

1932

Kenya

1

No. 18117

SUBJECT

C 0533 / 4 24

Land Commission

(Sir W. Morris Carter.)

(see also sub-files)

Previous

17312/31.

Subsequent P.Q. files, 3096/33.

- Sub-file 1. (Missionary Societies Lands)
 - " 2. (Taking of Evidence)
 - " 3. (Local Transport -
accommodation, staff)
 - " 4. (Communication of Claims)
- See 27001/4/32 (Business of the Commission)

Further
action on
No 46
17/3/32

- 2. Women's International League 11.5.1932
The resolution of their Executive Committee in regard to H.M.G.'s decision not to add "two independent British men and two Africans" to the personnel of the Land Commission.

Reply that as was indicated in the debate in the House of Lords it is not possible to find an individual or individuals sufficiently capable of representing the native Community generally and for this reason it is not proposed to alter the ~~the~~ constitution of the Commission.

H. P. ...
12/5/32

When the same League protested on the subject of the Defence Force, the reply sent was merely an acknowledgment, saying that their views were noted.

1. 2/4/32
W.C.S. 516
"A" |

A similar reply seems appropriate to this case.

J. ...
12/5

Addressed to S. H. ...
10/5/32

W.C.S. 13.5

As prepared at ...
19.5.32

AIR MAIL.

To Governor Kenya, 359
(with 6 copies of H. of L. debate
or 4.5.1932)

10.5.1932
CONS

Smith on
a/c Kenya
No 46
17/5/32

- 2. Women's International League 11.5.1932
Res. resolution of their Executive Committee
in regard to H.M.G.'s decision not to add "two
independent British men and two Africans" to the
personnel of the Land Commission.

Reply that as was indicated
in the debate in the House of Lords it
is not possible to find an individual
or individuals sufficiently capable
of representing the native community
generally and for this reason it
is not proposed to alter the
composition of the Commission.

J.K. P. M. S. M. S.
12/5/32

When the same Kenya problem on the
subject of the Defense Force, the reply sent
was merely an acknowledgment that
their views were noted.

1. 2/4/32
W.C.S. 5/6
"A"

A similar reply seems appropriate
in this case.

J.K. P. M. S. M. S.
12/5

Addressed to the S. M. 10/5/32
17/5/32

W.C.S. 13.5

As prepared at "A"
19.5.32

DESTROYED UNDER STATUTE 2 and 24 MAY 1932

To Women's International League.

4 Gov. Kenya - Tel - 13/5/32

"Following telegram recommendation East African Indian National Congress with request it be forwarded. Begins. Congress strongly protests against nomination local settler as member of Land Commission to exclusion of Indians and natives. Ends."

? It will be sufficient to ~~ack~~ say that the Resolution of the East African National Congress has been noted.

J.H. P. 13/5/32

? Note sent by dop 25/5/32

J.H. P. 25

J.H. P.

Sir S. Carter

13/5/32

You should see, ~~advised~~ we shall have the again at second hand from J.O. An Indian would not help Sir Thomas Carter appreciably.

as proposed?

25.5.32.

As proposed.

J.H. P. above

26.5.32

Dr. Allan S. Carter

3

Notes

Please see passage marked in attached letter from today's New Statesman. A similar criticism was expressed in this paper last week - three weeks ago, and yesterday in Dominion Carter told me that the allegation had reached him from another source (I think Carter).

It is possible that a question was asked in the House, in reply by S.O.S. that he had no information might provide an unnecessary retort.

As in draft herewith

J.H. P. 21/5.

Lord Sanderson mentioned the same point in his speech in the H.C. of Lords in May but that "it may be for all I know" that Capt Wilson is actually occupying such land. So far I know the point was not mentioned in the H.C. when dealing with personnel - his point was that Capt Wilson was identified with a police.

Sec of State (through Sir H. ...)

21/5/32

As proposed!

Capt. Wilson's land is between the ... the fact may be as stated

but the good faith of his holding
is not unimpaired, & he has used
blow by saying that the
Wadhams ought to be compensated!

C.S.S.
21.5.32.

Sec of State (through Sir K. Hamilton)
You should see. I agree that
we should telegraph G.H.K.
23.5.32

M.H.
24.5.32

6 Dof. Kenya - Tel. pp. - 2/6/32

7 To Sir W. Morris Carter - 26/7/32
(relates to terms of reference) (as sent on 18/7/32)

8 To Sir - Tel. Conf. No - 30/7/32
9 To Sir - Tel. Conf. III - 30/7/32

It completes action on (10)

A. Hamilton
16/6/32

~~10 C. M. H. H. H.~~

DESTROYED UNDER STATUTE
10 H.H. (H. H. H.) - 3 JUN 1932

10A. Dof. Kenya, Tel. 89 - 2/6/32
Answer Mrs. P. G. (Action taken on
last file 2.)

Sir M. Carter called this morning; I showed him
the draft letter to himself and he concurred in its
terms. Later he saw Sir K. Hamilton, who agreed a
draft letter to the "Times" and a press notice.
When Lf action has been taken, papers should be
recirculated to me.

M.B. WASHINGTON
3.3.32 at once.

- 11 To Sir W. Morris Carter 3rd June, 1932
(w/ copies of 5, 6, & 9 on Sub file 2
and list); CONS.
- 12 To The Times
The Manchester Guardian } as from Sir 3. 6. 1932
East Africa. } Morris Carter
- 13 Press Announcement.

DESTROYED UNDER STATUTE

14 To C.A. - w/c II - B/K - 4 JUN 1932

15 To Sir H. H. H. (w/c II) A/H - 4 JUN 1932
(10A amended)
By Sir H. H. H. of 8/6/32

16 To Sir M. Carter - 3/6/32
DESTROYED UNDER STATUTE
Reck. receipt of No 11.

17 Extract from New Statesman 4/6/32

18 To C.A. - 2/6/32
No reproduction of a map
for Sir M. Carter. (Sent on 17/7/32)

19 To Sir M. Carter - 7/6/32
w/ 12 white prints of the map.

20 To Sir M. Carter - 8/6/32
DESTROYED UNDER STATUTE
Reck. receipt of maps.

J. D. Gov. Tel. Prop. No. 6. - 4/6/32

DERIVED UNDER STATUTE

22. Gov. Kenya — Tel Prop — 4/6/32
In answer to Nos 6 & 21, Statutory
Information regarding land owned
by Capt. Wilson & Major Joyce.

The Gov. was reminded
in view of the Austrians who 2
in 1914.

It may now be that
I should accept letter.
J. D. Gov.

14/6
at once

23. Gov. Byrnes S.O. 8th June.
Gives further information regarding the estate
owned by Capt. Wilson and Maj. Joyce eas to native
occupation.

? Public
Mr. P. P. ...
30/6/32

It is too late, even if it had been
desirable, to let Sir Denis Carter have a
copy now.

L. P. ...
30/6/32

(Copy of Hansard - Co. Vote Debate
Land Commission discussed
See on P.O. file)

See Com. on 27001/4/32 - E.H.
relating to the responsibility for
the expenses of the Commission.
See the Com. Nos 6 & 21 on 7/15/32.
As to reproduction of a map for the
use of Sir Denis Carter.

24. Extract from Kenya Gazette 28th June, 1932
Commission appointing the Land Commissioners.

25. Extract from Kenya Gazette 2nd August, 1932
Provisional programme for the Commission
until 26th October, 1932.

The programme in 25 is of interest.
It will also be observed that
the arrangements for the taking of
native evidence are such as
to ensure the fullest opportunities to
them of discussion etc in accord
with the suggestion in para 2 of 1.

? Pub. by

Mr. P. P. ...
29/6/32

Mr. C. Bottomley may be interested
to see
J. D. Gov.

29/6/32

to C.S.
29.6.32

Registry Note

Further observations are left to the former Land Commission.
This point should be covered by report. - See Sir C. Bottomley's
minute of 26.10.32. on 27061/32 E.A.

26 Governor Byrnes Tel 219 _____ 25 Nov 32

Seeks approval of special warrant for £2120 on account of the Land Commission.

The S. of S. is not concerned with the issue of special warrants but is with the approval of additional provision.

The £1500 shown in item 14 of schedule no 2 of 1932 (sub to 2 of 18/9/32) has not been approved vide para 6 of 7 in the file. approval may therefore be given if the provision was ^{draft} anticipated.

I submit a ^{draft} telegram

J. H. P. M. S. ¹¹¹¹
26/11/32

To Gov Kenya Tel No 252 26 and 28.11.32

DESTROYED UNDER STATUTE

28. Extract from Times dated 6 Dec 32

Parliamentary Question by Mr. Morgan Jones for reply 12/12/32 (No. 7 on P. Q. file)

29. To Governor 900 Au Gail - one - 18 Dec 32

30 Governor Byrnes 630 (Au Gail) _____ 31 Dec 32
Encls. memorandum regarding Sir G. Carter's statement in connection with the return of land to natives & compensation.

(For the reference to the H/Lords debate, see No. 1 on 18/11/32 P.Q., and Mr. Patten's minute of 3rd May.)

If the word "recomm" had occurred at the beginning of the statement rather than at the end, its form would have been less open to criticism. It was evidently drafted more with an eye to removing native misapprehensions than to removing the gamut of Kenya critics at home.

The "Manchester Guardian" (see cutting annexed) has read into the statement an implication which it can hardly have been intended to bear.

Telegraph as in draft herewith?

("East Africa" this week discuss the possibility of repurchasing contiguous alienated land)

Without the "Guardian's" ^{13/1/33} help, I should not have applied to the state bank to the 900 problem, which was a mere fact existing (in practical form) when the Commission was appointed. But I agree that a telegram should

shall be sent.

I have made ^{two} suggestions, in
the draft: the second is intended
to avoid a reply which might
get us little further.

As regards the first, if the
S. off. is prepared, within a few
days, to envisage the purchase of
alienated land, I can of course
have no objection. but I think
it would lead us very far, as it
could hardly be confined to the
gold problem. I prefer my own
formula.

L.C.S. 13/1/33

28/ 13/1/33 30/1

31 To Governor Tel. P.P. _____ 16 January 33

32 Gov. Bygone Tel. (P.P.) _____ 24 Jan. 33

Trans. message from Sir Morris Carter giving views
on amendment to Native Land Trust Ordinance & its effect
on work of the Commission.

The Commission's 7th term of reference is as follows:-

"To review the working of the Native Lands Trust Ordinance, 1930, and to consider how any administrative difficulties that may already have arisen can best be met, whether by supplemental legislation or otherwise, without involving any departure from the principles of the said Ordinance.

The Secretary of State's telegram was sent in the hope of eliciting from the Morris Carter Commission an assurance that they would not feel debarred from recommending additions to the Kavirondo Reserves under the 1st and 2nd of their terms of reference.

It seems possible that Sir Morris Carter and his colleagues may feel that the judicial nature of their task obliges them to resist anything that might be construed as an attempt by the Executive to influence their findings.

^ Telegraph as in draft.

(Copies of 31, 32 and the reply should be placed on 3006/32 Kenya.)

~~Copies attached~~

However judicial the tel. may be, it is useful to have the reminder that the Commission are charged with the examination and solution of "administrative difficulties." Certainly the gold question, & indeed the whole working of alienated land,

present administrative
difficulties.

U.S.D.
25.1.33.

W.S.
26/1/33

To Gov. Kenya. Tel. P.P. 26.1.33

~~23~~
DESTROYED UNDER STATUTE

[Handwritten scribbles and initials]

N.B. For procedure when Carter Commission's Report is received, see Cabinet decision of 15th Feb. in 3006/33 Secret Kenya.

[Handwritten initials]

[Handwritten initials]
16/2/33

N.B. When Commission reports, see next note below No. 25

[Handwritten initials]

~~24~~
DESTROYED UNDER STATUTE

Mr. G. G. Jones ————— 24 Jan 33

Requests maybe supplied with copies of E.A. O. 1921
forwarded in answer to P.D. No. 7.

~~25~~
DESTROYED UNDER STATUTE

Mr. G. G. Jones — (2ccs of O. 1921) — 17 Jan. 33
(34 answer).

present arrangements
sufficient.

U.S.
25.1.33.

W.S. 26/1/33

To Com. Kenya. Tel. P.P. 26.1.33

~~33~~
DESTROYED UNDER STATUTE

[Handwritten scribbles and initials]

N.B. For procedure when Carter Commission's Report is received, see Cabinet decision of 15th Feb. in 3006/33, Secret Kenya.

[Handwritten initials]
16/2/33

[Handwritten initials]

N.B. when Commission reports, see next - ink note below No. 25

~~34~~ 34 *[Handwritten initials]* of Gagan Jones _____ 24 Jan 33
DESTROYED UNDER STATUTE
Requests maybe supplied with copies of E.A. Omb 1921
promised in answer to P.P. No. 7.

~~35~~ 35 *[Handwritten initials]* of Gagan Jones - 14 Dec (Omb 1921) - 17 Jan. 33
DESTROYED UNDER STATUTE
(34 answers).

COPY FOR REGISTRATION

8
32

TELEGRAM from the Governor of Kenya to the Secretary of State for the Colonies.

Dated 24th January, 1933.

(Received, Colonial Office, 2.43 p.m., 24th January, 1933.)

Private and Personal 24th January.

Reference your telegram private and personal of 16th January following message from Sir Morris Carter begins. Amendment of Native Land Trust Ordinance was temporary measure only and was distinctly declared to be without prejudice to action of Government to be taken in light of recommendation which Land Commission might make. Members of Commission state that they consider amending Ordinance in no wise relieves them of their duty when making their recommendations under their seventh term of reference to make recommendation which does not involve any departure from principle of original Ordinance ends.

No 31

(No. 33)

Ans'd. Tel. 26/1/33

COPY FOR REGISTRATION

8
32

TELEGRAM from the Governor of Kenya to the Secretary of State for the Colonies.

Dated 24th January, 1933.

(Received, Colonial Office, 2.43 p.m., 24th January, 1933.)

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No 31

(No. 33)

Amend. Tel. 26/1/33

C. O.

18117/32

31

Mr. Weston 12/1

Mr.

Mr.

Mr. Tomlinson.

Sir C. Bottomley 13-1.

Sir J. Stubbburgh 13/1/33

Sir G. Grindle.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

Kearney

Answered by No 32

	O.D.
11	17 JAN
D	17

Coded sent

345 P4

16/1/33

P.V.H.

Private & Personal.

20

that

Your despatch 31 Dec. 630

DRAFT. Tel (for comm.)

Lyonna Navari

Criticism has already been publicly expressed here that Commission's statement has prejudged possibility of adding land to Kavarondo Reserves in substitution for land excluded for mining purposes.

As you are aware from my telegrams 2nd Dec. 260 and 20th Dec. 278 Part II |

copy answered

attach importance to compensation in land rather than money wherever possible, and should be prepared if necessary to consider repurchase of for this

7 sub: (it may be)

purpose of contiguous land already
alienated. Please communicate
this telegram to Commission. Any
reassurance which they may feel in
- position to give ~~to~~ ^{will} notably
ease my task when Parliament
meets Feb. 7th.

e.g. extent of affliction
of this statement to the
~~the~~ gold problem

SE CER.

purpose of contiguous land already

abandoned. Please communicate

this telegram to Commission. Any

reassurance which they may feel in

- position to give will notably

ease my task when Parliament

meets Feb. 7th.

e.g. as to extent of application
of this statement to the
gold problem

SECRET.

18324/32

TELEGRAM from the Secretary of State for the Colonies to the Governor of Kenya.

(Sent 4.30 p.m. 2nd December, 1932)

No. 250.

Your telegram No. 215. I note (a) that addition proposed in your telegram No. 207 has been considered and agreed to by Central Board of which Chief Native Commissioner is member; (b) that action which is in effect equivalent to the notice to natives contemplated by Ordinance has already been taken since the procedure for developing the goldfield including (as I assume to be the case) the methods of safeguarding native interests has been brought fully to the notice of the native population both by yourself at barazas and by the circulation of an explanatory pamphlet. (c) that each particular exclusion will be considered by the local Board on which the natives of the location or section concerned must be represented and will be reviewed by the Central Board; and (d) that it is to be made clear that the Bill is a purely interim measure which will in no way prejudice consideration of Carter Commission Report.

I agree with you that safeguards are adequate particularly as the whole policy is based on the principle that where a temporary excision is made either land shall be added as provided in Section 15(2) of the Ordinance or where this is impracticable adequate compensation shall be paid in money. I appreciate also the necessity of securing the development of valuable economic resources with reasonable expedition, and in all the circumstances I agree to the addition proposed in your telegram No. 207.

TELEGRAM from the Secretary of State for the Colonies to the
Governor of Kenya.

(Sent 7.40 p.m., 20th December, 1932.)

Important.

No. 278. Part II.

In reply to supplementary questions I stated in effect "Valuable gold has been discovered on this tract of land in great native reserve. That gold is vested in the Crown. It is going to be worked. It is in the interest of everyone and not least of the natives that it should be worked, and I should be guilty of the greatest dereliction of duty if on a technical point I held up a development which is primarily in the interests of the natives.

All minerals belong to the Crown therefore it will be for the Crown to grant the leases and to secure in such leases proper terms of remuneration for the Crown as any other landlord would.

The Governor has explained matters to the natives personally, and the Chief Native Commissioner has issued a memorandum which is really simplicity itself. I never saw a better document setting out the whole position.

I am quite certain that nothing more could be done by the Government - not only to let the natives know but to safeguard their interests.

Certainly wherever land is available the natives will be settled on other land. If there should be cases where it is not possible to find the land for them, they will get full compensation and the compensation will be at least as good as would be paid to any white settler if his land were taken.

No-one is going to benefit more than the native, who will get compensation to start with for any land that is taken. It will be very adequate compensation and probably a combination of land and money. He will be employed at a remunerative rate of wages and he will find an admirable market for his produce".



KENYA

No. 630

GOVERNMENT HOUSE,
NAIROBI,
KENYA.

REC. OFF.

3/5/32 December 1932.

Sir,

No 29

I have the honour to refer to your despatch no. 900 of the 13th December 1932 on the subject of a statement made by Sir Morris Carter as Chairman of the Land Commission and to enclose a memorandum on the incident by Sir Morris Carter.

I have the honour to be,

Sir,

your most obedient, humble servant,

BRIGADIER-GENERAL.

G O V E R N O R .

Amud - Dec. (No 31)

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

MEMO.

At baragas held in Kavirondo and Kikuyu (at Mumias, Yala, Kisii, Nyeri, Fort Hall and Kiambu) it became very evident that the mere fact of the appointment of a Commission had raised in the natives very extravagant hopes of so intense a character as to threaten very considerable trouble for Government in the future, unless some steps were taken to confine these aspirations within reasonable bounds.

As an instance of the kind of statements which have been made, it was said by an elder in Mumias, with the fullest approval of the assembled natives, that the black man's boundary extended to the sea. Rumours have reached the Commission that natives are saying that all the white man's farms will be taken from them.

We have noticed throughout that witnesses in baragas have addressed themselves less to the Commission than to the assembled natives and the tendency has been for them to become worked up and to say things which in their sober moments they might regret.

In Kikuyu there has been the complication of family claims. The Commission is at work on these and it will not be possible, until all the evidence is reviewed, to state how much validity there is in the contention of

private ownership in Kikuyu. Nevertheless, many claims have been made which can be said at once to be most extravagant and unreasonable.

When the Kikuyu first entered the Kiambu District, they found Dorobo hunters in occupation and transactions took place by which rights of seigniorie changed hands. These usually related to a region over which some Dorobo elder and his dependants were hunting and over which they claimed some sort of sovereign right.

By process of adoption and inter-marriage and sometimes by purchase and sometimes by killing and blood-money and sometimes by a combination of all these things, these rights gradually changed hands.

About 300 claims have been brought before the Commission, based on these circumstances. While some of them can be reasonably regarded as claims to agrarian estates bearing some relation to the potentialities of the claimants to develop them, there are many other cases where a small group of natives claim the whole of the land between two rivers stretching right away to their point of juncture which was far beyond any point ever visited either by themselves or the Dorobo who sold the land.

A case in point is that one group, numbering 215 people, claim to have bought (for 2000 goats and 200 rams, 3 pots of honey and oddments) the whole of the land to the eastwards of the Reserve lying between the Ndaruga and Thika rivers as far as the Mita Ghania. This includes

the whole Yatta besides all the farms lying in between - certainly not less than 200 square miles.

The Dorobo, not to be outdone, are in some cases submitting claims that they have never yet disposed of their rights to the Kikuyu and are still the rightfully owners of large stretches of the Kikuyu Native Reserve.

While it will not be wise to particularise further until the work of the Commission is complete, it will be realized that the proper assessment of any real hardship which the Kikuyu or other tribe may have suffered was in danger of becoming obscured by all sorts of impossible claims and pretensions. Not only was this extremely hindering to the Commission in its work, but it was also realized that a political atmosphere was being engendered, which might cause very serious trouble.

In these circumstances the Commissioners considered it no less than their duty to make an announcement. This was done after full consideration. The exact words to be employed were debated and approved by all three Commissioners. Attached is the exact text of the Commission's announcement, which was made at the Baraga held at Kiambu. The statement that this Commission "has to take facts as they are" is founded on Lord Strathcona's announcement in the course of the House of Lord's debate of 4th May (Column 221) to

the effect that this Commission should accept
the facts as they are today.

8

LAND COMMISSION'S STATEMENT
REGARDING COMPENSATION.

"As the Commission has to take facts as they are, it is understood that there can be no question, generally speaking, of land already alienated to Europeans being taken away from them; but that if, and where, cases are made out that land has been taken away from natives to which they had a right, it will be the duty of the Commission to ascertain what compensation is due and how far such compensation can be paid in land and how far it must be paid otherwise. Where the Commission could find suitable land with which such compensation could be paid it would recommend payment in that way, but if it were unable to find sufficient land for that purpose it would recommend compensation in some other form."

—•—

1817/32 } memo
12th

C. O.

Mr. Wallace 13/12

Mr.
Mr.

Mr. Parkinson.

Mr. Tomlinson.

X (see below) Sir C. Bottomley 13.12

Sir J. Shuckburgh

Perm. U.S. of S.

Parly. U.S. of S.

Secretary of State.

Answered by No. 30
Formal 13 Dec

13 Dec 1932

GH

Sr,

I have to

transmit to you the
accompanying copies of
Eustace's answers in
reference to the
H Dec relating to the
Lans Commission.

2. The Eustace's personal

presumably arise as to
a statement attributed
to Sir Home Gort, the
Chairman of the
Commission.

DRAFT.

memo
No 400
E. Bruce

~~1817/32~~
~~No 7~~

~~Times Extract~~
~~(No 28 original file)~~
referred attached
for convenience

X I think you should - no Cliffe
look to see the soft document
with a copy sent but that
an normal def. should sent

11779

press message from Nairobi

reproduced in the enclosed
abstract from the issue of
the Times newspaper of
~~the~~ the 6th Dec.

3. You will observe

that I undertook to enquire

whether Sir Lewis Carter
actually ~~delivered~~ made the

statement attributed to
him in the press & also

to enquire from the
~~an early material~~
with a report on the

~~fact~~ matter via air

air mail

Shreeve

(SRU.) P. CUNLIFFE-LISTER

press message from Nairobi

reproduces in the enclosed

extract from the issue of

the "Times" newspaper of

~~dated~~ the 6th Dec.

3. You will observe

that I undertook to enquire

whether Sir Thomas Carter

actually ~~delivered~~ made the

statement attributed to

him. I have to state

that the ~~information~~ furnished

with a report on the

~~fact~~ matter can only

be by

Shorey

(Sgd.) P. CUNLIFFE-LISTER.

28

The Times dated 6th December 32

**EAST AFRICAN LAND
INQUIRY**

Sc

NATIVES' CLAIMS

FROM OUR CORRESPONDENT

NAIROBI, Dec. 5

At the conclusion of the hearing of European and native evidence before the Land Commission at Nairobi Sir Morris Carter, the chairman, stated that the natives had already been told that they would not have returned to them the land now in occupation of Europeans.

But if (he said) we come to the conclusion that they have any claims we should try to satisfy them with land in other places. In so far as that is impossible we might recommend some other form of compensation.

Koinange, a Kikuyu chief, suggested that even if compensation took the form of money it might be retained by the Government towards the reduction of native taxation. The evidence revealed the wide nature of the Kikuyu claims, which include land on which Government House is built and practically the whole of Nairobi. The most interesting European claim was that made by John Boyce, former king of the Kikuyu, who solemnly stated that Mount Kenya had been given to him at a gathering of 10,000 tribesmen 30 years ago. The natives now objected that the gift was invalid because it was not attended with the essential rite by which the boundaries were smeared with the entrails of sheep.

copy to East. Gen. 11. 1910
con. 1. 12. 32

10037
21
Telegram from the Governor of Kenya to the Secretary of State for the Colonies.

Dated 25th November. Received at 10-5am 25th November 1932.

No 219.

Request approval of special warrant £3120 on account of expenses of Kenya Land Commission. This includes £1500 shewn in Item 14 of Schedule additional provision for second quarter 1932 which will be re-allocated to new subhead/s.

N 2

18/11/32

GOVERNMENT NOTICE No. 514

NOTICE

It is hereby notified for general information that the Land Enquiry Commission, appointed under Government Notice No. 418 of 28th June, 1932 will be sworn in on Tuesday, August 2nd and will begin work immediately.

PROVISIONAL PROGRAMME UNTIL THE 26TH OCTOBER, 1932

(a) *Non-Native Evidence*

It is the intention of the Commission to sit for the purpose of hearing evidence by non-native Associations, Committees, or individuals at the times and places notified hereunder.

In all cases, unless otherwise stated, the time is 10.30 a.m. and the place of meeting the District Commissioner's Office.

Friday,	Aug.	5th	Thika
Tuesday	"	9th	Machakos.
Tuesday	"	16th	Nanyuki (Silverbush Hotel).
Thursday	"	18th	Rumuruti
Friday	"	20th	Nakuru.
Monday,	Sept.	5th	Ravine
Thursday	"	8th	Kisumu
Tuesday	"	27th	Lembeta.
Wednesday,	Oct.	5th	Eidoret.
Thursday	"	6th	Kapsabet
Saturday	"	6th	Kitale.
Thursday	"	20th	Narok
Wednesday	"	20th	Kajado

Note.—The hope is expressed that the District Councils and Associations will give the Commission the benefit of their view on the matters covered in the terms of reference appended, and the Commission will be particularly grateful if gentlemen whose experience of the country is of long standing will come forward with information which may assist the Commission in determining the facts at issue in the third, fourth and fifth terms of reference.

In so far as time allows, the Commission requests that persons who wish to submit evidence will send a Memorandum in advance addressed to the Secretary, but it is recognized that the course will not be possible in all cases.

(b) *Native Evidence*

The Commission proposes to sit for the purpose of hearing Native Evidence at the following times and places. The evidence of the Native Council will be taken in the Council House. And the evidence of individual natives or Associations will be taken either in baraza or if the Commission thinks it preferable, in the offices of the District Commissioners.

Monday,	Aug.	8th	Machakos.
Monday	"	21st	Baraza of the Samburu at a place to be arranged. Also a Baraza of the Laikipiak Dorobo
Tuesday	"	30th	Maragat, Joint Baraza of the Suk, Njemas and Kamasia.
Monday,	Sept.	5th	Ravine. Evidence of the Usain Gishu Masai and Dorobo.

On dates to be arranged by the Provisional Commissioner, Nyanza, between September 9th and September 25th:

Thursday,	Sept.	29th	Barazas of the Northern Central and Southern Kavirondo.
Thursday	Oct.	6th	Lembeta, Joint Baraza of Egeya and Marakwet.
Wednesday	12th	Kapsabet. Evidence of the Nandi.	
Monday	17th	Kapenguria. Evidence of the Suk.	
Wednesday	19th	Masaai. Evidence of Tinot Dorobo.	
Monday	"	24th	Masaai Baraza of the Ndeyia, Kikuyu, Masai Border near Koo's Village, Joint Baraza of Kikuyu and Masai regarding Ndeyia grazing area.
Wednesday	26th	Kajado Baraza of the Masai.	

Memoranda of evidence by any native body or individual may be submitted in advance to the Secretary.

PROVISIONAL PROGRAMME AFTER OCTOBER 26TH

Arrangements for taking evidence in the Kikuyu and Coast Provinces, and also for taking evidence in Nairobi, will be published at a later date. It is expected that an extended visit to the Kikuyu Province will be made during November.

LAND ENQUIRY COMMISSION

TERMS OF REFERENCE

- To inquire into the needs of the native population, present and prospective, with respect to land, whether to be held on tribal or on individual tenure.
- To consider the desirability and practicability of setting aside further areas of land for the present or future occupancy of
 - Communities, bodies or individual natives of recognized tribes, and
 - Detribalized natives, that is, natives who belong to no tribe or who have severed connexion with tribes to which they once belonged.
- To determine the nature and extent of claims asserted by natives over land alienated to non-natives, and to make recommendations for the adequate settlement of such claims whether by legislation or otherwise.
- To examine claims asserted by natives over land not yet alienated and to make recommendations for the adequate settlement of such claims.
- To consider the nature and extent of the rights held by natives under section 86 of the Crown Lands Ordinance, Chapter 140 of the Revised Regulations, and whether better means could be adopted for dealing with such rights in respect of
 - Land already alienated, and
 - Land alienated in the future.
- To define the area generally known as the Highlands, within which persons of European descent are to have a privileged position in accordance with the White Paper of 1923.
- To review the working of the Native Lands Trust Ordinance, 1930, and to consider how any administrative difficulties that may already have arisen can best be met whether by supplemental legislation or otherwise without involving any departure from the principles of the said Ordinance.

GOVERNMENT NOTICE No. 514.

NOTICE.

IT is hereby notified for general information that the Land Enquiry Commission, appointed under Government Notice No. 418 of 28th June, 1932, will be sworn in on Tuesday, August 2nd, and will begin work immediately.

PROVISIONAL PROGRAMME UNTIL THE 26TH OCTOBER 1932.

(a) *Non-Native Evidence.*

It is the intention of the Commission to sit for the purpose of hearing evidence by non-native Associations, Committees, or individuals at the times and places notified hereunder.

In all cases, unless otherwise stated, the time is 10-30 a.m. and the place of meeting the District Commissioner's Office.

Friday	Aug.	5th	Thika.
Tuesday	"	9th	Machakos.
Tuesday	"	16th	Nanyuki (Silverbeck Hotel).
Thursday	"	18th	Rumuruti.
Friday	"	26th	Nakuru.
Monday,	Sept.	5th	Ravine.
Thursday	"	8th	Kisumu.
Tuesday	"	27th	Tembach.
Wednesday, Oct.		5th	Eldoret.
Thursday	"	6th	Kapsabet.
Saturday	"	8th	Kitalo.
Thursday	"	20th	Narok.
Wednesday	"	26th	Kajado.

NOTE.—The hope is expressed that the District Councils and Associations will give the Commission the benefit of their view on the matters covered in the terms of reference (appended), and the Commission will be particularly grateful if gentlemen whose experience of the country for long standing will come forward with information which may assist the Commission, in determining the facts at issue in the third, fourth and fifth terms of reference.

In so far as time allows, the Commission requests that persons who wish to submit evidence will send a Memorandum in advance addressed to the Secretary, but it is recognized that the course will not be possible in all cases.

(b) *Native Evidence.*

The Commission proposes to sit for the purpose of hearing Native evidence at the following places and times. The evidence of the assembled natives will be taken in baraza. The evidence of the Native Council will be taken in the Council House. And the evidence of individual natives or Associations will be taken either in baraza, or, if the Commission thinks it preferable, in the offices of the District Commissioners.

Monday,	Aug.	8th	Machakos.
Monday	"	21st	Baraza of the Samburu at a place to be arranged. Also a Baraza of the Laikipiak Dorobo.
Tuesday	"	30th	Maragat. Joint Baraza of the Suk, Njemps and Kamasia.
Monday,	Sept.	5th	Ravine. Evidence of the Uasin Gishu Masai and Dorobo.

On dates to be arranged by the Provincial Commissioner, Nyanza, between September 9th and September 25th ...

Thursday, Sept.	29th	Barazas of the Northern, Central and Southern Kavirondo.
Thursday, Oct.	6th	Tembach. Joint Baraza of Elgeyu and Marakwet.
Wednesday	12th	Kapsabet. Evidence of the Nandi.
Monday	17th	Kapenguria. Evidence of the Suk.
Wednesday	19th	Moin. Evidence of Tinot Dorobo.
Monday	24th	Narok. Baraza of the Masai.
Monday	24th	Ndayia. Kikuyu—Masai Border near Kor's Village. Joint baraza of Kikuyu and Masai regarding Ndayia grazing area.
Wednesday	26th	Kajado. Baraza of the Masai.

Memoranda of evidence by any native body or individual may be submitted in advance to the Secretary.

PROVISIONAL PROGRAMME AFTER OCTOBER 26TH.

Arrangements for taking evidence in the Kikuyu and Coast Provinces, and also for taking evidence in Nairobi, will be published at a later date. It is expected that an extended visit to the Kikuyu Province will be made during November.

LAND ENQUIRY COMMISSION.

TERMS OF REFERENCE.

- (1) To consider the needs of the native population, present and prospective, with respect to land, whether to be held on tribal or on individual tenure;
- (2) To consider the desirability and practicability of setting aside further areas of land for the present or future occupancy of:
 - (a) Communities, bodies or individual natives of recognized tribes, and
 - (b) Detribalized natives, that is, natives who belong to no tribe or who have severed connexion with tribes to which they once belonged;
- (3) To determine the nature and extent of claims asserted by natives over land alienated to non-natives, and to make recommendations for the adequate settlement of such claims whether by legislation or otherwise;
- (4) To examine claims asserted by natives over land not yet alienated and to make recommendations for the adequate settlement of such claims;
- (5) To consider the nature and extent of the rights held by natives under section 86 of the Crown Lands Ordinance (Chapter 140 of the Revised Edition), and whether better means could be adopted for dealing with such rights in respect of:
 - (a) Land already alienated, and
 - (b) Land alienated in the future.
- (6) To define the area generally known as the Highlands, within which persons of European descent are to have a privileged position in accordance with the White Paper of 1923;
- (7) To review the working of the Native Lands Trust Ordinance, 1930, and to consider how any administrative difficulties that may already have arisen can best be met whether by supplemental legislation or otherwise without involving any departure from the principles of the said Ordinance.

GOVERNMENT NOTICE No. 509.

THE MINING ORDINANCE, 1931.

IN EXERCISE of the powers conferred upon me by section 9 of the Mining Ordinance, 1931, and with the approval of His Excellency the Governor, I hereby direct that the powers and duties conferred upon me under Part IV of the said Ordinance shall be exercised by the person holding for the time being the office of the District Commissioner of the Narok District.

Nairobi,

This 30th day of July, 1932.

E. B. HOSKING,
for Acting Commissioner of Mines.

GOVERNMENT NOTICE No. 510.

THE MINING ORDINANCE, 1931.

NOTICE.

IT is hereby notified that I exercise of the powers conferred upon him by section 2 of the Mining Ordinance, 1931. His Excellency the Governor has been pleased to declare that the following common mineral substances shall not be minerals for the purposes of the said Ordinance—

Mineral Oils,
Bitumens,
Mineral Water,
Brine,
Diatomite,
Gypsum,
Anhydrite,
Native Sulphur,
Limestone,
Dolomite,
Clays (including Kaolin),
Sands,
Gravels,
Sandstones,
Constructional Stones,
Ornamental Stones,
Sodium, Potassium and Magnesium Compounds,
Bauxite,

obtainable without underground mining operations.

By Command of His Excellency the Governor.

Nairobi,
This 29th day of July, 1932.

E. B. HOSKING,
for Colonial Secretary.

GOVERNMENT NOTICE No. 511.

THE CARRIAGE OF GOODS BY MOTOR (CONTROL) ORDINANCE, 1931.

NOTICE.

THE following applications, in addition to those already notified, will be considered by the Road Transport Control Board at the Attorney General's Office, Nairobi, on Tuesday, the 9th August, 1932, at 10 a.m.:

G. Gulam Hussain ... Nairobi—Mombasa.
H. K. Meralli ... Voi—Taveta.
S. J. Botha ... Nairobi—Nakuru.

Nairobi,

This 30th day of July, 1932.

H. L. G. GURNEY,
Secretary,
Road Transport Control Board.

GOVERNMENT NOTICE No. 512.

THE LOCAL GOVERNMENT (MUNICIPALITIES) ORDINANCE, 1928.

NAKURU MUNICIPAL ELECTION.

IT is hereby notified in accordance with the provisions of Rule 24 (1) of the European Councillors Election Rules, 1929, that Mr. H. D. Thackrah and Col. G. C. Griffiths were declared to be duly elected at the election held on the 22nd July, 1932, to fill vacancies on the Nakuru Municipal Board caused by the retirement of members.

Nairobi,

This 29th day of July, 1932.

H. L. G. GURNEY,
for Acting Commissioner for Local Government,
Lands and Settlement.

GOVERNMENT NOTICE No. 513.

THE COMPANIES ORDINANCE.

(Chapter 98 of the Revised Edition).

PURSUANT to section 247, sub-section 8 of the above Ordinance, it is hereby notified that at the expiration of three months from date hereof the name of the undermentioned Company will, unless cause be shown to the contrary, be struck off the Register of Companies, and the Company will be dissolved:—

Gulali Goods, Limited.

Nairobi,

This 26th day of July, 1932.

W. M. KRATINGE,
Registrar of Companies.

GOVERNMENT NOTICE No. 418.

THE COMMISSIONS OF INQUIRY ORDINANCE.
(Chapter 25 of the Revised Edition.)

A COMMISSION.

I, Joseph Aloysius Byrne, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Excellent Order of the British Empire, Companion of the Most Honourable Order of the Bath, having the honorary rank of Brigadier-General in His Majesty's Army, Governor and Commander-in-Chief of the Colony and Protectorate of Kenya, do by virtue and in exercise of the powers conferred upon me by the Commissions of Inquiry Ordinance (Chapter 25 of the Revised Edition) by this my Commission under my hand appoint—

SIR WILLIAM MORRIS CARTER, Knight Bachelor,
Commander of the Most Excellent Order of the British Empire;

RUPERT WILLIAM HEMSTED, ESQ., Officer of the Most Excellent Order of the British Empire;

CAPTAIN FRANK O'BRIEN WILSON, Companion of the Distinguished Service Order,

to be Commissioners:—

(1) To consider the needs of the native population, present and prospective, with respect to land, whether to be held on tribal or on individual tenure;

(2) To consider the desirability and practicability of setting aside further areas of land for the present or future occupancy of—

(a) communities, bodies or individual natives of recognized tribes, and

(b) detribalized natives, that is, natives who belong to no tribe or who have severed connexion with tribes to which they once belonged;

(3) To determine the nature and extent of claims asserted by natives over land alienated to non-natives, and to make recommendations for the adequate settlement of such claims whether by legislation or otherwise;

(4) To examine claims asserted by natives over land not yet alienated and to make recommendations for the adequate settlement of such claims;

(5) To consider the nature and extent of the rights held by natives under section 86 of the Crown Lands Ordinance (Chapter 140 of the Revised Edition), and whether better means could be adopted for dealing with such rights in respect of—

(a) land already alienated, and

(b) land alienated in the future;

(6) To define the area generally known as the Highlands, within which persons of European descent are to have a privileged position in accordance with the White Paper of 1932;

Colony and Protectorate of Kenya

PROCLAMATION No. 45.

THE DISEASES OF ANIMALS ORDINANCE
(Chapter 157 of the Revised Edition, Section 4)

AND

THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE
(Chapter 1 of the Revised Edition, Section 13.)

GOVERNMENT NOTICE No. 231 of 1919.

PROCLAMATION.

IN EXERCISE of the powers thereunto enabling me, I hereby declare the areas defined in the Schedule hereto to be infected with East Coast Fever, and I hereby further declare that the said areas shall be known as "Infected Areas" for the purposes of Rules under the Diseases of Animals Ordinance.

Proclamation No. 98 dated the 12th day of November, 1930, is hereby amended accordingly. Given under my hand at Nairobi this 22nd day of June, 1932.

J. WALKER,
Ag. Chief Veterinary Officer.

SCHEDULE

Farm L. R. No. or other description	Owner	District	Date of commencement of Quarantine
L. R. No. 1316	E. Powys Cobb, Esq., Mau Narok, Elmenteita	Nakuru	15th June, 1932
L. R. No. 2876	Mr. N. Webb, E. O. Nanyuki	North Nyeri	15th June, 1932

PROCLAMATION No. 46.

THE DISEASES OF ANIMALS ORDINANCE.
(Chapter 157 of the Revised Edition, section 4.)

AND

THE INTERPRETATION AND GENERAL
CLAUSES ORDINANCE.
(Chapter 1 of the Revised Edition, section 13.)

GOVERNMENT NOTICE No. 231. of 1919.

PROCLAMATION.

IN EXERCISE of the powers thereunto enabling me, I hereby declare the following areas to be infected areas for the purpose of the said Diseases of Animals Ordinance.

BINDERPEST.

Farms L.R. Nos. 4099 and 5508, The Luguri Estates, Lugari, Usasin Gishu District.

CONTAGIOUS BOVINE PLEURO-PNEUMONIA.

Plot No. 177, Mohamed Khamisa, Mombasa District.

And further I hereby declare that the following Proclamations and portions of Proclamations are revoked:—

That portion of Proclamation No. 29, dated the 27th day of April, 1932, declaring portion of Farm L.R. No. 1481, P. Gethin, Esq., Kap-sabet, Usasin Gishu District, to be an infected area (Binderpest).

Those portions of Proclamation No. 88 of 29th April 1932, declaring portion of Farm L.R. No. 4988, Mr. F. J. Manley, Machakos District, and Farm L.R. No. 1741, Mr. E. F. Button, Machakos District, to be infected areas (Binderpest).

That portion of Proclamation No. 84 of 4th May, 1932, declaring Farms L.R. Nos. 1448/1 and 1448/2, Father Beheim, Tinderet Estate, Fort Ternau, Kisumu District, to be infected areas (Binderpest).

That portion of Proclamation No. 88 of 18th May, 1932, declaring L.R. No. 498, Eldama Ravine Township, Eldama Ravine District, to be an infected area (Binderpest).

Proclamation No. 81, dated the 30th day of August, 1930, declaring Farm L.R. No. 1765, A. Gamble, Esq., Mti Mwa, P.O. Elmenteita, Nakuru District, to be an infected area (East Coast Fever).

Proclamation No. 29, dated the 27th day of March, 1931, declaring Farms L.R. Nos. 1555, 1556, 5636, H. Story, Esq., Nanyashi District, to be infected areas (East Coast Fever).

Given under my hand at Nairobi this 22nd day of June, 1932.

J. WALKER,
Acting Chief Veterinary Officer.

GOVERNMENT NOTICE No. 419.

NOTICE.

IT is hereby notified for general information that the King's Exequatur empowering Mr. Shigeyoshi Kuga to act as Japanese Consul at Mombasa, received His Majesty's signature on the 5th May, 1932.

Nairobi,

Dated this 23rd day of June, 1932.

JUXON BARTON,
for Colonial Secretary.

GOVERNMENT NOTICE No. 420.

THE LOCAL GOVERNMENT (MUNICIPALITIES) ORDINANCE, 1928.

NAIROBI MUNICIPAL ELECTION.

IT is hereby notified for public information in accordance with the provisions of Rule 16 (2) of the European Councillors Election Rules, 1929, that an election will be held on Thursday, 4th August, 1932, to elect members to fill vacancies on the Nairobi Municipal Council in respect of the following wards:—

Hill Ward	One vacancy
Ngong Road Ward	One vacancy
Parklands Ward	One vacancy

Nairobi,

20th June, 1932.

H. L. G. GURNEY,
*for Acting Commissioner for Local Government,
Lands and Settlement.*

GOVERNMENT NOTICE No. 421.

THE LOCAL GOVERNMENT (DISTRICT COUNCILS) ORDINANCE, 1928.

IT is hereby notified in accordance with section 23 (1) of the Local Government (District Councils) Ordinance, 1928, that an election will be held on Tuesday, 12th July, 1932, for the purpose of electing two members to fill vacancies occurring on the Nyanza District Council in respect of the Nandi and Miwani Wards.

Nairobi,

22nd June, 1932.

H. L. G. GURNEY,
*for Acting Commissioner for Local Government,
Lands and Settlement.*

GOVERNMENT NOTICE No. 422.

THE TOWNSHIPS ORDINANCE, 1930.

KISUMU TOWNSHIP COMMITTEE.

APPOINTMENT.

IN EXERCISE of the powers conferred upon him by section 8 of the Townships Ordinance, 1930, His Excellency the Governor has been pleased to appoint the following to be a member of the Township Committee of Kisumu, for the year 1932:—

Mr. Hashambhai Esmail, *vice* Mr. Kassambhai Janmohamed, who has left the Colony.

By Command of His Excellency the Governor.

Nairobi,

This 22nd day of June, 1932.

E. B. HOSKING,
for Colonial Secretary.

GOVERNMENT NOTICE No. 423.

KENYA AND UGANDA (TRANSPORT) ORDERS IN COUNCIL, 1925 AND 1927.

NOTICE OF APPOINTMENT.

IN accordance with the provisions of sections 8 to 10 of the Kenya and Uganda (Transport) Order in Council, 1927, the following have been appointed members of the Kenya and Uganda Harbour Advisory Board, with effect from the 25th May, 1932.

Two members appointed by His Excellency the Governor of Kenya:—

A. M. Campbell, Esq.
A. F. M. Crisp, Esq.

Two members representing the Mombasa Chamber of Commerce and Agriculture:—

J. Campbell, Esq.
H. Goodhind, Esq.

One member representing the Association of East African Chambers of Commerce:—

T. A. Wood, Esq., *c.m.g.*

Two members appointed by His Excellency the Governor of Uganda:—

The Hon. H. E. Hunter, *c.b.e.*, *ll.d.*

J. Sutherland, Esq. (already appointed, with effect from the 1st June, 1931).

Nairobi,

20th June, 1932.

C. W. G. WALKER,
Secretary to High Commissioner for Transport.

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Nairobi,

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Nairobi,

20th June, 1932.

H. L. G. GURNEY,
*for Acting Commissioner for Local Government,
Lands and Settlement.*

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Nairobi,

22nd June, 1932.

H. L. G. GURNEY,
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J. Campbell, Esq.
H. Goodhind, Esq.

One member representing the Association of East African Chambers of Commerce:—

T. A. Wood, Esq., *c.m.g.*

Two members appointed by His Excellency the Governor of Uganda:—

The Hon. H. B. Hunter, *C.B.E., LL.D.*
J. Sutherland, Esq. (already appointed, with effect from the 1st June, 1931).

Nairobi,

20th June, 1932.

C. W. G. WALKER,
Secretary to High Commissioner for Transport.

18117/32 Kenya.

Memorandum on the Land Commission, Kenya.

Note regarding (1) Representation of Africans on the Commission, (2) Captain F. O'Brien Wilson's interests in land in Kenya, and (3) the reasons for holding a preliminary enquiry in England.

As regards (1), representations were made by Lord Sanderson in the debate in the House of Lords on the 4th May to the effect that (a) the question should be considered of the additional appointment of one or more Europeans who are independent both of land tenure and of financial interests in Kenya, who are not associated in any way with the Government and who would represent on the Commission the point of view of the African population of Kenya, and (b) that the appointment of one or more Africans to the Commission should be considered. The Government reply was to the effect that the Commission was not intended to be a body representative of the various interests concerned, but rather in the nature of a judicial body to hear the evidence which those interests may desire to bring, and will have every opportunity of bringing before the Commission. For this reason Sir Morris Carter had been selected as Chairman and, as regards the remaining members of the Commission, it was felt that they should combine local knowledge with expert experience, and it would be preferable to secure the services of two fair-minded local men, rather than to appoint persons outside the Colony with local knowledge.

18117/32 Kenya.

Memorandum on the Land Commission, Kenya.

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As regards (b) it was pointed out that the appointment of an African or Africans would involve the difficulty of finding an individual or individuals sufficiently capable of representing the native community generally.

In reply to a Parliamentary question on the 8th June the Secretary of State said that, as he had stated in a recent debate, he was satisfied that the members of the Commission are admirably suited for the task, and he saw no reason for addition to their number.

As regards Captain F. O'Brien Wilson's land interests, his appointment was criticised on the ground that he is the present (but not the original) occupier of land claimed by the Nankaba.

The Governor has reported that Captain Wilson holds with Major Joyce land acquired from the previous European holder in 1908, together with additional areas leased in 1911, 1919 and 1925, on which the Native population has increased to 488 adult males with their women and children. The adult males are all on agreement as resident native labourers. When the boundary of the adjacent Nankabon native reserve was first defined in 1906 no objection appears to have been raised by the Nankaba to this boundary nor is there any record of any claim to the land occupied by Captain Wilson ever having been advanced by them. The boundary was demarcated in 1925 and the Administrative Officer who was then supervising this work states that no objection was claimed ^{was} made on that occasion. No mention of any such claim was made in the Chief Native Commissioner's Memorandum on the

native

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native reserve in question. At the time the land was leased there were native villages on that land as was the case in other areas leased in the early days of settlement. This situation was recognised by the Crown Lands Ordinance, 1902, (the Governor does not refer to the 1915 Ordinance which repeated that of 1902 and contains provisions on somewhat similar lines) which lays down that land in the actual occupation of natives at the date of the leases shall so long as it is actually occupied by them be deemed to be excluded from the ^{lease} list. The Governor added that owing to difficulties in the interpretation of the terms of this Ordinance, it has not, in fact, been applied beyond confirming the natives' right to reside where they are in cases which have been brought to the notice of the administrative authorities.

As regards (3), Sir R. Morris Carter represented that after considering the position he was satisfied that there is in this country a large body of important evidence on facts directly relevant to native claims to land in Kenya, especially from retired officials and from ex-settlers and ex-missionaries. He was strongly of the opinion that the best method of taking this evidence was by personal examination by him in London, rather than by correspondence from Kenya necessitating frequent reference back. The evidence would be limited to fact and fact only. Sir Morris Carter was strongly of opinion that this procedure would conduce to speed and economy.

The

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The other two members of the Commission were consulted on Sir Morris Carter's proposal and agreed subject to the following conditions: (a) that all proceedings in England should be recorded verbatim, and (b) that witnesses in England should be prepared to answer subsequent questions put by any member of the Commission. They also requested that the witnesses in England should submit written memoranda. This was the procedure which in fact Sir Morris Carter had proposed to follow.

Arrangements were accordingly made for Sir Morris Carter to take such evidence of relevant facts as might be available in this country for the use of the Commission when sitting in Kenya, and his departure was accordingly postponed until the 1st July.

PRIVATE & PERSONAL.

2
GOVERNMENT HOUSE,
KENYA,
EAST AFRICA

8th June, 1932.

Dear Sir Philip,

Nos. 6-21
No 22

With reference to your Private and Personal telegrams of 24th May and 4th June and my Private and Personal telegram of 5th June the following are the facts in so far as I can ascertain them:-

There are at present 480 adult male natives living with their women and children on Kilima Kiu Estate which is held by Captain Wilson and Major Joyce. These adult males are all on agreement as Resident Native Labourers under the Resident Native Labourers Ordinance, 1925.

The Estate consists of several areas which were acquired at different times. Some of the land was in 1908 in the hands of a Captain Slatter and on the 13th May of that year there were 57 native families living on that part under an agreement with Captain Slatter. During that year Captain Slatter's land was transferred to Captain Wilson. In January 1910 the agreement was renewed and the number of families increased from 57 to 56.

Other land was first leased to Captain Wilson in 1911. It is believed that there were native families living.....

living on that land at the time but there is no record of their numbers.

Other land was added to the Estate in 1919 and 1926 and the number of resident natives has gradually increased.

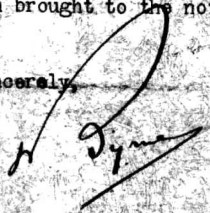
The Machakos Native Reserve Boundary was first defined in 1906. In the area in question the boundary remains approximately the same as at that date though there have been slight modifications. There is no record of any objection having been raised by the Akamba to this boundary or of any claim to the land occupied by Captain Wilson ever having been advanced by them. The boundary was demarcated in May 1929 and the Administrative Officer who was then supervising this work states that no objection or claim was made on that occasion. It is significant also that no mention of any such claim was made in Mr. Maxwell's Memorandum on the Ulu (Machakos) Native Reserve which was forwarded to Mr. Amery with Mr. E. B. (now Sir Edward) Denham's Confidential despatch No. 50 of the 13th April, 1925.

It seems, however, to be an undoubted fact that at the time the land was leased there were native villages.....

21287/25

The interpretation, however, of the word "occupation" and the practical application of the phrase "deemed to be excluded" and all the complicated procedure involved seem to have presented difficulties so great that the Section remained in fact a dead letter and it is believed that no action has ever been taken under it, beyond to confirm the natives' right to reside where they are in cases which have been brought to the notice of the administrative authorities.

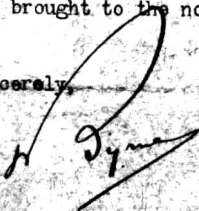
Yours sincerely,



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

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Yours sincerely,



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

Copy sent to S.P.S.
to L. Wilson
7/6/32

31
22

Telegram from the Governor of Kenya to the Secretary
of State for the Colonies.

Dated 6th June.

Received Colonial Office 4.46 p.m. 6th June, 1932.

Private and Personal.

Land Commission. Reference to your private
and personal telegrams of 24th May and 4th June 488 male
natives plus women and children are living on land owned by
Captain Wilson and Major Joyce. Males are on agreement
as resident native labourers under Ordinance No. 3 of 1925.
Some of these families were resident on land when it was
first given out part in 1906 and part in 1911. There is
no record of any claim to this land having been advanced
by Akamba nor does any objection ever seem to have been
raised to Native Reserve boundary in that area since it was
first gazetted in 1906. Letter follows by Air Mail
leaving 11th June.

Copy sent to Sgts.
P. C. Wilson
7/6/32

31
27

Telegram from the Governor of Kenya to the Secretary
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Dated 6th June.

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first gasetted in 1906. Letter follows by Air Mail
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1932

18117/32 Ken, on

G. O.

Mr. *Johnston* 1/6
Mr.
Mr.

- Mr. Parhinson.
- Mr. Tomlinson.
- Sir C. Bottomley.
- Sir J. Shuckburgh.
- Permt. U.S. of S.
- Parly. U.S. of S.
- Secretary of State.

For signature

27 JUN 1932

DRAFT.

See Morris Carter
CAF.

25 Upper Berkeley Street
D. I.

map
/ (12 copies)
original with
17/7/31

Dear Sir Morris,

I enclose are dozen
ink prints of the map.
The negative has been
retained in case further
copies are required. Perhaps
in addition we have in
course
one / whether you are
likely to want any more.

On the last occasion
owing to limitations of size
Kens district the reproduction
has reduced to 24/27 of the
original size & this has
accordingly been done in
the present instance. The

has
scale ~~has~~ been left on table
Industans be correct for
any measurements.

Yours sincerely

(Signed) H. T. ALLEN

has
scale ~~has~~ been left in case
Industans be correct for
any measurements.

Yours sincerely

(Signed) H. T. ALLEN

As sent on
17/7/32.

Downing Street,
3 June, 1932.

New Westbrook

As arranged over the telephone, I enclose the map which we are anxious to have reproduced for the use of Sir Morris Carter, the Chairman of the Kenya Land Commission. We should be much obliged if you would arrange to let us have twelve copies at your earliest convenience. It is just possible that further copies may be required later so, in view of that possibility, perhaps you would kindly retain the negative for a few weeks. This is the same map which you were kind enough to reproduce in the Autumn of last year for the use of the Joint Select Committee on Closer Union in East Africa. In that case I believe you did not make any charge, but if it is necessary to make any charge on this occasion it must be at the expense of the Government of Kenya. I think you will find that I had semi-official correspondence with Mr. Tisdall, and perhaps also with Mr. Evans about the earlier reproduction some time in September last year.

John King
H.T. Allen

R.B. WESTBROOK, ESQ.

18
33
Downing Street,
3 June, 1932.

Accepted on
17/5/31.
New Westbrook

As arranged over the telephone, I enclose the map which we are anxious to have reproduced for the use of Sir Morris Carter, the Chairman of the Kenya Land Commission. We should be much obliged if you would arrange to let us have twelve copies at your earliest convenience. It is just possible that further copies may be required later so, in view of that possibility, perhaps you would kindly retain the negative for a few weeks. This is the same map which you were kind enough to reproduce in the Autumn of last year for the use of the Joint Select Committee on Closer Union in East Africa. In that case I believe you did not make any charge, but if it is necessary to make any charge on this occasion it must be at the expense of the Government of Kenya. I think you will find that I had semi-official correspondence with Mr. Tisdall, and perhaps also with Mr. Evans about the earlier reproduction some time in September last year.

A. B. WESTBROOK, ESQ.

Downing
H. T. Allen

THE KENYA LAND COMMITTEE

To the Editor of THE NEW STATESMAN AND NATION.

SIR,—Mr. Kenyatta's letter in your issue of the 28th ult. is disheartening. It is quite unjustifiable to describe the Kenya Land Commission as "consisting of interested people." In my opinion, and in those of others keenly interested in the rights of the natives, and on the face of Sir W. Morris Carter's public record, no better qualified chairman nor one more likely to be impartial could have been named. I believe it to be quite unwarrantable to describe Mr. Hemsted as an "interested" party. With regard to the selection of Captain Wilson I concur in Mr. Wellock's opinion that the psychological effect on native confidence may be unfavourable. If so, that is no doubt, a regrettable circumstance.

But the most important point in this business is that, without any direct lead in the Report of the Joint Select Committee of Parliament, the present British Government has made a new departure in recognising, contrary to their own law and practice as heretofore maintained, that there were natives living on the lands which they have alienated to European settlers who had well-defined rights of property in those lands under native law, and have decided and promised to take cognisance of those rights. That is a recognition for which Mr. J. H. Harris, Dr. Norman Leys, I myself, and others have for years been pressing, hitherto ineffectually, in the columns of your journal and elsewhere.

The proceedings of the Commission must be governed by the terms of the reference to it, and it is on that account the more satisfactory that a judge, and a judge who has been long in contact with questions of native law and customs, in Rhodesia, Uganda and Tanganyika, whilst he has no record committing or prejudicing him on questions of Kenya land policy, should have been made the Chairman of the Commission. The Commission are

to determine the nature and extent of claims asserted by natives over land alienated to non-natives and to make recommendations for the adequate settlement of such claims, whether by legislation or otherwise, and to examine claims asserted by natives over land not yet alienated, and to make recommendations for the adequate settlement of such claims.

It is of the first and greatest importance that the Commission shall have proper evidence marshalled and placed before them on behalf of the natives interested, both as to all areas of land to which such claims can apply and as to the native laws in regard to them. It is mischievous and misleading for Mr. Kenyatta to encourage his people to think that if a Commission under a Judge of the High Court were appointed to deal with similar questions in England "no one would take the trouble to appear before it," and to foment their hesitation fully to present the case. He should impress upon them that this is a Commission appointed by the British Government, in accordance with the desire of Parliament to do justice to Africans, and that they have therefore appointed a judge on whose justice they rely to conduct the proceedings, and that this is their first, their best, and may possibly be their only, chance of getting without delay a recognition of what their rights in these lands were, before the passage of time makes it more difficult than it must be, even now, to determine what those rights were when the lands were taken from them.

As to the manner in which the claims, when they have been ascertained on the evidence given, can be "adequately" dealt with—that is manifestly less a judicial than a practical and political question, and in that connection the objections raised in THE NEW STATESMAN AND NATION to Captain Wilson's appointment on the Commission may well appear, *prima facie* at any rate, more convincing. But there can be no question that the judicial findings of the Commission upon the facts of the case, as established by the evidence which it is the first duty of Mr. Kenyatta and his friends to ensure shall be fully presented, will raise or reopen questions of public policy which must be decided here with the authority of Parliament and will not be determined solely with regard to whatever recommendations the Commissioners may make. The buyers of the stolen properties (of whom it is alleged that Captain Wilson is one) have, in fact, clean and unimpeachable titles from the Crown, and cannot possibly be damaged by the acknowledgment on the part of the "robber" government that it has robbed and now desires to make reparation, asking the Commission to advise it how best this can be done. The iniquities against which complaint has continuously been made can only be redressed by means of the fuller instruc-

tion of public opinion in this country. The sittings of the Joint Select Committee of Parliament effected an impressive advance in that instruction, and that advance must be followed up by the further marshalling and presentation of facts through the Land Commission. Mr. Kenyatta and those for whom he speaks will do the best for themselves by devoting all the courage and energy possible to presenting that evidence. OLIVER.

Old Hall, Ramsden.

3rd June, 1932.

Sir,

As the terms of reference to the Kenya Land Commission include a direction (a) "to determine the nature and extent of claims asserted by natives over land alienated to non natives" and (b) "to examine claims asserted by natives over land not yet alienated", and there is reason to believe that persons now resident in this country are in possession of evidence of facts relevant to the matters in issue which would be of value to the Commission in Kenya, it has been decided to delay my departure until July 1st in order to afford an opportunity of such evidence being taken.

I should, therefore, be grateful if you would give publicity to my desire that persons possessing such evidence should communicate with me at 25, Upper Berkeley Street, London, W.1. without delay, briefly stating the points on which they would be prepared to tender evidence.

Yours obediently servant

W. Morris Carter

(Chairman, Kenya Land Commission)

The Editor,
"The Times",
"The Manchester Guardian",
"East Africa".

710

C. O.

Mr. Freeston. 3/6

Mr. Allen 3/6

Mr.

Mr. Parkinson.

Mr. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Perm. U.S. of S.

Parly. U.S. of S.

Secretary of State.

(33 on 17312/31)

DRAFT.

SIR W. MORRIS CARTER, C.B.

To Gov. 30th May.
No. 5 on file

To Gov. 30th May
No. 6 on file

Fr. Gov. 2nd June
No. 9 on file.

List

JUN 1932
copy to small to Sir H.S.H. / 11

DOWNING STREET,

3 June, 1932.

Sir,

S.H.

I am, etc., to refer to correspondence terminating with the letter from this Department of the 13th April, and to subsequent conversations in regard to the procedure to be followed in connection with the Land Commission in Kenya on which you have accepted appointment as Chairman.

2. It was originally proposed that you should sail from this country on the 3rd June and that the Commission should begin its work in Kenya early in July. You have since represented, however, that advantage would be derived from your delaying your departure for one month in order to take evidence in London from retired officials and others having knowledge of the facts, and to pursue research into such documentary material

in the Colonial Office and Foreign Office records

Copy to Gov. Conf. if.
by airmail.
Copy to C.A. Inf. & guidance
if.

records as may be relevant to the Commission's enquiries.

3. Telegrams, of which copies are enclosed were accordingly addressed to the Governor of the Colony and I am now to transmit to you a copy of Sir Joseph Byrne's reply. Sir Philip Cunliffe-Lister understands that the suggestions made by your colleagues on the Commission are in accordance with the intentions that you had already formed.

4. The Crown Agents for the Colonies have been requested to transfer your passage to East Africa to a steamer due to sail on the 1st July. It is proposed that you should receive from Kenya Government funds an allowance at the rate of two-and-a-half guineas per diem for the period 3rd June to 30th June, inclusive.

5. Arrangements have been made for you to be provided with office accommodation and the services of a typist at the East African Trade and Information Officer, R.M.S.P. Buildings, Cocksspur Street. For an expert shorthand writer

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it will be necessary to have recourse to one of the outside firms of which particulars are given in the enclosed list. The charges incurred in this connection should be certified by yourself and forwarded to the Colonial Office for settlement. You are, however, authorised to use your discretion in arranging for the refund of necessary ~~travelling~~ expenses to witnesses whose attendance before you involves long journeys. Claims on this account duly certified by you should be forwarded to the Colonial Office.

I am to request that you will be so good as to acknowledge the receipt of this letter, a copy of which is being sent by airmail to the Governor of Kenya.

I am, etc.,

(Signed) H. T. ALLEN

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I am, etc.,

(Signed) H. T. ALLEN

G.L. Bannerman and Co
3, Pump Court, Temple E.C. 4
(Tel. Central 2078)

George Moore & Co.
38 " 39 Parliament St. S.W.
(Tel. ^{Whitchell} ~~1375~~ 1375)

George Wallford & Co
Portugal St. Buildings
Kinshasa, Ind. W.C. 1
(Tel. 1175 / Holban 1)

It is understood that each of the above
firms charges at Treasury rates.

TELEGRAM from the Governor of Kenya to the Secretary of State
for the Colonies.

Dated 2 June 1932. Received 4.20 p.m. 2 June 1932.

No.99. Your telegram No.110. Your telegram No.111. Confidential.

4 JUN 1932
Answered 4/5 A/11
HEMSTED and Wilson both agree to Carter's proposal subject to (a)
all proceedings in England being recorded verbatim and (b) witnesses
in England being prepared to answer subsequent questions put by
any member of the Commission. They add request that witnesses in
England submit written memoranda.

18117/32

TELEGRAM from the Secretary of State for the Colonies to
the Governor of Kenya.

(Sent 6.45 p.m., 30th May, 1932.)

No. 110.

Confidential.

Following from Morris Carter for Hemsted and Wilson begins After considering position I am satisfied that there is in this country a large body of important evidence on facts directly relevant to native claims to land in Kenya especially from retired officials also from ex-settlers and ex-missionaries. I am strongly of opinion that best method of taking this evidence is by personal examination by me in London rather than by correspondence from Kenya necessitating frequent reference back. I should limit evidence to fact and fact only. I consider this procedure would conduce to speed and economy. Do you concur? If so I should hope to sail 1st July. Secretary of State is prepared to agree. Should be grateful for immediate reply ends.

Downing Street,

26 May, 1962.

Dear Sir Morris,

This note records the points which have been raised in your talks at the Colonial Office in regard to the terms of reference of the Kenya Land Commission, and such opinions as I am authorised to express upon them.

- (a) If, on reporting under their second terms of reference, the Commission find it desirable and practicable to set aside further areas for natives, will they be expected to specify which particular areas should be set aside, and upon what type of tenure (e.g. freehold or leasehold, individual or communal, etc) such areas should be held?

It was the intention that the Commission should go into these matters.

- (b) Under their third and fourth terms of reference will the Commission be required to make recommendations for the settlement of each separate claim, or merely to enunciate general principles in the

SIR W. MORRIS CARTER, C.B.E.

light

42

light of which particular cases can be subsequently considered?

It is not possible to say that each case must be the subject of a separate recommendation; the Commission will no doubt judge how far this is necessary and practicable when they see the nature and extent of the claims.

(c) If the Government case in regard to claims under the third and fourth clauses of reference is presented by the Law Officers of the Colonial Government, should the claimants be allowed the right of appearing before the Commission by counsel?

It is not desired to express any opinion on this matter, which seems to be essentially for the Commission itself to determine.

You are already aware that in dealing with the claims raised by Lord Alvirer in the debate in the House of Lords on the 4th May in regard to paragraphs 3 and 4 of

the

43

the terms of reference relating to native claims
Lord Strathcona said (column 321) that the intention
was that the Commission should accept the facts as they
exist to-day and on that basis deal with native claims
upon grounds of equity and not be prevented from so
dealing with them by any considerations of law.

Yours sincerely

W. H. TOMLEY

6

C. O.

Mr. Freeston 21/5
Mr. Allen, has seen

Coded & sent
8.30 p.m.
24.5.32

Mr.

Mr. Parkinson.

Mr. Tomlinson.

x Sir C. Bottomley. 21.5

Sir J. Shuckburgh.

x Perm. U.S. of S. S.H.W. 23.5.

x Parly. U.S. of S. R.W.H. 24.5.32

x Secretary of State.

Agrees as amended
C.A.L. Cliffe 24.5

DRAFT. Telegram.

Governor, Nairobi.

Am 22

Private and Personal.

Land Commission. P.O.B.

Wilson's appointment has been criticised
on ground that he is present (though
not original) occupier of land claim
by Wakamba. As this may give rise to
questions in Parliament I should be
grateful for the exact facts.

SECRET.

14
5

Extract from New Statesman
21. / 5 / 32

to demarcate the White Highlands within which Europeans enjoy a "privileged position."

Now on questions under (1) there is an acute conflict between white settlers' interests and native interests. The white settler in the past has been opposed to granting areas of land to natives sufficiently large to enable them to be self-supporting, because economic pressure would not then force labour out of the native reserves to work on white plantations. The white settlers demand that remaining unalienated Crown land shall be thrown open for white occupation, although spare land is essential for carrying out the obligations imposed under the Native Lands Trust Ordinance, and certain parts of the Reserves are dangerously overcrowded. The white area, on the other hand, in which settlement can be controlled, is very sparsely populated, and only a fraction of it has been developed.

On question (2) it must be remembered that wrongful dispossession of natives on a large scale has been officially admitted, and white settlers are the beneficiaries settled on lands which by breach of trust of the Trustee Government have been alienated from the native "wards" whom it was bound to protect.

On every one of these considerations Captain F. O. B. Wilson, the settler member of the Committee, is disqualified from membership of the Committee. We sincerely associate ourselves with the personal compliments paid him by speakers in the House of Lords, and if, as the Secretary of State said, his brother is known to the members of the House of Commons, we will acknowledge also this pleasing though irrelevant feature of his appointment. But the arguments against his appointment are overwhelming.

First, Captain Wilson is a settler and therefore belongs to the class which has benefited from the very dispossessions that the Committee is to investigate. Again, we have good authority for saying that he is the present, though not the first, occupier of land to which the Wakamba tribe lays claim. Is it right that a member of the Committee might have to adjudicate claims made by dispossessed natives for land including that which he himself is living on? Further, Captain Wilson sat in the Kenya Legislative Council in 1927 and in 1931 as substitute-member for the member of his division who was one of the Delamere political party elected in 1927 on a programme containing the express point that all remaining unalienated land should be thrown open to white settlement. Now, a crucial question for examination by the Land Committee is how far this land shall be reserved for natives. Again, Captain Wilson is, we believe, a member of the Convention of Associations, and was for years on the Executive of the Convention. The Convention is a body, representative of some hundreds of farmers, which has continually pressed for the alienation of unalienated Crown land to settlers. Only two months ago it passed a strong resolution attacking the recommendations of the Joint Committee on the strength of which the Land Committee has been appointed, and stating that to suspend the alienation of unalienated land until the future needs of natives were apparent would be a breach of faith with the White community. If Captain Wilson signs a Report recommending compensation to dispossessed natives from unalienated land, or the reservation of such land for future native needs, he will repudiate an election pledge of the party with whom he served on the Legislative Council, turn his back on his associates in the Convention, sign his political death-warrant, and certainly incur much social disfavour.

The natives, as every Commissioner admits, are intensely nervous about their lands. They will learn of the appointment of this Land Committee with tense and tremulous anxiety, wondering whether it is really going to do anything for them or whether it is another adroit device of the Government for stealing some more land from them. In this spirit they will scrutinise the personnel of the Committee, which should, therefore, be free from any possible imputation or suggestion of partiality.

Lord Sanderson, speaking in the House of Lords, put forward the very sensible suggestion that when tribal grievances are investigated by the Committee two trusted members of the tribe concerned should be temporarily co-opted on the Committee as, so to speak, friends of the witnesses, to give them confidence in the Committee and nerve them to speak freely. So terrified are they about the safety of their lands that, as the Kikuyu Land Commission reports, they are reluctant even to show their family or class boundaries to Europeans, or even to discuss such matters except in open assembly. This gives some idea of the confidence which the Trustee Government inspires in its wards. Yet Lord Onslow gaily tells his brother peers that he does not think the witnesses before the Committee will find much difficulty in expressing themselves, and Lord Strathcona thinks it unfortunate and unfair to "assume" a conflict of interests between whites and natives.

It is a matter for keen regret that the natives of Kenya have no independent representatives, who cannot be officially silenced, to voice their interests and their grievances. To-day they are virtually unrepresented, muzzled, docketed and ticketed in their own country, and unable to find any certain channel for the transmission of their real wishes, hopes and fears. The greatest protection they could have would be an autonomous administration able to fight for them without fear, negotiate for them on equal terms, and see justice done.

A LONDON DIARY

DRIVING through Surrey, Hampshire and Sussex I was again staggered at the destruction that is going on. This is an amazing spring. Everything is out together—the fruit blöksom with the primroses and the blue-bells, violets, anemones, buttercups and cowslips all together in one marvellous riot. But in most places now you have to go right off the road even to get a glimpse of the country. Along the new arterial roads, and the lanes that have been widened into roads, spreads an ever lengthening line of boards announcing that woodlands are to be sold for eligible residences. And what residences! Do you know the typical plague spot just after you have cut through the Downs on the Portsmouth Road (which is still unspoilt for long stretches) where villas and bungalows of every uncouth size and shape sprawl without thought of plan or arrangement like a rash on a coach face? There are miles and miles of the best country in England obliterated by this kind of development. It combines every possible disadvantage. The value of wide roads disappears, even for the motorist. Tradesmen's carts and private cars stand at the roadside and children run out under the wheels of passing motors. The roads have to be dug up and laid down again like any town highway. The dwellers in these new villas and bungalows live in an endless suburban street. They have no social life, no amenities; they spend their time shutting out their own and everyone else's views. It is not as if we did not know better. New houses ought to be built in planned areas with side roads to feed them. In the few cases where this has been done the country is unspoilt and pleasant little towns spring up with commercial interests and lives of their own.

I know there is a Town Planning Bill, which before it went into Committee seemed likely to be a really useful measure. It is soon to come up for the Report Stage in the Commons and it will be exciting to find out whether anything valuable is left after the wreckers have had their way. The Government has done its best for the Bill, but the backwoodsmen—I wish more Conservative backbenchers to-day were really backwoodsmen and not speculative investors—have defeated their own Minister. The story of this Bill provides, I suppose, the real explanation of why a National Government does not do many jolly things for which there

It follows then that the path of wisdom for us to-day is to encourage and develop the tendency towards the creation of a "sterling area" of countries which aim at keeping their national currencies stable in terms of sterling instead of gold. In this case, too, what matters in the interests of trade is far more short-term than long-term stability of the exchanges, and there is no reason why they should not keep the power to make long-term adjustments in the sterling value of their currencies, while pegging the exchanges over short periods by the familiar method of holding sterling balances in London, just as we now propose to hold dollar balances in New York. It is true that long-term stability matters in respect of international debts; but existing long-term debts will clearly have to be readjusted, and new debt arrangements could be made to fit in with the new conditions.

The "sterling area" which we should thus aim at creating cannot, however, be an Empire area. It should include as many Empire countries as are prepared to come in. It must be open equally to other countries, such as the Scandinavians, the South Americans, or some of them, and perhaps the countries of Central Europe which are now on the verge of currency depreciation. Nor, if we go out to make a "sterling area," can we expect the future course of sterling to remain a purely British concern. It will become the concern of all the countries included within the group, and some form of consultation between the monetary authorities of these countries will have to be devised—perhaps, who knows? as the forerunner of the long-awaited international authority for managing the monetary affairs of the whole world.

THE KENYA LAND COMMITTEE

WITHIN the lifetime of young men in the early thirties Kenya has been opened up to white settlement. It was not conquered; in some ways it is a pity that it was not. Conquered tribes have to be immediately and adequately administered and the respective rights of the conquering race and the conquered have to be clearly defined. Native rights have been better protected in the Sudan than in Kenya. Kenya was acquired by "peaceful penetration," and was declared a protectorate. Very soon afterwards the British Government festively invited white men to come and settle not only in vacant lands but also on the lands and homesteads of its native wards. A very large number of natives are to-day wandering homeless about the country which was formerly theirs; they have been slyly evicted without compensation, or given the alternative of remaining on their own properties as squatters under the obligation of working for the men who had robbed them of their homes. Most of these earlier seizures of the natives' land were made in ignorance of, or reckless indifference to, the existence of native rights, but some later seizures, such as that from the Nandi Reserve, were naked and unashamed robberies. Among the chief sufferers have been the Kikuyu tribesmen; much of the most fertile and desirable land in the neighbourhood of Nairobi has been stolen from them. Let anyone who doubts these assertions study the evidence. The official Report "Native Land Tenure in the Kikuyu Reserve 1929," par. 58:

There are far more Abasi (natives living on sufferance on the lands of other native families) in the Kiambu district than in any other district, because a very large number of Ithaki (clan or family lands) were alienated to Europeans in the days before the Reserve boundaries were fixed, and then a great many natives suddenly found themselves homeless and with no land on which they could cultivate in their own right.

In evidence given before the recent Joint Committee Canon

Leakey, who has worked as a missionary for over thirty years among the Kikuyu, confirmed these statements, and added later in his evidence:

When white settlement began . . . the government said the whole land was Crown land and any European who came along was told to choose and select what he liked . . . every single inch of land there has an owner who had deliberately bought it with sheep and goats (the native currency) . . . the people were too frightened to tell. . . .

The Report of the Ormsby-Gore Commission of 1924 also refers to the seizure of land from the Nandi tribe as an example of wrongful sequestration of native land by a Governor without reporting the matter to the Secretary of State. The shameful treatment of the Masai tribe is well known. It would be easy to multiply examples.

Legally, the native has no rights; he is a tenant at will of the Crown. This has been declared to be the legal position by a judgment of the Kenya High Court in a Kikuyu land case in 1921. "This judgment is now widely known to Africans in Kenya," runs the Ormsby-Gore Report, "and it has become clear to them that without their being previously consulted their rights in their tribal land, whether communal or individual, have disappeared in law and have been superseded by the rights of the Crown."

Lord Lugard, in his speech in the House of Lords on March 23rd last, stated that this interpretation of the law was received by members of the Permanent Mandates Commission of the League of Nations with "incredulous surprise." It admits the right of the trustee government by an act of state to confiscate the interests of the ward without compensation and without right of appeal to the Courts. Such a right masquerading under the forms of law is worse than the right of the robber-baron, for it gives the right (and the right has been used by the Kenya Government) to the guardian to rob the ward. That right still stands after all these years. The natives are very weak, and they are virtually unrepresented; Governors can silence and have silenced the officials responsible for native welfare. Yet in the White Paper of 1923 the British Government declared that in Kenya Colony, the principle of trusteeship for the natives no less than in the Mandated Territory of Tanganyika is unassailable, while the Permanent Mandates Commission has expressed the opinion that Mandatory Powers do not possess any right over any part of the territory under mandate other than that resulting from their being entrusted with the administration of the territory.

The British Government must then choose: either it can elect to enjoy the rights of free plunder given it by decision of its High Court in Kenya, and from time to time run up the Jolly Roger in place of the Union Jack, or stand by its solemn professions and deny both now and retrospectively that it has or had any rights over any part of the territory of Kenya other than those arising from its assumption of the administration of the territory. If the first alternative is chosen the British Government stands convicted out of its own mouth before all the world of odious hypocrisy; if the second, then it follows that all wrongful alienations of native land made under colour of legal right must be fully and adequately compensated.

The disclosures given in evidence before the Joint Committee last year caused the Committee to recommend the appointment of a special Committee to inquire into land questions in Kenya. The Government has recently appointed the Committee: it consists of Sir William Morris Carter, formerly Chief Justice of Tanganyika, as Chairman; Mr. Rupert Hemsted, a retired Senior Commissioner of Kenya; and Captain F. O. B. Wilson, a settler. The chief terms of reference of the Committee may be summarised as directions to the Committee (1) to inquire into the needs of the native populations for more land, and whether it is practicable or desirable to set apart further land for their occupation, (2) to investigate and make recommendations for settling native claims for wrongful dispossession, (3,

It follows then that the path of wisdom for us to-day is to encourage and develop the tendency towards the creation of a "sterling area" of countries which aim at keeping their national currencies stable in terms of sterling instead of gold. In this case, too, what matters in the interests of trade is far more short-term than long-term stability of the exchanges, and there is no reason why they should not keep the power to make long-term adjustments in the sterling value of their currencies, while pegging the exchanges over short periods by the familiar method of holding sterling balances in London, just as we now propose to hold dollar balances in New York. It is true that long-term stability matters in respect of international debts; but existing long-term debts will clearly have to be readjusted, and new debt arrangements could be made to fit in with the new conditions.

The "sterling area" which we should thus aim at creating cannot, however, be an Empire area. It should include as many Empire countries as are prepared to come in. It must be open equally to other countries, such as the Scandinavians, the South Americans, or some of them, and perhaps the countries of Central Europe which are now on the verge of currency depreciation. Nor, if we go out to make a "sterling area," can we expect the future course of sterling to remain a purely British concern. It will become the concern of all the countries included within the group, and some form of consultation between the monetary authorities of these countries will have to be devised—perhaps, who knows? as the forerunner of the long-awaited international authority for managing the monetary affairs of the whole world.

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4/47

TELEGRAM from the Governor of Kenya to the Secretary of State
for the Colonies.

Dated 13 May 1932. Received 4.14 p.m. 13 May 1932.

No.84. Following telegram recommendation East African Indian
National Congress with request it be forwarded. Begins.
Congress strongly protests against nomination local settler
as member of Land Commission to exclusion of Indians and
natives. Ends.

Answered 4/44 - 3 JUN 1932

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Women's International League

BRITISH SECTION OF THE WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM.

International President: Miss JANE ADDAMS, U.S.A.

President: Miss K. D. COURTNEY.

Hon. Treasurer:
Miss MARY CHICK.

Hon. Foreign Relations Secretary:
Dr. HILDA CLARK.

Hon. National Secretary:
Miss MARY SHEEPSHANKS.

Executive Committee:

Miss MOSA ANDERSON.
Miss KARLEEN BAKER.
Mrs. VIFONT BROWN.
Mrs. COGIN.
Miss M. DICKINSON.
Mrs. CORBETT FISHER.
Miss A. HARRISON.

Mrs. LANKESTER.
Mrs. KINGSLEY MARTIN.
Mrs. ROBERT MENNELL.
Miss EDITH PYE.
Mrs. DAVID PYE.
Miss RINDER.
Mrs. G. ROBERTSON.

Mrs. MCGREGOR ROSS.
Mrs. THODAY.
Miss E. M. TROTTER.
Mrs. RAYMOND UNWIN.
Miss HELEN WARD.
Mrs. E. M. WHITE.

Chairman: Miss COURTNEY

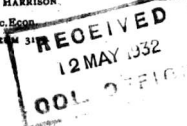
Vice-Chairmen:

Mrs. BARRS DAVIES.
Mrs. K. E. INNES.

Hon. Press Secretary: Miss KARLEEN BAKER, B.Sc. Econ.

TELEPHONE AND TELEGRAPHIC ADDRESS: MUSEUM ST.

INQUIRIES: 11 A.M. TO 4 P.M.



Office Secretary: Miss E. HORSBROFT,
INTERNATIONAL HOUSE,
55 GOWER STREET, LONDON, W.C.1

11th May, 1932.

The Rt. Hon. Sir Philip Cunliffe-Lister, M.P.,
Secretary of State for the Colonies,
Colonial Office,
Downing Street, S.W. 1.

Not Pcd

Dear Sir,

The Executive Committee of the Women's International League has been following with interest the recent developments in Kenya and the appointment of Commissions by the Government to report on various aspects of administration in that Colony. In particular, the constitution of the Land Commission has caused some apprehension, especially in view of the fact that this inquiry is expected to mark a very definite stage in the policy to be pursued with regard to land.

The Executive Committee passed the enclosed resolution which I was asked to forward to you with the hope that it may receive favourable consideration.

Yours faithfully,

Mary Sheepshanks

Hon. Secretary.

and 24 MAY 1932

2

Resolution passed by the Executive Committee of the Women's International League at its meeting on Monday, May 9th, 1938.

KENYA LAND INQUIRY COMMISSION.

"The Executive Committee of the Women's International League regrets exceedingly the refusal of His Majesty's Government in the House of Lords on May 4th to add two independent British men and two Africans to the Land Inquiry Commission for Kenya.

It earnestly begs that the question will be reconsidered before the Commission begins its work, or if that is impossible, that these additional persons should be appointed as assessors."

Women's International League

2

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TELEPHONE AND TELEGRAPHIC ADDRESS: MUSEDM 3479
INQUIRIES: 11 A.M. TO 4 P.M.

Office Secretary: Miss E. HORSKROFT,
INTERNATIONAL HOUSE,
55 GOWER STREET, LONDON, W.C.1

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R927
away
Sir Robert Hamilton, M.P.,
Parliamentary Under Secretary for the Colonies,
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The Executive Committee passed the enclosed resolution, which I was asked to forward to you with the hope that it may receive favourable consideration.

A similar letter has also been sent to Sir Philip Cunliffe-Lister.

Yours faithfully,

Mary Sheepshanks

Hon. Secretary.

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18117/32
52

C. O.

Mr. Allen.

2/5/32.

18117/32. Kenya.
in sample

Mr.

Mr.

Mr. Parkinson.

Mr. Tomlinson.

Sir C. Bollongey. J:5:32

Sir J. Shuckburgh.

+ Perm. U.S. of S.

Parly. U.S. of S.

Secretary of State.

By ^{10/10} J. J. M. M.

C
R 10 MAY
D 10

DOWNING STREET.

10 May, 1932.

Sir,

With reference to my

despatch No. 286 of the 13th of

April, I have etc. to transmit to

you six copies of the Official

Report of the proceedings in

the House of Lords on the 4th of

May, 1932. ^{and viz at 8} of a question by

Lord Sanderson relating to the

Land Commission, Kenya.

2. I would invite your

attention to the remarks made by

Lord Sanderson (column 310) on

the last point in his question,

namely, whether the African

population will be allowed full

opportunities

DRAFT.

KENYA.

NO. 359

GOVERNOR.

(34) on
17612/31
Kenya.

Case: 1 minute

House of Lords report 4/5
(5 copies)

making the following
alterations in Col. 321:-
Line 23 substitute "equity"
for "equality"
Line 50 strike out "s" in
"sections"

opportunities of meeting and discussing the land question during the sitting of the Commission; and also to the statement (column 320) made by Lord Strathcona and Mount Royal on behalf of the Government that I would gladly bring Lord Sanderson's remarks to your notice, but that I was confident that you ~~would~~^{will} be equally anxious to ensure that the natives should have full opportunities for meeting and discussion, not only during the sittings of the Commission, but also in the preparation of the representations which they wish to make.

3. You will also observe that in dealing with the point raised by Lord Olivier in regard to paragraphs 3 and 4 of the terms of reference relating to native claims, Lord Strathcona said (column 321) that the intention was that the Commission should

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deal with the native claims
upon grounds of equity and not
be prevented from so dealing with
them by any considerations of
law.

I have, etc.

(Sgd)

W. B. LISTER

53
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LISTER