

1933.

Kenya.

No. 3096.

SUBJECT

C0533/434

Land Commission

(Sir W. Morris Carter.)

Previous

18117/32.

Subsequent

See file 1.

3006/12/33. (Anterior Records).

See 3243/33. (Native Land Problems.

- Mr. P. Komanyi.)

23036/34.

Parliamentary Question by Mr. J. J. J. J. 2  
No. 1 on P. Q. file.

1. 40 Soc. Sec. No. 66 revs. — 24.2.33.

2. Governor Kenya Feb 51 ————— 27 Feb. 33  
Gives details as to expected date of signing & printing  
of Sir W. Carter's report.

Parliamentary Question by Mr. J. J. J. J.  
No. 2 on P. Q. file.

Registry Note

The Hon. Sec. to the Commissioner returns report on the  
<sup>interf. file.</sup>  
Chambers <sup>interf. file.</sup> regd. on 30.6/13/33.

3. Extract from Manchester Guardian 30 May 33

Put by  
MOWIE

H. H. H.  
2/1/33

Q

4 A/Bureau of Fore 114 Enf. (An Mail.) — 19 Aug 33  
Trans. copy of Report of Land Commission & Vol II of Evidence.  
States original report embodying main corrections is  
being sent to Sir M. Carter requesting him to forward it  
to S of S after signature. Requests copy may be handed  
to Sir M. Carter.

5. Sir M. Carter 3/4 \_\_\_\_\_ 4 Sept 33.

Encls. letter to S of S forwarding original report &  
requesting that advance copy may be sent to Sec. of Land  
Commn. Does not consider it need be sent by An Mail as  
printer will not be in a position to begin report before 15  
inst. Encls. letter to Mr. Fagan

The report has been sent over to  
Sir Morris Carter and it is now on its way back. It  
takes some time to arrive and when it does come I  
think that it will have to be shipped off by <sup>air</sup> ~~hand~~ so  
that if anything turns up they can despatch it in  
the Kenya Printing Office.

I have acknowledged Sir Morris  
Carter's letter and sent out his note to Mr. Fagan.

As soon as we get the signed Report  
I think it would be as well to acknowledge the receipt  
of Mr. Moore's despatch returning the duplicate as  
requested and at the same time express the Secretary  
of State's high appreciation of the industry and  
thoroughness displayed in the preparation of this most  
monumental document. We should also express  
satisfaction that the Report has been unanimous and  
that it is hoped it will serve its purpose of producing some  
finality in the questions which have been agitating

Kenya

Kenya for so many years.

If the Secretary of State could sign  
and personal letter to Sir Morris Carter I think it  
would be a graceful action. The industry displayed  
in the preparation of the report has been something  
phenomenal and the whole Commission deserves well of the  
State whether the recommendations are adopted or not.

To Sir M. Carter — 3 Sept '33  
~~DESTROYED UNDER STATUTE~~

To Mr. Fagan — 9 Sept 33  
~~DESTROYED UNDER STATUTE~~

Foreign Office — 3 Sept 33  
~~DESTROYED UNDER STATUTE~~  
Encloses under as request return of 2.0  
statements sent to Sir M. Carter in connection  
with the Kenya Government enquiry

Note

The signed  
copy of the Report  
has now been  
read & is in  
the hands of  
Mr. Fagan

Letter to Mr. Fagan has been sent & it  
will be as well to get off the deep end  
regarding a personal letter to Sir Morris Carter  
as soon as a copy of the despatch, but as you  
are not sure of it

Presenting the diff  
No 12 because of collection from the 12/33  
SAs to Sir Morris Carter. We must  
do this the best way (12/33)

By air mail  
12/9/33  
Volume being sent by  
post this week 18/9/33  
in the House instructions  
By air mail 10

To Kenya Conf (w/Report (Volume) 13 SEP 1933  
H. Amund

To S.H. Fagan (A.C. 8) 110 12/9/33  
DESTROYED UNDER STATUTE  
To Sir Morris Carter (Sansa) 12/9/33  
(A.C. 9)  
DESTROYED UNDER STATUTE

Sir C. Bottomley  
Draft hereunder. If the S. of S. agrees  
a copy might be sent to the O.A.G. for the  
other two.

Recommenced  
v. note on aft.  
of No. 9

It runs from  
1500 handwriting.

18/9/33  
Sir J. Grayling  
The Report is under continual  
scrutiny in the Dept. If you think  
that the S. of S. would not wish to  
send the letter which he has at least  
seen the Report, it will be best to  
hold the Dept. back till the S. of S.  
returns. But I such letters are  
best sent early. W.C.S. 18/9/33

S. of S.  
You will perhaps wish to write  
at once to Sir Morris Carter in the  
sense of the draft? It does not  
commit you in any way to acceptance  
of the recommendations in his report.  
W.C.S. 18/9/33

12 To Sir Morris Carter - 010 - 20/9/33

As it is all in the despatch we can  
put by for the present  
21/9/33

Recommenced  
as to regarding report  
of 12 to 6.2.9  
16/9

To L. S. Hamilton 11 October 33.  
DESTROYED UNDER STATUTE  
To Capt. F. O. B. Wilson 11 October 33.  
DESTROYED UNDER STATUTE

15. Extract from Yorkshire Guardian 26 Oct. 33  
Pub. by (Mr. Hunt has seen)

30/10/33

To H. J. Laski (S.O.) 6 Nov. 33  
DESTROYED UNDER STATUTE  
Whether Commission has reported & whether report has  
been published.

To H. J. Laski (S.O.) 16 answer 4 Nov. 33  
DESTROYED UNDER STATUTE  
Parliamentary Question by Sir K. Hamilton  
No. 3 on P. & file

Parliamentary Question by Mr. T. Williams  
No. 4 on P. & file.

To Copy of Summary of Land Commission Report.

19. R. Homsted (copy) \_\_\_\_\_ 16 Nov. '33.

Repts. No 15 & hopes Report will help to solve some of  
the problems in Kenya.

? Part by Gunnarsson

8/1  
B. H. H. H.

2/1

etc



COPY.

RECEIVED  
14-11-33  
C. G. F. R. Y.  
R

195

C/o Nairobi Club,  
Kenya.

16th November 1933.

Dear Sir Philip,

I should like to tell you how very much I appreciate your letter regarding the work I was able to do as a member of the Kenya Land Commission, and I hope the report will help to solve some of the problems which have been a source of worry to the Administration for several years past. We were particularly fortunate in having so able and energetic a Secretary as Mr Fazan.

I personally found the work extremely interesting, and had not realised before how complex some of the problems were.

Thanking you most sincerely for your letter.

Yours sincerely,

(sgd.) Rupert Hemsted.

SUMMARY OF KENYA LAND COMMISSION REPORT

PRELIMINARY

The Commission has endeavoured to produce "recommendations which offer a practical solution of the various problems in the light of facts as they exist today".

(para.12)

Throughout the Report land is described as belonging to one of the following categories:-

Class A Permanent additions to the Reserves, based on historical rights or use:

Class B(1) Permanent additions based on economic needs:

(paras.22-25)

Class B(2) Temporary additions based on economic needs:

Class C Land in which special provision is recommended for individual natives (not on tribal lines) usually on lease:

Class D Land on which no special privilege of grace should obtain.

PART I.

The Kikuyu.

Principles. (1). The tribe is in equity entitled to be compensated for land lost through alienation, but such compensation should be assessed in the light of the extent to which the tribe was making effective use of the land lost. Government has always had the right to intervene in order to ensure that better use should be made of the land of the Colony.

(para.30)

(2). Land is effectively used only when the population thereon is of optimum density.

(3). In the Fort Hall district the population when alienation took place was at optimum density

7

density: in Kikuyu and Nyeri it was not, but in Kikuyu the establishment of Nairobi rapidly increased the density, with resultant congestion.

(4). In addition to tribal leases the interests of families should be considered.

After 90 pages of painstaking analysis of the historical data the Commission produce the following (217)  
 "profit and loss account"

Kikuyu Territory		Taken away by	
in 1902	1794.05 sq.mls.	Government	109.5 sq.mls.
Since added by	265.50 " "	Lost by	
Government		abandonment	16.26 " "
	<u>2059.55</u> " "	Balance remaining	<u>1933.79</u> " "
			<u>2059.55</u>

But the 109.5 sq.mls. taken away by Government was all "good agricultural land"; the 265.50 sq.mls. added was inferior land equal in value to only 79 sq.mls. of good agricultural land. On this account alone the Kikuyu tribe should receive 30.5 sq.mls. of good land in compensation for their losses. (217)

A further 100 pages of analysis of various considerations lead to the conclusion that the net amount of land to be added to the Kikuyu under Class A (historical right) should be 32.8 sq.mls (equal to 21,000 acres). This compensation should be held to extinguish all claims by the tribe, or families and individuals thereof. Suggestions are made as to where this land should be found. (462) (466)

The Commission now turn to to the Class B requirements of the Kikuyu. They find that "a state of general congestion is threatened within 30 years unless very great improvements in agricultural method and the holding of land take place" but such improvements necessarily take time and, on balance, the Commission recommend the addition of 383 sq.mls. on the Northern Yatta as Class B(1); this land should be occupied under group, family (528) (542)



(546)

(5.6)

or individual tenure in accordance with a prepared scheme of land settlement. The conditions of tenure should contain safeguards against overstocking and deforestation

Nairobi Township.

Pumwani should be developed as the main native quarter; permits should be granted to approved natives enabling them to live in the residential areas of Nairobi. Superfluous natives should be returned to their Reserves or allowed to lease ~~land~~ a sea area.

(622)

PART II

Other Tribes.

The Masai.

(660)

Population 3 to the sq.mile. as compared with the Kikuyu 283 to the sq.mile. The special treatment accorded by the Native Lands Trust Ordinance should be discontinued. The Masai have no claim to the Mile Zone (which should be added to the European Highlands) or to the Chyulu triangle. The Quarter-Mile Zone should be included in the Reserve. Certain exchanges of land are recommended.

(676)

(683)

The Kamba.

After certain adjustments by way of exchange the tribe should receive an access of about 26 sq. mls. under Class A and 300 sq.mls. (Yatta Plateau) under Class B(1).

(759)

Turkana and Northern Frontier Province.

(797-9)

The population is scattered and nomadic; no Reserves (except the West Suk) should therefore be gazetted, but the priority of native interests should be safeguarded by a special section under the Lands

Trust

Trust Ordinance.

Kavirondo.

The population is dense (145 per sq.mile.) and increasing but the soil is fertile and improved methods of cultivation can easily accommodate the increase. No addition is recommended. (1109)

Among the smaller tribes a large addition of Class A land is recommended for the Lumbwa.

TABLE

Unit.	Previous Area.	Additions		Total Increase	Percentage.
		Class A.	Class B.		
Kikuyu	5287	665	383	1248	23.6
Masai	14797	147	-	147	1.0
Kumba	8077	187	300	487	6.0
Kerio	7755	30	330	330	4.3
Mandi	757	-	-	-	-
Kavirondo	7114	66	-	66	.9
Lumbwa	830	148	-	148	17.8
N. Pokomo	119	-	-	-	-
Coast	4752	58	141	199	4.1
	<u>49466</u>	<u>1902</u>	<u>1155</u>	<u>2629</u>	<u>5.3</u>

PART III.

(This part of the Report is extremely intricate, every recommendation being interwoven with, and qualified by, others, so that an exact summary is not feasible. The following is an attempt to present the broadest outlines of the picture, all detail, however important and relevant, being omitted.)

The Existing System.

The Native Lands Trust Ordinance of 1930 has failed in its purpose. It enacts a rigid stability for 24 units of native land not necessarily related to the occupant tribes,

but

but makes no provision for adapting the boundaries thereof to developing needs. On the constructive side it is sadly deficient. Almost every section is shown by the Commission to be illconceived or unworkable, and they conclude by saying that the Ordinance "constitutes a serious hindrance to progress in the Reserves". Amendment is out of the question; an entirely new legal framework must be constructed, of which the general lines are sketched out.

(Chapter 6)

An Order-in-Council.

The 1930 Ordinance, though professing to dedicate the Reserves to native use "for ever" is not on that account legally sacrosanct. Security and permanence can best be secured by an Order-in-Council which should inter alia

- (a) declare the external boundaries of the Native Reserves Class A (re-arranged into 9 units);
- (b) define the conditions on which such boundaries can be altered;
- (c) proclaim the boundaries of Class C lands (native leasehold areas);
- (d) nominate the members of the Native Lands Trust Board and provide for the method of succession.

The Native Lands Trust Board should exercise a protective control in accordance with the terms of the Trust as defined by Order-in-Council and in conformity with the Ordinance. The constructive (as distinct from the protective) functions at present nominally exercised by the Native Lands Trust Board should be transferred to the Administrative Government. The reconstituted Board will be "in a sense representatives of the Privy Council..... they will therefore, as carrying out the duties imposed on them by the

(para.1812)

//

Privy Council, be to that extent representatives of Governments though independent of the Government of Kenya" and should have certain powers of veto over the recommendations of that Government.

(1695)

It is essential that the Board should be removed from the sphere of local politics and it should therefore preferably consist of "trusted and impartial men resident in England."

Development of Reserves:

(a) by natives;

(b) by non-natives.

(a) Overcrowding is ultimately inevitable unless the native is trained to make better use of his land, and Government should spare no effort in this task. In certain Reserves the chief obstacle to development is overstocking. The Commission devote a chapter to this problem and indicate definite lines of remedy. (Chapter 10)

(b) Certain assets of the Reserves (mineral wealth, forests, etc) can be properly exploited only by Europeans. Public purposes (roads, public buildings, etc) must also be provided for. The necessary facilities can be arranged without impairing native security by a system of leases of areas within the Reserve, though the present arrangements for exclusion are retained as an alternative where the natives prefer it. The normal procedure contemplated is as follows:-

Subject to overriding authority of the Native Lands Trust Board, the Provincial Commissioner should set apart land required for a public purpose or for a lease, provided that the local natives, the Local Native Council, and the Local Land Board (to be composed henceforward entirely of

(1526)

natives

(1563)

natives with the District Commissioner as Chairman) have all been consulted and that due compensation has been arranged. In cases of disagreement between the Provincial Commissioner and the local Land Board the Governor should decide. Over the land thus set aside leases should be granted, the rents being payable to the Local Native Council who would have the corresponding obligation of compensating existing native occupants. In the case of mining leases two rents should be paid; one of 5/- per acre payable to Government; the other assessed on a fair economic return on the agricultural value payable to the Local Native Council. If the mining lease is renewed on normal expiry the rent for the land lease should be raised by 20 per cent, on the final expiration of the lease the land would revert to the Reserve.

A special section is devoted to the position in the Kakamega District where action may have to be taken before legislative effect has been given to the Commission's general recommendations.

It is further suggested that the mining law should be altered so as to set a limit to the period within which the prospector can proceed on a claim which has not been converted into a lease.

Facilities for Natives outside Reserves.

To provide for

- (a) the 150,000 squatters;
- (b) detribalised natives;
- (c) progressive natives who seek an outlet

outside the Reserves;

939 sq.mls. of land should be declared C areas available for native occupancy under lease from Government. Each C area should be controlled by

the Commissioner of the province in which it is situated; he should be advised by a body constituted (1879-1880) on the lines of the Local Native Board.

European Highlands.

Proposals are made for an exact definition; the boundaries should be safeguarded by an Order-in-Council. (Chapter 2)

Finance.

The direct financial cost of the recommendations is placed at £35,000 capital and £1,300 recurrent. The Commission think it unfair that the Local Government should bear the whole burden and trust that the Imperial Government will assist in the provision of funds. '2041-4'

In addition to the direct cost considerable expenditure will be necessary on development. Much of this could properly be met by the allocation of the £50,000 "owing by the Imperial Exchequer in respect of unclaimed balances of pay due to the Military Labour Corps". (2048).

Mr. Freester

14 15

Mendelsohn

36 70

### Kenya Gold

In quarters interested in East African affairs there is surprise at the delay in issuing the report of the Kenya Land Inquiry. It will be remembered that while this inquiry was going on the whole of the gold discovery was made. Since that time prospecting has gone on, the formation of companies has gone on, and nothing permanent could be done until this report was acted upon.

I understand that the report was handed to the Governor of the colony as far back as midsummer, and it was expected that there would be no delay in issuing it to the public. At the least, it was anticipated that it would be issued before Parliament rose at the end of July. It is the more surprising that it should have been postponed until so near the reassembly of Parliament.

It is possible that the Secretary of State is holding it back so as to get Parliamentary discussion of it before action is taken. If so, one may regard it as a sign of grace in Sir Philip Cunliffe-Lister, and no doubt Parliament will welcome that order of procedure.

Any news please  
R





Mr. Flood 18/9/33.

Mr.

Mr.

Mr. Parkinson.

Mr. Tomlinson.

✓ Sir C. Bottomley. 18/9

✓ Sir J. Spence. 18/9/33

Permt. U.S. of S.

Parly. U.S. of S.

✗ Secretary of State.

*Handwritten:* 25/9/33

For the Secretary of State's signature.

20 September, 1933.

**DRAFT.**

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

Your report has now

been received in the Colonial Office, and although I have not had time to go into it fully, I feel bound to express to you my sense of the great thoroughness and industry which have been displayed in its preparation

*Handwritten:* and to your colleagues on the Commission

To examine a whole series

of problems such as those

presented by the land question

in Kenya must have <sup>same</sup> proved a tax

on anyone, and I feel certain

that the work which has been

accomplished will prove of the

*Handwritten:* done at ...

**FURTHER ACTION.**

greatest advantage to Government, not only immediately, but in the future, and I trust that by the efforts of the Commission over which you presided some degree of finality will be reached in regard to the many points which have caused so much trouble in the past.

~~I am writing to you as Chairman and I am sending a copy to the Acting Governor of Kenya for communication to your colleagues.~~

*Yr. servt.*

108: ~~SECRET~~

C. D. *11/9*  
Mr. Flood 12-9  
Mr.  
Mr.  
Mr. Barkinson.  
Mr. Tomlinson.  
X Sir C. Bottomley. *12-9 f*  
Sir J. Shuckburgh.  
Permt. U.S. of S.  
Early. U.S. of S.  
Secretary of State.

**DRAFT.**

*Kenya  
Conf  
O.A.B.*

*Volume below - to be packed separately*

FURTHER ACTION.

*Rem. for dft. to  
Sir D. Carter  
& disposed of B.*

*3096/33  
Kenya*

*17  
NY*

*Air Mail 13 Sept.*

*h 2SEP  
0 13*

*St*

**13 SEP 1933**

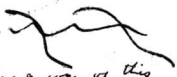
*See how we let out.*

*the rest of your Conf. despatch No. 1114 of the 19th of August and forwarding a copy of the Kenya Land Commission's Report. I have now received from Sir Denis Carter the signed original Report, and the copy is accordingly being returned to you, under separate cover, by the Air Mail which carries this despatch.*

*Copy to Mr. G. Morris Carter ①*

*2. Although it is*

permeation to form any opinion  
in regard to the Commission's  
recommendations. I cannot refrain  
from expressing my <sup>high appreciation</sup> ~~admiration~~  
of the industry and thoroughness  
displayed in the preparation of the  
Report. It is a source of satisfaction  
that the Commissioners have ~~been~~  
unanimous in their findings, and  
I earnestly hope that their work  
may ~~achieve~~ <sup>serve</sup> the purpose of achieving  
frankly in ~~these~~ regard to those  
complex & <sup>contentious</sup> ~~controversial~~ <sup>and</sup> ~~questions~~  
which have been for so many years  
the cause ~~of~~ <sup>of</sup> embarrassment and agitation.



3. I am ~~also~~ <sup>enclosing</sup> a copy of this <sup>report</sup> ~~deed~~ to be  
communicated to Sir Morris Carter & I shall be  
glad if you will forward me to ~~approach~~ <sup>approach</sup> the other  
members of the Commission. I desire also to  
associate myself whole-heartedly with the  
Commission's appreciation of the services  
of Mr Fagan and the rest of their staff.

TEL. ADDRESS :  
ANGLAIS - LE TOUQUET-PARIS-PLAGE  
TÉLÉPHONE 44 & 830  
NEARBY STATION STAPLES  
R. O. MONTREUIL 0214

HOTEL DES ANGLAIS  
(EN FORÊT)  
LE TOUQUET-PARIS-PLAGE  
(PAR-DE-GALAIN)  
FRANCE

5

7th September 1933

Dear Mr Flood

Many thanks for your letter last week and for sending on the report which did not reach me till Saturday afternoon, I am told it takes from a few days for a parcel to reach here from London and it was sent to the Hotel Bristol in the first instance.

I enclose a covering letter to the Under-Secretary of State, I do not know his correct title so have not inserted it at the foot of the letter.

The report itself I am sending under cover to you Fagan asks me to recover the duplicate (advance copy) from the Secretary of State and send it back to him for use in connecting the printer. He is now

18  
Acting Provincial Commissioner, Nairobi, so would you have it sent to the Secretary, Kenya Land Commission, Provincial Commissioner's Office, Nairobi, Kenya Colony?

I don't think there is any need to send it by air-mail (unless he has not another copy on which to work, of which I am not sure) as he says that the printer "still goes joggling at a steady hundred pages a week, and at that rate it will be still six to seven weeks before he is in a position to begin the report." The printing which is being done now is the printing of the evidence.

Yours sincerely

W. Morris Carter

I enclose a letter for Fagan for transmission by air-mail, I have not much confidence in the French post to places in Africa; while we were in Nairobi we had a letter sent from near Paris which was clearly and correctly addressed but which took over

Three months to reach us, it appeared to have gone to  
West Africa first & to have been sent from there  
across Africa to Tanganyika!

TÉL. ADDRESS :  
ANGLAIS - LE TOUQUET-PARIS-PLAGE  
TÉLÉPHONE 44 & 230  
NEAREST STATION ÉTAPLES

HOTEL DES ANGLAIS  
(EN FORÊT)

LE TOUQUET-PARIS-PLAGE  
(PAR DE - GALAIS)  
FRANCE.

ADMINISTRATION

N. S. NAUTIQUE 571

*Cherbourg*

7<sup>th</sup> September 1933

My Lord

I have the pleasure to forward under separate cover the original of the report of the Kenya Land Commission with maps, and to request that you will be kind enough to send the advanced copy, which was transmitted to you recently from Kenya, to the Secretary of the Land Commission, Provincial Commissioners' Office, Nairobi, for use in connecting the frontier.

I have the honour to be, my Lord,  
Your Lordship's humble and obedient  
servant

William Carter  
Chairman  
Kenya Land Commission

(5) copy to Wagon (1933)

AIR MAIL

KENYA

No. 114

CONFIDENTIAL.



20  
4  
GOVERNMENT HOUSE

NAIROBI

KENYA

19<sup>th</sup> August 1933.

Sir,

No 3096/1/33

No 3096/1/33

Unword (9)

In reference to Sir Joseph Byrne's despatch No. 223 of 8th April 1933, and your telegram no. 156 of 19th July 1933, I have the honour to forward herewith a copy of the Report of the Kenya Land Commission. This embodies certain minor corrections and adjustments of the text which have been made since the original signature and approved by Mr. K. W. Hemsted and Capt. F. O. S. Wilson, the two members of the Commission who are now in this country. Appended also is a memorandum by the Secretary, which explains certain points connected with these corrections, together with a copy of a statement of the considerations subject to which the Report was originally signed by all the members. The original evidence taken by the Commission which is voluminous, is not being sent with the report with the exception of Volume II. This contains a precis prepared by the Secretary before the arrival of the Commission, of proposals or applications affecting the Native Reserve boundaries to which frequent reference is made in the Report.

2. The Report itself signed by Mr. Hemsted and Capt. Wilson and embodying the minor corrections, which have been made since the original signature of the Report, is being sent by the same mail to Sir Morris Carter with a request that after approval of the ...

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

the corrections he affix his signature to the Report and bring it to you for your retention.

3. As the number of typed copies is limited, I shall be grateful if the copy of the Report, sent to you in the first instance could then be handed back to Sir Morris Carter who will then transmit it by first Air-Mail to the Secretary, Land Commission, for use by him in connection with the printing.

I have the honour to be,

Sir,

Your most obedient, humble servant,

*Mr. Wilmore*

ACTING GOVERNOR.



Office of the Secretary to  
the Kenya Land Commission,  
P.W.D. Offices,  
NAIROBI.

29th July, 1955.

The Hon. The Chief Native Commissioner.

KENYA LAND COMMISSION.

Your NLAB 7/7/1/2/100 of 28.7.55

The present position in regard to the report is as follows:-

On July 7th the Commissioners signed the paper of which a copy is attached. The action amounted to a signing of the report subject to certain textual corrections and verifications of statistics being carried out to their satisfaction.

The Chairman's instructions to me were to carry out these corrections, subject to the agreement of Captain Wilson and Mr. Hemsted, and then to invite them to sign the report finally (in substitution for the provisional signature of July 7th). The next step was to be that I should forward the report to His Excellency the Governor and request him to forward it to the Secretary of State, but to arrange that the despatch and the report be sent in the first instance to the Chairman, so that he might sign the report, and it would then reach the Secretary of State, not as an advance copy, but as the original report.

The extent of progress made is that I have completed all significant alterations to the satisfaction of Captain Wilson and Mr. Hemsted, and they have now signed the report, Captain Wilson signing yesterday and Mr. Hemsted today.

- 2 -

The work remaining to be done is:-

1. To check certain schedules in Part III of the report, a task which will be completed by Tuesday week.
2. To complete the last two of the twenty-three appendices. These will also be finished by Tuesday.
3. To complete the maps.

Part I contains three maps, which will all be ready by Monday. Part II contains no maps. Part III contains two maps, of which one will be ready by Wednesday and the other by Wednesday week. Part IV (Appendices and Index) contains thirteen maps, of which six are in hand and in various stages of completion; they will all be ready by Wednesday week.

4. To write the Index. I cannot guarantee to have this completed before Tuesday week.
5. To bind the report in four parts. The printer, who has already bound some of the original evidence as a sample (sent herewith) undertakes to complete the binding of every part within twenty-four hours of my sending it to him.

**Notes** If I arrange that the second map belonging to Part III is transferred to the Appendices in the original version (though standing at its proper place in the printed version), Parts I, II and III (i.e. the whole of the main report) will be ready by Friday next, even allowing a margin of one day's delay, and could, if desired, be sent by Air Mail today week. Part IV, which consists of the Appendices and Index, would be ready to go the following week.

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Personally I would prefer to keep all the parts back till then and send them all together as a completed work, but the other course can be taken, if desired.

2. In these circumstances it is clear that the report itself would arrive as soon as any advance copy could arrive, if sent from here. If it is, ~~rather~~ of extreme urgency that the Secretary of State should receive an advance copy at once, the quickest course would be to send a cable to the Chairman, who has his copy with him and could send it to the Secretary of State if necessary. But I would respectfully advise against this course. An advance copy consisting of 930 pages of typescript without maps or index would not be of very much use, and would tend to create the impression that the report is a much less coherent document than is, in fact, the case.

3. It is clear that the report sent from here would only have to be regarded as an advance copy if for some reason or other the Chairman finds himself unable to accept the corrections or to sign it in its present form, but if he signs it it would be the original report. I am at liberty to state that in the opinion of the two Commissioners in this country it is most unlikely that the Chairman will object to any of the textual alterations, and that in the event of his doing so in any instance, they would be willing for the original text to be restored. Most of the alterations are minor statistical corrections made in order to

reconcile estimates of areas or populations with the official figures, and here and there a phrase has been altered (with the agreement of Mr. Heasted and Captain Wilson) for the sake of clearness, but there are only three points which could be thought in any way to be of significance:

One relates to the area of the West Suk Native Reserve, concerning which it has been found necessary to insert a note to correct a passage which might otherwise have been misleading; the second relates to the boundaries of the White Highlands, where it has been found necessary to add a note concerning the status of certain farms in the Nandi area, which would not otherwise have been clear; and the third concerns the conditions on which additions to native reserves should be permissible in the future; here it was found necessary to reconcile two passages which were at variance in one particular.

Mr. Heasted and Captain Wilson have advised these corrections, which are entirely of a minor character. They do not alter the recommendations but make them clearer.

For these reasons it seems to me perfectly safe to regard the report which will leave here as the original report, and in no sense an advance copy of a report which is to be submitted later. It would be a very formidable task to have to type it all over again.

4. The Chairman's instructions to me were that, at the same time as I should send the original report

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to the Governor with the request that it be forwarded in the manner suggested, I should also forward a complete certified duplicate to the Governor. This I will do as well as I can, but I hope I may be excused if the copy to the Governor follows the other at an interval of four days instead of being sent along with it.



Secretary,  
Kenya Land Commission.

CONSIDERATIONS SUBJECT TO WHICH THE REPORT IS SIGNED.The Recommendations.

The recommendations are final and cannot be altered except

Exception: In chapters II, III and VI of Part III of the report there are certain repetitions and cases where one recommendation qualifies another. It is possible that inconsistencies of a minor kind may be revealed. Such inconsistencies may be reconciled if we all agree; but if we disagree the inconsistencies, if any, will have to remain.

The text.

The secretary may correct typographical errors; check and, where necessary, correct section references, quotation references, statistical references, references to areas of land, etc.

He is authorised, if Mr. Hemsted and Capt. Wilson agree in each case, to make occasional alterations of phrase for the sake of clearness or for other good reason, but not so as to affect the argument materially.

In Chapters III and VI of Part III (and possibly also in chapter II of the same Part) there are certain repetitions which we think might be avoided. The Secretary is authorised to prepare an amended draft omitting redundancies but in no way materially affecting the argument. If we all agree to accept the amended draft it may be substituted for the original.

Appendices, Maps, Schedules, etc.

These are to be completed by the Secretary

(the ...)

(the maps being done by the Survey) and the whole  
are to be submitted to us for our approval.

7. 7. 33.

(Signed by)

- { Wm. Morris Carter.
- { R. W. Hemsted.
- { F. O. B. Wilson.

29 3  
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Manchester Guardian 20 May 55

**End of the Kenya Land Inquiry**

Sir Morris Carter's Commission of Inquiry into the native land question in Kenya is now closed, and the report is being prepared. The Commission has heard 399 native witnesses, 59 Government officials, and 134 European non-Government witnesses. In addition the chairman has accepted "indirect" evidence from 188 other witnesses, whilst a good deal of further evidence and many suggestions are contained in the 300 memoranda sent in by natives, officials, and settlers. The Commission hopes to hand in its report some time next month, but it will take nearly two months to print and prepare it for publication.



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

Dated 27th February.

Received 3.21 p.m. 27th February, 1933.



No.51.

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No 1

Your telegram No.50. Sir Morris Carter expects Report to be signed by end of May or beginning of June unless there is a minority report in which case some delay will be inevitable. Printing of Report with maps and records of evidence may take further month or 6 weeks.

C. O.

Mr. *Fenton* 24/2

Mr.

Mr. Parkinson.

Mr. Tomlinson.

Sir C. Bullenley

Sir J. Shuckburgh.

Presid. U.S. of S.

Presid. U.S. of S.

Secretary of State.

DRAFT. Tel.

Gov. Nairn

C. O.
24 FEB
24

31  
END

*Added sent*

*Answered by No 2 / per 24/2*

*No 66*

Question being asked in Parliament  
 24 March when Land Commission  
 Report may be expected &  
 grateful for any approximate  
 indication which that Sir  
 Morris Carter may feel able  
 to give. In my reply I  
 shall of course avoid  
 committing him to any definite  
 date.