

1/2 page diff
519



EAST AFR. PROT.
L 6841

46841
REG. 2 OCT 16

Cont
Belfield 105

1916
28 August

Last previous Paper
33143

NAIROBI TOWNSHIP DEVELOPMENT

Reports further re transfers and subleases of land in area set aside by Professor Simpson for use as a European commercial area. Expresses regret that settlement of so important a question has been so long delayed.

Mr. Fiddian

The Governor's telegram of the 12th of July (33143) refers specifically to transfers and sub-leases to Asiatics in the area between Government Road and the Nairobi River. Our despatch on that paper recommended that no native or Asiatic shops or houses should be permitted on the area, striped in red on Map No. 4 accompanying Professor Simpson's Report, between the Indian Bazaar and the Ainsworth Bridge. I am not very sure of the topography, but I gather that substantially our despatch was intended to prohibit transfers and sub-leases to Asiatics in one section only (~~namely~~ the North-Western) of the area striped in red on the Map, and that by its silence ~~concerning the rest~~ ^{did not ban} it left the Governor ~~in~~ ^{free hand in the matter.} *as to the rest.*

In the despatch now received (46841) ^{the Govt} speaks as if we had in so many words forbidden any transfers or sub-leases to Asiatics in the whole of the area marked out as the European Commercial area on Map

Copy sent to WCA

subsequent Paper.

Wor
88519

No. 4, i.e. the whole area bounded by the red-line and including, I presume, the part crossed in red. I can quite imagine that the ^{suspension} ~~subject~~ of all transfers or sub-leases to Asiatics over the whole of this section would cause considerable trouble and discontent. I am not sufficiently acquainted with the previous history of this question to know whether any such prohibition has ~~ever~~ been imposed or is intended. If not, I think it would be well to point out to the Governor by despatch that he has misconceived the scope of the recommendation made in our despatch on 33443, which was intended, I gather, to prevent a wedge of native and Asiatic dwellings and shops running right up into the European residential quarter, and did not, as far as that despatch is concerned, go beyond

As for the larger question in which the Governor has now merged that despatch, he has laid it down that he will not exercise his power of veto on transfers in the case of plots which had already been the subject of transactions before Professor Simpson's ^{recommendations}. That seems to me a reasonable ^{restriction}, if it is interpreted as meaning that transactions initiated before Professor Simpson's ^{recommendations} were made may be carried out, ^{and not} that plots the subject of such transactions may become the subject of new transactions without let or hindrance. The Governor ^{must} should, of course, as Sir H. Belfield evidently sees, refrain from alienating new plots to Asiatics in the area in question and ^{should} to refuse sub-divisions of existing plots, ^{except in front of his peers} until the fate of this area has been definitely settled.

SturB

3. 10. 16

Mr. Butler,

I think your view is correct, though the question depends largely on the map of Nairobi, and Map No. IV in A.P. No. 1025 is a defective guide. In spite of this despatch, I doubt there being any great urgency about this matter, and I think it might stand over until the next meeting of the Committee (7th Nov). The indications in this correspondence that Sir H. Belfield is out of sympathy with the proposals with Professor Simpson and the Committee are not exactly subtle ("before Professor Simpson pronounced his theories" is an unfortunate way of putting it).

? Print and circulate to Committee for next meeting.

A.F. 9/10/16.

Mr. Read.

Yes.

R.A.A.B. 9/10/16.

Draft submitted on your verbal instructions.

A.F. 16/10/16.

Sir G. Fiddes.

The Governor has evidently misunderstood. You will notice on the map at p.24 of African No. 1025 an area striped in red. This is divided into two sections, one of which I have marked (A).

There is also the Indian Bazaar, which I have marked (B).

All that we are asking the Governor to do is to keep Asiatics and Africans with their insanitary habits entirely out of (A) - and not to make the position with regard to (B) more difficult than it is

at present by allowing further vested interests to spring up.

The first of these precautions is clearly necessary because the area in question projects into the middle of the European residential quarter - and so ^{is} the second because the bazaar is a plague centre and ought to be removed from the European Commercial area, as soon as funds are available for its expropriation.

I think that the despatch makes the position clear and that the Governor will now acquiesce.

H. J. R.

17/11/16

Cover circulated to TAMS Ctee. Nov 1916

Extract from the minutes of the 96th meeting of the Committee, 7 Nov. 1916.

Correspondence with the Govt. of the E.A.P. on the subject of the future development of Nairobi was laid before the Committee. Mr. Simpson said that he agreed entirely with the reply to Sir H. Belfield. He explained that a good deal of the eastward red striped area was unclaimed swamp, and that, although some building was going on, there was no immediate danger of any sort. This was not as vital as the western area.

Pub J

17/11/16 atms

521

EAST AFRICA PROTECTORATE.
No. 105.

GOVERNMENT HOUSE,
NAIROBI,
BRITISH EAST AFRICA.

CONFIDENTIAL



46841

August 28th, 1916.

Rec'd
2 OCT 16

33143

Sir,

I have the honour to acknowledge the receipt of your Confidential despatch of the 17th of July on the subject of the future development of Nairobi.

2. I regret that I am unable to furnish you with a detailed account of the magnitude of the interests involved in the partition of the area set aside by Professor Simpson as the European commercial area. According to his report the Cross Estate has been subdivided into 214 plots, of which 60 had been disposed of when it was written. The plots were, I believe, sold in 1913, but owing to the fact that the payment of the purchase money was spread over a number of years the formal assignments are only now being forwarded to the Land Office for consent. The sum involved under these sales is shown in the accompanying account not however complete in every particular - which was furnished by Messrs. W. C. Hunter & Company, the agents for Major Grogan, in August 1915.

3. I considered that it would be inequitable to make no discrimination between transactions which had been

THE RIGHT HONOURABLE
ANDREW BONAR LAW, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S. W.

been entered into before Professor Simpson's views on the subject were known, and those which were of comparatively recent date, and on receipt of your telegram of the 14th of July I therefore caused a memorandum to be addressed to the Land Officer, a copy of which I enclose, in which I laid down the policy which I proposed to follow until I had received the despatch referred to in your telegram. I see no reason, after perusing it, to vary this policy in any detail.

4. In the meantime a number of prospective transfers from Europeans to Asiatics are being delayed, but I regret that it is not possible to furnish any figures as to purchase prices, since consent has been refused and in consequence the formal deeds of assignment have not been submitted. The Asiatic Community however already possess very extensive vested interests within the area in question: those in the Haerat Estate alone would probably be worth today some £6000 or £7000.

5. I cannot conceal from you my regret that the settlement of a question which is of such importance to the community of Nairobi should be so long delayed. I gather that the Advisory Medical and Sanitary Committee for Tropical Africa has based its opinion on the correspondence preceding my telegram of the 12th of July and it is therefore possibly

possibly not fully aware of the desirability of arriving at a settlement. I presume that this telegram has now been referred to the Committee and I venture to suggest that the circumstances as explained by me are such as to warrant a reconsideration of the matter. I shall of course be prepared to explain matters more fully to them on my arrival in England, but inasmuch as my views have already been definitely communicated to you in previous correspondence I feel some doubt that I shall be able to present to the Committee in person any additional arguments in support thereof which could not be equally clearly set forth in a despatch.

I have the honour to be,

Sir,

Your humble, obedient servant,

A. Conway

GOVERNOR.

CROSS ESTATE, NAIROBI. PARTICULARS OF PLOTS SUBLEASED AS ON 31-8-1918.

Plot No.	Name.	Premium	Premium paid to date.	Premium still due.	Rent per month at date.	Rent per month from 1 Jan. 1917.
1		Rs.	Rs.	Rs.	Rs.	Rs.
1.	P.C. Joubert				15.00	30.00
2.	J.N. Joubert				15.00	30.00
3.	Mrs Boileau				15.00	30.00
4.	J.A. Hazareth				FREE	
5.	Dharamsi Khimji & Co	6,000.00	1,200.00	4,800.00	4.00	4.00
6.	Hutson & Curr	5,200.00	5,200.00	Nil	4.00	4.00
7.	D. Fulliman	5,000.00	1,000.00	4,000.00	4.00	4.00
8.	J.A. Hazareth				5.00	5.00
9.	J.A. Hazareth				5.00	5.00
10.	Emile Jardin	5,000.00	1,000.00	4,000.00	4.00	4.00
11.	J.V. Jameson	4,800.00	960.00	3,840.00	4.00	4.00
12.	E.A. Wood				5.00	30.00
13.	E.A. Wood				5.00	5.00
14.	Gordon Bowker				FREE	
15.	Khimji Manji	5,150.00	1,030.00	4,120.00	4.00	4.00
16.	Rudha Kishen	5,250.00	10,500.00	4,200.00	4.00	4.00
17.	R. Allsopp	5,000.00	Nil	5,000.00	4.00	4.00
18.	Karamli Shivji	6,400.00	1,280.00	5,120.00	4.00	4.00
19.	Lala Prasad	6,000.00	1,200.00	4,800.00	4.00	4.00
20.	Thakar Dass	5,825.00	Nil	5,825.00	4.00	4.00
21.	J.V. Jameson	5,900.00	1,180.00	4,720.00	4.00	4.00
22.	Beliram Parimal	6,400.00	1,280.00	5,120.00	4.00	4.00
23.	W.C. Hunter				5.00	5.00
24.	J. Marcus	7,200.00	1,440.00	5,760.00	4.00	4.00
25.					FREE	
26.	M. Khan & S.M. Ali				15.00	30.00
27.	Mrs Boileau				15.00	30.00
28.	Khamji Bhanji	6,500.00	1,300.00	5,200.00	4.00	4.00
29.	Mrs Boileau				15.00	30.00
30.	D.V. Beth Smith	6,200.00	1,240.00	4,960.00	4.00	4.00
31.	Dharamsi Khamji & Co.	6,000.00	1,200.00	4,800.00	4.00	4.00
32.	G.V. Osborn	6,000.00	1,200.00	4,800.00	4.00	4.00
33.	G.V. Osborn	4,100.00	820.00	3,280.00	4.00	4.00
34.	G.V. Osborn	4,000.00	800.00	3,200.00	4.00	4.00
35.	Ismael J. Mohd & Co.	3,950.00	770.00	3,080.00	4.00	4.00
36.	V. Crosswell	3,850.00	770.00	3,080.00	4.00	4.00
37.	Suleman Virjee	3,300.00	660.00	2,640.00	4.00	4.00
38.	Valji Hassan & Co.	4,200.00	840.00	3,360.00	4.00	4.00
39.	Mohd Moti & Co.	3,700.00	740.00	2,960.00	4.00	4.00
40.	Valji Hirji & Co.	2,800.00	560.00	2,080.00	4.00	4.00
41.	Omaji Jambhadas	2,800.00	560.00	2,080.00	4.00	4.00
42.	Abdulla Khan	2,000.00	400.00	1,600.00	4.00	4.00
43.	Mariah Jayam	2,000.00	400.00	1,600.00	4.00	4.00
44.					FREE	
45.	Rudha Kishen	2,000.00	400.00	1,600.00	4.00	4.00
46.	Mohd Moti & Co.	2,100.00	420.00	1,680.00	4.00	4.00
47.	Hutson & Curr	3,000.00	3,000.00	Nil	4.00	4.00
48.	J.V. Jameson	3,250.00	650.00	2,600.00	4.00	4.00
49.	Ali Gulam	2,300.00	460.00	1,840.00	4.00	4.00
50.	Meghji Ahmed	2,000.00	400.00	1,600.00	4.00	4.00
51.	G. Lites	2,150.00	430.00	1,720.00	4.00	4.00
52.	J.A. Hazareth	2,200.00	440.00	1,760.00	4.00	4.00
53.	J.A. Hazareth	2,200.00	440.00	1,760.00	4.00	4.00
54.	Booljee Mokal	2,100.00	420.00	1,680.00	4.00	4.00
55.	Hutson & Curr	2,300.00	2,300.00	Nil	4.00	4.00
56.	J.C. Hart	3,100.00	620.00	2,480.00	4.00	4.00
57.	Abdulla Khan	3,700.00	740.00	2,960.00	4.00	4.00
58.	Abdulla Khan	1,850.00	370.00	1,480.00	4.00	4.00
59.	Joseph de Souza	2,000.00	400.00	1,600.00	4.00	4.00
60.	Joseph de Souza	2,300.00	460.00	1,840.00	4.00	4.00
74.	J.F. de Cruz				5.00	30.00
94.	L.A. Wright				5.00	30.00
98.	Ali Khan				5.00	30.00
99 to 101	Ali Khan				5.00	30.00
102 to 107	L.A. Wright				5.00	30.00
			5 Plots		25.00	75.00
			6 plots		30.00	90.00

The Hon'ble Land Officer,

N a i r o b i .

I enclose a copy of a telegram to the Secretary of State on the subject of transfers and subleases of land to Asiatics in the area set aside by Professor Simpson for use as an European commercial area, Nairobi. A reply has been received to the effect that the question cannot as yet be definitely settled and a despatch is now on its way here.

2. His Excellency has therefore laid down the following principle which will serve to guide you in the event of future applications for transfer in the area in question. He does not think it would be just to exercise his power of veto in the case of plots which had already been the subject of transactions before Professor Simpson propounded his theories. The Government can refrain from alienating new plots and might possibly refuse subdivisions of existing plots until we know what conditions are to be imposed, but no further.

3. As regards other proposed transactions between persons of different races, His Excellency proposes to await the Secretary of States despatch before taking action.

4. The above will enable you to deal with the cases referred to in your letters 5589 of June 27th, 7426 of June 30th, 6113 of June 30th, 8110 of June 28th, and my memorandum 14125/18 of May 10th.

5. Fresh proposals for sub-divisions will of course be the subject of careful scrutiny by your office.

W. T. S. THOMAS

For CHIEF SECRETARY

C. D.
R. 13 OCT.
1916

526

1055-40

Gov.
46841/16

E.A.P.

Print

13



Downing Street,
21 October, 1916.

DRAFT.

EAST AFRICA PROTECTORATE.

Confidential.

Gov. Sir H. Belfield.

MINUTE.

Mr. Fiddian 16/10

Mr. Butler 17

Mr.

Mr. Grindle.

Mr. Lambert. (50323/15)

Mr. Read. 17/10

Sir G. Fiddes. *10/10*

Mr. Steel-Maitland.

Mr. Bonar Law.

for consideration.

Sir,

I have the honour to acknowledge the receipt of your confidential despatch No. 105 of the 28th of August, in which you discuss the policy to be pursued in regard to transfers and subleases to Asiatics in certain areas in Nairobi.

In your confidential despatch No. 97 of the 22nd of September 1915 you transmitted and supported the views of the Municipal Committee on Professor Simpson's proposals for the laying out and development of the town of Nairobi. The Committee differed from Professor Simpson in important respects, but chiefly in the matter of his proposals for the compulsory expropriation of the present Indian Bazaar and the formation of a

definite European Commercial area. I do not find that either you or the Municipal Committee disagree with his conclusions as to the necessity for a segregated area for European residences; and an essential feature of the scheme for racial segregation in Nairobi is that certain protective, non-residential zones shall be interposed between the various segregated areas.

3. I have already informed you that I share my predecessor's view that the time is still distant when the Government of the East Africa Protectorate will be able to carry out the proposals for dealing radically with the Indian Bazaar, and that I agree with him that the only course that can be pursued in existing circumstances is to avoid the creation of further vested rights in the present condition of things in the area covered by the Bazaar.

(cf. despatches on
171/14-15 and 51184/15)

~~4.~~ All rights that have already been acquired, or were in process of acquisition when Professor Simpson's recommendations were put forward, must be respected; and so far as transfers of those rights, subleasing, etc., can be permitted in that area without rendering the existing state

of things more permanent and more difficult to do away with when the time comes, I have no objection whatever to the grant of such permission by ^{the} Government. At any rate, the adoption of this working arrangement will tide over the intervening period until the whole question can be ^{seriously} discussed ^{with you} ~~when you come~~ to this country, ~~on~~ leave of absence.

4. There remains, however, one area of land not included in the Bazaar; namely, the northernmost of the two areas striped red in Map No. IV accompanying Professor Simpson's report ("African No. 1025"), which lies between the Indian Bazaar and the Ainsworth Bridge. This area ^{as} I understand, contains the Government Offices and the European hotel; and it occupies a very important geographical position, constituting as it does a salient running right up into the heart of the European residential area, ~~and~~ ~~(if the map is to be treated)~~ lying ~~as a~~ ~~rule to windward of the hospital.~~ To allow

allow shops and residences of the familiar Asiatic and African type on that area would go far to nullify the whole effect of the principle, which I gather you and the Municipal Council accept as I do, of a European Residential Area on the West and North-West of the town, and a protective zone between it and the native quarters.

Transfers and sub-leases to Asiatics (or Africans) ^{should} ~~must~~ therefore not be permitted in that area ^{referred to in the first sentence of this paragraph,} and indeed the policy of Government should be the gradual extinction of such Asiatic and African rights as there may be in

~~that area~~ ^{and there was}

5. It was to this area expressly that I referred in the latter part of paragraph 2 of my Confidential despatch of the 17th of July last; whereas ^{it would appear from} your despatch under acknowledgment would seem to suggest that the prohibition ^{suggested was taken to} extended to the whole of the area marked out, on the map in question, as designed to be the European Commercial Area.

(33163)

I think, however, that the explanation given in this despatch will be sufficient to remove