

EAST AFRICAN PHOTO  
54269

54269  
Rec'd  
Nov 13 1916

For  
Belfield

1916  
Oct. 13

Last previous Paper.  
500  
45034

REMOVAL OF SOMALIS FROM NAIROBI TO M'BAGATHI

Submits observations on statements made by Messrs Shapley and Schwartz. Sees no reasons for departing from decision to remove from present villages. Requests decision by telegraph. Will send Messrs S. & S.'s full report when received.

Mr Read,

This despatch explains the rather mysterious telegram of the 19th of September below. <sup>(45239)</sup> The Somali "villages", the removal of which is contemplated, are four in number, and are marked by red blots on the attached map of Nairobi. They consist in all of 120 houses belonging to a rather smaller number of owners. You will see that one of the "villages" is well within the area set aside under Professor Simpson's scheme for the European residential area; that another is within the protective zone between the European area and the better class Asiatic residential area; that a third is in the better class Asiatic residential area; and that the fourth is in the general Asiatic area. The "village" within the European area is on the main road between Parklands, the most important European residential quarter, and the business and Government part of the town. Not long ago the medical authorities discovered nearly twenty cases of smallpox concealed in this "village". The removal of the "villages" is

therefore

Handwritten notes in left margin:  
- Mark to 17 Nov 16  
- Note to SA p. 29 23 Nov 16

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therefore, advocated in accordance with the <sup>scheme for the</sup> ultimate <sup>layout</sup> ~~arrangements~~ of the town, and, to some extent at any rate, in accordance with ~~the~~ immediate sanitary requirements.

The Governor's view is that the Somalis in these "villages" are simply squatters, or, at the best, licensees, who have throughout been well aware of the nature of their tenancy, and who have no claim whatsoever to compensation or assistance in removing their effects. It appears that forty of the owners are in possession of permits to erect houses, which include a clause whereby the owner agrees to removing the house without claim for compensation at any time when called on to do so by an authorised person. Seventy-six others state that they have built their houses on verbal permission granted by Mr Ainsworth and other administrative officers.

A low rent was charged up to 1909, but was then discontinued. The Governor's view is that the levying of rent was discontinued in order that the occupant <sup>might</sup> ~~may~~ have no kind of ground for protesting against removal when the Government might consider it desirable. (The hut or poll tax which they now pay is in no sense a rent and is levied throughout the Protectorate).

The Somalis are to be removed to a site a few miles from Nairobi. The Governor maintains that there are no disadvantages to the Somalis involved in the removal. They are either stock raisers or professional gun bearers and headmen for shooting parties. Their stock can be easily grazed in their new location, and the gun bearers and headmen are retained by firms in Nairobi, and will not lose their occupation by being some distance from the town. They will find fire water in their new quarters and will be able to get fuel quite as cheaply as now.

It

It is admitted that the houses, which they have erected, quite oblivious to the danger of removal without notice, are in some cases fairly substantial. Most of them are made of corrugated iron supported by imported timber; an appreciable number have ceilings and walls made of matchboarding. The Mosques and schools are of iron, and there are four stone houses. Clearly, whatever the rights of Government, the Somalis will hardly be able to move these buildings without loss or expense.

I think that the Governor makes <sup>not a</sup> clear case for removal, and that he should be informed by telegraph that the proposal is approved. The only ~~real~~ hardship that I can see is the possible loss which the Somalis may incur in respect of the fabric of their present houses. I would, therefore, say to the Governor that the Secretary of State is of opinion that they should as an act of grace, be given compensation for the actual materials which cannot be moved and utilised in their new location, or for the cost of removing and re-erecting such materials as can be so dealt with, and that the grant of any such compensation should be <sup>careful and</sup> accompanied by a complete disclaimer <sup>of</sup> any legal obligation in the matter.

PaB

*Handwritten note:* Messrs Chapley & Schmitz have had two months to send a return full report referred to in the letter of the 19th Sept. (No 45034) & I do not think that we need wait any longer for it.

it.

Pages with Mr. Butler.

H. J. R.

15/21/16

PA. 15/11

As. M. 15/11

Am. 15/11

273

54269

EAST AFRICA PROTECTORATE

No. 647.

GOVERNMENT HOUSE,  
NAIROBI,  
BRITISH EAST AFRICA

13 NOV 16

October 13th, 1916.

SIR,

In continuation of my telegram No. 345 of the 10th ultimo I have the honour to submit herewith my observations on the statements made by Messrs. Shapley and Schwartz on behalf of certain Somalis whom the Government proposes to remove from Nairobi to a new site at M'bagathi.

2. In the first instance I desire to observe that the statements at the commencement of this telegram to the effect that Messrs. Shapley and Schwartz had been instructed by persons representing every tribe and every section of Somalis in the East Africa Protectorate was not correct and has now been qualified. I enquired of the firm what were the names of the tribes and sections so represented and in reply I was furnished with a list with the statement

THE RIGHT HONOURABLE

ANDREW BONAR LAW, P.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET, LONDON, S. W.

that their clients represent every tribe and section resident in Nairobi district. I need not enlarge on the inaccuracy of the original statement.

3. With regard to the first point raised by Messrs. Shapley and Schwartz, I am unable to ascertain definitely the date on which the Somalis were first located in Nairobi, but it must be remembered that the Uganda Railway was constructed by Indian coolies and it is known that in November 1899 there were both Somali and Indian communities here.

4. With regard to the second point I am informed that in 1902 a small number only of the Somalis was paying rent and that this procedure was continued until the end of 1907, only one paying up to the end of March 1908. It is not quite clear why the collection of rent was then discontinued, but it appears that the Crown Advocate was consulted on the 8th December, 1900, and advised that "if the rent is not paid in advance there is no objection to the Land Office continuing to collect it, but if the rent is payable in advance I should recommend that no further rent should be collected from the persons occupying the land in the settlement as it might

'might be argued that by accepting a yearly  
'rent the Government have implicitly undertaken  
'not to exercise the right to terminate the  
'tenancy during the period for which rent has  
'been accepted'.

As the question of removing these Somalis  
has been constantly under consideration I think  
that it may safely be assumed that the collection  
of rent has been discontinued in order to avoid  
the difficulty pointed out by Mr. Combe. They  
now pay Hut or Poll Tax in accordance with the  
law in force.

5. The third point submitted by Messrs.  
Shapley and Schwartz is partially correct.  
Water was installed in these two villages at  
the end of 1913 and the Somalis bore the cost of  
the installation from the main supply; the pipes  
constituting the property of the Government. This  
amounted to approximately Rs. 305. The water  
rates now paid amount to Rs. 45 per mensem and  
this expense will be saved if the proposed move  
is made, as there is an abundant supply of good  
water in the M'bagathi river. As regards the  
electric light, I am informed that there are  
20 lights in the villages, eight being in the  
mosques, one in a school and the remainder in  
private houses.

6. As regards the fourth point, I understand that the owners of sixteen houses are at present absent from Nairobi on military duty or are serving in the Northern Frontier District.

7. I am unable to accept the statement made by Messrs. Shapley and Schwartz in the fifth paragraph of their telegram. The nature of the business undertaken by these people is almost entirely confined to stock trading, and to employment as gun bearers and headmen in charge of shooting parties. The latter are nearly all retained by firms in Nairobi who make a speciality of this business, and access to the M'bagathi across the plain is a matter of no difficulty. Moreover there will be ample grazing for their stock in their new surroundings, whereas at present such grazing as is available is within the boundaries of Nairobi Township, and under the Rules under the East Africa Townships Ordinance, 1903, dated the 19th of May 1904, Section 76, is limited to certain classes of animals and to the grant of a permit. I should also point out that since 1906, the greater number of their cattle has, for veterinary reasons, been kept and grazed on the Commonage, close to the site of the new settlement, and that under the contemplated



contemplated arrangements they will be able to exercise closer supervision over them.

8. AS regards paragraph 6 I need only say that the Game Department has no objection to offer to the proposed site.

9. With reference to paragraph 7, the people have at present no wood fuel supply, and they have to purchase it where they can. The usual price in Nairobi is between 50 cents and Re.1 per load of 60 lbs. On the proposed site they could by a monthly payment of Re.1 for a fuel licence in respect of each family obtain a sufficient supply from the Government Forest which is close at hand.

10. On the question of compensation and the nature of the tenancy, R. Ainsworth stated in November 1966 that the occupancy has always "looked upon as a matter subject to the will of the Administration. The inhabitants of the area have all along understood that they have no claim of any description to the land which they occupy". Mr. Combe thereupon advised "I am clearly of opinion that the natives occupy the settlement as tenants at will, and can at any time be required to vacate the land. They will be entitled to remove their property from

'the



'the land, but they will not be entitled to  
'any compensation for any loss or inconvenience  
'which they may suffer by reason of the  
'termination of their tenancy'.

11. The headmen have been constantly  
informed, particularly in 1907 by Mr. Hovley,  
and later by Mr. Tate in January, 1915, in the  
sense of Mr. Combe's opinion, and it has been  
expressly laid down that no claim for compensation  
could justifiably be made. On the latter  
occasion referred to, the three headmen now  
in office, together with a number of their  
followers, were warned by Mr. Tate, who was at  
that time Assistant to the Provincial Commissioner,  
that they would in all probability shortly  
receive notice of the termination of their  
licences.

12. Lists compiled at that time show  
that there were then 32 Somalis in possession  
of permits to erect houses on which the following  
words appear:-

"I hereby agree to remove the above house  
'without claim for compensation at any time  
'I may be called upon to do so by an authorised  
'person'.

Eight possessed temporary occupation licences,  
each of which contained a clause to the same  
effect.

effect, while 76 stated that they had built their houses on verbal permission granted by Mr. Ainsworth and other administrative officers. No permits have been issued since June, 1913.

I may also add that on the 26th of August last, when they were informed of the action contemplated by the Government, the Headmen admitted that they were well aware that Government would grant them no compensation.

13. The houses in the villages are reported to be good. The majority of them are made of corrugated iron supported by imported timber; an appreciable number have ceilings and walls made of matchboarding. The Mosques and schools are of iron, and there are four stone houses. The furniture therein, the clothes and general appearance of the Somalis give the impression of remarkable prosperity. I understand that Messrs. Shapley and Schwartz are sending to you full details of the various buildings and I defer making further comments thereon for the present.

14. The statement that the removal might be effected on the 23rd ultimo is not correct. A Surveyor was to leave Nairobi on that date to mark out sites for the houses and Messrs. Shapley and Schwartz were well aware that this

was

was the case. It is estimated that the work in connection with the survey will take three weeks or a month.

15. The native villages of "Mombasa" and "Masikini" cannot be removed at present owing to the fact that the Medical authorities insist upon proper sanitary arrangements being made in the new Native Location before it is occupied. In the circumstances, although it is most desirable that these villages should be placed at a greater distance from the European area, the Government has been reluctantly compelled to refrain from immediate action. It is considered undesirable that Somalis should reside in this location in close proximity to the more uncivilised African native, and it is almost certain that they would strongly object to do so. The location is proposed mainly intended for the accommodation of Africans who are actively employed as artisans, office boys, and messengers by business firms and others in the township, whereas the Somalis cannot claim to take any part in the industrial life of the town.

16. The position of the Somali villages which it is proposed to remove can be explained to you by reference to the accompanying map

compiled

compiled by Professor Simpson to illustrate his report on Nairobi. It will be seen that they are four in number, the one lying to the west consisting of 64 houses owned by 57 persons being in the proposed European residential area, the second, of 44 houses, in the protective zone, the third of 6 houses in the better class Asiatic residential area, and the fourth of 12 houses in area "D". The first mentioned village is placed across the Swamp Road, which was extended in January 1915 and passes through the location. This road is now one of the principal thoroughfares by which European residents of Parklands proceed to and from Nairobi, and the proximity of these Somalis cannot at any time be other than objectionable, while it has recently been shown to be an actual source of danger. Inasmuch as a few weeks ago the medical authorities discovered nearly 20 cases of Small-pox concealed in the village. On hearing of this, a number of the Europeans dwelling in the neighbourhood communicated with the Municipality who submitted a request for the removal of the Somalis, and I am bound to say that I am entirely in sympathy with their desire. I should incidentally state that when the Swamp road was extended, those Somalis whose houses were on the direct line of extension.

extension were required to remove them, and did so without compensation and, so far as I am aware, without protest.

17. I regard their complaints as frivolous and unjustifiable and I strongly recommend that the action determined upon by the local Government should be carried out. The people are simple "squatters" or licensees who have throughout been well aware of the nature of their tenancy and they have no claim whatsoever to compensation or assistance in removing their effects. The great majority of them are not even our own Somalis, but are traders who have come down from Northern Somaliland and have prospered exceedingly. Their assurance that they would not resist by force is presumably intended as a proof of the reasonableness of their attitude, but as a matter of fact it indicates that they are far too sensible of the benefits to be derived from remaining on good terms with the Government to jeopardize themselves by any injudicious action. The site selected for them is an excellent one and is moreover the only suitable one within reasonable distance of Nairobi.

18. I have also to observe that there is, at a distance of some 3 miles from the existing

existing villages, an area known as the Nairobi East Township, in which individuals other than Europeans can purchase freehold plots without restriction as to numbers. Some sixty or seventy of the Somalis in question have already acquired plots on these estates, the total number of plots so disposed of being 100, and this fact is I consider evidence that their retention of the existing sites is not as essential as they would have you to believe. I am informed that payment by instalments is permitted and the terms of acquisition are quite reasonable.

19. Having carefully weighed the merits of the case, I see no reason for departing from the decision to remove these people from their present villages and I consider that they should be left to seek such legal remedy against the Government as they may think fit. Pending the receipt of your decision, which I ask may be communicated to me by telegraph, the demarcation of the plots is being continued.

20. I have not yet received the full report referred to by Messrs. Shapley and Schwartze in the concluding sentence of their telegram.

telegram, but I will transmit it to you as soon as possible together with any comments thereon which appear necessary.

I have the honour to be,

Sir,

Your humble, obedient servant,

H. Conway

GOVERNOR.



SECTION

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Survey Dept. 1915  
 20 APR 1915  
 Nairobi, E.A.P.

C.N. 52269



gentl<sup>ly</sup> /

Mudissimo

17 November

DRAFT

Telegram

For despatch of "all" undecided

Governor

Nairobi.

647

I approve of amendment

MINUTE.

Mr. Butler 17. 11. 16.

Mr. at mtg.

Mr.

Mr.

Mr. Read

Mr. H. Just.

Mr. ...

Mr. ...

Mr. ...

proposed removal of  
regulations

formation

am of opinion that  
organisations

inform by despatch, ing actual terms of  
telegram

as an act of pure  
godliness

Fiddian to see  
afterward.

They should be  
imposed for  
collaboration

Building materials

which cannot be

tossing

used and used

used to new site

severe

for expense of  
removal and

removing and

reerching materials

which can be

tossing

used to new site

severe

but grant of compensation  
gracing collateral

should be accompanied by

abandonment

careful and complete

disclaimer of any  
rights

Legal Obligation

lampista 287

Bonar Law

Gov. EAP

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76

283

NOV 22

*[Handwritten signature]*

23 Nov 1916

Sir

I have the honor to acknowledge

the receipt of your despatch No 647 of the 13th of October, on the subject of

this proposed removal of certain

Somalis from Nairobi to a new

site at M. Kapte...

confirm my letter of the 17th of

Nov, in which I conveyed to you

my approval of your proposal in

the following terms: -

DRAFT

AP  
No 829  
Gov. Belfield  
MINUTE.

Mr. Jewell 22/11/16  
Mr. Bottomley 22/11/16

Mr. Crinlan  
Mr. Lambert  
Mr. Bond  
Mr. G. Fiddes  
Mr. Steel-Matland  
Mr. Bonar Law

Then to Mr. Fiddes

"Your despatch of 13 October  
beg. I approve of proposed removal  
of Sarcotis. In opinion that  
as an act of grace they should be  
compensated for building material  
which cannot be moved to new  
site or for expense of removing  
and re-erecting materials which  
can be moved to new site, but  
grant of compensation should be  
accompanied by careful and complete  
disclaimer of any legal obligation."