of the Empire lies in its supporting equality, justice and freedom. The recent declaration of policy towards Indians in the Colony belies this view. We sincerely hope that that policy does not represent the considered views of the responsible statesmen. We need hardly point out that if this policy is persisted in, it cannot but lead to lasting disaffection and bitterness of feelings.

53. We further submit that we are entitled to share in the administration of the Colony proportionately to our importance, economically and numerically.

54. Firmly believing the above will receive your favourable consideration.

I have the honour to be,

Sir,

Your most obedient, humble servant

(Sd.) A.M.Jeevanji.

PRESIDENT.

1971

Private and Confidential. FEBRUARY 1944. No. 12.

GENERAL COUNCIL

EXECUTIVE COMMITTEE

TRADES UNION CONGRESS.

LABOUR PARTY.

JOINT RESEARCH AND INFORMATION DEPARTMENT.

ADVISORY COMMITTEE ON INTERNATIONAL QUESTIONS.

IMPERIAL SUB - COMMITTEE.

THE INDIANS IN KENYA.

Economic Position.

BY Leonard Woolf.

The white settlers in Kenya maintain that the immigration of Indians must be stopped in the economic interests of the natives, because the Indians compete with or in some way retard the economic development of the natives. This view has been adopted in the White Paper of July 1923 which says:- "it is evident to His Majesty's Government that some further control over immigration in the economic interests of the natives is required."

If the Indians compete with or retard the economic interests of the natives, they must do so in one of three ways: either (1) they must compete detrimentally with Africans in occupations at present pursued by Africans, or (2) they must prevent Africans from engaging in occupations which they would engage in if the Indians were not there or, (3) they must exploit the native economically. Whether any or all of these possibilities is in fact the case can only be discovered by an examination of the statistics and facts with regard to the occupations and economic position of the various races in Europe.

The population of Kenya consists of about 3 millions Africans, 9,651 Europeans, and 25, 253 Indians and Goans. We have seen no exact figures of an occupational census of the natives, but the following facts are indisputable. Practically nothing has been done by the British Government in East Africa to

to educate the native, and consequently there is no educated professional or artisan class of African there as there is on the West Coast. Practically the whole native population remain either pastoral or agricultural. The pastoral population answers for the most part to those natives who have maintained their tribal form of society and live in the native reserves. There is no economic competition between them and the Indians, but there has been acute, and to the native disastrous, competition between them and the white settlers. The Government has yielded to the pressure of the white settlers who coveted the lands of the pastoral tribes and has dispossessed the natives of this land and sold or leased it to the settlers, while at the demand of the settlers the Secretary of State has laid it down that none of the land in the Highlands shall be sold or leased to Indians but shall be reserved for Europeans. Instead of retarding the development of these tribes, the Indians are the only people who in fact have done anything to further their economic development, not from altruistic motives, but in the ordinary course of their occupations. ~~Nearly all the internal~~ trade, such as it is, with these tribes is carried on by Indian peddlers. If it were not for the Indian peddler and trader, the economic development of the pastoral native would have remained precisely where it was a hundred years ago.

The agricultural native either cultivates his own land or works for a wage on the farms of white settlers. In neither case is there any competition between him and the Indian. In the first place, it is not the Indian but the European from whom the native has to fear the most dangerous competition, namely competition for the land itself. The Government, under pressure of the settler, has done everything to keep the land out of the hands of the Indians, partly by reserving the best land, the Highlands, for Europeans, and partly by other device. For instance, enormous areas in single blocks have been alienated to Europeans, in one case a single block of over 300,000

acres, but it was officially stated in 1921 that it was a Government policy to limit grants to Indians to 100 acres. The result is that whereas the total area alienated to Europeans up to 1923 amounted to 7,280,000 acres, the total area alienated to Indians amounted to 14,128 acres.

There is no competition between the Indians and the natives as agriculturists, therefore, and there is no competition between them as agricultural labourers. The Indians are not agriculturists^{al} labourers in Kenya, and, as is notorious, so great is the shortage of labour and so averse are most of the natives from working on the white settlers' farms for the wages offered, that the settlers have pressed the Government continually to introduce compulsory labour on a fixed wage. It has, in fact, been urged by many people in this country that there is disastrous economic exploitation of the agricultural labourer in Kenya; this exploitation, if it exists, is carried on not by the Indians who own 14,000 acres, but by the Europeans who own 7,000,000 acres.

We have seen, therefore, that in pastoral and agricultural occupations there is no economic competition between the native and Indian, and that these are the chief native occupations. In this important field, it is not the Indian but the white settler who has an evil effect upon the economic development of the native. It is now necessary to examine other occupations which may be divided into (1) Governmental (2) Professional (3) Commercial and (4) Industrial.

(1) Governmental.

According to the Census of 1921 there were 710 Civil Servants, all of whom were Europeans, 1,301 Government servants who were Indians, 156 Railway Servants who were Europeans, and 2,022 Railway Servants who were Indians. The higher posts in the Government Services are, of course, held exclusively by Europeans, the Indians being confined to the subordinate posts. As the Government has done practically nothing to educate the natives, there are no natives capable of entering the Civil Service, and there is here

no economic competition with Indians. But in any case, the remedy is already in the hands of the Government; it can, if it likes, appoint natives to the Civil Service, and it does not require an Immigration Law to keep Indians out of Government service.

(2) Professional.

There are 208 non-native professional persons in Kenya, divided as follows:-

	<u>Europeans.</u>	<u>Indians.</u>
Lawyers	35	8
Doctors and dentists	30	10
Clergy	66	4
Civil Engineers	22	none
Architects	11	none
Schoolmasters	none	22
Trained nurses	40	2

So far as we are aware, there is one professional native in Kenya, and he is a West Coast African who is a lawyer. At any rate, the above Census figures show that, if there is any fear of economic competition in the professions averse to the natives, it does not come from the Indians.

(3) Commercial.

There are ~~937 Europeans~~ and 5,733 non-Europeans who are not Africans engaged in commerce. Of the non-Europeans ~~there are~~ Indians and 426 are Goans. In fact the largest number of Indians in Kenya belong to the commercial classes. They are mainly small traders and peddlers. Here there is a certain amount of competition between Indians and Europeans, but none between Indians and natives, for the natives do not engage in trade. The Indians do not prevent the natives engaging in trade; what prevents them is partly disinclination and partly lack of education.

We have already pointed out that the Indian by carrying trade into the interior has helped the economic development of the native. The Indian trader and peddler have been one of the chief factors in opening up the country. Like all traders, their object has been profit, and there is no doubt that they have made some cents profit on every rupees worth of goods which they have sold to or bought from the natives. Whether the 937

European merchants or the white settlers who bought thousands of acres of native land at less than a pound an acre and have sold it for hundreds of pounds per acre or demand that the natives shall be compelled by Government to work on their farms for a wage of a few pence per day can legitimately complain of the economic exploitation of the native by the Indian peddler are questions which should be carefully considered by the Home Government.

(4) Industrial.

There are 3,024 Indians and 357 Goans classified as industrialist in the Census of 1921. They are mainly artisans and unskilled workers. From the first years of the opening up of the country by the British East Africa Company the Indian has been used in industrial employments. In later years it was the considered policy of Government to import Indian labour for railway construction. During the construction of the Uganda railway by Government, the number of natives employed upon the work never exceeded 2,600, while in 1900-1901, 20,484 Indians were employed. This was not because the Indians compete economically with the natives, but simply because the native either has not the training necessary for skilled industrial employment or is averse ~~from this kind of manual labour~~. The fact is that the Indian cannot compete with the African as an industrial worker if the African enters industrial employment. The native standard of life is always lower than the Indian, and the African can always live on and will accept a lower wage than the Indian. We understand that the Public Works Department in Kenya trained a certain number of natives as artisans; they were all subsequently taken into the employment of settlers displacing Indian. Industrially the Indian cannot, therefore, compete with or retard the economic development of the native; as soon as the native enters industrial occupations or is trained as a skilled worker, he must drive the Indian out of the various trades.

It has been alleged that the Indian artisans combine to prevent the natives from entering trades or to make it difficult for them to do so. No evidence for this statement has been brought forward. There is certainly no organised combination among Indians with

this object, and if any such incidents have occurred they must have been isolated and individual acts in particular workshops.

Conclusion.

We have given above the facts in so far as they are ascertainable, with regard to the economic position of the various races in Kenya. We submit that these facts justify the following conclusions:

(1) There is no evidence that Indians compete economically with natives or retard their economic development. The most valuable economic commodity in Kenya is land and the most desirable of which the Indian is debarred from owning.

(2) There is prima facie evidence that Europeans compete economically with and retard the economic development of the natives.

(a) by expropriating them from their lands.

(b) by exploiting their labour.

(c) by monopolising the revenue for their own interests so that practically nothing is available for promoting native interests or for the education of the natives.

(3) The real economic competition is between the Indians and the white settlers who are demanding that Indian immigration should be stopped, but this competition exists in a curiously suppressed form. The most valuable economic commodity as has been said in Kenya is land and particularly the land in the Highlands. What the Europeans fear is the competition of Indians for this land. The demand that Indians should be excluded from Kenya must be considered with the demand that Indians shall be excluded from the Highlands; for both demands spring from the same source, namely fear of the economic competition of the Indians.

(4) The policy of the British Government should be that defined in the White Paper as "the protection and advancement of the native races. Any deleterious economic competition of anything which retards the economic development of the native would rightly be prevented by the British Government. ~~But there should be no racial discrimination in the Government's policy of protecting the native.~~ If the economic effect of immigration is to be considered, then it is necessary that an impartial enquiry should be held into the economic effect upon the natives of immigration in general, i.e. into the effects of the European immigrants economic activities as well as those of Indian immigrants.

PRIVATE AND CONFIDENTIAL.

ADVISORY COMMITTEE ON INTERNATIONAL QUESTIONS.

IMPERIAL SUB-COMMITTEE.

KENYA.

(MEMORANDUM BY E.D.MOREL.)

FUNDAMENTAL NECESSITIES OF POLICY IN KENYA AS
ELSEWHERE IN THE AFRICAN TROPICS.

A numerous and contented native population. This is the basis of everything - moral justification for European rule: eventual return on European Capital expenditures; economic development; administrative success.

How can this be assured?

The indispensable first condition is absolute security of land tenure for the actual native population and for the potential native population (i.e. assured room to live, assured room for natural expansion).

That is bed - rock.

Upon this indispensable first condition is naturally grafted.

PAR. I

Protection for native interests in the land - i.e. the right (involving time and opportunity) to grow (a) a sufficient^c of food crops for sustenance (b) crops of economic value for export, the sale of which will enrich the native community, thus enabling it to increase its purchasing power in European goods, to improve its ~~own~~ local conditions etc. (which means more employment at home, and increased Customs revenue for the Colony.

PAR. II.

Freedom for native labour meaning thereby that if there be an external demand for native labour, the native shall be perfectly free to accede to that demand (if he can do so without interfering with his internal necessities under (a) and (b), or to refuse to accede to it (if he finds that he cannot accede to it without unduly interfering with (a) and (b).

This pre-supposes that the Government shall set its face like flint against any form of legislation which, whatever its form, is designed, in effect, to compel the native to accede to an external demand for his labour, to the detriment of his own natural rights and interests as defined in PAR.1.

This is the A.B.C. of just and successful administration in the African Tropics.

It has now been firmly established in British West Africa, particularly in Nigeria, which ought to be taken as the working model for British tropical Africa generally. The Nigerian policy is substantially followed in Uganda and is being established in Tanganyika.

B.

Secondary Essentials of Policy.

PAR. III Preservation as far as possible of native forms of internal political Government, and wherever possible their development and improvement, but on native lines; rather than the substitution of alien forms which tend to break up natival social, economic and hygienic laws, always with disastrous effects.

PAR. IV. Devotion of a just proportion of public revenue to the technical (i.e. improved agricultural methods, seed selection, regarding, scientific crossing of live stock etc.) higher education of the native population; to medical and veterinary services etc. etc.

This pre-supposes the existence of a strong and efficient Native Affairs Department which should be the most important Department of the Administration directed by the most highly trained and experienced and sympathetic administrative staff.

PAR. V.

C.

The root of the Kenya Trouble

The root of the Kenya trouble is that these indispensable and sane processes have been turned upside down.

The tree has been planted head downwards with its roots in the air.

The political and economic interests of a territory of

246800 square miles have been subordinated to the interests of a ~~small~~ small section of it -- 24600 say one tenth comprising a region suitable (or alleged to be because the time is much too short to pronounce definitely upon it) for permanent white settlement. The social and economic interests of a native population now reduced to about 2½ millions have been sacrificed to the interests ~~of~~ even of "5000" white settlers for this figure includes Government officials white traders clerks etc, and women and children but at the outside of 1500 white settlers.

This is bad imperial business from every point of view.(1)

A constructive process of reversal must be resolutely taken in hand. This is not merely indispensable for the fulfilment of the solemn pronouncement of policy in the white book. It is indispensable for the salvation of the colony.

D.

URGENT & IMMEDIATE NEEDS

I.

PAR. VI. The passing at once of an order in council forbidding any further alienation of land pending the result of enquiry and delimitation of revenue.

II.

Par. VII. The appointment of a commission to survey and demarcate on the spot the existing native "reserves". This commission should be entrusted to a pick man, preferably chosen from among our most capable Nigerian officials and he should be given a free hand to choose his subordinates. It would be of the utmost importance that

(1) N.B. From the standpoint of economics, national and local, policy should be directed incessantly to increasing the purchasing and producing power of the native. Both must go together because a producer selling his raw material and getting profit on it the native earnings are of course infinitely greater than they are if he is merely a wage earner in the employ of a European planter who in any case spends the bulk of his earnings outside the colony whereas the natives spend theirs in European merchandise. A policy which impoverishes a massed native population in order to enrich a handful of white planters or settlers is economically anti-national.

the official selected should be an outsider entirely free from local settler influence, of wide experience in the administration of Tropical African races and of strong character. He should be explicitly directed to bear constantly in mind not only the actual needs of the native population in territory but its eventual needs as the result of national growth.

III.

PARA VIII. When this work is completed careful consideration would need to be given to the best means of ensuring the immunity of these reserves from subsequent interference or alienation.

Appointment by the colonial secretary of a committee of enquiry in London to assist him in determining the changes required in existing legislation in Kenya and generally to present him with a body of evidence and recommendations which would guide him in arriving at definite decisions.

PARA IX. The duties of this committee would be specially directed to:

(a) Settling out the nature character and extent of the land alienated to Europeans, the price paid, the usages to which put, the losses incurred by the native communities etc.

(b) Examining the incidence of native taxation direct and indirect; its relative proportion to the total revenue of the whole colony derived from taxation; the proportion of it used for purposes beneficial to the natives --i.e.-- education, medical, veterinary services, etc, its bearings upon native social and economic life particularly in regard to health, procreation and to what has been here set forth as the indispensabilities of a sound administration (paras I AND II.)

(c) Examining the effect and bearing upon native social and economic life and vital statistics in the same respects of the Registration of the Labourers Act; the Masters and the Servants Ordinances and in general any legislation past or in existence, tending to restraint the liberty and rights of the native population.

(d) Collecting and presenting all available evidence upon vital statistics covering the past twenty years.

(e) Collecting and presenting all available evidence as to the best methods of encouraging the native population in the cultivation of specific products of economic value for exports -- ~~export~~ especially cotton.

The necessary archive in the colonial office should be placed at the disposal of the Committee which should be empowered to examine witnesses in this country and, if considered advisable, summon witnesses-- European and Native-- from Kenya.

Its designation might be "The Kenya Inquiry Committee". Its terms of reference should be sufficiently widely drawn to cover native rights and interests in land, incidence of native taxation, labour and other native legislation, railway and economic development. It might consist either of two M.P.'s from each party and a Chairman or a mixed body comprising selected M.P.'s and one or two retired available administrators of tropical African experience. In any case the presence on the committee of the official in charge of the Kenya department of the Colonial Office (formerly in ~~charge~~ charge of the West African Lands Committee appointed by Mr. Louis *Harline* in 1912) would be indispensable.

PRIVATE

S. L. POLAK,

47-48, Danes Inn House,

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London, W.C.2. February 14th 1934.

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 CABLES: KALOPH, LONDON.
 BENTLEY'S CODE.

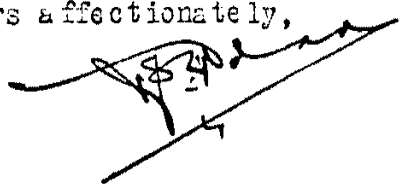
My dear Sastri,

I am not replying to your long letter this week, owing to pressure of time, but I send you herewith, for any confidential use you like, a copy of a letter that I have this week addressed to Mr. Thomas, the new Colonial Secretary, which speaks for itself.

I attended a Conference of Empire Press Representatives called at the Foreign Office by the Prime Minister last Thursday. He let us fire away at him with questions. I challenged him on the subject of the ~~Labour~~ party pledge through Wedgwood last July. He admitted that it stands, but indicated that the party in Office might not be able always to fulfil pledges made by them when not in a position of responsibility. I told him that my question applied not to any genuine matter of native trusteeship, about which there was no controversy, but the relations between the two immigrant communities and the prevention of the implementing of the White Paper policy, so far as it affected those relations. He told me that he understood, and that the matter was coming up before the Cabinet very shortly. It was because of this that I pushed in a Memorandum to Thomas, which I have circulated besides to Olivier, Parnood, Maldane, Wedgwood, Chelmsford and Trevelyan, as well as the Prime Minister. I hear from Rajagopalachari that Willingdon has been appointed as Chairman of the Indian Committee.

Your Assembly politics are exciting. I expect that Olivier will make an announcement on behalf of the Government in a few days' time.

With love,
 Yours affectionately,



Rt. Hon. V. S. S. Sastri,
 Council of State,
 Delhi, India.

ENCL.

CONFIDENTIAL

265, Strand, W.C.2.

February 12th, 1924.

Dear Mr. *Thomas*

When I had the pleasure of meeting you last Wednesday, I had hoped that there would be an opportunity for me to discuss with you the Indian question in Kenya, but I soon appreciated that pressure upon your time would not permit of this. You were, however, good enough to say that you would allow me to submit a memorandum on my views, which would receive your consideration, and I accordingly submit respectfully the following observations.

2. Before proceeding to discuss the White Paper itself, I would like to clear up a misunderstanding of some importance. I gathered from our conversation that you had received the impression that, in his Bombay speech, after his return to India from the Imperial Conference, Sir Tej Bahadur Sapru had made somewhat larger claims on behalf of India, in respect of what had been achieved regarding Kenya, than the circumstances warranted, and I replied that, knowing how the various stages of the negotiations on this subject had developed, and being familiar with Sir Tej Bahadur's point of view, I was sure that you were under a misapprehension as to the facts. From your remarks and those of Lord Olivier, whom I had previously seen, I gathered that the view held at the Colonial Office is that the Committee to be appointed, under the authority of the Imperial Conference proceedings, by the Government of India would have no power to bring under review the general subject of Kenya, including what are described as the final

Cabinet decisions contained in the White Paper (Cmd. 1922); but that its scope would be restricted to an examination of the new draft Immigration Bill, together with such other matters as have not been concluded by the White Paper decisions. This view, if I have correctly stated it, appears to me to be fundamentally wrong.

3. I was one of the small group of intimate friends with whom Sir Tej Bahadur Sapru was in close consultation at every stage of the proceedings of the Imperial Conference. I well remember his alarm and distress, after the meeting on October 29th, when the Duke of Devonshire definitely excluded Kenya from the scope of the inquiry by the Committee. It was at this stage that Sir Tej Bahadur began to consider whether any useful purpose could be served by his remaining a member of the Conference which he had attended, against the desire and advice of some of his closest political friends and colleagues, mainly in order to bring up for reconsideration the Kenya decisions of the then Government. In his opening speech, on October 24th, he had said :- "My countrymen expect me, and my Government expects me, and I am bound by all considerations of honour and duty, to put you in full possession of the sentiments of my countrymen and of my Government in regard to your decision. They have received that decision with the utmost possible dismay..... We were not fighting for little things; we were fighting for a big principle. I know and I feel, and my countrymen feel, and my Government feels, that a serious blunder has been made.... I know also that British statesmanship is wise, and whenever a thing goes wrong it begins to think, and I honestly believe that it will soon recognise the mistake which it has made.

Let me tell you, on behalf of my countrymen, that neither my country nor the Government which I have the honour to represent will accept this decision as final. Indeed, there is nothing final in politics, and I want His Majesty's Government to recognise that position and to indicate, if possible, that they do not look upon that question in the light in which I have just presented it.....While, on domestic questions of Indian politics we, like most of you, have our differences of parties, groups and interests, yet, upon this question which concerns the honour of our nationals in Kenya, and the honour of our nationals overseas, there is no difference between us, from the Viceroy downwards".

4. Sir Tej Bahadur's disappointment was natural, having regard to the purpose that he intended to be served by the proposed Committee. The Imperial Conference of 1921, upon the proposal of the Rt. Hon. Mr. Sastri, representing India, had recognised "that there is an incongruity between the position of India as an equal member of the British Empire and the existence of disabilities upon British Indians lawfully domiciled in some other parts of the Empire. The Conference accordingly is of opinion that in the interests of the solidarity of the British Commonwealth it is desirable that the rights of such Indians to citizenship should be recognised". The burden of Sir Tej Bahadur's remarks was that virtually nothing had been done to implement the resolution of the 1921 Conference, but that, on the contrary, His Majesty's Government, who were parties to acceptance of the principle of the resolution, had departed from it, both in the letter and the spirit, in the White Paper decisions.

5. He accordingly made it a positive condition that his

further participation in the proceedings of the Conference depended upon the inclusion of the whole Kenya question within the scope of the Committee's inquiry. After the Duke's speech, on October 29th, Sir Tej Bahadur made the position quite clear personally to the Secretary of State for India, Lord Peel, and the Prime Minister, and to Sir James Masterton-Smith, through the intermediary of his Private Secretary, Prof. Rushbrock-Williams. The next two days were spent in finding a formula which would enable Sir Tej Bahadur Sapru to feel that he could honourably continue to participate in the Conference.

6. As a result of the negotiations that took place between October 29th and October 31st, the Duke agreed to remove a passage in his speech in which he had definitely excluded Kenya from the scope of the Committee, and the formula, read by the Prime Minister on October 31st, was devised. The formula contains the following significant passage :-

"Further, while welcoming the proposal, the Duke of Devonshire reminded the Conference that His Majesty's Government had recently come to certain decisions as to Kenya, which represented in their considered view the very best that could be done in all the circumstances. While he saw no prospect of these decisions being modified he would give careful attention to such representations as the Committee appointed by the Government of India might desire to make to him.

"Sir Tej Bahadur Sapru, while taking note of the above statement of the Duke, desired to make plain that the recent Kenya decisions could not be accepted as final by the people of India".

7. Sir Tej Bahadur accepted this formula only after the most anxious consideration and the closest consultation with his friends, and his acceptance was conditional, further, upon his making the concluding speech in these proceedings along the lines that he indicated in advance to the Duke. In his concluding remarks, therefore, he said, inter alia:-
"To me, as an Indian, it is, of course, disappointing that the Duke, speaking last Monday, saw no prospect of modifying the Kenya decisions, which, as I have already made clear, can never be accepted in India. But his agreement with the principle of my scheme, and his consent to give careful attention to such representations as the Committee may lay before him, inspires me with the hope that the door is not barred, and that the Colonial Office may be shown the way to an acceptable solution. I shall recommend those with whom I have any influence, both in India and elsewhere, to work through this Committee to obtain an amelioration of such conditions as they and every Indian regard as incompatible with our national dignity and with our position as equal subjects in the Empire of our Common Sovereign"

8. It is quite clear from the foregoing that Sir Tej Bahadur intended, and that the Duke understood him to mean, that the whole Kenya question should come up for investigation by the Government of India Committee, and that the Committee should be free to make such representations, as it deemed were called for, to the Duke, who, without, binding himself in any way to modify the White Paper decisions, undertook unequivocally to give them his careful consideration. It is equally clear that the formula did not limit the Committee's powers of representation to the immigration Bill contemplated

in the White Paper or to those matters upon which decisions had not been reached. In point of fact, Sir Tej Bahadur writes to me, in a letter dated the 3rd January, 1924 :-

"As regards Kenya, the Colonial Office, I have reasons to believe, are creating difficulties, as they think that independently of the arrangements arrived at between them and me they were and are at liberty to implement the Kenya decision of July last. Literally, they are correct, because it was no part of the arrangement that they should stay their hands pending the appointment of the Committee. But the important point to note is that when that scheme of mine was under discussion and right up to the time of the Conference accepting my proposals, I knew nothing about the immigration bill. It was on my return to India that I came to know of it. I have pointed this out to the Viceroy."

9. Having regard however, to the view to the contrary apparently held by your official advisers, I thought it my duty to send the following telegram, on the 7th instant, to Sir Tej Bahadur, in order to remove what might very well prove to be a dangerous misconception as to the scope of the Committee, and to make it clear to you that he had not, in his Bombay speech, gone beyond his authority, in the light of the Conference proceedings and their necessary and logical implications :-

(COPY of CABLEGRAM to Sir T.B.Sapru, Allahabad, from Hy.S. L. Polak, 265, Strand, London, W.C.2. Sent February 7th, 1924.)

URGENT INFORMED HIGHEST AUTHORITY VIEW COLONIAL OFFICE IS
COMMITTEES SCOPE DOESNT INCLUDE INVESTIGATION GENERAL KENYA
QUESTION OR WHITE PAPER DECISIONS BUT ONLY IMMIGRATION OTHER

MATTERS NOT DEFINITELY DECIDED WHITE PAPER STOP REQUEST YOUR IMMEDIATE AUTHORITY STATE IN HIGHEST QUARTERS IT WAS ONLY ON DISTINCT UNDERSTANDING COMMITTEE TO HAVE FULL SCOPE IN LIGHT APPLICATION PRINCIPLE EQUAL CITIZENSHIP TO EXAMINE MAKE REPRESENTATIONS WHOLE KENYA QUESTION INCLUDING WHITE PAPER DECISIONS YOU CONSENTED REMAIN CONFERENCE AND THIS AGREEMENT IN SPITE DEVONSHIRES EARLIER REFUSAL CLEARLY IMBODIED BALDWIN'S FORMAL STATEMENT CONFERENCE STOP YOU MAY MAKE FULLEST CONFIDENTIAL USE.-- KALOPH

To this telegram I received, on the 9th instant, the following reply, which speaks for itself :-

(COPY of CABLEGRAM to Hy.S.L.Polak, London, from Sir T.B. Sapru, Sent February 8th 1924.)

YOU ARE RIGHT SARMA OFFICIALLY STATED COUNCIL STATE COMMITTEE WILL INCLUDE FRANCHISE I INSISTED COLONIAL OFFICE GIVING FULL CONSIDERATION REPRESENTATIONS BY COMMITTEE ON ENTIRE POSITION. - SAPRU.

Sir Tej Bahadur's reference to "Sarma" appears to relate to the following extract from a Reuter telegram from Delhi, dated the 7th instant :-

"Mr. Sethna, unofficial member for Bombay (in the Council of State), who had tabled a resolution voting the postponement of the Kenya Immigration Bill, raised the question of the franchise in respect to which he complained that the new Colonial Secretary had stated that the Settlement was final. Sir B. Sarma assured him that the Committee would inquire into the franchise question, with a view to the modification of the Franchise Bill, and Mr. Sethna thereupon did not move his resolution".

It would appear that my contention is supported by the view taken by the Government of India.

10. I now come to the White Paper itself. As I said to you

on Wednesday, in your declaration that you were determined to maintain the principle of a trusteeship for the African natives, which should be supreme over the interests of the European settlers in Kenya, on the one hand, and those of the Indian settlers, on the other, you would have the moral support of the Kenya Indians and of the Indian people, and, in particular, that of Mr. Sastri, Sir Tej Bahadur Sapru, and others who have special knowledge of the conditions in Kenya, such as Mr. C. F. Andrews and myself. Our complaint would be, not that the doctrine of native trusteeship has been at length and tardily recognised by His Majesty's Government, but that, the pretence has been made that, in any *degree* at all, the Kenya Indian community has participated in the gradual degradation of the status of the African native in this Colony (by contrast with his position in Uganda and West Africa, where he is a peasant proprietor), by legislation and administrative practice, in which the Indians have had no share and for which they decline to accept responsibility, to that of a black proletarian. There is hardly an appropriate occasion when native interests have not been advocated publicly and enthusiastically by the Indian intelligentsia of the Colony, who have invariably constituted themselves the advocates, especially in the Legislature, of the rights of the non-white peoples of the Colony without distinction. It was the Kenya Indians who first maintained that native African interests should be paramount ^{over} ~~with~~ those of the immigrant community.

11. It ought, however, to be clearly understood that, whilst the White Paper nominally lays down this principle, no responsible person in India believes that this was the major

consideration upon which the decision of the late Government depended, or that save in one important particular, they, in fact, either do or were intended to operate in support of the doctrine of native trusteeship on the part of His Majesty's Government. That exception is the declaration that the grant of responsible self-government is "out of the question within any period of time which need now be taken into consideration". This view has always been held by the Kenya Indian community, who did not join in the demand, in 1919, for elective institutions. It was actually put forward by me, I believe in answer to a question by Mr. Ormsby-Gore, in evidence given before the Joint Standing Committee of Parliament on Indian Affairs. Although Lord Milner did not intend that the grant of the franchise to the white settlers should be regarded as leading to responsible self-government, it was so regarded by the Europeans and, with some appreciation of its logical consequences, by Mr. Churchill, whose remarks, at the Kenya Colony dinner, early in 1922, strongly encouraged the aspiration of the white settlers to convert the franchise and the non-official minority of elected white members of the Legislature into a constitution having all the elements of responsible self-government in which the non-whites should have no share. Indeed, in spite of the policy laid down in the White Paper, it is difficult, in the light of past history and tradition, to see how it is to be given adequate effect to so long as the elective principle in the Legislative Council is retained. I would only add here that the grant of electoral rights to white settlers was naturally held to warrant the demand of the Kenya Indians for equal treatment in a Crown Colony under direct Downing Street administration. Had the

franchise not been granted to the Europeans, the Indians would have restricted their claim to a nomination of members to the Legislative Council equal to the number of nominated non-official white members, always with an over-riding official majority.

12. It is the universal opinion, in Indian political circles in India and Kenya, that the real policy underlying the White Paper decisions, which, otherwise than as the above-mentioned exceptions contemplates, dealt not with questions directly or even indirectly affecting native interests, but with the regulation of the relations inter se of the two immigrant communities, the larger in numbers and the earlier in advent, the Indians, and the smaller and later, the Europeans, was to establish the permanent advantage of the latter and the corresponding disadvantage of the former.

13. I trust I shall not be misunderstood if I say frankly, that the most bitter feeling has been aroused in India, where the White Paper is regarded as an elaborate camouflage. It is held that it embodies a policy that does not conform to the principle of equal citizenship for Indians overseas, decided upon at the 1921 Imperial Conference, to which the Imperial Government was a party, but, on the contrary, sets up a dual standard of citizenship, a superior one confined to the white subjects of the Crown, and an inferior one, which alone is to be applied to the non-white subjects; it violates the many pledges given to India and to Indians by the Imperial Government from time to time, whilst amplifying and extending pledges made at a later date to Europeans; it emphasises the

subordinate character of the Government of India (referred to in such disparaging terms by Lord Curzon at the time of Mr. Montagu's resignation on the question of the Treaty of Sevres), in one of the few matters in which that Government is recognised to have especially sought to act as a national Government might do; it overthrows the Wood-Winterton Agreement reached by the Colonial and India Offices after long negotiations, and accepted by the Government of India and the Kenya Indian community as a basis for a settlement, for the time being, of the main heads of controversy between the European and the Indian community; its basis, its origin, and its purpose are definitely racial; it excludes Indian, British and protected subjects from privileges which are granted readily to aliens and even, it may be, to ex-enemies; and it was extorted from His Majesty's Government by threats of armed rebellion on the part of the white population. Indians declare, in fine, that, under the cloak of protecting native African interests, His Majesty's late Government, last July, in the dispute between the white and the Indian community, deliberately sacrificed Indian interests and subordinated them to those of their opponents upon purely racial considerations.

14. The White Paper gives six principal points at issue between the two communities, namely, representation on the Legislative Council, representation on the Executive Council, representation on the Municipal Councils, segregation, reservation of agricultural lands in the Highlands for Europeans, and immigration. Except, possibly, as to the last, none of these was in any way, related to any question of native rights. Substantially, they were all aspects of segregation or racial differentiation. Four of them have, both in fact and in form,

been decided against the Indians, one has been decided against them in fact, though not in form, whilst two are decided in their favour. Of these two, segregation in urban areas had already been dropped as impossible, whilst segregation in residential areas has also been dropped as unnecessary for the purpose sought to be served. This, therefore, is no gain to the Indians. They had already secured representation on the Executive Council. The preservation of that right, therefore, was no gain, for it had not of late been seriously challenged by the white settlers.

15. The Indians had asked for a common, as against a communal franchise, both for the Legislature and the Municipal Councils. The proposal of the Europeans was to segregate them in the exercise of the franchise, as they had sought to segregate them physically. It was not that they did not consider Indians qualified to exercise a vote. They were quite aware that they did so well and intelligently in India and in many of the overseas territories. But they refused to "degrade" themselves by going to a coloured man for a vote or to allow a coloured man to ask them for their vote on his own behalf. In 1919, when elective institutions were first introduced in Kenya, only two votes, one official and one non-official, could be secured for a proposal that at least Indians with university or professional qualifications should be enfranchised on equal terms with the white settlers. The pretext advanced, on the present occasion, was that the Indians would, in course of time, outvote the white settler vote, which it was assumed must always predominate. Throughout the controversy, it was concealed from the British public that, in moments of emergency, the white official majority in the Legislative Council could always be relied upon to protect the interests of the white settlers, as it has never been exercised for the protection of Indian interests against the encroachments of the white settlers. Indeed, it was publicly laid down by the Governor more than once within the last five years that European interests must prevail over Indian.

16. What, however, are the facts? The Indians had agreed that the entire existing electoral roll, containing virtually the entire adult white British population, should remain undisturbed; that a franchise qualification should be fixed that would exclude from the voters' roll hardly a single adult white British subject in the future; that the qualification should be so high as to disqualify, at the beginning, nine-tenths of the Indian population, leaving it to individual Indians thereafter to acquire the necessary qualification, if they so chose; and that the electoral areas should be so arranged as to ensure a reservation of seats in areas where voters of a particular community predominated. Even Mr. Churchill, who could hardly be cited by the white settlers as an unfriendly witness to their cause, had recommended this arrangement for acceptance by them. They ignominiously rejected it, on purely racial grounds. The British Government decided, in the face of this intransigent attitude, in favour of a communal franchise, though it is thoroughly undemocratic and permanently dissociates each community from responsibility for the welfare of any other community or that of the Colony as a whole; instead of the common franchise that had formed the most salient feature of the Wood-Winterton Agreement, to which both Imperial Departments were committed; chiefly upon the consideration that the communal franchise would prevent racial friction and would best serve the interests of all concerned. In fact, the Indian community has been yet further embittered against the white settlers and estranged from the local Government, which is regarded by them as thoroughly partisan. They have refused to participate in the passing of the Franchise Bill through the Legislative Council, and they have since withdrawn their nominated members of the Council, and also the Indian non-

official member of the Executive Council, on the ground that, a racial policy, the responsibility for which they will not share, having been adopted by His Majesty's Government, in violation of all public pledges of equal treatment by the latter, the retention of their representatives can serve no useful purpose.

17. It has been urged that, as the communal franchise exists in India, Kenya Indians ought not to object to it in Kenya. There is, however, a fundamental difference. The communal franchise in India has not a racial basis. It is intended to serve the purpose of protecting the interests of an electoral minority. There is a Mahomedan communal franchise, as there is a Sikh; but there is no Mahomedan race or Sikh race. The Bengali Mahomedans are as much Bengalis by race as the Bengali Hindus, whilst the Mahomedans of Madras are of different race from those of Bengal. In Kenya, the very purpose of the communal franchise is to create racial differentiation in the electoral system, as part of the general policy advocated by the white extremists of racial segregation. The electoral minority in Kenya would, for many years, be the Indians, who do not desire this special "protection". The alternative of a reservation of seats upon a common electoral roll was deliberately rejected by His Majesty's Government, without a trial, though it would have afforded ample protection to the white settlers, whatever the future might have had in store for them. No white candidate need canvass the votes of the Indian electors, nor need a white voter cast a vote for an Indian candidate, if he does not choose to do so. Why, however, establish a legal prohibition? Why erect a race and colour-bar?

18. The net result of the July decisions has been to

cast a racial stigma upon Indians, no matter what their qualifications. For the first time in the history of the Crown Colonies and the Dependencies governed from the Colonial Office, racial differentiation has been adopted as a major policy. Though there is a provision in the new Ceylon Constitution, for the election of two Indian representatives on a communal basis, this is in addition to the right of the Indian minority to exercise their franchise upon a common electoral roll. It was designed to give them a special member-strength in the Legislative Council proportionate to their importance as a communal element in the population of Ceylon. In British Guiana, Jamaica and Mauritius, whites and non-whites vote on a common electoral roll. In the new self-governing Colony of Southern Rhodesia a similar provision exists. Even in the Cape Province of the Union of South Africa, there is a common franchise. In Kenya alone, where Indians were prior immigrants, which, so far as it is not native African, is an Indian Colony, which His Majesty's Government were well aware was regarded by all India as a test-case of British sincerity in implementing and applying the principle of the Imperial Conference resolution of 1921, it has been decided to treat His Majesty's Indian subjects as worthy only of a second-class citizenship, on racial grounds, upon the demand of, coupled with threats of armed revolt by, the white settlers. The case of Fiji remains to be decided. The white settlers there, having sought the economic ruin of the Indian population, have already taken their cue from Kenya, which, like the Indians, though for quite different reasons, they regard as a test case. Almost certainly, unless a change of policy occurs on the part of His Majesty's Government, a communal franchise will be decided upon, whilst the rights of

the non-white peoples in those British territories where they at present enjoy the common franchise, have been very seriously threatened. An attempt was only recently made, in Mauritius, to secure an alteration of the franchise to a communal basis.

19. Not only in this way have Indian rights been subordinated to European. Besides the all-white official majority, the non-white official minority has, by the act of the late Government, been established at a permanent strength superior to that of all the non-white members of the Legislative Council combined, so that, by no possibility, in the event of a racial controversy, can the non-whites hope to secure justice, where they do not happen to be African natives, on whose behalf the local Administration are now, it is presumed, instructed to cast their vote, and to this overwhelming proportion of white members, a European missionary is to be added to represent native interests. Even if he should adequately fulfil his function, the recent attitude of the Kenya missionaries, with their knowledge of the treatment of the African native in the past by the European immigrants, in siding unfairly with them against the Indians in a controversy in which native interests had been dragged in for the sole purpose of bolstering up the white settlers' otherwise poor case and diverting attention from their disloyal and violent activities, has convinced the Indians that the missionary member will probably cast an additional white political vote in a matter where there is a real or an apparent conflict of communal interests. The Indian community has, therefore, in rejecting the Franchise Bill, refused to assist in the preparation of a voter's roll on a communal basis, which would commit them to acceptance of the principle of racial differentiation and impose upon them a subordinate

status. Since the question of representation on Municipal Councils has likewise been settled by the late Government upon a communal basis, the Indians have refused payment of the rates voted by a Council in Nairobi in which they have no adequate or effective representation upon terms of self-respect. No Indian leader, either in Kenya or in India, would venture to recommend acceptance of the communal franchise, knowing it to symbolise the colour-bar, and the existing hostility will continue until its complete withdrawal.

20. The White Paper states that "the policy of the reservation of the Highlands for Europeans was definitely laid down by the Earl of Elgin, when Secretary of State for the Colonies". The form of this statement is erroneous, nor is the fact alleged, admitted by the Indian community. The Highlands area has never been and is not even now closed to Indians. What has happened is that they are, by a statutory veto invariably exercised by the Governor upon instructions from the Colonial Office, prohibited from becoming the legal owners of agricultural lands in the Highlands. They carry on their trade without restrictions upon farms in the Highlands, but they cannot, even if they so desire, purchase and work farms there.

21. The story of the Highlands needs a little elucidation. It has already been pointed out that the Indians were prior immigrants into what is now called Kenya. They were settled at the coast for generations before a white man ever went there. When the British Protectorate was established, solely through their influence with the local rulers, as was stated in evidence before the Sanderson Inter-departmental Committee on Indian Emigration to the Crown Colonies in 1909, by the late Sir John Kirk, at one time British Consul-General at Zanzibar, with a unique knowledge of the history of events, they were invited to extend their trading operations into the

interior. They did so, and, as Mr. John Ainsworth, late Chief Native Commissioner of Kenya, has testified, they introduced currency. It was Indian currency, which was altered about two years ago in order to give a financial advantage to the white settlers. An Indian form of administration was set up. Indian laws were introduced, and the Indian codes are still the chief features of the statute-book of the Colony. British goods were first carried into the interior by Indian traders, and the seeds of material civilisation were thus sown by them in a barbarous land. When the Uganda Railway was built, Indian labourers (owing to the complete absence of reliable and trained native labour) and Indian overseers and entrepreneurs, were invited to undertake the task. The major part of the staff of the Railway is still Indian. It is in evidence that one of the main inducements to the British Chambers of Commerce to recommend to the British Government the use of Imperial funds for the construction of the line, was that the interior of the country could thus be opened up for settlement by the surplus population of India, and it was upon this inducement that large numbers of Indians, with the assurance of the protection and freedom which they had been taught to associate with the flag that they had been instrumental in hoisting over the new Protectorate, immigrated into the interior and undertook so large a share in the pioneer work of development, long before most of the present white settlers had even heard of the country, with which Indian commercial enterprise had been linked up for at least four centuries.

22. After the Uganda Railway had been built, the Highlands became easy of access to Europeans, who found there a congenial climate within the tropics, though it is still an

open question whether white men can really settle there permanently. Mr. Churchill, who has had personal experience of the Colony, and has, in his book, "My African Journey", paid an eloquent tribute to the pioneer work of the Indian immigrants, has expressed the strongest doubts on this point, which is of vital importance. The white immigrants came at first largely from South Africa, by way of German East Africa, whither they had fled to escape from British rule, and they brought with them the bitter colour prejudice that is prevalent in most parts of the Union. They brought strong pressure upon the local Administration to urge the Colonial Office that agricultural lands in the Highlands should not be granted by the Government to non-whites. They succeeded in obtaining from Lord Elgin a ruling that, for undefined "reasons of administrative convenience", grants of Crown lands should not be made to Indians, but Lord Elgin, at the same time, expressly declared that the British Government would not impose any legal restrictions upon any section of the community. The local Administration read into this ruling an authority to prevent not only the issue of original Crown Grants in the Highlands to Indians, but also to prohibit the acquisition of such lands subsequently from a white grantee or his successor in title, as an ordinary commercial transaction. It is highly probable that, had a test case been brought in the local Courts at any time up to 1915, such administrative action would not have been upheld. In that year, for the first time, contrary to Lord Elgin's express declaration, statutory effect to the Governor's customary veto upon land transfers throughout the Protectorate between parties of different races was given by an Ordinance assented to by Lord Harcourt. This occurred during the war, when the Indians were being terrorised under Martial Law and had

virtually been ordered not to take part in any political activities, and without their having had any opportunities of placing their case properly before the Colonial Office. The White Paper decision is that this veto should stand. The pledge, as it has been called, to the Europeans has been not only implemented, but extended and amplified far beyond Lord Elgin's declared intention. The prior and contemporaneous pledges given to the Indians have been flagrantly broken. A restricted market has been forced upon a number of white settlers who, not having been able to make good, and being unable to find suitable white purchasers, are deprived of a sale that they would willingly make to equally willing Indian purchasers. The Indian community has no desire to reopen the question of original Crown Grants in the Highlands, but demands the abolition of the Governor's peremptory veto in ordinary commercial transactions relating to the purchase and sale of agricultural lands. If, as is alleged, there are few Indians desirous of purchasing such lands in the Highlands, there will be no disturbance of existing conditions. If there are no European sellers - and no European is under any obligation to sell to an Indian - the matter solves itself.

23. The Indians have refused to accept the Government's suggestion to set aside an area for their exclusive occupation in similar manner, first, because they regard it as an unworthy bribe; secondly, because they consider that by accepting the proposal, they would be adopting the very principle of racial segregation against which they have unceasingly protested, and, thirdly,

because the Highlands decision and all that it connotes adds to the areas of the Empire in which Indians are debarred from exercising the elementary rights of equal citizenship. The disability is especially resented, since it is imposed upon them, not in a temperate self-governing Dominion, to which they are already forbidden access but which is free to white persons, but in a tropical Colony, under direct Downing Street rule, where native African rights are in no way infringed, and where they were prior immigrants and earlier pioneers, under express promise of equal treatment and opportunities.

24. In 1918, a partisan local Economic Commission of Enquiry into post-war development issued a report which, after making disparaging reference to the Kenya Indians, (who were not represented upon the Commission and had given no evidence before it), passages subsequently repudiated by Lord Milner on behalf of His Majesty's Government, proceeded to advocate strict control of future immigration from India. This demand Lord Milner, in 1919, refused to entertain. From then onwards it became the settled and avowed policy of the white settlers to exclude further Indian immigration, and to make the situation for the resident Indians so uncomfortable as to induce

them to leave the country. It was the story of South Africa, but without the justification that South Africa might plead, all over again. The European Convention of Associations, in order to influence public opinion in this country, circulated widely, in a memorandum, the very passages, charging Indians with having brought about the moral and economic degradation of the African population, which Lord Milner had, when they were formally brought to his notice, officially repudiated. The white settlers were, in fact, not prepared to contemplate the idea of a coloured community demanding a share with them in the citizenship rights which they had so long, with the encouragement of the local Administration, been accustomed to regard as their racial privilege. Indians were, and have always been, denied the right to share the responsibility of defence, and their repeated demand to do so has been rejected. It is a matter of common knowledge that the white settlers were afraid that the Indian claim for equal treatment and equal opportunity would later be strengthened by a similar demand from the African natives, whom they have always looked upon as and sought to make mere proletarians. The sympathy naturally extended by the Indian leaders to native aspirations, to be something better than this in their own country, was looked upon as dangerous to white settler supremacy. Indians have no doubt that this is the real motive underlying the ^{disingenuous} allegation that they are an economic danger to the African natives, that figures so largely, since 1919, in the anti-Indian campaign.

25. In the Wood-Winterton Agreement, an announcement was to be made that in present circumstances no change was contemplated in the existing immigration regulations. This decision was reached, apparently, without reference to any question of native economic development, though the matter had undoubtedly been under the consideration of the Colonial Office, but solely on the question of the relations of the white and Indian communities inter se. The Secretary of State for the Colonies, however, added a note on the subject as follows:-

"Throughout discussions with (the) India Office, I have made it plain that my view is unchanged as to immigration control, and that if the danger ever arises of a large influx of Indians I hold myself entirely free to take action which may be necessary. In view of the figures which you have supplied as to the influx and efflux of Indians in 1921-22 I have not felt it necessary to insist on any alteration of the laws at present."

Upon receipt of this message, the Governor (who, at a public meeting of the European Convention of Associations, known as the "White Man's Parliament", had announced that he was unable to take part in politics, but that his audience would understand him when he said he was a South African, meaning thereby that his sympathies were pro-white in a conflict between them and the Indians, and who appears to share the South African view on Asiatic exclusion) promptly sent up untested figures to show that a larger influx of Indians was indicated for 1922-23. The fact is, as the Government of India has pointed out to the Secretary of State for India, who has passed them on to the Colonial Office, the figures for the last

five or six years show that there is practically a balance between the Indian immigrants and emigrants. The immigrant figures are swollen by the return of Indians formerly resident in Kenya and by transmigrants to Uganda, Northern Tanganyika, and Belgian Congo, who use the port of Mombasa. On the official figures, therefore, there is no justification for further restrictions on Indian immigration, whatever may be the pretext. Nevertheless, an Immigration Bill was recently drafted and sent to the Colonial Office for approval of such a drastic nature that your predecessor was obliged to reject it, and I understand that it has now been sent back to Kenya for redrafting.

26. The White Paper, whilst deciding against racial legislation on immigration, suggests that, in the interests of the African natives, restrictions may be imposed upon those classes of immigrants likely to come into economic competition with them to their disadvantage. This does not refer, as might be expected, to the white immigrants who have despoiled the natives of their lands and forced upon them legislation designed to supply the white estate-owner with a large native labour-supply unorganised for self-protection, but to the Indian artisans, clerks and traders. The Indian labourer does not go to Kenya, as is falsely alleged. The average of the Indian population of Kenya since it includes so small a proportion of the "coolie" element, is officially admitted to be higher than in India itself. And just as there is almost no unskilled Indian labour in Kenya, so, in view of the fact that in a tropical colony no white man will undertake manual labour alongside of coloured workers, there are virtually no white workers, in that sense of the

term. Indeed, the general characteristic of the white population of Kenya is that it is preponderantly aristocratic, and it has been the settled policy of the leaders of the white community, so far as possible, to keep it so. They have therefore discouraged immigration by the type of white worker that goes freely to the self-governing Dominions and to America.

27. It is alleged and it was tacitly assumed by His Majesty's late Government, that the presence of the Indian trader, artisan and clerk who comprise the great bulk of the Indian population, has been to the economic detriment of the African native population. The evidence of this, if any, was taken in secret and has never been open to competent cross-examination. In any event, it is strenuously contested by the Indian community, who demand an impartial inquiry before any decisions that may affect the centuries-old connexion with India are taken. The facts are very different. The Indian trader has provided the African natives, at a cheap price, with the articles of commerce required by civilised peoples. The evidence gathered by Mr.C.F.Andrews from independent sources and his own personal observation and inquiry has never been seriously challenged. Even Dr.Arthur, the missionary who came here last year with a strong anti-Indian bias, has admitted that "Indians who are numerous, are chiefly the small traders of the country having brought to the natives cheap goods, such as cloth, blankets, beads, tea, sugar,lamps, and the like. They have purchased from the natives surplus stocks of food crops, such as maize, beans, millet, and so forth. This undoubtedly has been of great help to the African natives".- The Graphic,May 19,1923.

28. The Uganda Railway had to be built with Indian labour because no unskilled African labour was then available. It is run to-day largely with skilled Indian labour and Indian clerical staff because the Administration has egregiously failed in its duty to train the native inhabitants of the country, to perform the share of constructive development of the Colony's resources that should normally be theirs. To-day there are considerable numbers of semi-skilled natives, who owe such technical knowledge as they have acquired almost entirely to the direct or indirect teaching of the Indian artisan and craftsman, whose patience, diligence, and simplicity of method are of the highest value in native development. The enclosed pamphlets, which include the careful study made by Mr. Andrews, make this quite clear. The evidence is wholly from non-Indian sources.

29. The present pretence is that the influx of the Indian artisan, small trader, and clerk prevent suitable opportunities for the employment of the African natives. It is singular that this "discovery", which seems to account for the drastic nature of the rejected draft Immigration Bill, that would have resulted, if enacted, in virtually closing the door against all Indian immigration, whilst leaving white immigration virtually uncontrolled, should have been made at the very moment when there is a grave political controversy between the white and Indian communities on the question of the franchise, since it is from the very classes sought to be excluded that the bulk of Indian voters would come. It is significant that the white settlers, before they would even talk about the Wood-Winterton Agreement, demanded an Asiatics Exclusion Bill, without reference at all to the native question, and that Lord Delamere,

their protagonist, only recently, in the Legislative Council, sought to make the passage of the Franchise Bill, though giving only a communal franchise and a ridiculously small representation to Indians, contingent upon the passing of the Immigration Bill that has now been rejected by His Majesty's Government.

30. As a matter of fact, in dismissing Indians wholesale from railway and other government employment, the local Administration is replacing them, not, as would be supposed, by natives, but as a rule by more expensive whites and mixed race immigrants specially imported from the Seychelles. There is nothing and there never has been anything except sheer disinclination on the part of the local Administration under powerful white settler pressure, to prevent the encouragement of technical training of the African natives for skilled or semi-skilled work or clerical pursuits, independently altogether of Indian training. If they are so trained, they will inevitably underlive the Indians, whose standards of life are necessarily higher in a foreign country and because of the simpler standards of the natives. Accordingly the economic problem will solve itself. If the Indian trader, clerk or artisan finds that he cannot compete on equal terms with the native, he will certainly not wish to enter the country, and the surplus Indians of these classes will automatically leave it. There is obviously, therefore, no necessity for an immigration bill for the purpose of further restricting or controlling specially Indian immigration. It may well be, however, that a general inquiry into the whole Kenya problem, administrative and otherwise, may be of great value in the framing of future policy, and in this inquiry the economic effects upon the Colony of immigration generally would be examined.

That would, however, be a matter for an independent and impartial commission, whose members were not committed to racial or anti-Indian views and had no interests in the Colony directly or indirectly.

31. To sum up, India feels a sense of the deepest resentment at what all classes of politicians unite in regarding as a fraud of the gravest character that has been perpetrated upon her in the matter of the Kenya decisions of the late Cabinet. It must be within your knowledge, as it is within that of other eminent members of your Party, that nothing has so deeply exasperated Indian sentiment as the treatment of Indian nationals overseas. Lord Peel, at the last Imperial Conference, voiced this sentiment in language that drew the admiration of his Indian colleagues. Until the Kenya question became acute, the trouble had been one affecting the Indian residents of the self-governing Dominions, especially South Africa. In all these cases, the Imperial Government in explaining their inability to intervene constitutionally, did nothing to satisfy Indian opinion, which has always regard the problem as outside the sphere of the purely internal policy of the Dominions, affecting, as it does more than three quarters of the Empire's population, as well as influencing foreign relations. But the Imperial Government invariably accompanied its explanation with an expression of regret and sympathy which did something to mitigate the intensity of Indian dissatisfaction, at any rate as regards the Imperial Government's attitude. The Kenya question, however, has changed all this. Instead of ranging herself on the side of India and those self-governing Dominions which promised redress to India in matters of citizenship rights, Great

Britain, having solemnly pledged herself to ^{do} likewise, took the part of South Africa, by adopting the policy of racial differentiation that is having such tremendous re-actions in India on Imperial relations. I quote the following extract from the latest issue of the "Servant of India" (Jan. 24.), an organ, not of the Indian extremists, but of the Liberal Constitutional Party, that has throughout sought to give adequate effect to the Montagu-Chelmsford Reforms, whatever their criticism of those Reforms might be. I may add that the writer is one of the best-known and most responsible among the elder Indian statesmen:-

"While the three Dominions concerned have merely deferred action, to an undue extent though it may be, the British Government, which was also a party to the resolution of 1921, has in respect of Kenya flagrantly repudiated it. There is not even the excuse of a superior authority like Parliament having refused to ratify it. The British Cabinet itself has gone clean back on a resolution to which a Prime Minister, a Foreign Secretary, a Colonial Secretary, an Indian Secretary, and several other Cabinet Ministers were parties. A very vital blow has been struck at the unity of the Empire. The shame of it burns us here. It should burn the people of Great Britain even more. If it does not, the meaning is that the corruption is too far gone".

32. Immediately after the Kenya decisions were known, Mr. Sastri, on behalf of the delegation that he headed, placed himself in communication with the present Prime Minister, in view of the disastrous effects upon public confidence in India in the good faith and intentions of the Government and people of this country. It was as a result of this communication

that Colonel Wedgwood, speaking with the full authority of the Parliamentary Labour Party, made a notable declaration in the debate in the House of Commons on the Colonial Office Estimates, during which Mr.Ormsby-Gore had referred to the White Paper policy published the day before. Having narrated the course of events, and laid stress upon the surrender of the Cabinet to threats of force on the part of the white settlers, the probability of which had been before the Colonial Office for at least two years, but with no serious attempt by the Department over which you now preside, to take the most elementary precautions - everyone in India knows the reason - Colonel Wedgwood made the following solemn statement:-

"Cannot hon.Members see what this means? Do they not see it is a slap in the eye, after the declaration of the Imperial Conference two years ago, after everything that was said by hon.Members, by Prime Ministers, and ex-Prime Ministers, about equal rights within the British nation, that they do this, and that they do it because they are afraid of 9,000 settlers? Good heavens, it is not only that henceforth you set up two different categories of British citizens. That is bad enough, but you do it because you are afraid. Is there a corner in India where they will not know why the British Empire assented to this unjust settlement? There will be people in India who will not be sad about this settlement. It will be a tragedy to many of our friends, but do not forget that no people will rejoice more in this settlement than the enemies of England. That is what this Government has done. It is not easy, when a step like this has once been taken, ever to put it right, but I am certain the party I have the honour to speak for

to-night, when their turn comes, will do their best. I cannot say more than that, because heaven knows what the repercussion of this will be before that time, But we will do our best to establish justice and fairplay throughout the British Empire and put an end to what is ruining our chance of real peace and development."

33. That statement is regarded in India as a pledge formally made, with the present Prime Minister's knowledge and consent, on behalf of the Party to which you belong. It was made when it was not expected that the advent of your Party to office would be so speedy. It is all the more binding upon the present Government that they should lose no time in implementing it. The Prime Minister's words in his recent message to India have been anxiously examined. The following passage has a singular bearing upon the Kenya situation:-

"No party in Britain will be cowed by threats of force or of policies designed to bring Government to a standstill." The Kenya Indian community have not threatened to resort to force or to bring the Kenya Administration to a standstill. In the very nature of things, that is impossible. But the white settlers not merely threatened to resort to force if the Wood-Winterton Agreement were put into operation; they went so far as to make arrangements to paralyse the Administration. As Colonel Wedgwood pointed out, there were threats of secession from the British Empire. "Plans were got out to kidnap the Governor - why, I could never make out - plans were got out to replace all the Government officials, and appeals were made to South Africa". What all India will now be asking is whether the Prime Minister's warning applies only to the non-white peoples of the Empire. If not, India

will require some practical evidence that the injury done to right and to the people of India because of the "surrender to force" shall be undone at the earliest possible moment. In the course of your remarks to the Empire Press representatives that met you on January 29, you said:- "I know that if you have got to do something it is much better to do it because it is the right thing to do rather than to do it when you are compelled to do it by force, because the appetite invariably grows by what it is fed on..... I intend to approach all these problems from that standpoint. If it is right it will be done, if it is wrong it will not be done, and no force will compel me to alter it." These words have already been transmitted to India, where the leaders of public opinion, in the light of past events, will narrowly watch the manner and extent to which effect is given to them in the matter of Kenya.

34. India will not ask and does not ask that anything done legitimately in the genuine interests of African native trusteeship shall be undone. On the contrary, the feeling is general that those interests have been far too long neglected by His Majesty's Government. But the improper use of the doctrine to maintain those parts of the White Paper policy that have no reference whatever to native interests, save in a contingency that shows no likelihood of occurrence, but were agreed upon by the late Cabinet in order to bolster up a fraudulent claim to racial preference and privilege on the part of the white community would, I fear, do irreparable injury to any prospect of restoring Indian confidence in British good faith. If the Labour Party is untrue to its pledged word, to whom else can India now turn? What would

immediately satisfy India would be the issue of prompt instructions that nothing farther was to be done to carry out the White Paper policy affecting the relations of the immigrant communities pending the report of the Committee now being appointed by the Government of India. The critical matter at the moment is the Franchise Bill. If it has not already received the Royal Assent, I earnestly beg you not to advise the giving of the Assent. If it should have already been given, I venture to urge that the measure should not be put into operation and that any proclamation ~~ordering elections~~ under it should be withdrawn without delay.

35. In conclusion, I have to express regret that this memorandum should have extended to such length. My excuse must lie in the urgency of the matter and the vital character of the principles involved.

Yours sincerely,

Sr. H. S. L. Polak

720. First Islamic settlement on East African coast.
(Johnston)
960. Kilwa Sultanate founded. (Johnston)
- 10th Cen. "Persian as well as Muhamadan Indian influence began to be very apparent in architecture on the East coast of Africa."
(Johnston, colonization of Africa P. 24)
- 11th Cen. "... along the Eastern sea board, where Arabs, Persians and Indians planted flourishing Colonies "
Encyclopedia.
1331. Ibu Batuta found a flourishing Moslem Sea-post in Mombasa.
1458. The Portuguese arrived and found on the coast a series of independent towns, peopled by Arabs
1498. Vasco-de-gama found in Mombasa "Calicut Banyans and Oriental Christians"
1505. Portuguese occupation of Sofala and the foundation of Portuguese East Africa. The Sultan of Mombasa, Zangibar etc became tributary of Portugal.
Portugal founds the colony of Angola.
1574. Turkey attempts but fail to drive the Portuguese from Zangibar coast.
1584. First Portuguese Governor-General appointed for Portuguese East Africa, which was separated from Portuguese India.
1586. The Zimbaro overran East Africa.
1589. Portuguese defeat Turks.
1592. Portuguese crush the Zimbaro.
1609. Sultan of Mombasa massacred the Europeans.
1630. Yusuf Bin Hasan, educated as a catholic in Goa became was recognized Sultan of Mombasa.
1631. Sultan of Mombasa massacred the Europeans.
1687. "First arrival, after a considerable interval of Indian traders" in Mozambique.
1698. Oman Arabs drive the Portuguese down Mozambique. at the request of the people.
1730. Portuguese loose Mombasa.
1748. The Arab Viceroy declared himself independent of the Imam of Muscat.
1752. Portugal recognises the Muscat Imamate on the Zangibar coast up of cape Dalgado.
1804. Seyyid Said became Imam of Omani and Muscat.
1820. Govt. of India assisted Seyyid Said to put down piratical Arabs.

1822. Seyyid Said of Muscat conquered Zangibar and established himself there.
1822. Capt. Moresly, on behalf of the British Govt. induced Seyyid Said to stop sale and export of slave to Christians and Christian countries.
1822. Capt. Vidal protects the Magui chief of Mombasa against Seyyid Said. ~~Lord Liverpool's Govt. disowned the protectorate.~~
1824. Lord Liverpool's Govt's repudiates the protectorate established over Zangibar.
1834. Slavery abolished in all British possessions in Africa.
1837. Report to the British Parliament on the treatment of Africans.
1845. Seyyid Said signs another treaty prohibiting slave trade between his dominions in Africa and Arabia.
1849. Knapp discovered Mount Kenya.
1856. Death of Seyyid Said.
1861. Zangibar becomes independent of Muscat under Sayyid Magid under the arbitration of Lord Canning.
1862. March 10th. Anglo French treaty to uphold the independence of Zangibar and Muscat.
1865. Royal Commission recommended the abandonment of British African settlement.
- 1866-87. Sir J. John Kirk as British counsel at Zangibar.
1870. Seyyid Barghaf succeeds Seyyid Magid as Sultan of Zangibar.
1872. Regular mail steamer service between Zangibar, India and England started by Sir W. Mackudnor (of the B.I.S.N. Company.)
1873. Sir B. Bartle Freres' Mission to Zangibar, resulted in yet another treaty to protect prohibit slave trade.
1873. Sultan of Zangibar compelled by the British to abolish slave trade.
1874. Lord Salisbury claimed that Indians in the colonies should receive citizen right, "in no way inferior to those of any other of her Majesty's subjects."

1882. Dr. Fischer travelled across the
Maritimes
1883. Joseph Thomson reached
Lake Victoria

- 1876. King Leopold of Belgium convokes the Brussels non official conference and inaugurates the International African Association.
- 1877. Sir W. Mackinnon declined the offer "by the Sultan of Zangibar of concession with full sovereign powers of his dominions, as the Foreign office declined to "support" the concession.
- 1877. Lt. (Genl) Mathews organises an army for the Sultan of Zangibar.
- 1884. Commencement of European scramble in Africa.
- 1884. Sir H. Johnston obtains concessions from the chiefs near Tasetach
- 1885. Berlin conference regarding cong-free state, slavery and rules of the partition of Africa.
- 1885. Karl Peters makes "treaties" with native chiefs in the Zangibar Hinterland:- administration transferred to the German company unto a Royal charter and a protectorate declared.
- 1885. Lord Granville informs Germany that England would build a railway in East Africa.
- 1885. British East Africa Association formed.
- 1885. German Govt. supports Simba in his claim of the sovereignty of Witu against the Sultan of Zangibar, who is supported by the British.
- 1885. Germany became a party of the Anglo-French treaty of 1862.
- 1886. Dec. International convention delimit the territories of the Sultan of Zangibar:- British and German spheres of influence established.
- 1887. May. The Mainland territories of the Sultan of Zangibar within the British sphere of influence made over to the British East African company, with full powers for 50 years.
- 1887. August. Lord Salisbury asserts that "effective occupation" necessary to claim of sovereignty in Africa.
- 1888. Sept. Imperial British East African company is given a Royal charter.
- 1889. (early) Lord Salisbury declines to interfere in the dispute over Witu.
- 1889. July. I.B.E.A. company occupy Witu.
- 1889. August. Baron Lambertmount decides the dispute about the island of Lavau.
- 1890. Feb. British foreign office compels the I.B.E.A. company to haul down its flag and withdraw from Munde and Patta.
- 1890. July, 1st. Anglo German agreement partition of the territories of the Sultan of Zangibar between England and Germany definitely defined.

- 1890. Brussels Conference to suppress Slave trade, traffic in Arums and liquor, etc., in Africa.
- 1890. Nov. 19. Zangibar Sultanate/ ^{both in the island and} on the Mainland declared a British Protectorate.
- ~~1890. Zangibar a British Protectorate.~~
- 1891. March 5th, I.B.G.A. company takes over the administrate of Witu, - the Sultan outturned.
- 1891. Sept. 11. Enlistment of porters for service beyond the Sultan's territories prohibited by Sir S. N. Portal.
- 1891. March 24th, Delimitation of frontiers of British and Italian East Africa.
- 1891. Lugard occupies Uganda.
- 1892. British chamber of Commerce urge the retention of East Africa for the benefit of trade and commerce.
- 1892. Uganda Railway commenced.
- 1893. Constant insurrections in due the I.B.G.A. to transfer Witu to the Sultan of Zangibar and the British Govt.
- 1893. Sir Gerald Portal makes an adverse report on the I.B.G.A. company's administration in Kenya (Report prohibited.)
- 1893. Lord Rosebury - "We are engaged in pogging out claim for the future".
- 1894. Uganda - a British Protectorate. I.B.C.A. company wound up.
- 1895. 5th July, E.A. Protectorate constituted under a British Commissioner.
- 1896. Expedition against the Magui.
- 1896. Work began on the Uganda Railway and importation of Indian labour for the railway.
- 1901. Uganda railway completed.
- 1902. April. First application for land - by the East African syndicate, and Lord Delamere.
- 1903. Large numbers of prospective settlers, chiefly South Africa, arrive.
- 1904. June 21. Resignation of Sir Charles Elliot.
- 1904. July 20th, Mr. Alfred Lyttelton rejected on behalf of His Majesty's Govt. racial segregation in Transval, as "derogatory to the National favour.
- 1904. Sir Donald Stewart, the commissioner induced the Masai of revone of another dist.
- 1905. 5th April, East Africa transferred from the Foreign office to the Colonial office.
- 1905. August. Zioniet Association declares the Jewish Colonization scheme.
- 1905. Over a 2 million of acres of land were leased or sold to settlers by the end of the year.

1891, April. Sir Francis de Winton, the Administrator of the I.B.G.A. forbids all dealings in land between European and natives.

1894 July - the Report of the Administrator provided for lease of land, but not dealings between white and natives except through the Administrator.

1897 jurisdiction of the High Court of Bombay withdrawn from E. Africa.

1902. from lands Ordinances.

1903 Indian coolies (Uganda Railway) except 700 repatriated.

1905 May. Report of the Land Committee, with Lord Delamere as Chairman - adverse recommendation of Highlands for white.

- 1906. July 17th, Colonial Secretary (in his dispatch) defined uplanders as land outside municipal limits between Kin and Fort Koman.
- 1906. Lord Elgin protects against racial restrictions on grants of land, but approves of the previous commissioner's policy of granting lands in the Highlands to European only.
- 1906. Commissioner had the power of Veto on all transfer of land between private holders.
- 1906. early, The Nandi removed to a reserve.
- 1906. Oct, 22. Executive and Legislative councils constituted.
- 1906. Nov, 6 9. Governor and C. in c. instead of commissioner and C, in C.

1907 April. Logan sentenced ¹⁹⁰⁷ for public flogging of natives for impurities to white women 1907.
 1907. Dec. New Labour rules for South-Suffly and supervision of native labour. 1908.

- Scheme drawn up to assist immigration of British Indian to the Lakes in.
- July, Sir Clement Hill declared at a banquet at Nabobo that the first duty of England was to safeguard the Native of Africa.
- Northern boundary of Kenya fixed by Anglo Abyssinian agreement.

1908. June. Lord Crewe's Conference the dismissal of Lord Delamere from the Legislative Council 1909. for insolent behaviour *

- March 19. Reservation of Highlands approved of in 1906, confirmed again by Lord Elgin.
- Indian nominated to the Legislative council, as an experiment, which "did not prove entirely satisfactory" and was given up.

- 1910. 'The Master and Servant Ordinance.'
- 1910. Connection Fed of Association formed.
- 1911. Sept. Deportation of Mr. C. Cole a pioneer settler, for shooting dead a Kikuyu stock-chief who was acquitted by the jury. This was followed by a policy of reserves for natives, secure from interference from white settlers.
- 1912. 'Native authority ordinance.'
- 1912. The Masai tuten removed from this original northern Masai Reserve to the Southern Masai Reserve.

1913 Report of the East-African Native Labour Commission.

- 1913. Prof. Simpson's Report on sanitary matters in Kenya advocating racial segregation.
- 1913. Dec. Operations against the hostile Herero tube in Juhland.
- 1914. Govt. of India pressed on the colonial office that there was no justification for assigning inferior status of Indians in crown colonies.

made tenants of Govt.

- 1915. Crown Lands Ordinance ^{native land taken over by Govt. & natives} retains power of Veto on transfer of lands between persons of different races, retained by Governor.
- 1915. Natives Registration Ordinance.
- 1917. March and May, East African Economic Commission appointed.

1918. " Resident Native's Ordinance."
1918. Imperial conference. Report of each Dominion to control immigration.
1918. Oct 17th, Mr. Stirling's agreement to sell 10,000 acres of land at Voi, in the lowlands, to Messrs. pp Jivan Walji and Habib Nanji was disallowed by the Governor as inopportune " to introduce such an important innovation in the Land policy--"
1919. March 24. Governor of Kenya declared that East Africa is primarily for European development.
1919. March. Economic commission Report.
1919. Ex-soldier settlement schemes launched, which failed subsequently.
1919. March 22nd. British East African Indians Memorial of the Viceroy of India.
1919. June 6th. Govt. of East Africa confined the Governor's dictation (of 24th March 1919) that European interests must be paramount throughout the Protectorate.
1919. June 4th, Govt. of India Despatch on the status of Indians in Kenya.
1919. June. Declaration of anti-Indian policy of the convention in Kenya.
1919. July. Adult franchise to Europeans in Kenya to the Legislative council, without the knowledge of the Govt of India.
1919. Oct. 22nd, Labour circular No. 1. Govt. and the chiefs to encourage labour supply for private employers.
1919. Nov. Memorandum of the Bishops of Mombasa, and Uganda on compulsory native labour for settlers.
1919. Nov-1920 March. Mr. Andrews first visit to Kenya.
1920. Jan. 30. The Viceroy (in the Indian Legislative council) reiterated that there was no justification to assign inferior status to Indians in crown colonies.
1920. Amendment to the "Native Authority Ordinance" of 1912 to compel natives to perform paid labour for Govt.
1920. Feb 11. Amendment to the Master and Servants Ordinance.
1920. The Uganda Development commission opposed commercial segregation.
1920. 10th Feb. Govt. of India 2nd Despatch.
1920. Feb. 21. First election to the Legislative council in Kenya.
1920. April 19. Lord Islington heads an Indian deputation to Lord Milner, who dissociated himself from certain statements in the Economic commission Report.
1920. May 21st, Lord Kilner's Despatch.

1920. July, Lord Dabner's amendment to the Income tax Bill that book-keeping should be only in English was coined against the Governor.
1920. July 14. Labour circular No. 3. to check abuses of circular No. 1 of 1919.
1920. July 14th, Lord Milner (in the House of Lords) approves on social grounds, racial segregation as advocated by Prof. Simpton for sanitary reasons.
1920. July 14. Lord Islington suggested a royal commission on Kenya.
1920. July 22nd, Lord Milner's Despatch on compulsory labour in East Africa.
1920. July 23. "Kenya Annexation order in council" by which Kenya except the Sultan's coast strip, became a colony.
1920. August 4 9th. At the convention of Association of the Governor, said that the soldier settlement scheme, when completed would have no farm worth having.
1920. August 22. Mass meeting of Indians in Nairobi protest against Milner scheme.
1920. Oct. 21. Govt. of India reply to Lord Milner's despatch of May 1920.
1921. Feb. Mr. Churchill becomes colonial Secretary.
1921. Feb. Report of the Asiatic Enquiry committee of South Africa published.
1921. May. Advised sales of crown lands in the High-lands open only to Europeans was postponed.
1921. May 3. Round Table Conference presided over by Sir Edward Northey.
1921. June 22. Mr. Churchill addressing the Empire cabinet declared that the Empire ideal recognised no barrier based on race colour or creed and no lesser principle could be adopted in crown colonies.
1921. July Change in currency systems in Kenya.
1921. 23rd July, Third Report of the joint Parliamentary committee.
1921. July. Imperial conference Resolution.
1921. Reaffirmation of the Anti Indian policy by the convention of Association in Kenya, which put forward a draft ordinance.
1921. Ordinance No. 49, created a native volunteer Territorial force.
1921. Oct. Mr. Andrews' second visit to Kenya.
1921. Oct. Sir Edward Northey's proposals.
1921. Dec. Govt. of India advise Indian in Kenya - accept the Governor's proposals.
1922. Churchill's proposals Recall of Sir E. Northey and appointment of Sir R. Co Lyndon.

- 1922. Jan. Mr. Churchill's speech at the East Africa bazaar.
- 1922. Feb. 9th. The Legislative Assembly protests against Mr. Churchill's speech.
- 1922. Churchill upholds the undertaking of Elgin and Milner.
- 1922. June 16th. Mr. Folke interview with the Viceroy.
- 1922. July. Within this period 435,000 male natives in Kenya were registered under the Registration of Labourers Act.
- 1922. July 4th. Mr. Wood announced in the Commons that Indians were offered 4 nominated seats in the Legislature and one seat in the Executive Council.
- 1922. August. League of Nations issues a British mandate to Tanganyika.
- 1922. Andrews' visit to Uganda.
- 1922. Sept. 5th. Mr. Churchill's proposals called to to Kenya -- Wood Winterton proposals.
- 1922. Sept. Lord Reading advises the Indian Legislative Assembly to compromise in certain matters in Kenya.
- 1922. Oct. Sir Sir Valentine Chirol accuses Mr. Churchill of breaking the 1921 resolution (in the Times)
- 1922. Oct. Conservatives come to power.
- 1922. Dec. 14. Secretary of State dispatch on Kenya.
- 1923. Jan. 15. E.A.I.N. congress committee drop "no payment of taxes" except municipal rates pending publication of terms.
- 1923. Jan. 27th. The Governor disclosed the Wood-Winterton proposals of the European and Indian leaders in confidence.
- 1923. Jan. Wood Winterton scheme.
- 1923. Jan. 30. Rev. W. H. Shaw invites to the E. A. standard announces equal rights to Indian as an attack on Christianity.
- 1923. Feb. 1. Two letters from Africans in the E.A. standard to express dislike to Indians
- 1923. Feb. 3. "An English Woman" attacks the morals of Indian Widows in the East African standard.
- 1923. Feb. 25. Congress committee cable to prominent politicians in India and England re the confidential proposals of 2 pt. 5. 1922.
- 1923. Feb. 27th Indian mass meeting at Nandi pass a note of "no confidence" in the Kenya Govt.

2258

- 1923. Feb. 8. I.A. Indian congress cable accept Churchill's proposals of Sept 1922, except restriction on immigration.
- 1923. Feb. 20. Election of the Legislative Council postponed by a year.
- 1923. Feb. 21. Sitaran Acharar, Editor of the "Democrat" arrested.
- 1923. Feb. 22. Legislative Assembly Resolution on Kenya.
- 1923. 26th Feb. Sir Robert Coryndon attended the opening of the convention of Association and disclosed in confidence the recent development on the Indian question.
- 1923. March. The European and African Workers' organization with the motto "Every European and Every African is an Asset to Africa and Every one else is a Liability."
- 1923. Feb. 28. Europeans settlers threaten "action prejudicial to His Majesty's peace and abhorrent and repulsive to themselves."
- 1923. 27 Feb. Mass meeting of Mombasa protest against Rev. Shaw's identification of Mohorud with Bellial.
- 1923. March 5. Govt. of state resolution on Kenya sheared mould by the Rt. Hon. Sastri.
- 1923. March 6. Major Cunsty - Gore in the Commons refers to the convention of Association promising to prevent direct action by settlers, provided the Imperial Govt does not force the issue.
- 1923. March 6. Mr. Acharar, Editor of the Democrat released.
- 1923. July 23. Memorandum on Indians in Kenya.
- 1923. August 3. Protest against Kenya decision of the British Indian colonial Merchants Association.
- 1923. Sept 11. Bombay Town Hall Public meeting protests against Kenya decision.

INDIANS OVERSEAS ASSOCIATION,

47-48 DANES INN HOUSE,

265, STRAND, LONDON, W.C.2

October 16th 1920

The Under Secretary of State,
Colonial Office,
S. W. 1.

Sir,

In continuation of my Association's letter of the 14th instant: I am now desired to address you on the subject of Land Acquisition and Segregation, in so far as these questions affect His Majesty's Indian subjects in East Africa.

2. My Association notes, in the first place, that Lord Milner adopts Lord Elgin's decision to maintain, by administrative though not by Legislative means, the restriction on the acquisition by Indians of agricultural land in the Highlands of the Kenia Colony. Lord Elgin, however, based his decision upon reasons of administrative convenience. It is noteworthy that Lord Milner surrenders the argument of "administrative convenience which, in fact, was meaningless, vague, and irrelevant, in favour of a new theory which arbitrarily divides the Colony into areas in which alone Europeans can live, and those from which Europeans are by nature excluded. It is now alleged that it would be virtual discrimination in favour of Asiatic as against

European Settlement to permit Indians to acquire land in the former areas

3. In my Association's respectful opinion, Lord Milner has been seriously misled on this subject. In the first place, it knows from experience that there are very few areas of the earth's surface from which, by nature, Europeans are excluded, when the precautions and methods of modern science are adopted and the amenities of modern civilisation are introduced, and when the attraction, as in the case of the discovery of precious stones and metals, is sufficiently great. Secondly, His Lordship's argument, though it may appear to be valid as against the occupation of lands in these "European" areas by Indians, has no application whatever to their acquisition and ownership by Indians, for clearly, whilst "Health" and "residence" may be connected ideas, "health" and "ownership" have no necessary connection. Thirdly, in practice, it is not the Highlands alone that have been reserved for European settlers. To some extent there was a certain consolation to the Indian population in the belief that, by way of compensation, the disposable land in the Lowlands would be reserved for their acquisition, and for some time this

belief was fostered by the Administration. But it soon became apparent that the European settlers were not going to be content with the areas set aside for them - in the Highlands and large parcels of agricultural land were disposed of by the Administration to them in the Lowlands, of which they subsequently sold considerable portions at a good profit to Indian Purchasers. Side by side with this is to be put the fact that, as my Association is reliably informed, no larger areas than 50 acres at a time have been sold by the Administration to Indians even in areas which are officially considered to be such as, by nature, Indians are specially fitted to occupy and from which, by nature, Europeans are excluded. Fourthly Lord Milner proceeds to remark that to permit Indians to acquire land in the Highlands would be, "taking the Protectorate as a whole, a virtual discrimination in favour of Asiatic as against European settlement"

In my Association's respectful opinion, just the opposite is implied by His Lordship's decision, assuming the correctness of the official theory based upon "natural disability" It has already been shown that Indian ownership of land and European settlement upon it have no necessary connection, either

as regards fostering or inhabiting its development and thereby the prosperity of the Colony "as a whole" The doctrine now advanced seems to amount to this; "Indians and Europeans alike can live and prosper in the Highlands. Indians alone can live and prosper in the Lowlands. Therefore, in the interest of and in fairness to the Europeans, Indians should not be permitted to acquire land in the Highlands". But the fallacy of the argument appears to my association to lie in the fact that, in reality, it means that Indians are to be deprived of a right which, it is admitted, they are "by nature" able and anxious to exercise, whilst, in proposing to set aside similar areas in the Lowlands for exclusive Indian Settlement, Europeans are to be deprived of a right which, it is alleged, they are "by nature" unable (and, therefore, not eager) to exercise. Reduced, thus, to its right proportions, Lord Milner's decision amounts to a virtual discrimination in favour of European, as against Asiatic, settlement, which indeed has been a grievance of long standing with the Indian community. And additional force is lent to it by the tacit admission by Lord Milner, in recommending the selection of suitable areas for exclusive Indian settlement as a counterpoise to the reservation of the Highlands for

exclusive European settlement, that no such equivalent" has hitherto, in the many years during which this grievance has been brought to the notice of His Majesty's Government, been offered to the Indian Community. I have only to add that my Association is strongly of opinion that Lord Milner's present proposals are inadequate, impracticable, unsuitable, and unacceptable as a remedy of the Indian grievance in this matter. I am to recall to His Lordship the arguments in favour of a reversal of the present policy, contained in paragraphs 9, 11 and 12 of my Association's letter of August 5. Public opinion too, in India is unanimously opposed to the policy once more reaffirmed by His Lordship, and persistence in it can only, in my Association's view, aggravate an already difficult and even dangerous situation.

4. If, however, there is so little to be said in support of the decision regarding the disposal of Crown lands in agricultural areas, there is still less to be said, my Association ventures to submit, in favour of Lord Milner's sanction to the policy of racial segregation in urban areas. My Association's views on this subject were, in some degree, communicated to his Lordship in paragraphs 8, 10, 11 and 12 of my letter of August 5.

I am to add the following

5. It would appear, from Lord Milner's statement in the House of Lords, in July last, that it is the intention of the Colonial Office to extend this policy to neighbouring British territories, and so far as possible, to the territory to be administered under Mandate in Tanganyika, If this be so, it would seem that His Lordship intends not only to enforce a policy in Kenia (and to extend it to neighbouring British territories where at present it is non-existent) which finds no counterpart so far as my Association is aware, anywhere in His Majesty's Dominions save in some parts of the Union of South Africa - a notorious exponent of reactionary racialism - but to apply it also to a territory to be administered under the League of Nations whose Mandate it is legitimate to presume, does not contemplate a racial differentiation of this character. My Association is reliably assured that, so far as the Tanganyika Territory is concerned, the introduction of segregation will involve the adoption of a new principle and the reversal of the German practice, and it ventures to remark that, in this respect at least a comparison between British and German methods of administration is not favourable to the former. It is disconcerting in the highest degree to learn that His Majesty's Government are now

made to appear to adopt enforce and justify a policy that they have so often and so energetically protested against when enforced by the authorities in South Africa, both before and after the Boer War.

6. On May 25 last, the Nairobi Indian Association, in a communication to the Acting Administrator of the then East Africa Protectorate on the subject of the proposed sale of business plots in Nairobi, recalled that in 1910 upon the representations of (as he then was) the Honourable Mr. A. M. Jeevanjee, who complained that Indians were debarred from acquiring town properties on the ground of race and colour, the Colonial office disclaimed all knowledge and promised to do justice to the Indian settlers. In the Legislative Council session held in November 1910, the Hon. Mr. Newland asked:-

"May the Council be informed as to what townships, if any have been laid out in the Protectorate, in which Indians may not acquire land, it being reported in the "Daily Chronicle" of 1st September that the Honourable Mr. Jeevanjee alleged that Indians are debarred from acquiring town properties in the Protectorate?"

The Crown Advocate replied:-

"There is no township in the Protectorate in which Indians are prohibited from acquiring land".

It was generally understood by the Indian population that this statement by the Administration spokesman indicated that, upon pressure from the Colonial Office, the Protectorate Government has reversed its urban land policy, and that there was no land in any township in the Protectorate that Indians were not free to purchase if they wished. Not unnaturally, in the words of the letter of the Nairobi Indian Association, "the declaration of the policy of the Protectorate Government contained in the reply to the Hon. the Crown Advocate was received by the Indian Community not only with feelings of satisfaction and gratitude, but the statement was considered as securing the future rights of unrestricted ownership of land by the Indians of the Protectorate"

7. It was further recalled that, during the War, at a time that Martial Law prevailed in the Protectorate, when, owing to military surveillance, the political activities of the Indian community were paralysed; when, too, they were entirely unrepresented in the Legislative Council and were thus deprived of every means of manifesting their disapproval and voicing their protest, the Land Ordinance was passed and applied, which gave the Governor of the Protectorate power to veto certain land transactions between various races and to reserve certain areas for certain races. This measure was a clear violation of the under-

taking given by the Colonial Office in 1910 and a striking departure from the statement of policy made by the Crown Advocate in that year

8. It is evident that the Land Ordinance is a direct consequence of the Report by Professor W.J. Simpson made to the Colonial Office on July 2, 1912 after a visit to East Africa "Sanitary" grounds have been given as the reason for the policy a racial segregation advocated by Professor Simpson in his report, and it is noteworthy, that in his speech in the House of Lords, Lord Milner laid great emphasis upon this report, from which he quoted selected paragraphs. It is nevertheless clear from the report itself, and from the circumstances in which Professor Simpson made his inquiries, that it was not at bottom, on "Sanitary" grounds that he made his recommendations. My Association is credibly informed that he had hardly any conversations with the Indian residents of Nairobi - the bad conditions of which town, resulting from the negligence of the Administration in which Indians had no part, formed the main burden of his criticism - and that he derived his information almost solely from Europeans. officials and non-officials, who had very different objects in view from those of municipal cleanliness. For a long time previously a definite campaign had been developed

to make of Nairobi a European town the headquarters of a European Administration, in a European district, and Professor Simpson appears to have been successfully indoctrinated with his idea. At one place in his report, he makes his real meaning plain beyond misunderstanding. He says explicitly:- "Unless measures of this kind (segregation) be taken for Nairobi, it will lose the opportunity of becoming mainly a European town, which as the centre of a European District, and as the capital of the country, it by right and destiny ought to possess" In other words the "sanitation" plea was only a means to an end. It has nothing whatever to do with the real purpose of Professor Simpson and his European mentors. He had already accepted the European point of view and he now enunciated it in the guise of a "sanitary" report. He wrote, in fact an elaborate political pamphlet, from which it is quite clear that he was extremely ignorant of Indian habits, customs, and tendencies, of conditions in India, and of the historic character of Indian Settlement in East Africa, And it is of the utmost significance that, until this report was mentioned by Lord Milner in the debate last July, only one official reference to it had been publicly made, and no copy of it came into the hands of the Indian community until four years after it was written, when it happened to be mentioned,

by the Acting Administrator at an interview with him by a deputation of the Indian Association of Mombasa. It was then urged that it had not been published and that Indians had had no opportunity to criticise it or submit their objections to it, and it was not until some time later that a copy came into the possession of the Indian community. It may be legitimately asked what purpose this secrecy was intended to serve, unless it was to conceal from the Indian population both the real reasons, and the policy based upon them, for the invidious treatment that has been meted out to them

9. Professor C.F. Andrews who, at the instance of the Imperial Indian Citizenship Association of Bombay, paid a visit recently to East Africa and made a thorough investigation in loco, provides an illuminating commentary upon Professor Simpson's conclusions in the following extract from his report :-

"I do not think that when all the facts are finally and fully considered, the only solution of the sanitary problem will be found to consist in the complete segregation of races. I have read Professor Simpson's Sanitation Report twice over very carefully indeed. If he had taken the position purely of an expert what he advised would be more convincing. But his political bias is evident throughout, and he has

often written not as a sanitarian, but as a politician. Furthermore he appears to me to have missed out of account a very large and increasing number of Indians who are adopting in their completeness modern sanitary methods. It is not segregation which will increase the number of these but close association "The 'segregation' policy therefore if run to the extreme is as shortsighted as the 'exclusion' policy with regard to immigration. Both policies have got all the character of panic legislation. Both policies owe their popular support to racial dislike."

"Segregation" and "exclusion" in fact go or stand together. The one is the obverse of a medal of which the other is the reverse. My Association need only look to example of South Africa to see how, having secured the virtual exclusion of Asiatic Immigration, the Active Anti-Asiatic party is now endeavouring - even there the Dominion Government has not succeeded in doing what Lord Milner is now sanctioning in East Africa! - to secure the compulsory segregation of the Indian population in locations. He has however set his face against "exclusion" and my Association submits that the corollary follows that, if Indian immigration is to continue it should be on such conditions as to residence as are calculated to preserve and encourage the

sentiment of self-respect and good citizenship on the part of the Indian immigrants and their compatriots already settled in the Colony.

10. It is evident from His Lordship's remarks that he is not quite happy in relying solely upon alleged "sanitary" requirements for the justification of his policy. He therefore brings in the argument of social amenity. My Association can only wonder what his Lordship's distinguished colleague the present Secretary of State for War would have to say to this extraordinary argument when he carries his mind back to the Indian hospitality that he enjoyed in this very town of Nairobi during his official visit to the country - his views on the Indian position quoted in the Memorial handed to Lord Milner on April 19 last are on record - on which occasion the only suitable accommodation that could be found for him was a property belonging to Mr. A. M. Jeevanjee. My Association may be permitted here to refer to a striking incident that occurred during the interview of the Mombasa Indian Association above referred to, at one stage of the discussion it was pointed out to the Administrator that Indians and Europeans at the Coast had lived very peace fully together whatever might be the circumstances upcountry which His Excellency at once admitted. It is unfortunate that Lord Milner should now propose to extend the

policy of segregation from Nairobi, the only place where it has had any degree of popularity, through the Colony, the Protectorate, and to all neighbouring territories with the possible exception of Zanzibar, where the relations of Indians and Europeans are notoriously friendly. Nor is it to be supposed that the European population is anything like unanimous on this subject though doubtless representations have been made in that sense to his Lordship. In his capacity as President of the Kisumu Chamber of Commerce Mr. F. Colman, one of the most experienced and sanest of the European settlers, submitted the following remarks to the Annual General Meeting of the Chamber this year, when they met with general approval :-

"I will merely note what has taken place as a result of His Excellency's invitation to formulate a Chamber opinion and what the local feeling has all along been on the question. Our resolution for His Excellency, which was very carefully considered, was, to put it briefly, as follows :- That sanitation cannot be urged as a reason for excluding one race from ownership property in an area allotted for occupation to another race. That segregation in itself means depreciation of property owing to the restriction of the market. That it is a hindrance to the normal influx and investment

of capital Finally that the Chamber is in favour of segregation of residential areas by consent and is of opinion that such consent could only be obtained provided that there were no interference with the normal free transfer of immovable property as generally recognised until recently. I think I need say no more except that by these opinions we stand today*

My Association would emphasise that even on the question of segregation of residential areas, the Chamber is only prepared to advocate voluntary segregation and not the compulsory segregation that is not contemplated in the Segregation of Races Ordinance or any measure that may be designed to replace it. And it is of very great importance to note that, in spite of the alleged strong feeling in Nairobi in favour of this racial segregation, as recently as March 1918 in reply to Mr. A. M. Desai an elected Municipal Councillor who asked what portions of the township has been reserved for European commercial and residential areas and what portions for Indian Commercial and residential areas, it was stated that "these have not been definitely demarcated".

11. My Association has already remarked, in previous correspondence upon the fallacy of the "Sanitation" and "Segregation" theories in commercial areas. In Nairobi the Crown lots that

have recently been advertised for sale by auction to Europeans only are surrounded by lots already owned and occupied by Indians and the only possible consequence of the policy now officially sanctioned will be to "freeze out" the Indian owners and occupiers. It is a matter of regret that His Lordship is personally unfamiliar with the local topography. Professor Andrews, who enjoys that advantage, has pithily summarised the position in the following passage occurring in a communication to this Association :-

"the scheme he (Professor Simpson) proposes, on sanitary grounds, is simply to give the Europeans all the centre of the town which the Indians had a share in previously. He would bodily remove the Indians across a steep nullah with a river running through it, away from central Nairobi altogether. To give some slight analogy. Suppose Indians originally possessed all Cheapside and Ludgate Circus and the Strand and Europeans possessed all Charing Cross and Westminster and Bloomsbury. Then Indians are bodily removed to the Elephant and Castle and Walworth and the Europeans are given Cheapside, Ludgate Circus and the Strand, as well as Westminster and Charing Cross. To add to the Indians' difficulties you must imagine a very deep

Creek, or nullah, between north and South of the Thames." And it is the realisation of this project that Lord Milner's decision will promote

12. My Association has a very pleasant recollection that, in a public speech made by Lord Milner shortly before he left South Africa, His Lordship, speaking with special reference to the status of coloured people in the Transvaal, strongly urged the conferring of a white man's privileges upon such coloured people as had adopted European standards of life. In other words. His Lordship deprecated racial divisions, but emphasised the unifying character of common hygienic, sanitary and educational standards. It is therefore of interest to note that Sir Edward Northey, the present Governor of Kenya, informed a deputation from the Nairobi Indian Association that waited upon him on March 24 1919 that his private opinion was that residential qualifications would in future be more educational and hygienic than racial, and it was generally understood that in the Public Health Bill, which is designated to replace the Segregation of Races, Ordinance, hygiene sanitation and education were to be the tests for the division of residential and commercial areas, and not race and colour as hitherto, but Lord Milner's remarks. both in the debate and in the dispatch, seem to

show that His Lordship has finally been overborne by the racialists and that the educationists have been defeated. If this be so, my Association can only deplore a very great Imperial disaster. How great cannot yet be measured. His Lordship's decisions on this question have deeply disappointed Indian hopes in East Africa and have inflamed the already embittered public opinion in India. In spite of the persuasiveness and plausibility of the official arguments in favour of segregation, Indian opinion is entirely unconvinced. Every Indian realises what is behind the segregation policy. None believes that any of His Lordship's compensatory conditions is susceptible of realisation. Throughout India the news has been spread that once Indian interests and rights have been betrayed to European greed and this time not by a Dominion Government over which His Majesty's Government have no control but by the Imperial Government themselves

13. So moderate a newspaper as the "Leader" (Allahabad) describes, the policy enunciated in Lord Milner's dispatch, as a "Betrayal of Imperial Trust". Professor Andrews, in the course of a criticism of Lord Milner's decisions appearing in the Indian press, had undoubtedly voiced the unanimous sentiment of all thoughtful Indians. He says in unambiguous language :-

"This must be made the test case - the test not merely of Indian residence in East Africa, but of India's place in the British Commonwealth. It is the test case, for this, reason. If in a Colony, where Indians were clearly and unmistakably and uncontrovertibly first in the field; if, in a Colony, which is not in the Temperate Zone, but on the Equator; if in a Colony, which is next door, as it were, to Bombay, and thousands of miles from London . . . ; if in a Colony, which, for nearly a generation, was as it were, administered from India indirectly, by employing Indian law Indian officials, Indian coinage, Indian system of Administration - if in this Colony Indian status is to be in anyway inferior and not equal then the whole theory of the British Commonwealth is a mockery, a sham. and a delusion and all the high-flown speeches during the war concerning India's equal partnership are an hypocrisy so nauseous, that it creates a disgust in the moral sense even to mention To fail to substantiate the Indian claim here is to fail utterly"

14. How embarrassing to the Government of India, and to His Majesty's principal representative in that country have been the decisions on these and cognate questions taken by the

Secretary of State for the Colonies in manifest from the following extract taken from the Viceroy's speech at the opening of the last session of the Imperial Legislative Council:-

"The Council may feel assured that the attitude I am adopting with regard to them is the same as that defined in my speech of January last. I adhere to the position which I then took up. I do not admit that there is any justification in a Crown Colony or a Protectorate for assigning to British Indians a status in any way inferior to that of any other class of His Majesty's subjects. We have continually pressed this point of view upon the Authorities at home I have only to add that if the decision of His Majesty's Government is not favourable to Indian claims this result is not in any way due to the failure on the part of the Government of India to press the Indian point of view. I reserve further remarks on the subject and it will be a matter of serious consideration what further action the Government of India must take on order to secure the legitimate rights of Indians in Crown Colonies "

It must be apparent that the Government and people of India are wholly at one on this subject and my Association,

declines to believe that His Majesty's Government are finally committed to the decisions embodied in Lord Milner's despatch of May 21 last

15. My Association can only hope that even at this late stage, when it is still possible to avert the danger and avoid the certain trouble and unrest that will otherwise spread throughout East Africa, His Lordship shall see his way to reverse a policy that can never so long as it retains its self-respect be accepted by the Indian population. Lord Milner has rendered unique service to the Empire by his bold proposals in regard to Egypt. My Association earnestly hopes that the same spirit of conciliation and constructiveness will be employed by him in solving the East Africa problem, which in its opinion is a European and not an Indian one

I have the honour to be,

Sir,

Your obedient servant

(Sd.) *W. J. L. L. L.*

Hon. Secretary

C O P Y

INDIANS OVERSEAS ASSOCIATION,
47-48, Denes Inn House,
265, Strand, W.C.2.

272

The Under Secretary of State,
Colonial Office, S.W.1.

August 5th 1920.

S i r ,

My Association, having had under consideration Lord Milner's remarks on the Indian question in East Africa, in the House of Lords, on the 14th ulto., desires to submit the following observations thereon.

2. In the first place, I am directed to express my Association's great satisfaction that Lord Milner took occasion to dissociate himself emphatically from and to condemn unequivocally the outrageous and unanimous attack upon the Indian community contained in the Report of the Economic Commission appointed by the East Africa Protectorate Government. His Lordship's remarks in this aspect of the question are the more welcome as my Association has noted with grave misgiving that the Report represented the considered views of an influential section of the local Administration (one of whose principal officers had been appointed the Chairman of the Commission) and it has observed that no single word of reprobation of the views openly entertained by the Commission has so far been publicly expressed by the head of the Administration. It is to be hoped that the Colonial Office will, if it has not already done so, take early steps to bring Lord Milner's repudiation directly to the notice of the officers of His Majesty's Civil Services throughout these regions, as well as the fact that the Secretary of State for the Colonies is of opinion that there is

room for both Europeans and Indians in the development of East Africa, without interfering with the welfare or the advancement of the natives or with that of each other, and has declared that it is the settled determination of His Majesty's Government to pursue in East Africa a policy that shall be as equitable and as fair to the Indian Settlers as it is to the European Colonists. At the present stage of the development of East Africa, whilst the rights, the welfare, and the interests of the native population ought very properly to be the primary object of the solicitude of the local Administration, one of its secondary functions should be to act as a sympathetic buffer, to protect the old-established Indian community from the crude and violent onslaughts of the more recently arrived European Colonists, many of whom are wholly ignorant of India's ancient connexion with these lands, are covetous of the superior economic position in which the Indians settlers have established themselves by pioneer work, diligence, thrift and heavy sacrifices of all kinds, and are imbued with an anti-Asiatic spirit of a most aggressive character that is calculated, in unchecked in the various parts of the Empire in which it has found strong expression, to create such a bitter social conflict as will eventually lead to the disruption of the British Commonwealth.

3. My Association notes that in his reply to Lord Islington's interpellation, Lord Milner, doubtless owing to considerations of time, confined himself to a statement of his views on the principal matters of grievance put forward by the East African Indian community - that of the franchise for the Legislative Council of the Kenya

Colony and the Municipality of Nairobi, and that of what has become known as the policy of Segregation. My Association is assured, however, that other grave dissabilities complained of or anticipated will not be neglected by his Lordship when dealing with these problems in detail, and reserves to itself, in due course, the privileges of making further representations thereon as opportunity offers.

4. It is with great appreciation that my Association notes that Lord Milner is not averse from conceding to the Indian community in the Kenia Colony the right to elect its representatives to the local legislature and to the Nairobi Municipality and abolishing the present system of nomination. My Association further notes that his lordship desires to be convinced that this is a matter upon which the Indian community feels strongly and is unanimous. It is to be presumed that his Lordship does not intend his desire for "unanimity" to be taken quite literally, but that there is a very deep seated sentiment and substantial unanimity already on the subject may, my Association submits, be deduced from the language and the circumstances of the relevant resolution passed, last November, by the Eastern Africa Indian National Congress unanimously. That Congress was fully representative of the views of the entire Indian population of the several East African territories and the resolution whilst moderate in substance and in tone, is emphatic and unmistakeable. In order, however, that there may be no step left untaken to satisfy his Lordship on the point, my Association will be glad to communicate to its constituents any special requirements that he may desire to see fulfilled to enable him to form a final judgment on the question. At

the same time, I am to point out that opinion in India on this question is unanimous and in full support of the demand of the local Indian population, and is based upon the recognition that no self-respecting community can long rest satisfied with a representation, however limited or extended, whose chief characteristic is that it depends upon the nomination of the governing authority. In the nature of things, nominated representatives, however capable, qualified and patriotic, can never command the support of the confidence of those whom they are appointed by an outside authority to represent as fully as those who owe their position to the freely exercised franchise of their compatriots or constituents. Collective representation, in this instance, is the more necessary in that, in spite of the fact that the final responsibility for legislation and internal policy remains, as his Lordship reminded the House, with His Majesty's Government, it has already been conferred upon the European community who are later-comers in this territory that the Indians, large numbers of whom are qualified to exercise, and many of whom have already exercised similar franchises in India itself, whether for the local legislatures or for Municipalities or other local bodies. Moreover, though the responsibilities of the Imperial Government are no less in Southern Rhodesia, Mauritius, British Guiana, Trinidad, Ceylon and Fiji, Indians already exercise the franchise there or it is about to be conferred upon them, and there is nothing to prevent their electing (if they have not already done so) their compatriots to represent them in the local legislatures or on other public bodies. In the Cape Province of the Union of South Africa they also exercise the political and municipi-

pal franchises on equal terms with Europeans, the only limitation as to representation, being, for reasons which in no way redound to the credit of the Union, as regards the Union Parliament, membership of which is confined to persons of European descent.

5. Whilst on this part of the subject, my Association ventures to express the earnest hope that, in extending the electoral principle to Indian representation in the Kenia Colony it may be made to embrace the Indian community in the Kenia Protectorate, whose rights and status the public has been assured by answers recently given in the House of Commons by the Under Secretary of State, Col. Amery, are not to be in any way diminished or differentiated from those enjoyed by their compatriots in the new Kenia Colony. And it hopes, too, that if and when representative institutions are extended in this, and set up in the neighbouring territories, the Indian community from the commencement, will enjoy the franchise equally with all other sections of the population.

6. As to the extent of the representation and the nature of the franchise, my Association feels that this, too, is a matter in which the numbers, the importance of the interests, and the desires of the local Indian population, as well as its historic claims, should receive at the hands of His Majesty's Government the fullest consideration. In my Association's opinion, the representation should be adequate and not niggardly, so that Indians may not have to complain that whilst the principle of elective representation has been established, it has, in practice, been rendered nugatory and the community is, in fact, left

without influence, either as regards the European electorate or the Local Administration. And the franchise ought to be on an educational as also on a tax-paying qualification of a not too exigent character. These suggestions do not in any way exhaust those which my Association could place before his Lordship, but are by way of an indication of the requirements of the situation if Indian sentiment is to be properly recognised and the fullest co-operation sought.

7. There remains one other subject which though not touched upon by Lord Milner in the House of Lords, is yet an integral part of this aspect of the problem and cannot properly be omitted in its settlement. The Governor of the Kenia Colony is assisted by an Executive Council, nominated by him, which at the present time, in so far as its non-official element is concerned contains no Indian member. All the considerations which apply to the adequate representation by election, of the Indian community in the Legislature apply with equal force to its representation by nomination in the Executive Council. There are many matters of administration and policy which intimately affect the interests of the welfare of the Indian population or which may help that population to achieve a better and a higher standard of citizenship in collaboration with the other communities. In my Association's respectful opinion it is essential that, if the Administration is to be fully informed of Indian opinion upon these and cognate matters and to be enabled to utilise that opinion to the best advantage, there should be adequate Indian representation of a responsible character in the Executive Council of the Kenia Colony and of other neighbouring territories when established there.

8. The other main branch of the problem with which Lord Milner dealt in his speech was that of Race Segregation and my Association observed with regret and alarm that his Lordship appeared not only to minimise its importance, but almost to deny that there existed any grounds for controversy on the subject, so far as Indians were concerned. What was even most disturbing was Lord Milner's definite declaration that the principles that His Majesty's Government lay down for Kenya and Uganda they would seek hereafter to extend to Tanganyika so far as it may be possible to do so under the provisions of the Mandate. It is often fruitless to consider hypothetical situations, but my Association has no doubt of the feelings and the action that would be taken to give expression to them if the white settlers found themselves placed in the same situation as Indians at present do in Kenya. And it is in no doubt whatever as to the nature of the reply of the Colonial Office to the representations, in such circumstances, of the white community. No Secretary of State and no House of Commons would or could stand for a moment against the unanimous protest that would at once be made by the local European population supported by practically the whole of public opinion in this country. If the British Electorate once understood - this would be the hypothetical situation - that the white settlers, pioneers by some three centuries, in East Africa were excluded from acquiring Government lands in certain areas of that territory, for any reasons whatever, in favour of other late comers, who had the whole of the rest of the Empire to emigrate to if they chose; that in the layout of townships, certain areas were, on sanitary or social or some

other arbitrary grounds, marked out for exclusive white residence and occupation; and that it was proposed to prohibit their residence and ownership elsewhere; and that Government's lots in business areas, surrounded by similar lots owned by white persons, were put up for auction on the condition that they might be sold only to persons of another race, if British Subjects, and even to aliens, but not to white persons; they would express incredulity that such conditions were possible, under the British Crown, on any pretext whatever, and they would insist upon the removal of any such special disabilities or special privileges based upon racial considerations. And in my Association's humble opinion, they would not only be right in doing so in such a hypothetical case, but they would with that sense of fairplay that is naturally expected of the British public, do so in the actual case of His Majesty's Indian subjects in Kenya. There is, no doubt, much justification for protecting the indigenous population against immigrants, of other races who might otherwise disestablish them. There is, none whatever for according to one set of immigrants - and that of later date - privileges and advantages over earlier immigrants, His Majesty's equal subjects.

9. The Highlands were originally set apart for purely European exploitation, not, as the Colonial Office, in 1908, somewhat disingenuously pretended, for purposes of "administrative convenience", but, as His Lordship remarked in the course of his speech, because they were areas in which alone whites can live and work in health in East Africa. My Association recognises that climatic conditions limit the area in which white settlers can establish themselves. But it does not admit,

the East African Indians do not admit, and the people of India do not admit for a moment that that is any sufficient reason for setting these lands aside for purely European occupation and ownership. The white people of the Empire who desire to emigrate have the whole of the United Kingdom and the self-governing Dominions, almost entirely temperate in climate, to go to. Wide lands, suitable for white Colonisation, are crying out for population, yet for some inscrutable reason, the Imperial Government have actually encouraged white settlers to go to East Africa, where they have reserved for them a section of the country enjoying a fine climate, and suitable equally for settlement by non-European people. Indians thrive and prosper in the temperate climate, due to its high altitude, of the greater part of the High Veld in South Africa. They could do so even better in the Highlands of East Africa. There is, too, a special reason why this area should not have been reserved for Europeans. It owes its accessibility to the Uganda Railway, built at enormous sacrifice by Indian labour organized by Indian contractors, and it is still run and maintained by an Indian staff. Mr. Sandbach Baker, one of the oldest white settlers in East Africa, has testified (what the Colonial Office appears to have forgotten) that when this Railway was made under the auspices of the Foreign Office, the principal object was to open up the country to Indian immigration. Instead, Indians are excluded from these healthy and desirable lands, not in favour of the native population but to enable European immigrants, of a later date, including Dutch settlers from South Africa, whose anti-Indian prejudice is so largely responsible for the grave Imperial problem awaiting speedy

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• solution there, to enjoy special privileges.

10. As to the foundation of racial segregation in towns upon alleged sanitary desiderata, my Association is entirely unconvinced. Such racial segregation (save in so far as it is voluntarily sought) does not exist in any of the large cities of India, and even in most parts of South Africa, public prejudice has not enforced it, and, in the *Transvaal*, as His Lordship will remember, the Supreme Court expressly declared it to be illegal to compel Indians to trade and reside in bazaars. Indeed, in South Africa, His Majesty's Government consistently objected to its enforcement whenever they had an opportunity of intervening, and it is exceedingly surprising now to find them actively advocating in it the case of East Africa. His Lordship is quite well aware that municipal sanitation is a matter of control by the responsible authority. In Nairobi, that responsibility had been almost entirely that of the Administration and of the Municipality, in neither of which have Indians had an effective voice. The criminal neglect of ordinary sanitary precautions to which Professor Simpson drew attention in his report has, my Association is credibly informed, not even yet been rectified by the proper Authorities. And it is significant that these allegations are almost entirely confined to Nairobi (which serves the Highlands) and do not refer to Mombasa, with its much larger Indian population. My Association finds it impossible to believe that the strict observation of sanitary laws enforced impartially by an active efficient and vigilant municipal authority, will not produce the same fortunate results as they are acknowledged to have done, in vastly more difficult conditions, in the town of Zanzibar.

11. Lord Milner is of opinion that, if similar lands and municipal areas of equal value and importance are equally reserved for exclusive Indian enjoyment Indians ought to have no colourable cause for complaint. My Association regrets that it cannot share his Lordship's somewhat easy optimism on the subject. In the first place, his very words, which are of a conditional character, clearly imply that such equal facilities are not at present provided for Indians and it is notorious that they do not enjoy anything like equality in these matters. The low lying lands are reserved for Indians only because they are for obvious reasons, not sought after by white settlers. If, for any reason, they were found to be equally suitable for Europeans exploitation, my Association has no reason to suppose but that, as elsewhere in His Majesty's Dominions, pretexts would be found to exclude Indians therefrom and confine them to the still less desirable or more unhealthy areas. It is only natural that this should be so, for, at best, it will be long before the Indians Community can exercise its full influence upon the local Administration, which is socially and in other ways more easily amenable to the views of the European section of the population. Similarly, in the case of the selection of municipal residential areas. In the very nature of things - it has already happened at Nairobi - the best areas would be reserved for Europeans. Nor do Lord Milner's arguments explain why even ownership in "European" residential or settlement areas should be denied (on sanitary grounds) to Indians, thereby depriving them of opportunities for investment

and the Administration of revenues; or why the bidding for business plots, surrounded by Indian owned and occupied business plots, is limited to European bidders.

12. My Association is confident that Indian public opinion, whether in East Africa or in India, and the Indian Government will never consent to the adoption in any form or on any pretext of the principle of racial segregation in East Africa, whether in Colony or Protectorate or Mandated Area. It is bound to imply - in spite of casuistical and plausible arguments - and does in fact imply racial inequality and indignity and it will, in India, be so regarded. Professor Simpson's reasons for municipal segregation are so patently superficial and, in some respects, even incorrect as to the facts upon which they are based, that my Association is astonished, as it doubt not, will be the people of India, that his Lordship has apparently accepted them without challenge or analysis. They will undoubtedly not be so accepted by Indians and it would be wrong if my Association did not offer his Lordship a very serious warning against the adoption of such a policy as his speech appears to adumbrate. In the Southern States of the American Union, his Lordship's arguments in favour of an increase of social amenities by its adoption might enjoy popular currency. They are unlikely to do so in British India, and, in this matter, Indian sentiment must be treated as paramount.

13. In conclusion, my Association begs respectfully to refer his Lordship to the recent reiteration by the Viceroy that "the position of the Government of India is, and always will be, that there is no justification in a Crown Colony or Protectorate for assigning to British

Indians a status in any way inferior to that of any other class of His Majesty's subjects". Not only do these remarks apply on general grounds to Crown Colonies and Protectorates over which His Majesty's Government exercise final control and responsibility, but they apply in particular to the case of East Africa, for the historic reasons that have been so frequently, in the literature of this country, referred to, and in whose economic development, for geographical reasons, India is and is likely to be still more deeply interested. In my Association's respectful opinion, the case of East Africa is the supreme test of the sincerity of His Majesty's Government in the protestations of their concern for the just and equal treatment of Indians outside India. It is useless to conceal the fact that the feeling of almost all Indians, of whatever rank or class is that, as between Indians and Europeans, it is in essentials the latter who, in the outer Empire, secure the advantages and the former who are required to submit to the disadvantages. In the self-governing Dominions, where the situation is already critical, His Majesty's Government have deliberately divested themselves of direct responsibility, for which they have to answer to Indian public opinion. If, in East Africa, to which they invited us, Indians are left to feel a sense of insecurity, instability and inferiority, the full responsibility will be brought home directly to His Majesty's Government, with the most deplorable consequences to the integrity of the Empire. It is with a view to avoid these that my Association earnestly beseeches His Lordship to refuse to extend the policy of racial segregation in East Africa, and to reverse it to the extent that it has already been adopted.

I have the honour to be, Sir,

Your obedient Servant,

(Sd.) Hy. S. L. POLAK, Hon. Secretary.

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INDIANS OVERSEAS ASSOCIATION

47 - 48 Danes Inn House
265, Strand, London W.C.2

October 14th 1920.

The Under Secretary of State,
Colonial Office,
Downing Street, S.W.1

Sir,

In continuation of my letter of August ^{5th} ~~15th~~ and taking advantage of the invitation contained in your letter No.38730/20 of the 16th idem, my Association begs to address the following further observations to the Right Hon. the Secretary of State for the Colonies on the subject of the position of His Majesty's Indian subjects in East Africa, with special reference to Lord Milner's dispatch to the Officer Administering the Government of the East Africa Protectorate dated May 21st 1920.

2. My Association desires in the first place, to repeat its satisfaction that Lord Milner, his attention having been drawn to them, has once more publicly dissociated himself and His Majesty's Government entirely from those parts of the report of the Economic Commission of Inquiry in which His Majesty's Indian subjects resident in the Colony were referred to in language of a highly offensive character. My Association is equally gratified

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to observe, that in communicating Lord Milner's views to the Indian leaders at Nairobi, His Excellency the Governor took occasion to state expressly that the sentiments contained in the Commission's report did not represent the views either of himself or of the Government of the Colony. This repudiation is welcome, having regard to the unanimity of the report and the fact that the Commission had been appointed by the local Government and was composed of, among others, high officials of the Administration, one of whom presided over its deliberations. My Association earnestly trusts that, as a result of the action thus taken by Lord Milner and the Governor of Kenya, the officials of the Administration, high and low, will realise that their duty lies in the equal protection and service of all classes of the population of the Colony, regardless of racial considerations and prejudices. At the same time my Association ventures to express the hope that preferment and promotion will be withheld from those officers of the Government who, by their conduct and expressed opinions with reference to the Indian settlers, have shown or may in the future show their unfitness to exercise power impartially in a Colony so highly surcharged with racial feeling as Kenya.

3. No event in the Colony, during the last two years, more gravely exercised my Association than the resolution passed by

the Convention of Europeans (popularly known as the "White Man's Parliament", and sometimes described as the "Lower House" of the Colonial Legislature) in 1919, in which it was sought to lay it down that the lines of the Colony's development must be in the direction of "Our Christian Western Civilization", it was declared that "the maintenance of this country (East Africa) depends entirely on the prestige and force of character of the White man", it was pretended that the Imperial Conference, by its reciprocity resolution, had recorded as the "final judgment of the British Commonwealth" that "the principle of self-determination shall govern migration and the composition of populations", and had thus sanctioned a prayer that "the function so solemnly pronounced to be inherent in the Government of this British community may be exercised by us in order that this stronghold of European Colonization in Central Africa might take her stand beside her sister Colonies in their policy of ultimate Asiatic exclusion" and it was urged that "to the conquered territory the same policy of ultimate Asiatic exclusion be applied". My Association is constrained to remark that had similar extravagant claims been made by any public body of Indians of the same representative character, it would have been denounced by the anti-Indian press as extremist and irresponsible. Apparently, however, the resolution did not call forth any

condemnation of its reprehensible recklessness and studied provocativeness from the Local Administration, and my Association, therefore, greatly appreciates the fact that Lord Milner has taken steps to allay the alarm felt in Indian circles in East Africa and throughout India by definitely refusing to countenance any exception restrictions which would place His Majesty's Indian subjects at a disadvantage as compared with other immigrants. This declaration of policy ought, in my Association's view, to make it abundantly clear that His Majesty's Government will not tolerate any attempt to make of the East African territories areas reserved for exclusive colonization and occupation by any one race or community, either presently or prospectively, and that the local Administration will use every occasion to discourage activities on the part of any community based upon principles of racial domination as regards their fellow-colonists.

4. My Association further observes with satisfaction that, as it gathered from his speech in the House of Lords on July 14 last, Lord Milner has recognised the strength of Indian hostility to the practice of nomination of Indian representatives to the Legislative Council, thereby placing upon them an indignity from which the European community has been statutorily exempted. It is a matter of gratification that, in principle, both Europeans and Indians are, in future, in the Legislative,

Council and the Nairobi Municipality, to be represented by elected members and that a statutory racial differentiation of a highly invidious character will be thus removed.

5. In dealing with the questions of the extent of the representation and the nature of the franchise, in its letter of August 5, my Association took occasion to remark that it "feels that this, too, is a matter in which the numbers, the importance of the interests, and the desires of the local Indian population, as well as its historic claims, should receive at the hands of His Majesty's Government the fullest consideration. In my Association's opinion the representation should be adequate and not niggardly so that Indians may not have to complain that whilst the principle of elective representation has been established, it has, in practice, been rendered nugatory, and the community is, in fact, left without influence, either as regards the European electorate or the Local Administration. And the franchise ought to be on an education as also on a tax-paying qualification of a not too exigent character. These suggestions do not in any way exhaust those which my Association could place before his Lordships, but are by way of an indication of the requirements of the situation if Indian sentiment is to be properly recognised and the fullest co-operation sought".

6. My Association, in reading Lord Milner's dispatch, observes with great regret that his Lordship has failed to meet, in these respects, any of the legitimate desires of the Indian community. Though he is well aware of the pioneer character of Indian settlement in the country (long antedating that of the white colonists), the large Indian population (British subjects) outnumbering the European (British or Alien) by at least four to one, their great stake in the country, their large vested interests, and the preponderant proportion of the taxes paid by them, my Association is disappointed to observe that he proposes to limit their representation in the Legislative Council to two elected members, as against a total European membership of 29 (18 official and 11 non-official seats). His Lordship must already have observed that Indians in East Africa & the people of India have unanimously condemned the inadequacy of this representation. It cannot be pretended, having regard to the present composition of the Council and to the attitude hitherto adopted by the Convention of Europeans, whose representatives in large numbers (some of whom were signatories of the Economic Commission's Report) have seats in the Council, that the interests of the Indian population can be effectively voiced and protected by two members, who must inevitably form an inconspicuous and helpless minority in any matter where there exists a conflict of interests.

7. My Association notes that Lord Milner derives encouragement for his contemplated action from a remark attributed to Lord Islington, on the occasion of the reception of a deputation under its auspices last April, to the effect that "he realised that a solution of the present difficulties could not be found in granting the franchise to Indians in the Colony generally on the same basis as to Europeans" My Association fears that far too narrow an interpretation has been placed by Lord Milner upon a casual remark, of which it has no record, and may have fallen from Lord Islington, giving expression to a personal opinion. My Association has received from Lord Islington an explanation of his meaning, of which I enclose a copy herewith and it is difficult to see how Lord Milner has found justification for the limitation of the Indian Community's representation in the Legislative Council (and apparently, too, in the Nairobi Municipality) to a negligible figure consequent, as it would appear, upon an extremely narrow franchise. His Lordship seemingly is unaware that the average of the East African Indian population is higher than that in India itself, being composed very largely of merchants, traders, professional men and public servants, large numbers of whom, under the Reforms Scheme, are eligible to exercise the franchise in India either for the Provincial Council or the Legislative Assembly.

It ought not to be at all difficult, assuming that racial considerations, which his Lordship expressly repudiated to the deputation, are not allowed to influence policy - to devise a liberal franchise, that would give a substantial electorate warranting an effective representation based upon educational attainments, the payment of a certain amount of taxation, the possession of property of a certain value or some other equivalent qualification. No difficulty has been found, either in the Cape Province or in Southern Rhodesia, in admitting Indians to the franchise in a general electorate on liberal conditions. My Association accordingly ventures to urge his Lordship to reconsider his decision in respect of the extent of the representation and the nature of the franchise, with a view to satisfy the legitimate needs and aspirations of the Indian population of East Africa and enable it to exercise an effective voice in the affairs of the colony. It is presumed, from the assurance contained in paragraph 2. of your letter of August 16, above referred to, that Indians in the Protectorate will be similarly enfranchised.

8. It is with regret that my Association notes that, in his dispatch, Lord Milner has not touched upon the grievance referred to in paragraph 7 of its letter of August 5. My Association does not propose here to repeat its argument in

favour of the admission of an Indian element in the Executive Council. It would, however, once more press its recommendation upon his Lordship's careful consideration, if the Settlement now proposed is to be dealt with integrally, as, in my Association's respectful opinion, it should be. His Lordship's omission has aroused much adverse criticism in Indian circles, and is likely to be misinterpreted as a decision on the part of His Majesty's Government to maintain an invidious racial distinction in favour of a privileged section of the population. Such a misapprehension may be easily allayed with great advantage to constitutional government in the Colony.

9. My Association welcomes Lord Milner's recommendation to the Colonial Government that, in the provision of increased educational facilities, full consideration should be given to the claims of the Indian community. Such provision should if generously made go far to resolve some of the perplexities that have faced the Administration in the handling of other aspects of the problem now under discussion. Indeed, had the Administration realised at an earlier date its duties in this regard and the close connexion between a sound education policy and useful citizenship, there is little doubt that this problem would be far less acute than it is today

10. My Association is encouraged to find that His Lordship

has urged the Colonial Government to take early action to extend the privilege of trial by jury to Indians. This action has been already long delayed, and, in my Association's opinion, should not now be adopted by way of experiment only. The principle of trial by jury for Indians has long since passed the stage of experiment in India, of which fact, naturally, His Lordship will have taken note. at the same time, my Association would urge that in all jury trials mixed juries only should be empanelled.

11. With regard to the position relating to legal practice His Lordship's remarks do not appear to my Association to be quite clear. It has been represented to my Association that certain classes of practitioners, admitted to practise in the superior Courts in India, are excluded from practising in the Colonial Courts, and it is submitted that, in so far as any rules of Court have this result, they should be amended.

As to the question of medical practice, it would appear that His Lordship is under a misapprehension of the facts. My Association is advised that an Indian sub-Assistant Surgeon, however inexperienced when he enters Government Service, is entitled, from that moment and so long as he remains in such service, to undertake private practice, but that, immediately he ceases to be in service, he may not do so. This is an obvious anomaly that should be removed at an early date, and my,

Association has no doubt that His Lordship will recommend to the Government of Kenia that steps be taken to find a suitable remedy.

12. With reference to the question of railway travelling my Association fears that His Lordship's solution will not be received with satisfaction by the local Indian population, and it regrets that he should have made a recommendation that appears to it to crystallise and give permanency to a grievance (the grounds of which have already been brought to Lord Milner's notice) under which Indians are suffering acutely. It has been suggested that the whole question might usefully be dealt with privately at a round table conference of representatives of the Indian and European Communities convened by the local Government and my Association ventures to hope that Lord Milner will favourably recommend to the Kenia Government the adoption of this most reasonable proposal for the establishment of better social relations between the two communities by the elimination of a prolific source of friction

13. Among other disabilities to which reference has been made in the various representations placed before his Lordship are those relating to the issue of prospecting and mining licences, the admission of Indians on equal terms to the higher ranks of the Public Services, and their appointment to Commission

of Inquiry and to such public offices as those of Justices of the Peace and visiting Justices to Jails and Lunatic Asylums, These disabilities are not merely those of status, but they result in many obvious practical hardships for the Indian population. My Association trusts that Lord Milner's silence on these questions does not imply that he is disposed to disregard the complaints of that population thereon, and that he will invite recommendations from the responsible leaders of the Indian community for further consideration.

14. There remain to be dealt with His Lordship's decisions on the problems relating to Land Acquisition and Segregation, My Association, in view of the length of this communication and the importance of these questions, proposes to reserve its observations thereon for a further letter.

I have the honour to be Sir,

Your obedient Servant,

(Sd) Hy. Ch. Polak.

Hon. Sec.

E X T R A C T from LETTER from LORD ISLINGTON to the HONORARY
SECRETARY, INDIANS OVERSEAS ASSOCIATION dated SEPT.28th 1920

In reply to your letter of the 22nd instant, I beg to say that unfortunately I have no record of the speech I made on the occasion of my introducing the Deputation in connection with the Indians Overseas Association to Lord Milner at the Colonial Office. It is quite true, however, that in the course of my speech I made allusion to the question of the franchise of Indians in the protectorate in regard to representation in the Legislative Council. Reading the extract you have sent me from Lord Milner's Dispatch to the E.A.P. Administration (I have not yet seen the Dispatch) I realize that I cannot have conveyed to Lord Milner in my remarks the precise object I had in view in referring to it. What I intended to convey in my remarks in this connection was this - that the Indian population in B.E.A. was far in excess of the British population and that I realised, in granting an extension of Indian representation on the Legislative Council, it could not reasonably be expected that such extension should be based on the same lines as the British representation, otherwise it would obviously entail a majority of Indians over British on the Legislative Council and so swamp

the vote of the latter. This, is my judgment, would be unreasonable. What was wanted was a fair and sufficient representation of Indians on the Legislative Council based upon an elective system as distinguished from the present nominated system. I did not attempt any suggestion as to the method that should be adopted in regard to an Elective System.

This is, so far as I can recollect, the substance of what I said. Anyway, it was what I meant to convey. Lord Milner apparently interpreted my remarks to suggest a different method of Franchise for Indians to that now in practice for the British. As regards this point, I am not prepared without further examination and knowledge to offer an opinion, and I certainly did not intend at the Colonial Office to suggest one. All I meant to suggest was that the proportions on the Legislative Council of Indians to British could not be based on population, as that would be unfair to the British Community. This would necessarily imply that in devising the Elective System for Indians the number eligible for the Legislative Council would have to be laid down. As to what that number should be would depend on the size of the Legislative Council and its general composition. I note in your extract from Lord Milner's Dispatch that two Indian Members are the number decided on by him. That would appear to be a meagre proportion.