

EAST AFR. PROT

32163

Reg.  
Date 28 JUN 1917

32163

Belfield L.L. & Co.  
Kens

Acquisition of Land at Helindon

1917

- June.

Last previous Paper.

Submitted proposal for acquisition by Govt. of Intongwa area - about 160 acres - and Likoni area - about 120 acres. Enclosed plan.

Mr. Read.

The Governor has decided that in the plots hatched in blue on the attached plan individual title is to be granted to native landholders. The situation of the plots makes it quite certain that they will be immediately purchased by speculators, chiefly Asiatics, who realise how valuable the sites will be in the not very remote future for harbour purposes. Mr. Hobley therefore suggests that steps should immediately be taken by the Government to acquire these areas from the individual holders under the Land Acquisition Act, (i.e. The Land Acquisition Act, 1894, of India, which has been applied to the Protectorate).

In this way the native holders would get fair value for their land, probably quite as much as they would get from the Asiatic speculators, and the Government would not have to pay in 20 or 25 years

time

Next subsequent Paper.

24/6/17 (copy) - 30 June  
44223

time an enormous price for the resumption of the land. Mr. Hobley roughly estimates the total expenditure at £14,000, but says that plots on the foreshore which are worth £50 an acre now, will eventually fetch £1000 an acre.

I have the strongest objection to the Government embarking on anything like a speculation in land, but when it is a case of harbour facilities they cannot be too far sighted, and I think that Mr. Hobley's proposal, which Sir H. Belfield strongly endorses, should be approved. The cost should be met from balances.

Yours

Dr. G. Fielder

I annex a chart of Kilindini Harbour, which shows the important relation of the 2 acres to the present landing place at Kilindini & to the new Harbour wharves which are to be constructed there.

On numerous islands we have in the past, found security for our want of freight & shelter of the kind & we shd avoid a similar mistake now. See the enclosure  $\frac{00}{39013}$  S.A.P.

A copy of Mr. Hobley's letter is in the hand submitted. Such a copy has been sent to the Secy of the Dept. of the letter & saying that steps should

should be taken to acquire the land for the port as soon as possible, the cost to be met from balances?

331

H. J. R.  
28/1/17

James P. 20/1

As. M. 28 6

1897

29 vi. 17

M. J. R.

R. S. 16092

Mombasa.

25.3.17.

O. 32 63  
R. 17

Sir,

I have the honour to place the following proposition before Government for early consideration.

It is really a logical sequence of H.E.'s decision that individual title be granted to landholders in the Mtongwe and Likoni blocks S. of Kilindini Harbour vide S.M.P. 13005/46.

The general impression is that within a very short time after the grant of certificates of title to the Digo holders of this land such tempting offers will be made by land speculators principally Asiatics that the two blocks will cease to be owned by any Wa-Digo.

I share this belief and therefore consider that Government should take steps to be the first in the market and in the interests of the country take measures in order that future development be not hampered owing to lack of early action.

It must I think be obvious to most that a strip of land 1/2 mile deep along the shore of Kilindini Harbour and practically opposite the proposed permanent wharf will within a very few years be of enormous value for various purposes connected with the port.

I consider for instance that Kilindini will grow in importance as a coaling station and the S. side of the harbour will conveniently be utilised for that purpose. It is a convenient area for the erection of future tanks for oil storage, and it is conveniently situated for future locations for stevedores and port labour.

It should I think be realised that Government

only

Hon. Chief Secretary.

only holds about 1900 yards of harbour frontage on the Island, the Kilindini Wharf Co. composed of Grogan's concession and later purchases controls about 1500 yards of potential deep water frontage. The acquisition of the harbour frontage on the mainland now proposed will be a most useful set-off against the Kilindini Wharf Co.

E. of Mtera creek the area on the foreshore forms a very eligible site for European residences.

I have considered the matter carefully and am convinced that the potential value of the foreshore referred to is enormous and I would urge Government to look ahead some 25-50 years in considering the matter.

I also believe that H.M. Secretary of State has expressed a wish that the question of control of foreshore should receive careful consideration by the local Government, but I cannot at the moment turn up the reference.

I would further point out that the lease to the E.A. Estates deprives Government of any effective control in the area on the foreshore E. of Likoni towards Ras Mwaka Senge, that is to say Government has surrendered all participation in the enhanced values which will accrue when that area is laid out as a residential suburb.

I enclose a sketch of the area which I suggest should be acquired by Government as soon as possible.

The approximate areas are as follows:-

Mtongwe area -  $\frac{1}{4}$  mile deep - 160 acres approximately.

Likoni area -  $\frac{1}{4}$  mile deep - 120 acres approximately.

The value is as far as one can judge at present mainly determined by the number of coconuts per acre and the future value of the area has not up to now played much part in determining prices.

Once however it becomes widely known that the Government is going to grant individual title in the blocks referred to questions will be asked as to why we have departed from the principle of communal holding previously

laid down; this will invite attention to the land in question and I anticipate that within a few months values will rise to an inordinate degree and our chance of acquisition at a reasonable rate will be gone.

Subject therefore to the views of the Hon. Attorney General I would propose that the following procedure be at once adopted:-

- (a) A notice to be inserted in the G.O. applying the Land Acquisition Act to a strip  $\frac{1}{4}$  mile wide along the foreshore without any warning or indication of Government's plans.
- (b) An Arbitration Board and two demarcators to be appointed to quickly arbitrate on all applications which have already been lodged.
- (c) Instructions to be issued to a collector under the Act to sit as early as convenient and finish the acquisition giving a voucher to each applicant payable on the production of a Certificate from the Recorder of Titles.

If the Land Acquisition Act is suddenly applied it will put a check on hurried purchases and transfers effected with the idea of enhancing the amount Government will have to pay.

I assess the present value of the land at not more than £60 per acre for plots on the foreshore and £30 per acre for plots without sea frontage. Once Kilindini Wharf is commenced and the demand for land in its vicinity becomes acute I feel sure that plots with sea frontage will fetch as much as £1000 per acre.

This may seem an extravagant estimate but I have during the last few years repeatedly demonstrated the extent to which land values in Mombasa have risen. The postponement by the home authorities

Note.  
If my estimate is correct:-  
Mtongwe strip would cost about £8000.  
Likoni strip £6000.

authorities of the acquisition of the Mizima Mission property will it is considered cost the Government an extra £1500.

I have not considered it advisable to make extensive enquiries regarding land values in the Mtongwa and Likoni areas and the only two plots of which particulars are at hand are:-

- (1) The area held by Smith Mackenzie & Co. for their coal sheds, No., is in the Mtongwa area and on the foreshore. This plot was purchased from Abdulla Moola Dowji in 1897 for £2,000, it is 8.83 acres and works out at £32 per acre.
- (2) The Yacht Club leased a plot near the coal sheds in 1913 for 20 years at Rs. 72 per annum; area not stated but probably about one acre.

Might I venture to ask that this question is placed before His Excellency before he leaves.

I have classed this communication as "Secret" as it is of the utmost importance that no inkling of any projected action should be allowed to leak out.

I have etc.,

Ed. C.W. HOBLEY.

PUBLIC RECORD OFFICE.

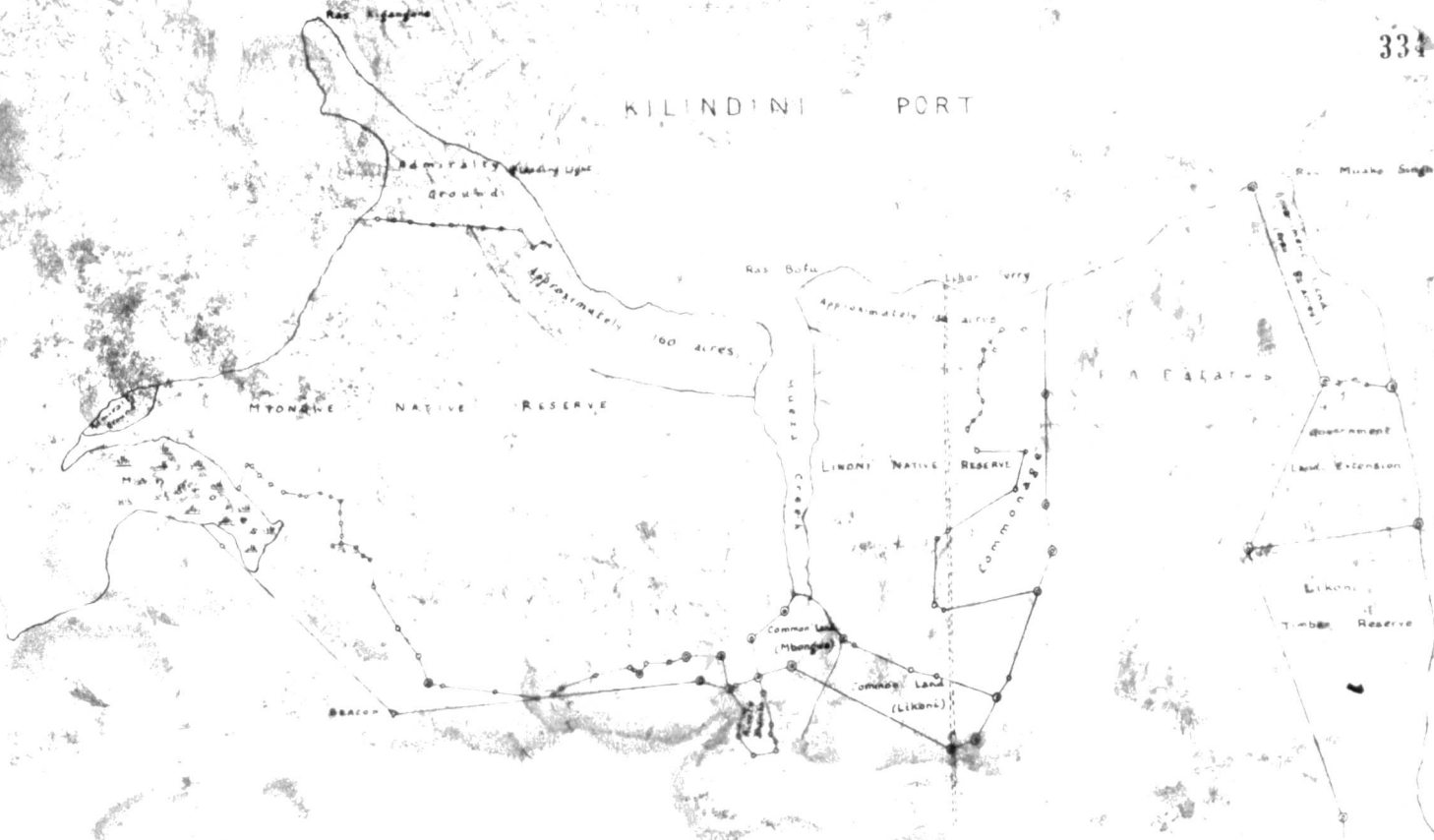
One Document, being a sketch map of Kilindini port

has been removed to AIR 767

207

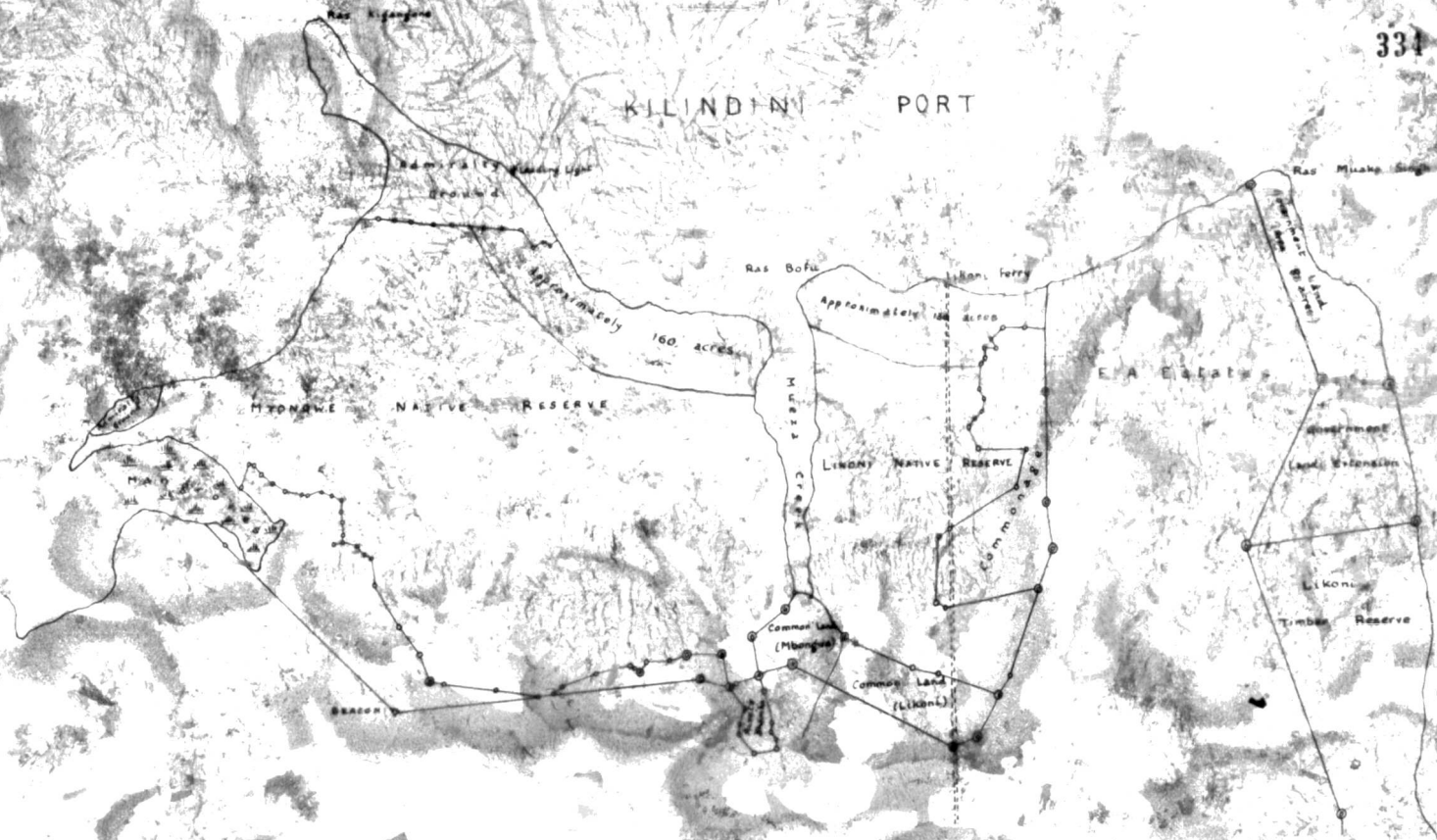
H. Anderson





(Facsimile of)  
Enclosure in P. Seydik's Survey  
of 25.3.17

334



Handwritten: 223

387

PARAPHRASE THE MESSAGE

From the Secretary of State for the Colonies to the  
Officer Administering the Government of the East Africa  
Protectorate.

1.40 p.m.  
Sent 20th June, 1917.

-----

20th June. I have been shown by Belfield Hobley's secret  
letter dated 20th March addressed to Chief Secretary.  
After consultation with Belfield I approve of your  
taking steps as soon as possible to acquire land for  
the Government as suggested by Hobley in Likoni and  
Mtonge blacks. Please report result. You will of course  
allow no premature intimation of government's intention.

LONG.



# PUBLIC RECORD OFFICE.

One Document, being a map of Port Mombasa with  
Ports Kilindini, Ruaha & Tudor.

has been removed to MR 767

H Anderson

788

DEPARTMENT OF RECORDS

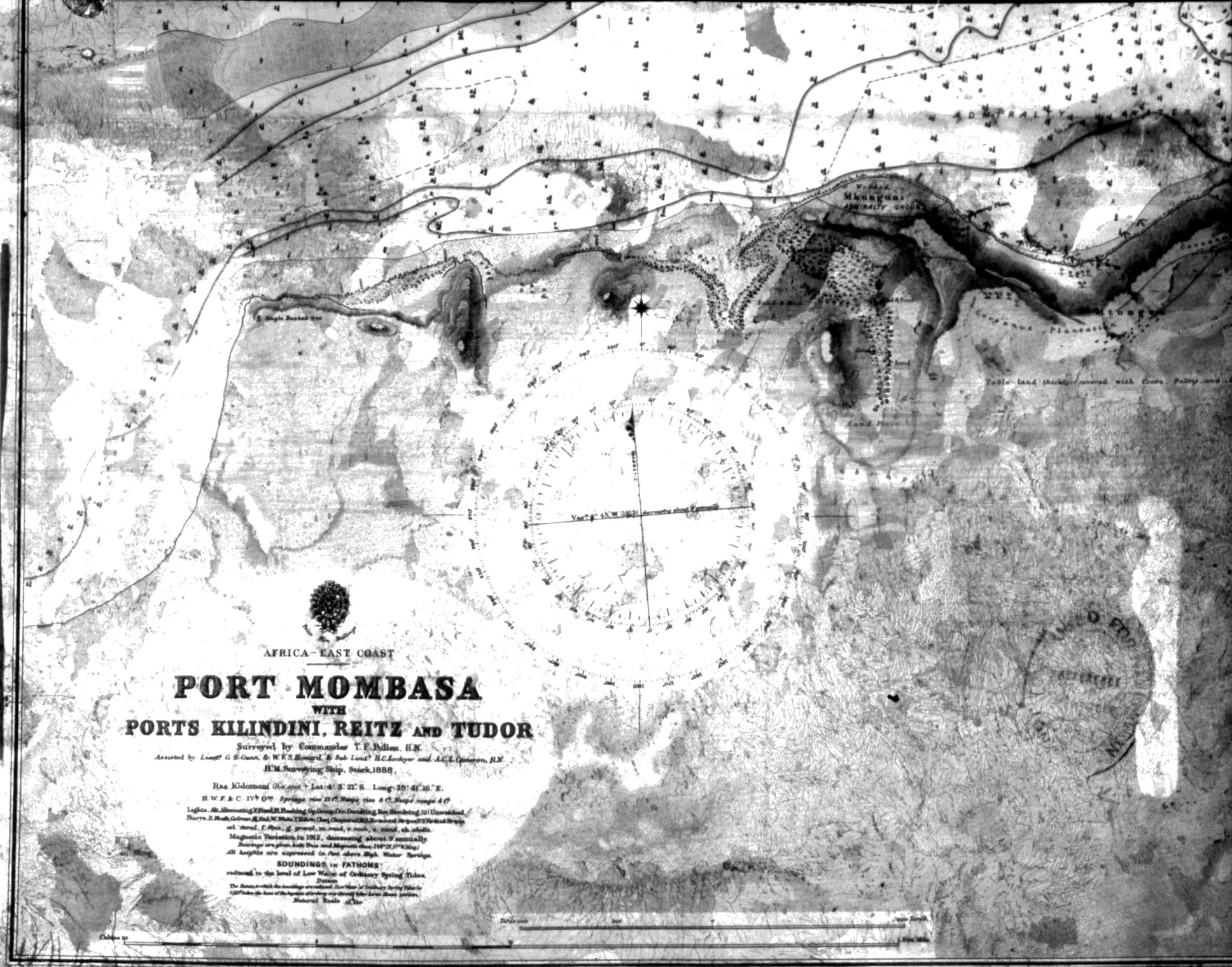
Director  
P.O. Box 1  
Nairobi, Kenya

788

all the necessary documents to be submitted to the Director  
of the Department of Records and Administration in order  
to enable the Department to conduct its business  
efficiently and to the satisfaction of the public.  
It is requested that you will direct the attention of  
the Director of the Department of Records and Administration  
to the fact that the documents mentioned above are  
required for the purpose of the above-mentioned  
business and that the Department of Records and  
Administration is unable to conduct its business  
efficiently and to the satisfaction of the public  
without the documents mentioned above.  
Yours faithfully,  
Director

DNC/1

PUBLIC RECORD OFFICE  
 Reference  
**C.O. 533** / 191  
 COPYRIGHT PHOTOGRAPH - NOT TO BE REPRODUCED PHOTOGRAPHICALLY WITHOUT PERMISSION OF THE PUBLIC RECORD OFFICE, LONDON



AFRICA - EAST COAST

**PORT MOMBASA**  
 WITH  
**PORTS KILINDINI, REITZ AND TUDOR**

Surveyed by Commander T.E. Poles, R.N.

Assisted by Lieut G.S. Gunn, & W.K.S. Howard, & Sub Lieut H.C. Lockyer and A.C.L. Quincey, R.N.  
 H.M. Surveying Ship, *Stork*, 1888.

Rise Kidomoni *Obs. time* - Lat: 4° 3' 21" S. Long: 39° 41' 16" E.

R.W.F. & C. IV<sup>th</sup> O<sup>r</sup> Springs rise 21". Neaps rise 6". Range 4 ft.

Lights. At Abossoing E. Flash R. Flash G. Group On. Dorsling Bay. (See heading 11) Unwatched.  
 Buoy. B. Mark. G. Green. B. Red. W. White. Yellow. Clay. Chapman's R.R. B. Wooded. 30 fathoms. 30 fathoms. 30 fathoms.  
 at. Coral. F. Pine. G. gravel. M. mud. N. rock. S. sand. Sh. shells.

Magnetic Variation in 1912, decreasing about 1° annually.

Soundings are given both in feet and fathoms (one fathom = 6 feet).

All heights are expressed in feet above High Water Springs.

**SOUNDINGS IN FATHOMS**

referred to the level of Low Water of Ordinary Spring Tides.

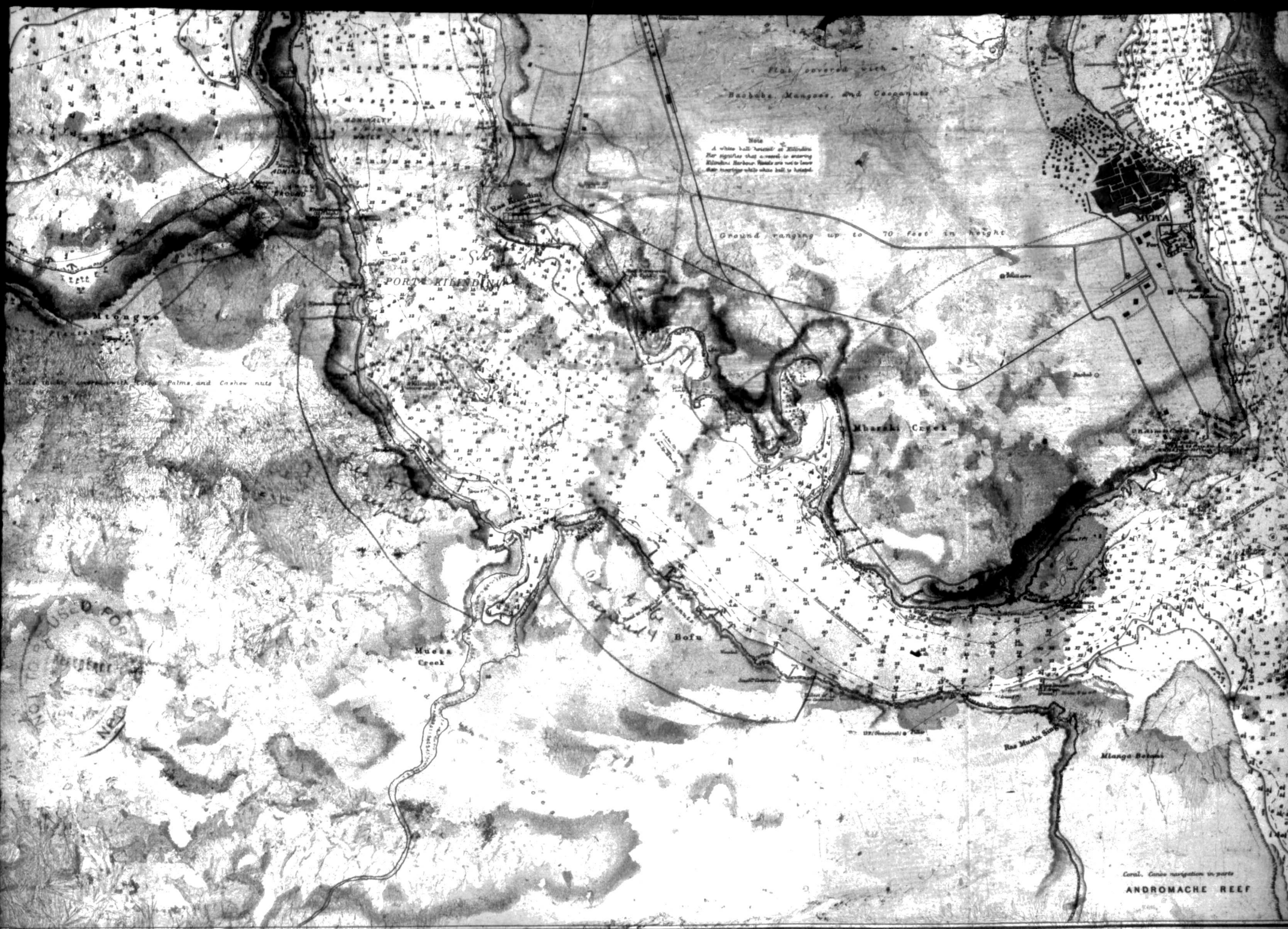
The datum with the soundings are referred to is the mean of the lowest spring tides in 1912 taken at the base of the highest of the rocks in the lower part of the bay.

Natural Scale 1:100



East Africa No 20





Note  
 A white ball placed at intervals  
 for signals that a vessel is entering  
 Moha Harbour. Vessels are not to lower  
 their masts or white ball to signal.

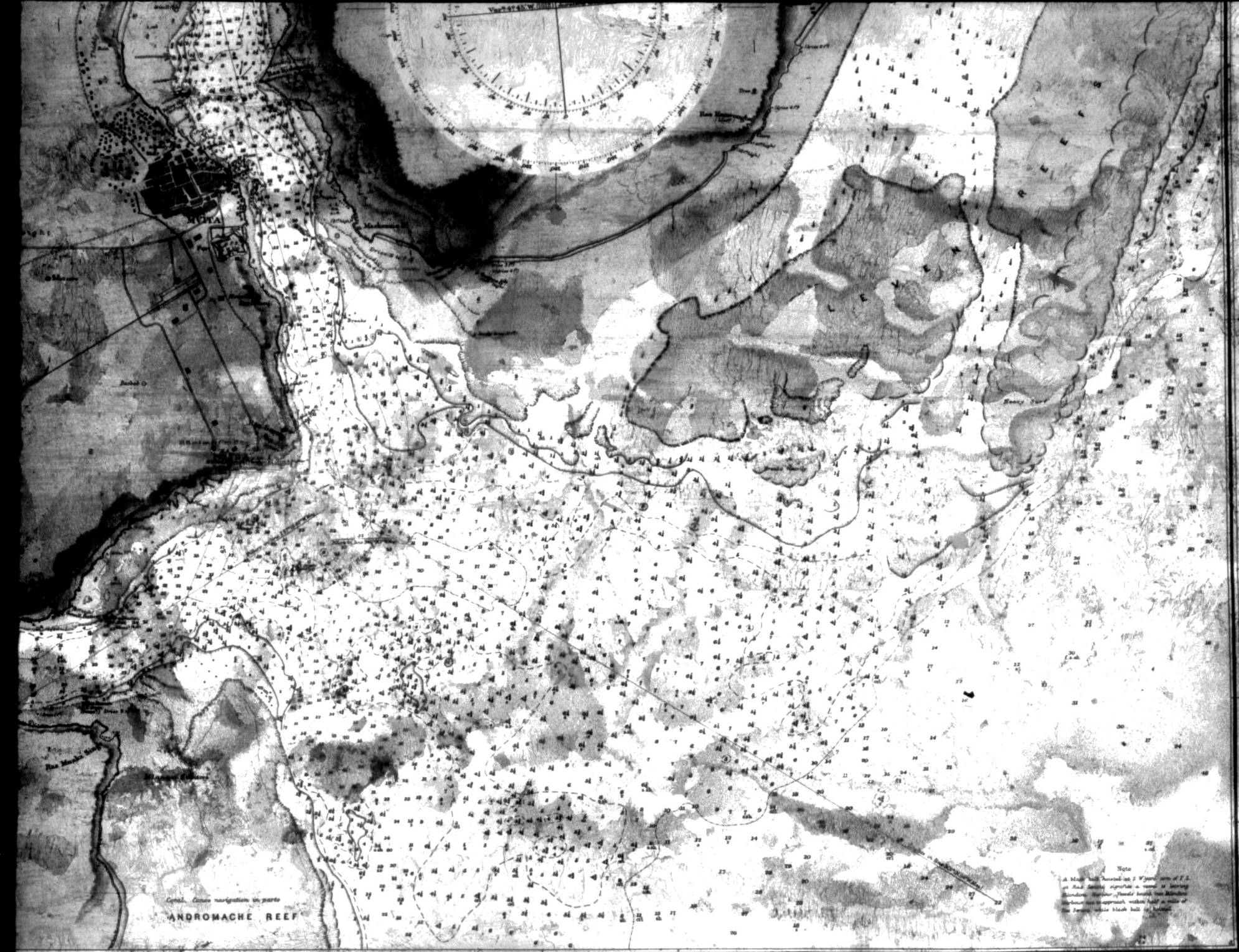
Ground ranging up to 70 feet in height

Flat covered with  
 Baccals, Mangoes, and Casarinas

Palms and Cashew nuts

NOT TO BE USED FOR  
 RESERVE

Careful. Canoe navigation in parts  
**ANDROMACHE REEF**



1	2	3	4	5	6	7	8	9	10
---	---	---	---	---	---	---	---	---	----

PUBLISHED BY THE  
 PUBLIC RECORD OFFICE,  
 191

COPYRIGHT PHOTOGRAPH—NOT TO  
 BE REPRODUCED PHOTOGRAPHIC  
 ALLY WITHOUT PERMISSION OF THE  
 PUBLIC RECORD OFFICE, LONDON

Canal. Course navigable in winter  
**ANDROMACHE REEF**

Note  
 A black ball observed on 3 1/2 miles west of P.S.  
 at 10.45 hours signified a vessel in distress  
 (London. Report. "Herald" from the Atlantic  
 Ocean. 10.45 hours. 10.45 hours. 10.45 hours.)  
 The vessel was black ball in distress.



EAST AFR. PROT

C.O  
33799

REC'D  
4 JUL 17

33799

Belfield Sir H.

1917

PUBLIC EXECUTIONS

Approved

Last previous Paper

Recommend for reasons given that an occasional public execution should be allowed.

General Department.

Have you any record of any authorised departure from the rule that executions should not be conducted in public?

gab

Mr. Butler

No. (I attach 3 papers as to privacy in carrying out executions, which all we have noted in <sup>this</sup> connection) they don't help gab

Jul 17 17

Mr. Head.

Richard D. ...

I have discussed this question with Sir Henry Belfield. I asked him whether it would not be possible for the Political Officer in the district in which the crime had been committed to make it quite clear to the tribesmen that the criminal had been killed by the Government, because of his wrong-doing. Sir Henry appeared

Mr. J. G. ...  
copy to ...  
O.A.S.  
H.H. 6188

Next subsequent Paper

1300  
13889  
TB

appeared to think that this would not serve the purpose. For my own part I think that it should be tried before we consent to allow executions in public for deterrent purposes.

?Inform the Officer Administering the Government that Sir H. Belfield has raised this question, referring to Mr. Kenyon Slaney's letter to the Chief Secretary of the 4th of March, 1915. Say that the Secretary of State is unwilling to approve of executions taking place in public, and suggest that the Political Officer in the district concerned should on each occasion adopt the most effective means at his disposal for making it known to the fellow tribesmen of the criminal, that he has been executed by the Government for his criminal acts.

*Feb*

*79.7.17*

*H. J. R.*

*19/VII/17*

*I have no doubt that the local people are right, but equally no doubt that it would not be worth the trouble of instituting a law [47 C. W. H. S. - 1906 23747/12] with the result that we should have some.*

*MM*

*22. VII. 17*

*Per 207*

*A.S.M. 20.7*

*7*

*Room 3*



C. O.  
33799  
REC.  
MAR 9 1916

339

13/5/16  
14/1/16  
15/1/16

With reference to former correspondence on the subject of public executions, the numbers of which I regret that I am unable to quote, I submit for consideration copy of a letter dated March 4th 1916 from the then Acting Provincial Commissioner of the Kenia Province.

2. Being well aware of the objections which exist to the practice of executing criminals in public, I declined to entertain the suggestion made in the enclosure, but having regard to the peculiar circumstances existing in East Africa, I have thought it desirable to earmark the subject for discussion here.

3. The conditions in East Africa are as described by Mr. Kenyon Slaney. The removal of a condemned native to a distant prison, and his subsequent execution within its walls, merely inflict the proper penalty on the individual, and entirely fails to act as a deterrent to the remainder of the tribe, who are usually entirely ignorant of the culprit's fate, and are not impressed with the nature of the consequences which follow a conviction for deliberate murder.

4. My Executive Council and I are therefore in agreement with the Provincial Commissioner that occasional resort to a public execution in bad cases would have a beneficial effect. It should of course be approved only in cases of exceptional brutality, and then only by the Governor with the advice and consent of his Executive Council, a full report being furnished in each instance to the Secretary of State.

5.

5. I suggest that further consideration may with advantage be given to the subject from this point of view.

H. Conway Bevilacqua

Governor.

East Africa Protectorate.

MAIL OFFICE,

25th June, 1917.

Provincial Commissioner's Office

Nyeri.

No. 132/92/3/15.

4th March, 1915.

Sir,

Murders in Mzimbe -  
Uasin Gishu District.

With reference to my letter No. 7/92/3/15 of 5th January 1915 and previous correspondence. I have the honour to inform you that three natives of Mzimbe were sentenced to death for murder at the Session of the High Court recently held at Fort Hall.

In each case the crime was of a brutal nature and without extenuating circumstances - peaceable strangers who had visited the locality for purposes of trade were offered hospitality by the murderers and then callously done to death.

Since the division of Mzimbe and the neighbouring one of Igoji (in Keru District) have come under administration a number of crimes of this nature have been brought home to the inhabitants and it is certain that many more have never come to light or have remained unpunished for lack of evidence.

The perpetrators of these crimes when brought to justice are, nowadays as in the cases under consideration almost invariably tried at Fort Hall, which is some 70 or 80 miles distant from the scene of the murders, and if sentenced, they are executed or undergo imprisonment in Nairobi, a spot altogether outside the ken of the majority of the inhabitants of the divisions concerned. Consequently the deterrent effect on the majority of the population, who are extremely backward and ignorant, is practically nil.

The Hon. The Chief Secretary

Nairobi.

I submit that it would be for the good of the community if it were to be given an object lesson of the fact that brutal and unprovoked murders cannot be committed with impunity, and in this I am supported by the officers in charge of the localities concerned. I would therefore ask that, if the death sentences are confirmed by His Excellency, sanction be obtained to have the condemned men publicly executed at a convenient spot in the neighbourhood of the scene of the crimes.

I am fully cognizant of the arguments against public executions, but I feel sure that in this case the good effects would outweigh the evil.

I have etc.,

(Sgd.) W. A. KENYON SLANEY.

Ag. Provincial Commissioner.

Gov  
33799/17

27  
343

20/52

30 July 1917

DRAFT

CAP

No 570

DAG

Ref 25/7/17

Mr. Butler

25/7/17

Copy to Gov 10.11.21 Ref-18604  
81947  
4468

I have the honor to inform you that Sir Henry Bellfield has recently discussed with me the question of reserving, in special cases, to public execution. In the revised the question on the this commission has been presented with a copy of a letter addressed to the Chief Secretary on the 4th of March, 1915, by Mr. N. H. Kenyon - Stacey, at that time acting Provincial Commissioner at Nyero of the Kenya Province.

I am very respectfully  
a departmental  
affair of execution taking

It is fully appreciated the grounds on which resort to public execution is advocated in special cases should