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The Violation of Native Rights

By The Rev Mervyn J. Stewart

It was my pleasant task ten years ago to direct the attention of the Copenhagen Conference on Taxation of Land Values and Free Trade to the basic agreement on Georgeism with "native" custom and equitable agrarian laws, whether the "natives" were of Central Africa, India, the Pacific Islands, or Great Britain. It was then, and to-day it remains, true that in three great human groups there is no *lawful* private property in land to the extent of doing harm to fellow-men for personal profit. "JUS ABUTENDI." These are the British Empire, the Soviet Republics, and any part of the Moslem world where the sacred law (based on that of Moses) is still respected.

But there is a lag between theory and practice, and study of recent British Colonial administration under Mr J. H. Thomas and Mr Malcolm MacDonald shows how gentlemen profoundly ignorant can to-day repeat the Cornwallis "Permanent Settlement"* of Bengal, imitating misunderstood English law with as disastrous results. "They had no clear idea of the evolution of the system they found, while they brought with them a clear conception of the landlord system in England" (*Studies in Tropical Land Tenure*, by Dr H. M. Leake-India, p. 3).

It is not possible in a brief paper to cover all the faults which can be made by many rulers in many countries: but by happy coincidence the latest report on one official injustice has all the faults together. The *Report on Emigrant Labour, 1935* (Zomba, 5s., Colonial Office) tells us that large tracts of British Nyasaland have recently been depopulated of "adult male labour" (official dialect for trustful fellow-men) by taxes on huts and persons which a man can by no means earn while he stays on the family land. The intention is of course to provide cheap labour for the large areas of private plantation as in other places, etc.; Kenya, India, and the England of Commons Enclosure areas. The tax is but six shillings, truly; but Para. 32 speaks of a wage of 4s. a month—six weeks' tax for each hut, and each wife has a hut; while unmarried men pay the same amount as a poll tax. The men thus uprooted do not stay on the local plantations, but find their way to other countries round about. At first they remit large sums home to pay their wives' taxes, but they tend to stay away and keep their money; they are then called *machona*, "the lost ones"—very like the Irish migrants, who sent "bread" at first from the United States.

* Reg. No. 1 of 1793.

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Some fifty years ago a deputation of the Irish Parliamentary Party was collecting in America for a "distress relief fund," and one contributor said "Here is five dollars for bread, and five for lead." The terms and the acceptance of this gift marked the turning away from the Michael Davitt policy of equal rights in land value to the illusion of the Marxist "bath of blood" as cleansing. Let those who madden, but cannot constrain, Africans beware!

It is estimated that nearly a third of the men are thus "migrants" and lost (Para. 24): their wives are quite unable to maintain their children and pay the tax for which they are in practice illegally held liable, and they are driven to beer-making and prostitution as the only possible source of income. (Para. 82). This shows an interesting parallel with the recent revolt of women in Southern Nigeria, when many of them were shot by the police. Here too they said they were driven to prostitution in order to live, as their men were absolutely impoverished by taxation: the official bland reply was that women were not required to pay men's taxes, and they had no grievance. The present Colonial Secretary, Mr Ormsby-Gore, mentions of this area of Southern Nigeria that many native "stools" (municipalities) are bankrupt by litigation for untaxed land. These land-boundary cases run into hundreds of thousands and are unknown in Northern Nigeria where land-value is confiscated by the Lugard Code. (See his *West Africa*, 1926, p. 117.) How many British women pick up a few shillings to "make ends meet"—ends separated by skilful taxation?

The Colonial Secretary can understand that even if a border area has a long history of conquest and re-conquest no person and no group is going to litigate over who shall pay the highest land-revenue for it, as in Northern Nigeria, into the public treasury for joint advantage, though any person or group will cheerfully pay for all they can utilize. But if the social value of land, as in Southern Nigeria, is a prize in a judicial lottery in which all must participate and prizes can be won only by litigants, it is nauseous hypocrisy to comment on a "hobby of litigation," to avoid which is to incur collective bankruptcy and personal ruin, sharpened by poll taxes, equal for rich and poor.

"Having nothing else to sell, the native has sold himself (herself). The need to find money to pay taxes . . . etc." (*Modern Industry and the African*, p. 135., by E. A. G. Robinson). In their Introduction the Commissioners report that "six months before not one of them realised the seriousness of the situation"—it is this evidence of ability to learn which is the most cheering sign! Every witness agrees that the tax is the first or only (para. 41) cause of depopulation: for no native in his home has any cash or can get any. "The majority of emigrant labourers have gone abroad for the express purpose of earning money to pay tax and to buy clothing and imported articles regarded as necessary." (Para. 9.)

In three districts (paras. 31, 32) the hut and the poll tax paid in 1934 was £18,379. A careful estimate of the total earning power of this area gives £14,000 as extreme income, so £4,379 has to be raised from other sources before tax obligations can be met. (Para. 34.) What can they do but fly the country? "Unless the causes of migration are counteracted and the migration itself controlled, in no distant future the Protectorate will have reached a desperate condition . . . The Natives will hate administration by white people which has been responsible for such results" (Chap. vii, sect. 95).

This is a fairly safe prophecy in view of the attitude of the survivors in the Scottish Highlands, in Ireland, in Brittany, and in Spanish Galicia, to the introducers of laws of land monopoly and penal taxation under which emigration in each case has reduced their numbers to a handful. But in no Gaelic land has the expedient been so far introduced of requiring a "pass" or permit to emigrate when utterly desperate, thereby screwing down the Nyassaland safety valve!

The notorious laziness of the African is indicated in para. 113. "Unless the financial return is considerable the average native will not carry his produce for more than twenty miles": it seems that he could get 9s. 4d. for a hundred-weight of cotton after growing it and carrying it twenty miles, if first grade. (Para. 34.) But for ground nuts, a less attractive crop, he would get only 2s. 4d.

A traveller in Southern Nigeria has recorded that women walk *sixty* miles to the railway with all the yams or fruit they can carry, to get a piece of iron for tools, or money to pay hut tax; but the railway finances require separate study together with the cognate subject of taxes on petrol-driven road transport in relief of landlordism. This petrol tax, which falls like a revenue tariff upon the cost of living and is paid by persons in inverse proportion to their means and ability, has been used by the small exploiting class in New Zealand with singular dexterity as a substitute for the land value rates to which working farmers and home owners are increasingly inclined to vote.

Few local authorities to whom even just rates are a last straw to a load of unjust taxes resent large Government grants in aid of main road costs: though the petrol tax falls very severely on owners of remote houses and on distributive business and not at all on first mortgages, "gold mine" sites in City centres, and all vacant lots. "A bone off his own tail for the hungry dog." A strictly relevant case of civic revolt for justice against a corrupt ruling class (in mask of democracy) is related by Mr Henry Ellert of Milk River, Alberta—the Georgeist area which stood as a rock in the late raging floods of Douglas Credit illusion fomented by Alberta oligarchs. The town of Milk River rates only on land value; it is out of debt, has no arrears of taxes, and has substantial cash in hand. It was proposed by petition of more than half the ratepayers to reduce the rates by a half; and this was considered by the Council and at the 1936 annual meeting of the ratepayers. The Georgeist majority on the Council showed that by the change proposed a majority of the ratepayers would save from 5s. to 20s. a year, while a very small minority would save from £5 to £30 a year; while again many ratepayers, by lessening public expenditure, would lose their previous opportunity to earn all and more than their rates by paid public employment. The discussion was followed by an election to the Town Council, when the candidate in favour of this concession to the special privilege class was defeated by three to one by a champion of the full rate.

Somewhat similar conditions are reported from the town of Collierville, Tennessee; and these matters should be pondered upon by Canadian and United States civic administrators in view of the gigantic amounts of "delinquent" municipal taxation, apart from the violation or maintenance, as the case may be, of personal rights.

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MacGregor Ross, in his book on Kenya, deals faithfully with the official sacking of the Uganda railway and all its clients by typical Port concessions to the group of land sharks whose private interests have dominated the Colony from its birth.

It is perhaps too much to hope that some day Parliament will ascertain the current yearly charge upon British railways for compensation paid to property owners when they were built : but it is quite relevant to note that the present Colonial Secretary (Rt. Hon. W. Ormsby-Gore) in his *West Africa*, 1926,* castigates the wanton extravagance of the Nigerian Railways, charged for example with large sums for "compensation" at terminals on the "Slave Coast," which had never been legally demanded, and in one case had never been suggested. He instances Port Harcourt and Aba as "notorious" cases, implying that others exist. This wickedness entails needlessly high freights and fares, which are mentioned in the Zomba report (112) as a potent aggravation of poverty. It is not unusual to collect cost of railway extension from property along its length : this is of great advantage to the concessionary at the sea terminus such as at Mombasa, Kilindini, Singapore, Port Harcourt, and in Australia and New Zealand where the natives are "white," and bled white with taxes for benefit of a few great urban landlords and tariff lords.

When we regard the atrocious conduct of, say, the Government of Kenya in taxing Huts and Polls six weeks' wages each year, in a currency not procurable in a man's home (equivalent to a yearly tax in Continental European coinage of say £15 a year in Britain) it is highly gratifying to note† that the *elected* Town Council of Nairobi, the capital, has for years rated only on land value at increasing severity in face of official pressure to rate improvements (*Kenya Year Book*‡) : a like right to exempt the products of human industry at Mombasa is denied to the *nominated* local authority as the Government Commissioner rules and does as he will. Many of the fine settlers' groups in Kenya, as at Koru, etc., asked the Feetham Commission for authority to raise funds thus equitably, but nominees of the privileged class in Britain and Kenya forbad.

An example of this "White Terror" is in a notable book, *Studies in Tropical Land Tenure*, by H. Martin Leake, Sc.D. (Trinidad : 1933, 2s.). Dr Leake covers practically the whole tropical British Empire with skill and charm : but it is an opportunity missed that his only reference to land value, its collection, or its taxation, is in describing the revaluation of Crown land leases in Fiji. The revaluations of leases in Malaya, in Nigeria, in Tanganyika, are dismissed as a "revision of rents" with no suggestion as to site value alone being the basis of revision. Allowing for this omission it is a most excellent work of reference. The description of the Zemindari land system of India in which the chief tenant of the state-owned land (who was perhaps a feudatory ruler, perhaps a deserving courtier or soldier for whom suitable occupation and reward was needed, perhaps a revenue officer on a tour of duty), found his own subordinate staff, negotiated business with farmers, raised local troops for his own protection, and remitted surplus funds to the Treasury, is of special interest to students of European history. It is of more stability in periods of war or

* CMD. 2744, pp. 118, 116, 138, etc.

† *Kenya Blue Book*, 1934, p. 152.

‡ *Kenya Year Book*, 1933, latest issued.

civil disturbance than *ryotwari* or direct peasant tenure, and as just, if only reasonable fees for service rendered are left to the Zemindar (or, as we say, to the "superior tenant"). It would have been of special interest to have had Dr Leake's account of the lawless British exemption of "urban" land in Bombay from periodical revisions for revenue from site values, of which the Hon F. G. H. Anderson, late a member of Bombay Governor's Council, gave a statement in "*Facts and Fallacies about the Bombay Land Revenue System* (almost unprocurable, published at Poona), and to the Edinburgh Conference in 1929 on Taxation of Land Value and Free Trade. His measured condemnation (p. 4) of the long Indian terms of "settlement" of land value revenue (30 to 40 years) is very sound in its attribution of agrarian unrest to fixed rentals in a long period of falling prices: as is his censure of the prohibition of the Royal Commission on Agriculture in India to investigate tenures or assessments. (p. 54.)

Long terms of fixed land tax lead equally to agrarian unrest when prices are rising. To give an unearned increasing equity in land value for years and suddenly to demand its surrender is likely (as at Bardoli) to cause avoidable trouble.

There are many books on the subject of Violation of Native Rights—Right to Land, with freedom from all taxation, for subsistence—for land value tax is no burden but all have the same silence on the Georgeist proposition—*sum cuique*—to each his own. Perhaps the very best is *The Golden Stool* by Edwin W. Smith (C.M.S., 1927, 3rd edition, 2s. 6d.). Dr E. W. Smith is a high official of the British and Foreign Bible Society of London and generally recognised as the highest living authority on the impact of white culture on the African blacks from the missionary viewpoint. He says of Africa "The pendulum swings to the time of the Hegelian logic: *thesis*, collectivism: *antithesis*, individualism. The *synthesis* has not yet been found in a system which does equal justice to the social and self-regarding instincts of man." (p. 214.)

This great writer of a thought greatly expressed in these words is part-author of many books on Africa. He should proclaim and not conceal that this noble "synthesis" is found in the Lugard-Morel-Wedgwood-Byatt code of Georgeist legislation which, if honestly obeyed, would assure in Africa, in Australia, or in Westminster, the rights of the natives and of the community—if you like, the Crown as Trustee. "Socially and self-regarding."

It is doubtful if the law is observed;* but here it is; no poet's dream; but Statute "such as bled on the Whitehall Block." "Whereas it is expedient that the existing customary rights of the natives of Northern Nigeria to use and enjoy the land of the Protectorate and the natural fruits thereof in sufficient quantity to enable them to provide for the sustenance of themselves and their families should be assured, protected, and preserved; and whereas it is expedient that existing native customs with regard to the use and occupation of land should, so far as is possible, be preserved . . ."

* *Report on Northern Nigeria, 1934*; speaks of result as a "graduated income tax"! A block levy on a village is allotted at general discretion of the elders or privileged group!

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(Preamble to Ch. LXV of Laws of Northern Nigeria, 1910) :—

“ . . . It shall be lawful for the Governor—

“ (a) to grant rights of occupancy to natives of Northern Nigeria and to persons other than natives of Northern Nigeria ;

“ (b) to demand a rental for the use of any native lands granted to a native or non-native ; and

“ (c) to revise the said rentals at intervals of not more than seven years.”

—Sec. 6.

“ In determining the rent to be demanded for any given land and on any subsequent revision of rent the Governor shall take into consideration the rent obtained or obtainable in respect of any other like land in the immediate neighbourhood and shall fix the rent at the highest amount that can reasonably be obtained for the land : provided that in determining the amount of any rent, whether original or revised, the Governor shall not take into consideration any value due to capital expended upon the land by the same or any previous occupier during his terms of occupancy, or any increase in the value of the land the rental of which is under consideration, due to the employment of such capital.”—Sec. 13.

The Governor *shall* : does he ?

A clergyman lately an officer in Tanganyika Service boasted to me, as a virtue, thinking I would sympathize in his attitude : “ It is the hut tax which gets the labour off the Reserves. They can always meet the revenue to the local chiefs for tribal funds by working a bit harder at home, but must come out to get the cash.” This is the *commentary* on the text of Byatt's adoption of the Lugard code in Tanganyika Land Ordinance No. 3 of 1923.

Would you seek the synthesis in Asia ?

On and after the 1st January, 1915, and thereafter at 30-year intervals, rents of leased Crown Lands may be revised : provided always that in making such revision no improvements made by the landholder or his predecessors in title shall be taken into account. (Laws of the Straits Settlements, 1926, Ordinance No. 34, quoting Ordinance No. II of 1886.)

This is the foundation of the seemly and decent land laws of Malaya, “ the land of Progress without Poverty,” as set out in any handbook : it is the only code which is in agreement with British basic law, and when a Thomas or a MacDonald allows violation of these rights in the humblest village of “ savages ” he is turning a sword against every home of a native of the home land, of the dying-out British Dominions, and of the whole international structure of the human family, who are, but for privilege, born to be friends.

This paper deals inadequately with the disinheritance of the African chiefly, symbol of the agonising masses everywhere. The Greeks saw in the African man, patient and enduring, the giant Atlas on whose weariness their gods had pity, and turned him to stone : great, as the Atlas mountains overtop their Olympus. But their poets had a sharper edge to their wits. “ There was once a Libyan wrestler and athlete who was always victor.” He was Antæus, and son of Ge, mother-earth. When overthrown and cast down on his mother's bosom he drew new strength from her —so futile is it to make a slave of the African ! But a subtle Greek penetrated his secret. He took him to his bosom, lifting him off the earth, when he was easily destroyed.