

EAST AFR. PROT

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FILE
RE. 21/11/1915ANTI-SLAVERY
ORIGINES
Action Socy

1919

CROWN LANDS ORDINANCE NO. 12 OF 1915

MAY

previous Paper.

Ask it if has actually come into operation.
Views with considerable concern definition of Crown
Land and asks if natives have now lost all
indigenous rights all lands occupied by them or reserved
for use of their members. Requests copy of Ordce to
keep.

Mr. Gwiddler

I have extracted from the mass
of papers about the Ord^{ce} those
papers which in which this particular
point is raised. See

H/7348/14 - in which the letter to T.R.

Harvey M.A. characterized it as
a "monstrous act of theft".

G/26129/14 - p. 39 the report of the
Special Com^{tee} of the Legislative Council
- the definition is necessary for the
protection of the natives.

d^o (Papers). Definition suggested
by Lord Hailey.

? asks next, why that the Ord^{ce} is in
force & makes it. Says that the
definition was the result of careful
study of the subject of land.

Subsequent Paper.

59

Commission but that in the representation
of the Special ²²⁴⁵ (see page 26129
as amended in formal) it was
accepted by the S. D. as being in
the best interests of the nation.

Say that if they will refuse
to give rights of the natives which
they understand to be in danger
[?] believe will prefer to bring
their views to the notice of the
Gov:

W. L. 24. 5. 79.

As regards the last sentence
I think it should suffice to
say that Lord Milner is not
aware that any rights of the
native tribes to lands occupied by
McLeod & Co. have been
lost.

Draft copy

SS 27. 5. 19
H. M.

Commission but that in the representation
of the Special Com. (Vote for ^{2nd 5.} 36129
as marked in formal) it was
accepted by the S. W. as being in
the best interests of the nation.

Say that if they will define
their rights of the natives which
they obtained to be in danger
[?] believe will prefer to bring
their views to the notice of the
Gov:

Wash. 24. 5. 79.

As regards the last sentence
I think it should suffice to
say that Lord Milner is not
aware that any rights of the
native tribes to lands occupied by
McLeod for them have been
lost.

Draft comm

SS 27. 5. 79
St. Ann

The Anti-Slavery and Aborigines Protection Society

(in which are incorporated the British and Foreign Anti-Slavery Society and the Aborigines Protection Society)

SECRETARY:
FRANCIS BURTON, M.A.

DENISON HOUSE,

VAUXHALL BRIDGE ROAD,

30422

RECEIVED
24 MAR 1919
LONDON SW 1

ASSISTANT SECRETARIES:
J. H. and Mrs. HARRIS.

CLOSE TO VICTORIA STATION.

20th MAR, 1919

The Under Secretary of State,
Colonial Office,
S.W.1.

Sir,

In further reference to your letter of 11th March, number ^{ml} 26884/1919, I beg to return the copy of the Ordinance which you were good enough to send for perusal, as requested.

I beg to ask whether this Ordinance No. 12 of 1918, has now actually come into operation?

I am to say that we view with considerable concern the definition of "Crown Land" in Part I. Page 4. and whether this means, as it would appear, that the native tribes have now lost all indigenous rights to lands occupied by them or reserved for the use of their members.

I beg to ask whether your Committee are in touch with a copy of the "Crown Lands Ordinance, 1918" for reference.

I am, Sir,

Your obedient servant,

Francis Burton

Secretary.

[Handwritten signature]

7/6

4th June 1919

DRAFT

Sec

30

[Vertical list of names and dates, mostly illegible due to heavy ink smudges]

etc to all, except
you after the 20th of May

to inform you that

an Crown Law Ordinance,
(No 12 of 1918),

copy of which is enclosed
for attention

is in force
in East Africa Protectorate

2. The definition of Crown Land

in Part 1 ^{Section 5} was the subject

of careful consideration, that on

the representation of ^a Special
of the Legislative Council of the Protectorate
Committee, it was accepted by the

them S. P. S. as being in the best interests

Abstract of the report of the committee of the
Committee is as follows:

The committee which was appointed to
look into the matter of the
be remembered that many of the
entire time that an individual
time of day or time of night
before, and it is of the utmost importance
that the law is never so much
take advantage of the
kindly give the law and its
protection in the presence of
present law is not
number of the law, which
is not intended to
be a law of the
that the law does have
the same power of
in the case of all the
to make the law

abstract of the report. The original report of the
Committee was as follows:

"The committee wish most respectfully to express
their indebtedness to the various gentlemen who
have assisted them in their inquiries. It is
to be remembered that many, if not most, of the
entire time of these individuals were devoted to
their ordinary business, and that it is of the utmost importance
that the time of these individuals should not be
wastefully employed. It is with a view to
kindly giving them the opportunity to afford their
protection to the persons of their families. A
present inquiry into the rights of individuals
members of the family, who by their actions have
been brought into the country, and the
persons who are engaged in the same, and
that the law should have the right to
stop such practices. It is the duty of the
Committee to do all that is possible to
to protect the rights of the people."

interests of the nation. The recommendations of the
Committee are as follows -

"The committee wishes to emphasize that it is
most important to draft a bill which
be remembered that every, if not most, of the
article title shall be individual or ^{the} title
time of place or time is equally important
England, as it is of the utmost importance
that the law is really occupied by a
title should be fully noted by statute in the
kindly giving the law and to afford
protection - the presence of such
provision should be by the individual
number of the title, which is not a
to be fit to deal, with matters
persons as well as corporations, and it is
that the law does have the right to
stop such practice. Special laws are
in the future it is possible that
it would be possible to

interests of the nation. The recommendations of the

Committee are as follows -

"The committee wish to emphasise that the
 that in disputes or drafts should stand. It
 be remembered that every, if not most, of the
 which they have no individual or collective
 tone of plan or tissue is generally understood
 England, and it is of the utmost importance
 that to law a revision or occupies by a
 the ^{discovered} ^{definitely} ^{noted} by statute in the
 likely ^{from} ^{to} ^{be} ^{able} ^{to} ^{afford} ^{the} ^{most} ^{effective}
 protection - the ^{possibility} ^{of} ^{such} ^{things}
 present ^{developments} ^{which} ^{lead} ^{to} ^{an} ^{increase} ⁱⁿ ^{the} ^{number} ^{of} ^{the} ^{titles}, ^{which} ⁱⁿ ^{the} ^{past} ^{has} ^{been} ^{the} ^{result} ^{of} ^{the} ^{custom} ^{to} ^{bring} ^{into} ^{deal}, ^{with} ^{the} ^{most} ^{inadequate}
 laws as well as common, but is not the
 that the law does have the right of
 stop such practices. Special ^{provisions} ^{are} ^{also} ^{made} ⁱⁿ ^{the} ^{law} ^{to} ^{prevent} ^{such} ^{practices}
 in the ^{future} ^{it} ^{is} ^{the} ^{responsibility} ^{of} ^{the} ^{Government} ^{to} ^{take} ^{steps} ^{to} ^{prevent} ^{such} ^{practices}
 to ^{prevent} ^{such} ^{practices} ^{from} ^{being} ^{resorted} ^{to} ⁱⁿ ^{the} ^{future}

~~in the interests of~~

of the natives, and finally to evolve a system of tenure for the natives, thereon giving them real and definite right to the land" -

DRAFT.

3. Last but not least it is noteworthy that any rights of the native tribes to lands occupied by or reserved for them have been lost.

MINUTE.

- Mr.
- Mr.
- Mr.
- Mr. Grindle.
- Sir H. Lambert.
- Sir H. Bond.
- Sir G. Phipps.
- Col. Amery.
- Lord Milner.

I am etc
GEORGE C. GRINDLE