

Third session

TANGANYIKA

PETITION FROM MR. PAUL WAMBA KUDILILWA DATED 12 JANUARY 1948  
(DOCUMENT T/PET.2/43)

OBSERVATIONS SUBMITTED BY THE GOVERNMENT OF THE UNITED KINGDOM

In accordance with rule 86, paragraph 2 of the rules of procedure for the Trusteeship Council, the Secretary-General transmits herewith to the members of the Council the following observations on the petition from Mr. Paul Wamba Kudililwa, dated 12 January 1948 (document T/PET.2/43), concerning the Trust Territory of Tanganyika.

United Kingdom Delegation  
to the United Nations,  
New York

18 June 1948

The permanent United Kingdom representative to the United Nations presents his compliments to the Secretary-General and has the honour to transmit to him two copies of Observations by the Government of the United Kingdom on the Petition to the Trusteeship Council by Mr. Paul Wamba Kudililwa (T/PET.2/43). It is regretted that these observations were not transmitted to you before and it is requested that they should now be circulated to the Members of the Trusteeship Council in accordance with rule 86 (2) of the Council's rules of procedure.

Received at the United Nations on 21 June 1948

/PETITION

PETITION BY PAUL WAMBA KUDILILWA (T/PET.2/43)

OBSERVATIONS BY THE GOVERNMENT OF THE UNITED KINGDOM

1. Mr. PAUL WAMBA KUDILILWA was until 1941 Chief of the Shinyanga area of Shinyanga District in the Lake Province of Tanganyika. He was removed from his position following a report in August 1941, from the Provincial Commissioner that he had been guilty of converting to his own use both the proceeds of fines imposed by the Shinyanga native court, and voluntary contributions which had been paid to him for the local War Fund.
2. This was not the first time on which this Chief had been guilty of such misconduct. In 1929 he was found to be collecting tax-money from his people without issuing tax-receipts and converting the money to his own use. The sums so misappropriated were repaid, and on that account, and in view of Mr. Wamba's record of good service, criminal proceedings were not instituted against him: he was, however, severely reprimanded by the Officer Administering the Government of Tanganyika and warned that any further irregularities would not be leniently treated but would lead to loss of office. Copies of the Provincial and District Commissioners' reports on this incident, together with a copy of the decision of the Officer Administering the Government on the case, are attached.
3. In 1940 Chief Wamba was found to have been converting to his own use the money paid from the Native Treasury for the salary of subordinate native officials in his chiefdom, but in view of his good record of work and the fact that the money was repaid, no action was taken against him beyond a severe reprimand and warning by the Provincial Commissioner, and the withholding of his salary for a month. The circumstances of this incident are described in sub-paragraphs (1), (2) and (3) of paragraph 1 of the Provincial Commissioner's report of 4 September 1941, a copy of which is attached.
4. As has been stated in paragraph 1 above, in 1941 Chief Wamba was found again to have converted public money to his own use and as a result the Provincial Commissioner suspended him from office and recommended that recognition of him as Chief of Shinyanga should be withdrawn. Judged by the size and population of his area, Chief Wamba did not rank as an important chief, and by the powers delegated to him the Provincial Commissioner could have withdrawn recognition without prior reference to the Governor of Tanganyika; but in view of the fact that Chief Wamba had been awarded the King's Medal for Native Chiefs (in silver) in 1925 and had subsequently received both the Jubilee and Coronation Medals, the case was referred to the Governor for decision. The circumstances of the case are set out in sub-paragraphs (4) and (5) of paragraph 1, and in paragraphs 3 to 5 of the Provincial Commissioner's Report of 4 September 1941.

/5. At this time

5. At this time Chief Wamba had a long interview with the Provincial Commissioner and afterwards with the Acting Governor, who after lengthy consideration decided that he must withdraw recognition of Mr. Wamba as a chief. This decision was taken with regret, since Mr. Wamba is an extremely enlightened and intelligent man, who, apart from his periodic financial lapses had performed valuable services. He had nevertheless been warned on two previous occasions, and to allow him to remain in office after the third case of misappropriation would have had a bad effect on his fellow chiefs of the Sukuma Council and on other chiefs who may not at that time have fully realized the obligation imposed upon them in connection with the custody of public monies passing through their hands.
6. In view of Mr. Wamba's long record of good service he was not deprived of the King's medal awarded to him in 1925.
7. On 10 January 1942, a petition was received from Mr. Wamba addressed to the Secretary of State for the Colonies in London protesting against his deposition, but, having regard to the circumstances described in this memorandum, the Secretary of State deemed it inadvisable to interfere with the decision taken by the Acting Governor and Mr. Wamba was so informed on 17 March 1942. On 26 September 1946, a further petition was received from Mr. Wamba by the Secretary of State in London, but since it consisted of substantially the same points as the petition received on 10 January 1942, the Secretary of State saw no reason to revise the decision reached in 1942 and Mr. Wamba was so informed.
8. In paragraph 2 of his memorial the petitioner states that he incurred the enmity of the District Commissioner through having called attention to an irregularity on his part in connection with Native authority funds. There is no foundation whatever for this allegation which has only now been advanced by the petitioner after final rejection of his petition by the Secretary of State.
9. It will be observed from the second enclosure to the petition that Mr. Kudililwa was refused permission in 1942 to come to England to lay his case before the Secretary of State. At this time owing to war conditions it was only possible, with great difficulty to provide passages to the United Kingdom for persons compelled to travel on public duty or for most urgent personal reasons. In view of the decision reached by the Secretary of State after most careful consideration of all the relevant facts, the Governor was confident that Mr. Kudililwa's visit to the United Kingdom would not cause the Secretary of State to reconsider his decision and decided therefore that a passage should not, in the circumstances, be made available for him.

10. In the opinion of the Administering Authority, the petition dated 12 January 1948, and forwarded to the Secretary-General of the United Nations calls for no further comment beyond that contained in the preceding paragraphs of this memorandum. It may however be remarked, in connection with paragraph 4 of the present petition, that following Mr. Wamba's deposition, the Elders of Shinyanga unanimously elected a successor to him, in the person of the grandson of a former chief and that a large gathering of the people accepted this choice.

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LAKE PROVINCE

PROVINCIAL OFFICE,  
MWANZA.

4th September, 1941

No. 723/32.

The Honourable

the Chief Secretary,

Dar es Salaam.

With reference to your telegram No. 28898/5 of the 30th of August and my reply No. 723/31 of the 2nd of September on the subject of Chief Wamba, K.M. of Shinyanga, I would confirm that I suspended this chief for the following reasons:

- (1) In 1940 it was discovered that he had kept for his own use for over a year the pay of his personal messenger.
- (2) On July 26th, 1940, the District Commissioner discovered that he had received the money from the Sukuma Treasury, but had failed to pay the June salaries of all his Watwale and Wenangwa. When taxed with this he admitted it, borrowed money from some unknown source and paid the salaries of the Native Authority employees mentioned.
- (3) His brother chiefs of the Sukuma Council, who were of course well aware of Wamba's actions, openly expressed to the District Commissioner their annoyance at such behaviour by one of their number. Disciplinary action had to be taken and I personally severely reprimanded and warned Wamba and fined him a month's salary which was deducted in two monthly instalments. I took this lenient action in view of his apparently good record during the last ten years.
- (4) Recently the District Commissioner discovered that monies collected by Wamba from his people for war funds had not reached the District Office and he went to Wamba's headquarters and discovered that he had taken Shs.570/- war fund money and Shs.387/- in court fines. He sent for Wamba, who was on safari, and after some days he came in, first having written to the District Commissioner informing him that the monies mentioned had been taken over by his elders which was obviously untrue. The District Commissioner then investigated the matter further and the Chief's clerk told him that Wamba had himself taken this money and had put in an "I.O.U.". This happened a month and a half after the money had been collected. Wamba admitted borrowing it and was given two days in which to pay it back. He obtained the money by sending his representatives throughout the district and into the bazaar to borrow it. The sum of Shs.957/- was therefore paid back.

/(5) Investigations

- (5) Investigations just completed have failed to show who the lenders were and have not disclosed any more irregularities.
2. It has been ascertained that the anonymous petition to me dated the 19th of August, copy to you and to which you refer in your telegram under reference, was written by one Mtwale, one Manangwa and one tribesman.
3. As a result of this incident the other chiefs of the Sukuma Council are outspoken in their condemnation of Wamba's conduct claiming that he has besmirched the reputation of the whole Council. Some have even said to the District Commissioner that if Wamba "gets away with it" again the impression must be created that other chiefs can behave similarly with impunity.
4. Judged by the population of his country, Wamba is not an important chief, but I regard him as such as the holder of the King's Medal. I recommend to His Excellency his deposition and would mention that he has elder brothers one of whom is thought to be fully capable of administering the chieftom. Wamba's pay for over a year has been £20 per month.
5. In considering these matters I would ask you to refer to your letter No. 13069/15 of the 21st of March, 1929, to the Provincial Commissioner, Tabora, which acknowledged a report on financial irregularities committed by this chief. I would also refer you to your letter No. 13069/228 of the 26th September, 1931, which referred to Wamba's failure to repay a loan by Government.

(Sgd.) G. F. Webster  
G. F. WEBSTER  
PROVINCIAL COMMISSIONER,  
LAKE PROVINCE.

/TABORA

(COPY)

TABORA PROVINCE

PROVINCIAL OFFICE,

TABORA.

6th March, 1929

No. C/13/48

CONFIDENTIAL

The Honourable

The Chief Secretary,

Dar es Salaam.

I have the honour, with great regret, to forward a report from the District Officer, Shinyanga on the subject of irregularities, which have been found in connection with the collection of the Hut and Poll Tax in the unit of Chief Wamba.

2. The report from the District Officer deals fully with the matter and you will notice that there has been no loss to Government.

3. The position regarding Wamba's finances, as stated by the District Officer is correct. Had he joined the Sukuma Federation from its inception his pay would have been 7200/- a year, but as he remained outside his unit could only afford to pay him 1800/- a year. When he joined the Sukuma Federation in 1927 the District Officer recommended that his pay should be increased to 300/- monthly, but the matter was referred to the Sukuma Council and the increase to 220/- monthly only was approved. This is the rate of pay he receives today and there is no doubt that he finds considerable difficulty in making both ends meet on it.

4. I do not find myself in complete agreement with the District Officer's recommendation that Wamba should only be severely reprimanded. At the same time I see considerable difficulty in dealing with his case. He is a clever man, a go-ahead and intelligent Chief and I should be sorry to lose him. As his pay is so small it is useless to think of reducing it. To do so would be to look for trouble. In the event of Tanganyika Diamonds Ltd. exercising their option over certain mining claims this month, and this I am inclined to think they will do, a further sum of £1500 will become due to Wamba's unit as compensation. It was proposed that this sum should be placed on deposit and that the interest thereon should go to increase his emoluments. This, I submit, might be reconsidered and therefore I suggest that, in the event of the option being exercised the increase in Wamba's pay should be postponed for one year.

(Sgd.) A. H. Wyatt

A. H. Wyatt

PROVINCIAL COMMISSIONER

/ADMINISTRATIVE



(3-11)

ADMINISTRATIVE OFFICE

SHINYANGA

TABORA PROVINCE

1st March, 1929

Ref. No. 11/C/129

The Provincial Commissioner,  
Tabora.

Sir,

I have the honour to notify you with regret of certain irregularities in the collection of Hut and Poll Tax which have been found in the area of Chief Wamba bin Kudililwa, K.M.

2. While going through the Hut Tax Register of his area I noticed that some 300 Tax payers had not paid their Tax and I drew his attention to this and instructed him to deal with Tax defaulters as there was ample work at the Mines for those who had no money, to meet their obligation. As his records and receipts were in order, I did not suspect him of any irregularities but merely considered he was slack in collecting his tax.

3. I also instructed every Native Treasury to submit reports on Tax defaulters, giving number and reasons for the delay in payment. I may add that the collections in most areas had already exceeded last year's figures and the total for the district is Shs.18,856 in excess of 1927/28. I had therefore no reason to suspect any Chief of irregularities.

4. On the 15th February I received a report from Chief Kazigo of Usule, stating that during the inspection in his area four natives who have recently moved from Wamba's area were found in possession of pieces of paper in lieu of Tax Receipts. I enclose one of these for reference. I immediately sent for the men and called upon Chief Wamba for an explanation. Wamba's explanation was that last year many of his people were late with their tax and he had given orders that natives who desired to move must pay their tax to their Headmen before doing so and that in these four cases the Receipts had not been issued through an oversight.

5. There was no entry of payment in the register for 1928/29, though the names of the natives were there and Taxes for previous years were shown as paid. They were merely shown as defaulters this year.

6. I asked Wamba if there were any other cases and he admitted that there were and I immediately ordered him to send for the men who had paid Tax but received no official Receipts.

7. I attended a meeting at Kizumbi on the 18th February, and there were 250 natives in possession of these irregular receipts. I asked Wamba for the money

/which he duly

which he duly produced and I ordered receipts to be issued immediately in my presence which was done. These 254 cases were all shown as defaulters in the Tax Register.

8. I called upon Wamba for an explanation and he stated that at the beginning of the year he had asked for fourteen receipt books from Mr. Bell but was refused such a large number. He however, thought it advisable to collect the Tax as his people might squander their money and in the absence of adequate official receipts he had issued these pieces of paper. He also stated that he was exchanging these unofficial receipts for the official receipts at his leisure.

9. I pointed out to him that he could have obtained official receipt books whenever he applied for them provided he returned completed books with the money; and this he admits.

10. I informed him that his explanation was unsatisfactory but he stoutly maintained that what he had stated was correct and the only mistake he had made was the issuing of these temporary receipts instead of the official receipts. He denied any intention of defrauding the Government.

11. Chief Wamba is a poor man and his financial affairs have been a source of anxiety not only to himself but to me. Since my return from leave I have made discreet enquiry regarding his private affairs as I had a feeling of mistrust owing to his poverty. No doubt the anticipation of receiving some compensation from the Diamond Company caused him to be reckless and in spite of the fact that he denies having used any of his compensation money to make good the Tax money, I know his statement in this respect cannot bear investigation. I have already gone into this matter with him and I find that he cannot account for some Shs.3000/- of his compensation money which obviously he has used to make good the tax money he had collected and utilized for his own use.

12. Chief Wamba's present misfortune is largely due to bad council and advice from his relatives and to fully appreciate the problem it would be necessary to go into details of the events since the inception of "Indirect Rule". I will, however, only refer briefly to these.

13. Wamba could have entered the original Sukuma Federation at an annual salary of Shs.7200 which would have permitted him to live in comfort but instead he elected to remain outside at a petty salary of Shs.1800. This I attribute entirely to the advice of his relatives who have more control over him than I consider good. Such a position is unavoidable if one considers Wamba's claim to the Chieftdom of Shinyanga. He has older brothers who have better claims but the German Government made Wamba Chief; no doubt on account of his intelligence and ability. This had led to personal jealous

/between

between him and his relatives and as the result Wamba has had not only to placate but to support his own relatives, a position which he can ill-afford to fill on his limited income. I have frequently remonstrated with him over this question though I fully realized his difficulties.

14. Secondly when ploughing was introduced in this district Wamba being an intelligent Chief was naturally encouraged and he ordered 10 ploughs at a cost of Shs.2296. Without cattle he naturally found these unprofitable but he arranged with his Headmen to assist him. This scheme was feasible under the old tribute system as he could get free labour, but with the advent of Indirect Rule this arrangement was impossible with the result that he was saddled with the cost of these ploughs. His pride did not allow him to admit defeat and he attempted to pay for these from his already greatly depleted salary.

15. His incomprehensible quarrel with his near relative Chief Makwaia did not improve matters. Until I went on leave in December, 1927, I was able to maintain a successful co-operation. In spite of his failings I consider Makwaia has been straight forward in his dealings with Wamba, whilst the latter has worked in a under-hand manner on several occasions. Wamba lost no opportunity of raking up any grievances he could find against Makwaia and as I stated in my Annual Report for 1928, I blamed Wamba for a great deal of the discontent which existed between them during my absence. I regret that I cannot concur with the opinion expressed by Mr. G. F. Bell in his report C/19/1 of 25th June, 1928 regarding these two Chiefs. When I resumed charge I called these two Chiefs together and advised them to stop the continual quarrelling and since then their relations have been most cordial and both have been working in the interests of the Sukuma Federation.

16. In conclusion I feel it is only just that Wamba's admirable work in connection with Anti-Tsetse reclamation should be placed on record. This unfortunate lapse on his part is to be expected in the early stages of Indirect Rule. I feel that a lenient view should be taken and I recommend that he be severely reprimanded by His Excellency the Governor. I consider that this will serve as an example and deterrent to the other Chiefs in this district.

17. I would add that no loss of public funds or money belonging to the Native Treasury has been involved in connection with this irregularity.

I have the honour to be

Sir,

Your obedient servant,

(Sgd.) .....

DISTRICT OFFICER

/The Provincial

(COPY)

The Provincial Commissioner,

Tabora

13069/15

21st March, 1929

I am directed by the Acting Governor to acknowledge the receipt of your letter No. C/13/48 of the 6th of March, 1929, and in reply to inform you that Chief Wamba should be informed by the District Officer (or preferably, if it can be so arranged, by you) that His Excellency has learnt with the gravest displeasure of the irregularities committed by him; but that after serious consideration His Excellency has decided to take a lenient view, having regard to the good work performed by him in many directions and to content himself with reprimanding him and warning him of the consequences of further irregularities, namely, loss of his office and imprisonment and disgrace. Such leniency will most certainly not be extended to him again.

(Sgd.) E. C. Richards

E. C. RICHARDS

ACTING CHIEF SECRETARY

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