

EAST AFR. PROT
30434

30437
REC.
15 JUN 17

Legacy 487

1917
26 Oct.
11 May

Last previous Paper.
620776

Malindi evictions

Kindly put the copies into post, resp.

Read
Mr. Butler

I have minuted a Report on
30914.

I enquire that we shall ultimately
get these fresh representations
through the O.A.C., but in any case
I would have them done. Mr.
Lacey gets his answer sufficiently
on 30914.

He had every opportunity of
expressing himself to the Commission,
& his excuse that it was not
convenient to deal with
his allegations because of the
length of para 4 of the Commission
is childish - it was not perfectly

The report is on 30914

Next subsequent Paper.
30914

Mombasa,

April 1917.

(Copy)

The Hon. the Chief Secretary
Secretariat, Nairobi.

Sir,

- re Malindi evictions etc -

I have the honor, in accordance with my letter of 24th March to His Excellency the Governor during that month, to forward you a copy of a letter I have addressed to the Secretary of State with copies of two exhibits attached thereto.

I have the honor to be,

sir,

Your obedient servant.

W. E. F. de Lacy

Handwritten signature
Post Office Box No. 25.

Mombasa.

E. N. Africa

26th April 1917.

To the Right Hon.

The Secretary of State for the Colonies

Downing Street, London, England.

Sir,

re Malindi evictions and the maladministration of
Malindi District, Siyidie Province E.N. Africa

W. L. 100/17
I have the honor to draw your attention to my communication of 20th September 1916 forwarded in triplicate through His Excellency the Governor under the provisions of S. 23, S.S. 212 and 213 of the Regulations for His Majesty's Colonial Service, with seventeen exhibits attached thereto.

-and-

To my communication, of a supplementary nature to above, forwarded in the same manner on 6th November 1916, upon the same subject, with three exhibits attached thereto.

1. On the 21st November 1916 the Hon. the Chief Secretary wrote to me No. 811761 (11) 9 informing me that the above documents had been received and forwarded to you; by the same mail I forwarded copies to my agent in London which duly arrived at their destination, I have received no intimation that these documents have reached you.
2. In addition to this circumstance I beg to state that although I was the means of inducing His Excellency - with great apparent reluctance - to cause a Commission of Enquiry to be held on the subject of the Malindi evictions, my application for a copy of their Report, Exhibit I, attached hereto has been ignored; I am therefore justified in concluding that Sir Henry Belfield will do his utmost to prevent me from laying before you the facts concerning:-

2.

- A. The means that were taken by Mr. Provincial Commissioner Hobley to deter applicants to my Court, the Land Registration Court, North Branch, from coming before me to substantiate their claims.
- B. The illegality of the so-called Maratusu line.
- C. The devastation of two large areas of country by Mr. Provincial Commissioner Hobley, the illegal, in fact, the criminal burning down of the huts of the cultivators and the stoppage of food production consequent thereon.
- D. Certain other matters.

3. Previous to his departure, to wit on the 24th March last, I wrote a letter to Sir Henry Belfield, Exhibit II attached hereto, in which I intimated that I should in future communicate with you direct, sending copies to the Secretariat in this country.

4. I have no intention of inconveniencing you until the War is over by questions of minor importance; when however, the present stress of endeavour is happily concluded, I shall bring the facts of the maladministration of this Province most fully before you, together with the disastrous consequences thereof; and I shall take occasion to point out how these evil consequences can be mitigated and similar occurrences rendered impossible for the future: Should I personally be prevented from so doing my friends in the house of Commons will take my place.

I have the honor to be,

sir,

Your obedient servant,

W. E. Gladstone

Exhibit I.

Nairobi.

27th January 1917.

(copy)

His Excellency the Governor
of British East Africa

Under cover to the Hon. the Chief Secretary
Secretariat, Nairobi.

Your Excellency

I have the honor to make application
to you:-

1. That you will cause me to be provided with a copy of the evidence taken, and report made, by the Commission you recently appointed to enquire into evictions in Malindi District.
2. That in the event of your Excellency being disinclined to grant my application, you will give me a categorical refusal thereof.

I have the honor to be,

sir,

Your obedient servant,

Ed. W. E. F. de Lacy.

BARRISTER -AT- LAW.

copy

EXPLANATORY NOTE.

The object of the attached letter is merely to add to file of documents I am collecting to lay before the Secretary of State, with the object of proving that Mr. Hebley's method of acquiring the lands of the people without paying for them is dishonest, has stopped food production, produced great distress and that the wrong doing should be rectified.

Gd. W. E. F. de Lacy.

(2/4/17)

Mombasa.

24th March 1917.

His Excellency Sir Henry Belfield
etc etc, etc.

Governor of British East Africa

Under cover to the Hon. the Chief Secretary
Secretariat, Nairobi.

Your Excellency

1. I have the honor to draw your attention to my letter of 27th January last, as yet unacknowledged, and to place upon record the conclusion I have been forced to come to from the fact of you having ignored my letter of 8th April 1916 and subsequent communications, and further the fact of the appointment of a Commission of Enquiry without having such Commission authority to inquire into the matters I had informed you of.

2. The conclusions are, That your Excellency views with complaisance:-

- (A) The preventing of the Wanyika people from growing any food for consumption or export, see customs statistics.
- (b) The preventing of the ex-slaves from growing their food.
- (c) The decay and stoppage of trade and export in and from the villages of Takawangu, Malindi and Mamburui.
- (d) The burning of Gazi Village without sufficient reason and the refusal to allow the inhabitants to return to their land.
- (e) Certain matters in connection with Wagiriana natives I will not specify at present but which are well known to you.

*This record has been placed in file - see para 69. Revised
Am 6/20/17/18, Exhibit to that record
G.S.*

(f) The intimidation of applicants to the Land Registration Court preventing them from exercising their legal right of coming before such Court to substantiate their claims.

(g) The intimidation of the Fissia Thaira preventing them from endeavouring to substantiate their claims in such Court and inducing them to withdraw their applications.

3. As communications made to the Secretary of State, through you, do not appear to reach him, I have placed copies of all correspondences in the hands of my agent in London who has received them, and will place them in the proper quarter when opportunity offers; I shall forward a copy of this letter to be attached to the file of documents above mentioned.

4. My further correspondence with regard to these matters will be forwarded to the Secretary of State, copies will be sent to the Secretariat in Nairobi.

5. I beg to draw your Excellency's attention to a Standard Law book as Russell on Crime 7th Edition Volume 2, page 1775, and page 1777 which I quote for ease of reference:-

"Arson is a felony at Common Law and has been
 "described as the malicious and voluntary
 "burning the house of another"- and - "if one
 "man commands another to burn a house and he
 "does so and the fire burns another house the
 "Commander is accessory to the burning of the
 "other house."

6. Your Excellency - with great apparent reluctance - appointed a Commission to inquire into a portion of the matters to which I had drawn attention; the Commission visited one place out of many, in a large devastated portion of the country, and took Mr. Hobley with them, whose presence being that of the officer responsible for the illegalities which had been committed, could not but militate against information

3.

being freely brought to them; nevertheless, I do not believe it was possible to conceal or suppress all facts of all occurrences and the Commission made a Report; a copy of which I am given to understand has been provided Mr. Hobley and a copy of which in common justice and courtesy should have been provided me. My request for a copy has not even been acknowledged and I shall be forced to again appeal to the Secretary of State at a time when it is most undesirable to occupy his time with such matters.

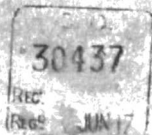
I have the honor to be,

sir,

Your obedient servant,

Jd. W. E. J. De Lacy.

BARRISTER -AT- LAW.



Mombasa,
 Post Box No. 25.
 E. N. Africa,
 4th May 1917.

The Right Hon'ble

The Secretary of State for the Colonies
 Downing Street, London, England.

Sir,

re Malindi Evictions.

I have the honor to forward you copies of correspondence passing between the Hon'ble the Acting Chief Secretary and myself, I shall continue to do so as correspondence addressed to in triplicate through Sir Henry Belfield apparently does not reach you and I am convinced that the disastrous consequences of these illegalities must be rectified as far as possible when the war is over.

I have the honor to be,

sir,

Your obedient servant,

M. S. de la Cruz

BARRISTER -AT- LAW.

24th April 1917.

497

Sir,

I am desired by His Excellency the Acting Governor to refer to your letter dated the 27th of January respecting the Enquiry recently held into matters affecting the administration of certain district on the Coast.

2. I am to say that the Governor, before his departure for England, considered the report of the Commission very carefully with His Executive Council and arrived at the conclusion that you had entirely failed to substantiate any of the allegations made by you. The report is being forwarded to the Secretary of State and in the meantime it is not proposed to furnish you with a copy.

3. A further communication will be addressed to you when the reply of the Secretary of State is received.

I have the honor to be,

Sir,

Your obedient servant,

W. J. Monsen.

Acting Chief Secretary to
the Government.

Mombasa,

Post Box No. 25,

2nd. May, 1917.

The Hon'ble the Acting Chief Secretary,

Secretariat,

498

N a i r o b i .

Sir,

I have the honour to acknowledge your M.P.No.S:
15335 of 24th April ultimo.

1. I have to inform you that no enquiry was recently held into matters affecting the administration of certain districts on the Coast except as regarding evictions.

2. An enquiry was held into removals and evictions in the Malindi District; a small portion of the facts to which I had drawn attention as affecting the coast lands titles settlement.

3. The Commission visited one place, Gadji Hill amongst two large devastated areas and took Mr.Provincial Commissioner Hahley with them, whose presence was sufficient to deter the population from giving them information.

4. Nevertheless I do not believe that the whole of the facts could be concealed from the Commissioners even during a short visit to one small place in the District, and I am of opinion from the personnel of the Commission that Sir Henry Belfield's obvious attempt to get a Report that would placate the Secretary of State could not have been entirely successful.

5. This appears obvious from the reluctance of Sir Henry Belfield to afford me a copy of the Report.

6. With regard to paragraph 4 of the Commission I must point out to you that I never conducted an enquiry with titles to land in the Malindi District.

7. With regard to paragraph 2 of your letter I beg to point out that I made no official allegations and should not have attempted to substantiate any, even if I had made them, to a Commission not empowered to enquire into them fully; in 1915 I made some statements of fact as affecting my official work to the Governor and it was his duty to at once enquire into the matter and mine to substantiate my statements at once on the spot while the country was still burnt and devastated.

8. With regard to paragraph 3 of your letter I shall not be interested in the reply of the Secretary of State to the Report, as neither he nor the Commission have been informed of the facts. I propose however to take measures to bring them before the Secretary of State in the future.

9. I am not of opinion that either His Excellency the Acting Governor or any member of the Executive Council except Mr. Hobley knew much about the happenings, and what you, and they, think you know is derived from information of an unreliable nature; I again draw your attention to the precedent of the Siyu Enquiry in April 1900. The Judge who held that enquiry informed me some months afterwards that all the papers and the Report were "lost"; from the circumstances of that enquiry, held concerning the illegalities committed by another Provincial Commissioner under similar circumstances, and from the correspondence herein. I am justified in concluding that it is not deemed desirable to fully inform the Secretary of State as to the illegalities committed in Malindi District.

10. In conclusion I am certain that, while these members of the Government who have been insulated by the microscope of officialdom except expediency may wish, qua Government, to make a secret of these illegal evictions and their disastrous consequences, there is not one of them, except Mr. Hobley himself, but would regard with

reprobation the land laid waste, the stoppage of food
production and the abominable ill-treatment of the
population under their especial protection.

I have the honour to be,

Sir,

Your obedient servant,

W. S. F. de Lacy