

1931.

Kenya.

No. 17300.

SUBJECT

C0533/414

German Missions (Repeal) Ordinance, 1931.

Previous

See 1604/30.

21353/24.

Subsequent

18080/32 (Property of
German Missions)

No. XI

Mazrui Lands Trust

1931

known as Subdivision No. 2 (of Mazrui Reserve
No. 3) of Portion No. 1 of L.O. No. 4238 of
South A. 37
Meridional District V. II. d.

4. All that piece or parcel of land situate to the south of
Malindi Township in the Kilifi District of the Kenya
Protectorate containing by admeasurement 399.5 acres or
thereabouts known as L.R. No. 5044 (Orig. No. 4240/1 of
South A. 37
Mazrui Reserve No. 5/1) of Meridional District V. I. a.

Passed in the Legislative Council the fourth day of June,
in the year of Our Lord one thousand nine hundred and
thirty-one.

This printed impression has been carefully compared by
me with the Bill which passed the Legislative Council, and
is presented for authentication and assent as a true and correct
copy of the said Bill.

G. BELL FORD TROOKE

Acting Clerk of the Legislative Council.

LEGAL REPORT

THE MAZRUI LANDS TRUST BILL, 1931.

This Bill establishes a Board of
Trustees and provides for its powers and control
over the Mazrui Lands.

2. The Bill also validates certain
titles granted by the Arbitration Board in the
circumstances set out in the preamble to the Bill.

3. In my opinion, His Excellency the
Governor may properly assent to this Bill in the
name and on behalf of His Majesty.

Nairobi,
24th May, 1931.

Chambers
ATTORNEY GENERAL.

known as Subdivision No. 2 (of Mazrui Reserve,
No. 3) of Portion No. 1 of L.O. No. 4238 of
South A. 37
Meridional District
V. II. d.

4. All that piece or parcel of land situate to the south of
Malindi Township in the Kilifi District of the Kenya
Protectorate containing by admeasurement 399.5 acres or
thereabouts known as L.R. No. 5044 (Orig. No. 4340/1 or
South A. 37
Mazrui Reserve No. 5/1) of Meridional District
W. I. c.

Passed in the Legislative Council the fourth day of June,
in the year of Our Lord one thousand nine hundred and
thirty-one.

This printed impression has been carefully compared by
me with the Bill which passed the Legislative Council, and
is presented for authentication and assent as a true and correct
copy of the said Bill.

G. BERESFORD STOOKE

Acting Clerk of the Legislative Council

Power to
make Rules.

8. The Governor may make Rules prescribing—
- (a) the tenure and avoidance of office of trustees appointed under this Ordinance;
 - (b) the number of trustees who may act on behalf of the Board;
 - (c) the opening of a banking account and generally the transaction of the business of the Board;
 - (d) the conduct of meetings of the Board and the powers of the Chairman;
 - (e) the majority of trustees necessary to authorise the doing of any act as to which the Board is not unanimous;
 - (f) the device of the common seal;
 - (g) the custody and use of the common seal;
 - (h) generally for the purpose of administering the land vested in the Board.

SCHEDULE.

1. All that piece or parcel of land situate to the south of Kilifi Creek in the Malindi District in the Coast Province of the Kenya Protectorate containing by admeasurement 3172 acres or thereabouts being the balance of all that piece or parcel of land containing 9100 acres or thereabouts comprised in Certificate of Ownership No. 409 issued by the Recorder of Titles on the 1st day of April, 1914, after deduction of the following portions transferred before the commencement of this Ordinance:—

- (a) All that piece or parcel of land containing 277 acres or thereabouts comprised in a conveyance dated the 23rd day of November, 1926, and registered in the Coast Lands Registry at Mombasa, in Volume L.T.IX, Folio 300/1.
- (b) All that piece or parcel of land containing 5600 acres or thereabouts comprised in a conveyance dated the 1st day of June, 1926, and registered in Volume L.T.IX, Folio 294/1.
- (c) All that piece or parcel of land containing 51 acres or thereabouts comprised in a conveyance dated the 29th day of December, 1925, and registered in Volume L.T.9/18, Folio 292/1.

2. (a) All that piece or parcel of land situate to the north of Kilifi Creek in the Malindi District in the Coast Province of the Kenya Protectorate containing by admeasurement 200 acres or thereabouts known as Mtondia Village Subdivision No. 2 of Mazru Reserve, No. 2 of Portion No. 5 of L.O. No. 4237 of Meridional District South A37/V.IV.b.
- (b) All that piece or parcel of land situate to the north of Kilifi Creek in the Malindi District in the Coast Province of the Kenya Protectorate containing by admeasurement 171 acres or thereabouts known as Subdivision No. 12 of Group No. X and Subdivision No. 3 of Portion No. 5 (L.O. No. 4237 Mazru Reserve, No. 2) of Meridional District South A 37.
V. IV. b.

3. (a) All that piece or parcel of land situate to the south of Mida Creek in the Malindi District in the Coast Province of the Kenya Protectorate containing by admeasurement 201 acres or thereabouts known as Uyonbo Village Subdivision No. 4 of Mazru Reserve, No. 2 of Portion No. 1 of L.O. No. 4236 of Meridional District South A 37.

(b) All that piece or parcel of land situate to the south-west of Mida Creek in the Malindi District in the Coast Province of the Kenya Protectorate containing by admeasurement 174.59 acres or thereabouts being the balance of all that piece or parcel of land containing 213 acres or thereabouts known as Pika Village Subdivision No. 8 of Mazru Reserve No. 3 of Portion No. 1, L.O. No. 4236 of Meridional District South A 37 after deduction of Re-Subdivisions Nos. 6, 7, 12, 13, 18, 22, 25, comprising together 38.11 acres or thereabouts previously transferred.

(c) All that piece or parcel of land situate to the south-west of Mida Creek in the Malindi District in the Coast Province of the Kenya Protectorate containing by admeasurement 0.65 acres or thereabouts

Power to
make Rules.

B. The Governor may make Rules prescribing—

- (a) the tenure and avoidance of office of trustees appointed under this Ordinance;
- (b) the number of trustees who may act on behalf of the Board;
- (c) the opening of a banking account and generally the transaction of the business of the Board;
- (d) the conduct of meetings of the Board and the powers of the Chairman;
- (e) the majority of trustees necessary to authorise the doing of any act as to which the Board is not unanimous;
- (f) the device of the common seal;
- (g) the custody and use of the common seal;
- (h) generally for the purpose of administering the land vested in the Board.

SCHEDULE.

All that piece or parcel of land situate to the south of Kilifi Creek in the Malindi District in the Coast Province of the Kenya Protectorate containing by admeasurement 8172 acres or thereabouts being the balance of all that piece or parcel of land containing 9100 acres or thereabouts comprised in Certificate of Ownership No. 409 issued by the Registrar of Titles on the 1st day of April, 1914, after deduction of the following portions transferred before the commencement of this Ordinance:—

- (a) All that piece or parcel of land containing 277 acres or thereabouts comprised in a conveyance dated the 23rd day of November, 1926, and registered in the Coast Lands Registry at Mombasa, in Volume L.T.IX, Folio 300/1.
- (b) All that piece or parcel of land containing 5600 acres or thereabouts comprised in a conveyance dated the 1st day of June, 1925, and registered in Volume L.T.IX, Folio 294/1.
- (c) All that piece or parcel of land containing 51 acres or thereabouts comprised in a conveyance dated the 29th day of December, 1925, and registered in Volume L.T.9/18, Folio 292/1.

AND WHEREAS certain land has been alienated by the said Board:

AND WHEREAS doubts exist as to the validity of the titles granted by the said Board in respect of the land so alienated:

AND WHEREAS it is deemed expedient to validate all such titles by legislation:

AND WHEREAS it is also deemed expedient to establish a Board of Trustees in whom shall be vested all the Mazru land not yet alienated or which may hereafter devolve upon the Mazru and to specify the powers and control which such Board may exercise over such land:

BE IT THEREFORE ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:

Short title

1. This Ordinance may be cited as the Mazru Lands Trust Ordinance, 1931.

Interpretation

2. In this Ordinance, "the Mazru" means the Mazru and Shakhs followers of Salim bin Khamis.

Establishment of Board.

3. There shall be established a Mazru Lands Board of Trustees (hereinafter called "the Board") for the purpose of holding and administering all the lands of the Mazru; such Board shall consist of the Provincial Commissioner of the Coast Province as Chairman and such other persons not exceeding six in number as the Governor may by notice in the Gazette appoint.

Board a corporate body.

4. The Board shall be a body corporate and shall have perpetual succession and a common seal, and may sue and be sued in such corporate name and, subject to the provisions of this Ordinance, may hold, and by instrument under their common seal may convey, mortgage, assign and demise any land or any interest therein now or hereafter belonging to, or held for the benefit of, the Mazru in such and the like manner, and subject to such restrictions and provisions, as the Board might without incorporation hold, convey, mortgage, assign or demise for the benefit of the Mazru as hereinafter provided.

Vesting of land in Board.

5. (1) All lands held by or on behalf of the Mazru at the commencement of this Ordinance, which lands are described in the Schedule hereto and more particularly delineated on a set of plans entitled "Mazru land, mainland north," which

plans have been signed by the Governor and deposited in the office of the Survey and Registration Department at Nairobi, are hereby declared to be vested in the Board to be appointed under the provisions of this Ordinance, for such terms and interest and subject to such leases, mortgages, charges or other encumbrances, trusts, rights of way, easements, conditions and restrictions as existed immediately prior to the commencement of this Ordinance.

(2) Any areas of land which may hereafter be granted or conveyed or which may in any way devolve upon or be held for the benefit of the Mazru shall, subject to the provisions of the Trustee Ordinance, 1920, vest in the Board.

6. (1) The Board shall hold all land so aforesaid as trustees in trust for the Mazru.

(2) The Board may at their discretion convey, mortgage, assign or demise any of the land aforesaid for the benefit of the tribe on such terms and conditions as they may think fit and shall distribute any profits which may arise out of the said land among the members of the tribe in such manner as may seem to them just.

(3) The Board may at the request of the majority of the tribe sub-divide any land vested in them and grant any such land or sub-divided to such member or members of the tribe as they may think just.

7. (1) Any land the property of the tribe in any way alienated in good faith by the Arbitration Board appointed by notice appearing on page 178 of the Gazette, 1913, or so constituted from time to time, shall be deemed to have been lawfully alienated, and the Arbitration Board shall be deemed for all purposes to have acted legally, and any person in whose favour any grant, lease or conveyance has been made or given shall be deemed to have the like estate or interest which purported to be given by such grant, lease or conveyance.

(2) No suit, prosecution or legal proceeding whatsoever whether civil or criminal shall be instituted against the Arbitration Board referred to in the last preceding sub-section, or any member thereof, in respect of any act, matter or thing directed or done in good faith in exercise or purported exercise of their or his appointment as aforesaid, or in relation to the alienation in good faith of any land of the Mazru and the validity of any act, matter or thing as directed or done shall not be liable to be contested by suit or otherwise.

No. 26 of 1925

Vesting of Mazru property.

Validity of acts of Arbitration Board.

AND WHEREAS certain land has been alienated by the said Board :

AND WHEREAS doubts exist as to the validity of the titles granted by the said Board in respect of the land so alienated :

AND WHEREAS it is deemed expedient to validate all such titles by legislation :

AND WHEREAS it is also deemed expedient to establish a Board of Trustees in whom shall be vested all the Mazru land not yet alienated or which may hereafter devolve upon the Mazru and to specify the powers and control which such Board may exercise over such land :

BE IT THEREFORE ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows :—

Short title.

1. This Ordinance may be cited as " the Mazru Lands Trust Ordinance, 1931 "

Interpretation.

2. In this Ordinance, " the Mazru " means the Mazru and Shakh'ai followers of Salim bin Khamis.

Establishment of Board.

3. There shall be established a Mazru Lands Board of Trustees (hereinafter called " the Board ") for the purpose of holding and administering all the lands of the Mazru; such Board shall consist of the Provincial Commissioner of the Coast Province as Chairman and such other persons not exceeding six in number as the Governor may by notice in the Gazette appoint.

Board a corporate body.

4. The Board shall be a body corporate and shall have perpetual succession and a common seal, and may sue and be sued in such corporate name and, subject to the provisions of this Ordinance, may hold, and by instrument under their common seal may convey, mortgage, assign and demise any land or any interest therein now or hereafter belonging to, or held for the benefit of, the Mazru in such and the like manner, and subject to such restrictions and provisions, as the Board might without incorporation hold, convey, mortgage, assign or demise for the benefit of the Mazru as hereinafter provided.

Vesting of land in Board.

5. (1) All lands held by or on behalf of the Mazru at the commencement of this Ordinance, which lands are described in the Schedule hereto and more particularly delineated on a set of plans entitled " Mazru land, mainland north," which

No. XI of 1931.

An Ordinance to Establish a Masrai Lands Board of Trustees, to Provide for the Powers and Control which such Board may Exercise over the Masrai Land, and to Validate Certain Titles granted by the Arbitration Board appointed by Notice appearing on page 178 of the Gazette, 1912.

WHEREAS in Application Cause No. 31D of 1912 before the Land Registration Court at Takaungu certain blocks of land in the Malindi District were set aside for the use of the Masrai tribe

AND WHEREAS in the matter of the said Cause titles to five blocks of land were subsequently issued as follows—

Block No. 1, Certificate of Title 409 of the 1st day of April, 1914.

Block No. 2, Certificate of Title 408 of the 6th day of April, 1914.

Block No. 3, Certificate of Title 406 of the 19th day of March, 1914.

Block No. 4, Certificate of Title 407 of the 19th day of March, 1914.

Block No. 5, Certificate of Title 414 of the 15th day of July, 1914.

AND WHEREAS by a notice appearing at page 178 of the Gazette of the 15th day of March, 1912, the Acting Governor appointed an Arbitration Board as follows to subdivide the aforesaid blocks of land amongst all the families of the Masrai tribe entitled to land—

- Rashid bin Salim, Chairman.
- Mohamed bin Sud Member
- Mohamed bin Seif
- Mohamed bin Juma
- Riziki bin Mahomed
- Khalfas bin Abdallah
- Abdulla bin Rashid

No. XI.

1931.



Colony and Protectorate of Kenya.

IN THE TWENTY-SECOND YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE V.
JOSEPH ALOYSIUS BYRNE, K.C.M.G., K.B.E., C.B.,
Governor.

Assented to in His Majesty's

name this 10th day of July

1931.

J. BYRNE.

Governor.

An Ordinance to Establish a Mazrui Lands Board of Trustees, to Provide for the Powers and Control which such Board may Exercise over the Mazrui Land, and to Validate Certain Titles granted by the Arbitration Board appointed by Notice appearing on page 178 of the Gazette, 1912

KENYA.

No. 416



GOVERNMENT HOUSE,
NAIROBI,
KENYA.

RECEIVED
12 AUG 1931
COL. OFFICE

20th July, 1931

My Lord,

I have the honour to forward herewith two authenticated and 12 printed copies of an Ordinance intituled "The Mazrui Lands Trust Ordinance 1931" which duly passed its third reading in the Legislative Council on the 4th June, 1931, and to which I assented in His Majesty's name on the 10th July, 1931, together with a copy of the Legal Report by the Attorney General.

8 OCT 1931

Amund 187

I have the honour to be,
My Lord,
Your Lordship's most obedient,
humble servant,

BRIGADIER GENERAL,
GOVERNOR.

THE RIGHT HONOURABLE
LORD PASSFIELD, P. C.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON S. W. I.

Clause provides that every such Bill shall contain a section saving the rights of the Crown, of all bodies, politic and corporate, and all others, except such as are mentioned in the Bill, and those claiming by, from, or under them.

3. [I shall be glad if you will consider whether an Amending Bill should not be introduced containing a saving clause as required by the Clause of the Royal

I shall be glad to learn on what grounds the omission of such saving clause was intended.

Instructions. Meanwhile, no advice will be tendered to His Majesty in regard to the Ordinance.

I have, etc.

For [] say

I shall be glad to learn on what grounds the omission of such a saving clause from the present Ordinance may be justified.

JHT

(SIGNED) J. H. THOMAS.

17299/51 Kenya

C. O.

C.O.
1-007
0 2

Mr. Eastwood

Mr. *Trivedi* 30/9

Mr. *Pratt* 1/10

Mr. *McMahon*

Mr. C. Bannister

Mr. J. Sandburgh

Mr. G. Grindle

Post. U.S. of S.

Parly. U.S. of S.

Secretary of State.

Downing Street.

8 October, 1951.

DRAFT.

KENYA.

No. 687

Gov.

Sir,

I have etc. to ask the receipt of your despatch No. 416 of the 20th of July, in which you forwarded for signification of His Majesty's

pleasure copies of an Ordinance

entitled "The Mazrui Lands Trust

Ordinance, 1951". It would seem that

the Ordinance is one "intended to affect or benefit some particular person,

association, or corporate body", and

therefore comes within the scope of

Clause XXXV of the Royal Instructions

of the 11th September, 1920. This

Clause

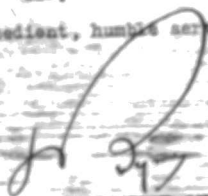
such associations, or conferring statutory powers on public utility companies; in other words, to Private Bills. The Standing Rules and Orders of Legislative Council which have been approved by the Secretary of State incorporate the clause in question as No. 93 under the heading of "Private Bills", and No. 92 defines a "Private Bill" as not including "Bills submitted by direction of the Governor".

5. I should welcome guidance as to the true meaning and intent and the general scope of the clause referred to.

I have the honour to be,

Sir,

Your most obedient, humble servant,



BRIGADIER-GENERAL.

GOVERNOR.

KENYA

No. 655



GOVERNMENT HOUSE,
NAIROBI,
KENYA.

18th November, 1931.

RECEIVED
19 DEC 1931
1931

Sir,

102

I have the honour to acknowledge the receipt of Mr. Thomas' despatch No. 687 of the 8th October 1931 on the subject of the Masrui Lands Trust Ordinance 1931.

2. I regret that I am unable to appreciate the grounds for Mr. Thomas' view that the Bill in question comes within the scope of Clause LXXV of the Royal Instructions. It is true that the Bill does benefit the Masrui, but, as the long title shows, it goes further and validates existing titles granted by the Arbitration Board, and so inferentially benefits the holders of these titles.

Answer (H)

3. If the reference to "particular person, association or corporate body" has in mind the Masrui Board of Trustees, as the corporate body affected, then it seems to me that such Ordinances as the Land Bank Ordinance, which sets up a corporate board, or the Bowring Pension Ordinance which affects and benefits a particular person, are equally defective for lack of the clause referred to.

4. I have hitherto regarded the Clause of the Royal Instructions as having reference to statutes incorporating mission bodies, masonic lodges and

such ...

THE RIGHT HONOURABLE
MAJOR SIR PHILIP CUNLIFFE-LISTER, P.C., G.B.E., M.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S. W. 1.

3. I however agree with you that it was not necessary that this measure should be placed in the category of Private Bills and consequently within the ambit of Clause XXV of the Royal Instructions.

I have accordingly to inform you that His Majesty will not be advised to exercise his power of disallowance

with respect to Ordinance No. XI of 1961, of the Legislature of Kenya entitled "An Ordinance to Establish a Mazrui Lands Board of Trustees, to Provide for the Powers and Control which such Board may Exercise over the Mazrui Land, and to Validate Certain Titles granted by the Arbitration Board appointed by Notice appearing on page 178 of the Gazette, 1912."

I have, etc.,

(Sd/-) P. OUNGANI LISTER.

17299/31.

C. D. I
R 27 JAN
D 79

Handwritten initials and marks, including 'H' and 'A'.

C. O.

Mr. Allen. 257

Mr. [Name] 261

Mr. [Name] 261

Mr. Parkinson.

Mr. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Form. U.S. of S.

Party. U.S. of S.

Secretary of State.

DOWNING STREET,

30 January, 1932.

Sir,

I have, etc., to acknowledge the receipt of your despatch No.655 of the 18th November, 1931, on the subject of the Mau Mau Lands Trust Ordinance, 1931.

Further consideration has now been given to this matter in the light of your despatch and a ruling given in 1911 by my predecessor, the late Lord (then Mr. Lewis) Harcourt has a clause in the Order under the Royal Instruc-

tions, worded in a similar manner to the 11th Clause XXXV of the Kenya Royal Instructions of the 11th September, 1920, should be regarded as being applicable to cases

where private persons promote and carry through a private Bill and need not be regarded as applicable to measures of

which the Colonial Government takes charge.

DRAFT.

KENYA

87

Handwritten mark, possibly 'N'.

17299/31.

C.D.I
R 27 JAI
D 79

4
H

C. O.

Mr. Allen. 277

Mr. ~~Howe~~ 2671

Mr. ~~Styke~~ 2671

Mr. Parkinson.

Mr. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

DOWNING STREET,

30 January, 1932.

Sir,

I have, etc., to acknowledge the receipt of your despatch No.655 of the 18th November, 1931, on the subject of the Masrai Lands Trust Ordinance, 1931.

DRAFT.

KENYA

No. 07

2. Further consideration has now been given to this matter in the light of your despatch and a ruling given in 1911 by my predecessor, the late Lord (then Mr. Lewis) Harcourt under ~~the~~ ^{that a clause in the Ordinance} Royal Instructions, worded in a similar manner to Clause XXXV of the Kenya Royal Instructions of September, 1920, should be regarded as being applicable to cases where private persons promote and carry through a private Bill and need not be regarded as applicable to measures of which the Colonial Government takes charge.

No

17299/31.

C.D.I.
R 27 JAI
D H

At a
H

C. O.

Mr. Allen. 247

Mr. ~~Sturges~~ 261

Mr. ~~Sturges~~ 241 J

Mr. Parkinson.

Mr. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Parly. U.S. of S.

Parly. U.S. of S.

Secretary of State.

DOWNING STREET,

30 January, 1932.

Sir,

I have, etc., to acknowledge the receipt of your despatch No.655 of the 18th November, 1931, on the subject of the Mazrui Lands Trust Ordinance, 1931.

DRAFT.

KENYA

No. 87

2. Further consideration has been given to this matter in the light of your despatch and a ruling given in 1911 by my predecessor, the late Lord (then Mr. Lewis) Harcourt under a clause in the Kenyan Royal instructions, worded in a similar manner to Clause XXXV of the Kenya Royal Instructions of the 11th September, 1920, should be regarded as being applicable to cases where private persons promote and carry through a private Bill and need not be regarded as applicable to measures of which the Colonial Government takes charge.

No

Mr. Howard.

Agree.

I think we always act on the Ceylon ruling to which you refer; and ^{if I have not} even if this ^{could have been} had been a private Bill, the Royal Instructions in question need not have been regarded as applicable because the Colonial Government took charge of the measure.

The difficulty now is how gracefully to retire from the position which we adopted in No. 2. Perhaps you would be good enough to discuss it with Mr. Allen, and let us see the draft despatch.

12th January, 1932.

A. Duncan.

Mr Allen

Mr Duncan and myself agree that your

draft will suffice.

J. C. Howard 24/1/32

Passes

20/1/32

26/1

at all

Handwritten initials

Handwritten note: 17/1/32

4 To Gov. 87 (3 answers)

30 JAN 1932

This is a little difficult to follow, but prima facie it appears to be within clause XXXV Royal Instructions, etc. I suggest that the Colony be asked why a saving clause was not inserted

K.H. Trusted
29/11

Clear this must be done -
I understand not signed
revised.

J. G. G. 28/5

Off. copy for ...

J. G. G. 29/11

2 Gov 687-1. know. cons - 8 OCT 1931

3 for Kenya - Gov - 27/1/31

It would be appreciated the grounds for view that Bill comes within the scope of Clause XXXV of the R. Instructions & would welcome guidance as to the true meaning & intent of this Clause.

This is I think entirely a matter for C.C. & the Legal Advisers

J. G. G. 14-12-31

the conson of the legal advisers, who may, however, like to see the annexed papers - especially Gov/33253, Ceylon in volume below - regarding the interpretation Gov/33253 refer to be placed on this clause.

W. H. G. 29 12 31

Copy to
Legal Advisers
J. G. G.

Mr. Duncan.

As I do not agree with the opinion expressed on the previous page by Mr. Trusted, I think that before my views go further you should see this M.P.

Ordinance No. 11 of 1931 has primarily been enacted to validate the proceedings of an Arbitration Board appointed by the Government without statutory authority in 1918 to subdivide the families of the Mazrui tribe. This Arbitration Board was appointed in view of the failure of the Land Titles Court to elucidate the somewhat nebulous claims of members of the tribe in question. The Ordinance also constitutes a Board of Trustees for the future control of Mazrui land not yet alienated. The Ordinance is not in any sense a private Bill, having been introduced, sponsored, and enacted by the Government in order to supplement the efforts previously made by the Land Titles Court and the Arbitration Board to place on a proper basis the rights vested in this tribe.

Paragraph 2 of (B) also conflicts with the ruling contained in 33253 Ceylon, of the 11th November, 1911.

J. G. G.

It seems Mr. Trusted, who was only attached for a short time, could hardly have been expected to know of this Bill's making.

H. W.

1.1.32.

This is a little difficult to follow, but
prima facie it appears to be within
clause XXXV Royal Instructions, esp.
I suggest that the Colony be asked
why a saving clause was not inserted

H.H. Russell
299

Clearly this must be done -
& no disallowance not signified
manuscript.

J. J. J.
285.

Off. copy for use

J. J. J.

2. No. Coo 687-1 known - cons.

6/3/32
5 OCT 1931

3. For Kenya — Gov — 27/3/31.

It would be appreciated the grounds
for view that Bill comes within the
scope of Clause XXXV of the R. Instructions
& would welcome guidance as to the
true meaning & intent of this Clause.

This is I think entirely a
matter for C.C. & the Legal
Adviser.

J. J. J.
14-12-31.

Spans to
Library

1. See pages 116 _____ 20 July 2
The authenticated and printed copies of
Mazari Lands Trust Ordinance No. 11 of 1931 with
legal report by Attorney General.

Mr. Sumner

Have you any legal comments?

~~Byrd~~

29. 8. 31

on the way down for Departmental
find of view? If so it could be comment
if they could be given before legal
comments

~~Byrd~~
79.

I think the Gov. might perhaps
have given us a little more
Explanation of this Ord., though
I can see nothing in it
which objection could be taken.

The Attorney General's explanation on
pages 37 & 38 of the 2nd. Co.
Tables page # 84 is very
clear.

No depth shown - Subject
to legal obs., ? in the C-3.
J. D. Rand
16.9.31