

1933.

Kenya.

No. 3167.

SUBJECT

C0533/436

*Petition to House of Commons;*

*by Africans in the North Kavirondo.*

Previous

3006/33.

Subsequent

1. Motion by Sir R. Hamilton in H. of C.

? Put by

H. P. M. S. M. S.

10/5/33

Sir C. Bottonley

I suppose we must await developments.  
It is a pity they have dragged in extraneous matter.

J. E. G. Kent  
10.5.

~~to~~

The Petition, I believe, goes automatically  
to a Standing Committee.

W. S. B.  
10.5.33

Yes. put by  
P. H. C.

11.5.33

done

Noted by him

In. G. H. C. M. S. P.

2. House of Commons

1st June 33

requests conser. of enclosed petition of Natives of  
Kavirondo, presented to the House on 9<sup>th</sup> May.

Capt. Dugdale has been good enough to ascertain  
from the Clerk that the Committee will not  
expect more in reply than I have put into  
the draft herewith.

It is worth noting that of the 16 signatures

(in No. 1)  
\* He says "resident  
in" W.C.S.

described by Sir Robert Hamilton as Enations of North Kavirato, one at least is from South and five from Central Kavirato (Narusu). The six natives from Butae (N. Kav.) are associated with the C.P.S. Mission, which is no doubt amenable to suggestion from Archdeacon Owen at Narusu. Not a single signatory hail from Kakamaga or its neighbourhood; this is not without interest as negative evidence.

The substance of the petition reproduces the old familiar misunderstandings. I doubt whether it is worth while to send a copy to the Governor; such action, moreover, might conceivably be a breach of privacy of the H.C.

W. Hamilton  
7/6

(This paper will, no doubt, be noted "Students")

\* No need to ret.

I suppose that the S. Off. should actually see the petition before it goes back  
W.C.S. 7.6.33

B.H.C. 26/33

X Let Bedeall Phill.  
know this for use  
with Press of anyone  
other!  
P.V.Z

3 To House of Commons (2 and.) 14/6/33  
(with orig. encl. in 2)

W. Bedeall Phill.  
see

Noted. Charles Phill.  
16/6/33

Proceedings to  
W.C.S.

4 Extract from H.C. Debates 14 July '33.

W.C.S.

7 Put by

W. Hamilton  
17

W.C.S. see

P.T.O.

Since the petition has been brought up in debate in the House of Commons, I think it is high time that the Governor was made acquainted with it. I don't see how it can possibly be held to be a breach of privilege to ask the <sup>act</sup>Governor for his comments, if any, on a petition which has been sent by the proper authority in the House of Commons to the S. of S., and in any case he ought to know what is in it if we do. Further, there is the point that ~~the~~ authoritative information as to the signatories, since the matter has been raised, would be <sup>an advantage</sup> ~~convenient~~. I think then we had better send a despatch on the following lines of the draft herewith

J.S.G. [initials]  
19.7.

W. Lloyd

I think we might send a despatch <sup>to the Gov.</sup> as in opp herewith - but before we decide, wd. you kindly make sure from Capt. Dyball that this is in order - I do not myself see how it can be out of order.

accl  
20.7.33

Letter put in order.

21-4-33  
21/7/33

5 To Kenya, Conf (3) (w/c vol 82) 26 JUL 1933

(M)

6. Extract from 'Manchester Guardian' 5 Sept 33.

Please see my minute of 7/6, my note of 13/7 (behind N<sup>o</sup> 4), & S. of S.'s actual words in the H/C. recorded in 4.

Archdeacon Owen admits that none reside in the subdivision <sup>officially</sup> known as the location of East & West Kakamega; so the negative argument remains unassailed.

? Put by.

A. Archdeacon

6/9

It doesn't matter what is said.

J.S.G. [initials] 6.9.

Put by, but b.w. at the end of

October, or a week before the meeting of Parliament, whichever is earlier.

I am sorry the Carter Commission report will not be out by then.

Col. 7.9.33 [initials]

(M)

4. A/Bov. Deputy to Sack 11424 Conf / 10.11.33  
Farnesha shows on the petition to the S. of C.

A useful anecdote, in the unlikely  
event of a resumption of hostilities  
in the home.

The Archdeacon. Platt to see, and

See for  
11.11.33

Platt

Decision

30/10

Yes: done in mind communication here. I think  
the S. of C. will like to see

J. B. G. 21.10.

total 31.10.

1.11

5.11.6  
17.11.33.

9.  
10.11.33.

12.11

12/11

(10)

Kenya.

No. 144.  
CONFIDENTIAL.



1/5  
GOVERNMENT HOUSE,  
NAIROBI,  
KENYA.

RECEIVED  
30 OCT 1933  
C. O. REGY

7<sup>th</sup> OCTOBER, 1933.

Sir,

No. 5  
I have the honour to refer to your Confidential despatch (3) of the 26th July, 1933, on the subject of a petition presented to the House of Commons on the 9th May, purporting to emanate from certain natives of Kavirondo, on which you ask for my observations.

2. I propose to deal with the paragraphs of the petition seriatim.

(1) Amending Ordinance.

This has already been dealt with at length in despatches and telegrams beginning with Mr. Moore's despatch No. 394 of 19th August, 1932, and ending with your despatch No. 68 of 2nd February 1933, and no further comment seems necessary.

(2) Laws and Revision thereof.

No. 9 17319/31.  
No. 27 3006/c/33.  
No. 3 17165/31  
I would refer you to paragraph 10. of Sir Joseph Byrne's Confidential despatch No. 178 of 7th December, 1931, in which he detailed his views in regard to the consultation of natives on legislation affecting themselves. I repeat what was said therein that natives are not always the best judges of their own interests, and are often blind to the benefits which legislation is designed to secure. To consult them in every instance and be guided by their views which ...

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.



4/5

KENYA.

GOVERNMENT HOUSE.  
NAIROBI,  
KENYA

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CONFIDENTIAL.

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C. O. REGY

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which are often occasioned by ignorance and restriction of outlook, would be to deprive them often of many advantages which the laws confer: and be in effect a betrayal of their best interests. The increasing extent to which Local Native Councils approve of and even initiate local regulations for the better administration and development of their areas is a striking proof of the fact that natives are realizing the need for, and taking an increasing part in local legislation affecting them, and it is in this direction that consultation can best be effected. Where the legislation, however, is of a wider scope and affects natives throughout the Colony, the most practicable method of ensuring that their interests are not ignored is by the consultation of their administrative officers before its enactment.

(3) Compensation in money instead of land.

No 17  
1006/1/13

This question was discussed at considerable length in Sir Joseph Byrne's despatch No. 46 of 14th January, 1933, forwarding authenticated copies of the Native Lands Trust (Amendment) Ordinance 1932, and has since been the subject of consideration by the Native Lands Commission of which Sir Morris Carter was Chairman. Pending the publication of that Commission's report I have nothing to add to what was said by Sir Joseph Byrne in his despatch above referred to.

(4) Gold Mining.

(a) Prospecting by the Crown or by a public utility Company would probably cause less irritation and might be better understood by the natives, but would of course produce results much more slowly at a time when natives are in need of money. There has, however, been comparatively little irritation as is shown by the fact

that ...



that only seven natives have been prosecuted under the mining ordinance during the first 8. months of this year and only one of these cases has occurred since the end of february. No action has ever had to be taken under Section 26. of the Ordinance (Payment of Compensation to Owners of land). The several hundreds of questions that have arisen as to compensation have all been settled amicably without recourse to law.

(b) Compensation has always been paid to the individual right holder.

(c) the law is that royalties on minerals accrue to the Crown - I am not at this stage prepared to advise any such alteration as that asked for by the petitioners.

(d) Influx of Europeans.

Though unavoidable inconvenience has been caused to some natives there has been no hardship and many individuals have profited financially through the payment of compensation and the sale of produce. One native received Sh. 100/- a month from a Mining Camp. The Provincial Commissioner, Uyanza Province, reports that a tour through the Mine Fields shows native families living quite undisturbed with mining operations going on all round their huts. In the great majority compensation for disturbance of surface rights has been paid by arrangement between the Miners and the Natives as reported in Sir Joseph Byrne's despatch no. 302 dated 13th May, 1933, and very few cases have been referred to the District Commissioner for decision in a dispute.

No 16  
3006/9/33

The European Mining Population in the North Kavirondo District is believed to have decreased from about 1,200 at the beginning of the year to about 500 at the present time. No native huts have been removed contrary

to the owner's wishes and there is no congestion either of cultivation or of housing.

The tendency of the European population to decrease gradually is believed to be likely to continue as most of the claims are being acquired by Mining Companies.

(a) Generally speaking, the only part of the North Karirondo District, which is at present of interest to the Mining industry, is on the north bank of the Yala River. Claims elsewhere are being abandoned. So far as can be foreseen at present it seems unlikely that any part of this district will ever even remotely resemble Johannesburg.

(b) and (c). No difficulty has yet arisen in the resettlement of natives as only one has been moved and that was by arrangement agreed to by him. It is difficult to foresee future developments but as mining has now been in existence for 2 years without causing any serious disturbance to the homes or cultivation of natives, it is doubtful whether there will be any considerable disturbance for several years, more particularly as it is understood that Mining Companies are not now creating large slag heaps but are utilizing the waste soil to fill up disused workings. It is probable that the majority of the few natives who have to move will not be required to move off the area of the land leased.

(d) Undesirable incidents have been comparatively few and with the passing of the Expulsion from Proclaimed Areas Ordinance (No. 21. of 1933) any such cases can be adequately dealt with.

With regard to the statement in the petition that ...

9

that natives have been sentenced to terms of imprisonment for offences against miners, only seven natives have been convicted under the Mining Ordinances and the sentences consisted of petty fines with short terms of detention in default. The majority of cases have been settled amicably without recourse to the law.

(c) There is no intention to make a complicity for natives to carry registration certificates in the native reserves in which mining is in progress, and there has been no inclination by non-natives to ask for the enforcement of laws not usually applied inside native reserves.

3. None of the signatories live in or near the main mining area, most of them come from Burjore and Marana where the prospectors are few and mining operations consequently insignificant.

4. The Provincial Commissioner, Agaña Province, reports that at a baraza held in No. 6. area, after mining started, he was informed by the natives that they were disappointed because so few miners had arrived; they would welcome more to whom they could sell produce.

5. To summarise, though the advent of miners has caused some inconvenience to certain individuals, there has been no real hardship, while many have profited financially.

I have the honour to be,

Sir,

Your most obedient, humble servant,

*Adm. W. D. L.*

ACTING GOVERNOR'S DEPUTY.

Manchester Guardian  
5-9-33

610

# THE GOLDFIELD IN KENYA

## The African Petition

To the Editor of the Manchester Guardian.

Sir,—On May 9 Sir R. Hamilton presented to the House of Commons a petition signed by seventeen representative British African subjects, all of them resident in Kavirondo. This petition prayed that the pledges be honoured which were given in the Native Land Trust Ordinance of 1930, that if land in a native reserve were required for developing the mineral wealth of the colony those concerned would be compensated not only with money but also with an equal area of land. These pledges were "temporarily" annulled by the Amending Ordinance of December, 1932.

On July 14, in the debate on the Colonial Office Vote, the Secretary of State for the Colonies dealt with this petition. He rejected it and said: "None of the natives who signed this petition appears to be in the Kakamega Goldfields area." (Hansard). Of the seventeen petitioners nine reside in the area commonly known as the Kakamega Goldfield. None resides in the subsection officially known as the locations of East and West Kakamega, but the actual field extends far beyond the locations into those of North and South Maragoli, Bunyole, Kisa, and Marama. Seven petitioners reside in Area No. 2 of Sir A. Kitson's report, which is to be thrown open to general prospecting in October. One resides in Area No. 3. On March 14, 1933, Government Notice No. 186 excluded North and South Maragoli and Bunyole from further prospecting under the Mining Ordinance, but did not affect "any prospecting or mineral rights already granted." This was

after the Kavirondo petition had been sent to friends in England for presentation in Parliament. In view of the fact that the petitioners resided either in the existing goldfields or in the potential goldfields upon which Sir A. Kitson reported the rejection of the petition by the Secretary of State would seem to be unwarranted. I am informed that this is the very first petition to be presented to Parliament by natives of East Africa. Its rejection ought to be reconsidered.

To have first-hand evidence of the incorrectness of the statement made to the House by the Secretary of State I went yesterday (August 23) to the homes of petitioners Nos. 5 and 8 at Kisaha in Marama Location. They happen to be the only two whose houses are close together. Within a stone's-throw of their houses I saw a post carrying a Discovery Claim numbered 660 and dated 13/6/33, Kakamega. It was a gold-reef claim. Sir R. Hamilton presented the petition on May 9. On July 14 the Secretary of State said that none of the petitioners lived in the Kakamega Goldfield. Sandwiched in between these two dates, on 13/6/33 this gold-reef claim was registered. I was sent to Bunyole and saw, within a few hundred yards of the house of petitioner No. 6, a gold-reef working which, I was told, had been in operation for eight months. Petitioner No. 12 lives, I am told on good authority, within one mile of the Friends' Mission at Kaimosi, in the goldfield. This morning I went to see petitioner No. 12, but it proved an

unlucky number for me, for I was misdirected and motored about sixty miles without getting to him. I cannot afford the time to visit the homes of all the petitioners, but I trust that what I have seen disproves the statement made to the House by the Secretary of State.

He went on to say that the local native council is the recognised channel through which a native may make a complaint against a non-native. He said: "I have inquired from the Governor and I find that no use whatever has been made of this machinery by a single native to allege any complaint in connection with gold-mining operations in the Kakamega area." It is not clear what is meant by "local native council." The term is usually applied to the statutory council comprised of delegates from all locations in the administrative district. If this council is meant, then it is an indubitable fact that this council is not the channel for the kind of complaint stated. If the informal Baraza or location council of elders is meant, then the files of the Warden of Mines, Kakamega, do not bear out the statement of the Secretary of State. I have not seen these files, but at a meeting in the Eldorado Hotel, Kakamega, on Sunday afternoon, July 30, at which I was present, the Warden of Mines referred to the complaints on his files from natives. I have no reason to believe that the Warden of Mines at this meeting said anything but the strict truth. He said that after every meeting with natives in the area he had to go into a number of complaints, some reasonable, some petty and groundless. It is a simple matter of history, and that very recent, that the much-criticised circular to natives on mining was issued because of the fear expressed by the natives that their land was in jeopardy.

In December last the Secretary for the Colonies strenuously defended the amendment to the Native Land Trust Ordinance which annulled the original pledges "temporarily." This bill was rushed through all its stages as a measure brooking no delay. It was very urgent. Seven months later in the debate he proudly asserts: "No mining lease has yet been granted and not an acre of land has been excised from the native reserves." In other words, the threat contained in the Amending Ordinance of December, 1932, has not been put into execution. For this much, at least, Africans of Kavirondo have to thank the Secretary of State and all those who have urged delay for fuller consideration of the threat to break a pledge given to those for whom we are trustees.

I do not blame the Secretary of State for the error in his statements to the House. He only passes on information received. Even the gods may nod. But he owes it to Africans, who for the first time have, with high hopes, petitioned Parliament, to base his rejection, if he must reject the petition, on grounds which will leave a less rankling sense of injustice and be more in accord with facts.—Yours, &c.,

W. E. OWEN, Archdeacon of Kavirondo, Maseno, Kenya, August 24.

C. O.

Mr. Flood

19.7.33

3167/33.

113

Mr.

Mr. Parkinson

20/8

Mr. Tomlinson

Sir C. Bottomley

Sir J. Shuckburgh

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State

Answered by No 7

C.D.  
R 22 JUL  
D 26

26 July, 1933.

Sir,

I have etc. to enclose a

copy of a petition <sup>which was</sup> presented to the House of Commons on the 9th of May,

purporting to emanate from certain natives of Kavirondo, and to enquire

~~whether you would wish to make any observations upon its contents.~~ (2) In

this connection I would invite reference to the debate in the House of Commons on the 14th of July, in the

course of which the ~~matter~~ of this petition was mentioned.

(3) I will keep you advised of ~~at present~~ as to whether any action

~~will be required~~ <sup>shall</sup> ~~would be called for~~ but I should be

glad to receive any ~~comments~~ which you ~~may wish to make~~ <sup>you observations upon the petition</sup>

I have, etc.

(Sgd.) P. GUNLIFFE-LISTER

**DRAFT.**

**KENYA.**

**CONFIDENTIAL.** (3)

O.A.G.

54

in NO 2 (letter make a few more copies)  
4c line in back 11/6

any action  
it may be  
taken in the  
matter; but  
in the meantime

Sir P. Cunliffe-Lister

Sir R. Hamilton

The right hon. Gentleman has thought fit to attack me because I presented that petition.

Lord

A petition was presented. I am sure that the hon. Gentleman the late Under Secretary did not take any responsibility for what was in the petition, but ~~it~~ was the hammer head which presented it. It was a petition of ~~great~~ length, and it said in effect that "everything is all wrong." It had 17 signatures. I cannot inquiry to be made as to how many of those people were resident in the mining area and closely in contact with mining operations. My hon. Friend will correct me if he has any information which traverses the best inquiries that my Department has been able to make, but so far as can be ascertained not one of the signatories is resident in the Kakamega goldfields area. If that be so, I do not think that they are very good authorities on what is happening in those goldfields or what are the feelings of the natives there. The majority of these appear to be connected with a certain Archdeacon Owen's mission. The Archdeacon, I may say, seems to have ample time to devote to matters which are only remotely connected with his spiritual charge.

Sir ROBERT HAMILTON: I understand that the petition came directly from the natives and not through Archdeacon Owen.

Sir P. CUNLIFFE-LISTER: I am not acquainted with the origin of the petition, but I should like to know from the hon. Member whether it was stimulated by Archdeacon Owen.

Sir R. HAMILTON: So far as I am aware, no.

Sir P. CUNLIFFE-LISTER: Then it is a remarkable coincidence that none of the natives who signed this petition appear to be in the Kakamega Goldfields area, but nearly all appear to be in Archdeacon Owen's area. It may be one of those strange coincidences that do happen in Kenya. There is a recognised channel available if any native has any complaint to make against a non-native, a channel which is recognised and freely used. That channel is through the local Native Council. I have made inquiries from the Governor and I find that no use whatever has been made of this machinery by a single native to allege any complaint in connection with gold mining operations in the Kakamega area. I am bound to say that I pay more attention to the reports of very trusted officials, whose sole desire is to serve the interests of the natives, and the evidence of a man like Sir Albert Kitson, with his great experience and record and his well-known interest in the natives than I do to this petition, which happened to come along so spontaneously.

Mr. EDWARD WILLIAMS: Can the right hon. Gentleman say that it is common knowledge that the natives know of that recognised channel?

Sir P. CUNLIFFE-LISTER: Of course, it is common knowledge. Every native knows about the Native Council. I think I am safe in saying that I do not suppose there is a native in Kenya who does not know of it and does not hesitate to use it when necessary.

Sir P. CUNLIFFE-LISTER: No, I did not attack the hon. Gentleman, but I did say a few rather candid things about the petition.

Sir R. HAMILTON: I am glad that the right hon. Gentleman does not call it an attack. I do not call it a very friendly advice. I think that the right hon. Gentleman was perfectly justified in attacking that petition, but on the other hand, I should like to point out that I am a Member of Parliament and that those people are British subjects, and that when a British subject makes a Member of Parliament to present a temperately worded and reasonable petition no one would, I think, quarrel with that Member of Parliament for presenting the petition, when he has satisfied himself, as I did, that it was genuine. One has only to look at the wording of the petition to see that it was written by someone not very well acquainted with English. The main gravamen of the charge made by the right hon. Gentleman against me was that these natives happened to live in a certain neighbourhood. May I remind the House of the contents of the petition? I summarised them at the time of presenting it, and the petition does not. As the right hon. Gentleman suggests, say that everything in Kenya is bad and wrong. The petitioners state that, the Native Land Trust Ordinance, which was intended to secure their land for ever,

"having been amended without the consent of the native authority, they have grave cause for anxiety as to the future, as money which benevolence thus fully for lands taken. The petitioners therefore pray that pledges given in respect of their land may be safeguarded and that this Honourable House will preserve as ever and keep alive abundant sympathy in the consideration of their case." (Census, Part 9, May 1933, col. 1387, Vol. 277.)

It was merely that those particular natives were expressing apprehension, and such apprehensions are fairly general to a large number of natives in Africa, and have been expressed in this House. I definitely do not wish to say anything more on the subject, because we must wait for the presentation of the Morris Carter Report.

KAVIRONDO  
PETITION

~~The Board~~

Of the 17 signatures

- 1 is from South Kavondo
- 6 are from Central Kavondo
- 6 are from the C.M.S. Mission, Butera which is in North Kavondo, just inside N: 2 Area (still closed).
- 2 are from Yala + Kaimosi, in the "Kakamega Field", but about 14 miles from Kakamega Township
- 2 are unidentifiable

W. H. ...  
12/7/50

C. O.

Mr. Freeman 7/6

Mr.  
Mr.

Mr. Parkinson.

Mr. Tomlinson.

✓ Sir C. Bottomley. 7.6.

Sir J. Shuckburgh.

+ Permi. U.S. of S. *8.6.33*  
Parly. U.S. of S.

✗ Secretary of State.

DRAFT.

The Clerk  
to the Select Committee on  
Public Petitions

H/Commans

Petition  
(in original keeping copies)

367

Kenya



24 June, 1933

~~CA~~ 3

Sir

I am sure to acknowledge the receipt of your letter of the 15<sup>th</sup> of June, and to request you to inform the Committee that he has taken cognizance of the Petition of Native of Kavirondo, Kenya, presented to the House of Commons on May 9<sup>th</sup>.

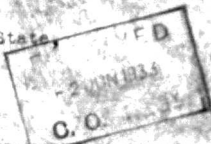
2. The Petition is returned to you herewith.

(Signed) L. B. FREESTON

*[Handwritten note:]*  
[checked] [left] [copy] [S. 20's] [initials]



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



1st June, 1933.

SELECT COMMITTEE ON PUBLIC PETITIONS.

Sir,

I am directed by the Committee to request you to invite the consideration of the Secretary of State to the enclosed Petition of Natives of Kavirondo, Kenya, presented to the House on May 9th.

I am also to request you to return the Petition to the Committee Office, House of Commons, after you have acquainted him with its contents.

I am, Sir,

Your obedient Servant,

*B. S. J. [Signature]*

Clerk to the Committee.

*Copy sent to Kenya (S) [unclear] [unclear] [unclear]*

File Copy 46

Presented by Sir Robert Hamilton.

(1)

To The Honourable the House of Commons of the United Kingdom of Great Britain And Northern Ireland in Parliament Assembled.

The humble petition of the undermentioned British Subjects Sheweth:-

Amending Ordinance

(1)

Wherefore Your humble petitioners beg to Acquaint you that the Amendment of Native Lands Trust Ordinance 1930, is contrary to the best interests of the community and is strongly protested against.

(a) Your petitioners would point to you that when the Government of Kenya enacted the laws no provision was made for Natives lands security till the one of 1930 which definitely promulgated the Native reserve; stating that the land so promulgated As reserve will be for the exclusive use of Natives for ever as per section 2 (1) of the ordinance.

(2)

Laws and Revision thereof.

Wherefore your humble petitioners shew that any proposed laws in the past and present and any revision thereof usually passed into operation without consulting the Native Authority over which they work, As the Honourable House of Commons will recall that the evidence of Kenya Natives witnesses before the Joint Select Committee On Closer Union in East Africa held in England in 1931 expressed our views to this effect:

(a) Your humble petitioners think it inconsistent with the Common justice and moral fairness of Of: the British Empire with meagre subjects.

(3)

Compensation in money instead of Land.

Wherefore your humble petitioners are in great distress for, certain sections of the Native Lands Trust Ordinance 1930

are being repealed as regards Compensation due in land by substituting money in lieu of Land.

(a) Your petitioners pray that His Majesty's power of disallowance should be exercised over the Amendment bill.

(4) Gold Mining.

Wherefore Your petitioners fully realize the importance of Minerals and these have to be dug out wherever they are found; but the Amendment as it is proposed purporting to change the form of compensation as set forth under Section 15 (2) is viewed with grave concern and it is appalling surprise that His Majesty's Government should go back to her word given to Natives of Kenya in which our only hope lies. Wherefore your petitioners pray that the pledge given under the section mentioned above should invariable be safeguarded.

(a) Your humble petitioners request that the prospecting business should be done by the Crown solely otherwise this be given to a public utility Company rather than throw the country open to the individual prospectors who are capable of causing irritable disturbance.

(b) That rents for the gold areas and other compensation in respect of buildings, crops, and damage done to other properties and other loss and expenses caused by such disturbance etc. should be paid to the individual natives on whose land gold has been found.

(c) That the royalty accruing from gold a reasonable percentage should be paid into the Local Native Funds concerned.

(5) Wherefore your humble petitioners most respectfully beg to state that we are in great distress of mind owing to the overflowing number of more than a thousand Europeans into

against miners; We dread it most because in Africa had Europeans does commits illicit acts of taking some of our girls and spoiling their good character thereby become bad women.

(e) Europeans laws will quickly overran our land of which we know nothing. The Kipande which we have not had to carry about our person in the reserve for many years now will greatly restrict our free movement and give a lot of trouble hitherto unknown in the reserve.

for: Employers of labour will want the same laws in the reserve as are outside of it.

And Your petitioners as in duty bound will ever pray &c.  
Your open mind and your abounding sympathy consideration.

- |            |     |                    |   |
|------------|-----|--------------------|---|
| South K.1. | 1.  | E. Apindi          | C/o District Kisii,<br>South Kavirondo.                   |
| Central K. | 2.  | E. Oywaya          | C.M.S. Maseno<br>Muktaya                                  |
| N.K.       | 3.  | John Simon Nyende  | N.A.C. Regeya<br>N. Gern<br>Yala.                         |
| C.K.       | 4.  | Mathayo Owino      | C.M.S. Maseno Sagan.                                      |
| N.K.       | 5.  | Reubeni Lubanga.   | C.M.S. Butere Kiraha                                      |
|            | 5.  | Yona Mandes        | Busiekwe Bunjore  |
|            | 7.  | Barunaba Reche     | C.M.S. Butere Nomasoli.                                   |
| N.K.       | 8.  | Joel Katiyechi.    | C.M.S. Butere Kiraha                                      |
|            | 9.  | Sulemani Mungoma   | C.M.S. Butere Manyala                                     |
|            | 10. | Yoswa Omukalu      | C.M.S. Butere<br>Maram.                                   |
|            | 11. | Jason Ohungha.     | C.M.S. Butere Regeamanyala                                |
| N.K.       | 12. | James Shibererje.  | Friends Africa Mission<br>Kaimosi.                        |
|            | 13. | Yimatcho Viseneti  | Malongoli Vihinga   |
| C.K.       | 14. | Barjami Owun Gumba | Secy. K.T.W. Association,<br>Sema Maseno,<br>P.O. Kisumu. |
|            | 15. | Stefarie Litete    | Busakan, C.M.S. Maseno.                                   |
|            | 16. | Esari W. Oywaya    | C.M.S. Maseno Mukuya                                      |
|            | 17. | Blasiana O. Omino  | Nyawita Maseno  |

Amendment of Native Lands

Trust Ordinance, 1930.

from

Natives of North Kavirendo,

Kenya.

Against.

9th May, 1933.

Signatures 16.

*M. Friedman*  
*H. Flood*

*D. Herald, 10/5*

### **KENYA PROTEST TO M.P.**

#### **ANXIETY CAUSED BY GOLD PROSPECTORS**

A petition on behalf of the natives of the Kavirondo district of Kenya, whose prospecting for gold is now being carried on by Europeans, was presented to the House of Commons yesterday by Sir Robert Hamilton, M.P. for Orkney and Shetland.

The petition, he said, had been signed by British subjects in the North Kavirondo area. It stated that their native council felt it had grave cause for anxiety in the present conditions and asked that prospecting should be undertaken by the Government rather than by individual European prospectors.

Six disputed cases of compensation for natives dispossessed of their land in the area, for gold-mining purposes, have been referred to the District Commissioner. It was stated in the Legislative Council at Nairobi yesterday, cites the "Daily Herald" correspondent.

In other cases the basis of compensation works out at about £10 per acre a year.

*Handwritten Guardian 10/5*

### **KENYA GOLD RUSH**

*Handwritten 10/5*

#### **CLERGYMAN'S MOVE TO PROTECT NATIVES**

*From Our Own Correspondent*  
Nairobi, Tuesday

Canon G. Burns, representing native interests in the Kenya Legislative Council, today withdrew his motion that in view of the decision to throw open to gold prospecting further large areas in the Kavirondo reserve a board consisting of equal numbers of Europeans and natives should be appointed to protect the interests of elected natives.

Expressing sympathy with the motion, the Chief Native Commissioner described it as redundant, and said he was unable to accept it.

Members spoke supporting the Commissioner, and Canon Burns, withdrawing, said the motion had gained its object.

### **KENYA GOLD**

#### **Natives Appeal to Parliament**

#### **"GRAVE ANXIETY"**

In the House of Commons yesterday Sir R. Hamilton (I. Orkney) presented a native petition from Kenya, signed by seventeen British subjects resident in the North Kavirondo Reserve, protesting against the threatened deprivation of their land for the purpose of goldmining.

The petition stated that the Native Lands Trust Ordinance, which was intended to secure their land forever, having been amended without the consent of the native authorities, they had grave anxiety as to the future. Money, they said, could not fully compensate for the lands taken, and they asked that prospecting for gold might be undertaken by the Government rather than by individual prospectors, whose arrival in numbers was greatly disturbing their social life.

They were further apprehensive of the introduction into the Reserve of European laws, particularly the law requiring Africans to carry registration badges.

The petitioners therefore prayed that the pledges given them in respect of their land might be safeguarded, and that the House would preserve an open mind and show sympathy in the consideration of their case.

EXTRACT FROM OFFICIAL REPORT OF

9d MAY 1933

NATIVE LANDS, KENYA.

Sir ROBERT HAMILTON: I desire to present a petition to this Honourable House. The petition is signed by 17 Africans, British subjects residing in the North Kavirondo reserve in Kenya Colony. The petitioners state that, the Native Land Trust Ordinance which was intended to secure their lands for ever, having been amended without the consent of the native authority, they have grave cause for anxiety as to the future as money cannot compensate them fully for lands taken. The petitioners ask that prospecting for gold may be undertaken by the Government rather than by individual prospectors, whose arrival in numbers has greatly disturbed their social life. They are further apprehensive of the introduction into the reserve of European laws, particularly that requiring Africans to carry registration badges. The petitioners therefore pray that the pledges given in respect of their land may be safeguarded and that this Honourable House will preserve an open mind and show abounding sympathy in the consideration of their case.

(20, 1000)

Mr. Flood.

We may expect that by next air mail petitions from the Kevirondo to each House of Parliament will reach London. They will, no doubt be presented and I do not know what will happen next.

In mentioning the point to me last week, Mr. McGregor Ross said that he presumed that there was no need for the petitions to go through any Government channel. After consulting Mr. Vernon I said that I was not aware of any such necessity but that if I found that there was I would let him know.

I attach all that I have been able to find on the subject. There is no doubt

- (1) that petitions from inhabitants of British Colonies can be received, and
- (2) that the condition laid down in the Colonial Regulations as to the channel of submission of petitions to the Secretary of State, the King, etc., do not apply.

Personally, I am certain (in spite of my own decision on L383/32 Nigeria) that it is impossible for the Executive Government to intervene before a petition is presented, and that such intervention would probably be resented by Parliament as a breach of privilege.

But I am not going to help to give up any rights which the Executive Government might



*claim*

might be prepared to maintain in this matter, and if Mr. McGregor Ross reminds, I suggest that he should be informed merely that we have been unable to find anything definite on the subject, but that we have no reason to suppose that if the petitions are presented they will be rejected on the ground of non-submission through the Secretary of State.

*[I thought I should have - but had not had - an opportunity of asking Mr. P. who was to have presented a petition on behalf of the H.C. whether this point arose. That petition was rejected because it broke all the H.C.'s own rules.]*

*W.S. 1.3.33*

Mr. Freeston.

The position with regard to petitions to the House of Commons from commoners in England is set out in the attached volume of Anson's "Law and Custom of the Constitution", Volume I, "Parliament", (see in particular page 372) and in the attached copy of the Standing Orders of the House of Commons (see No.76 et seq - in particular, Nos.77 and 78).

The position with regard to petitions from abroad is set out in Erskine May's "Parliamentary Practice" (13th edition), page 614, as follows :-

"Petitions from British subjects resident abroad as well as petitions from inhabitants of British colonies having local parliaments have always been received; and also those of foreigners resident in this country. Petitions have also been occasionally received from foreigners not within British jurisdiction: but in 1876, when a petition from inhabitants of Boulogne-sur-Mer, several of whom appeared to be British subjects, was offered, a select committee appointed to consider the matter did not advise its reception. (Parl. Pap. (H.C. sess.1876, No.232, 131 C.J.148. "181.200.228 H.D.3 s.1411.)"

*The two have returned*

Please return the two attached volumes as soon as possible.

24th February, 1933.

*H. Duncan.*

Sir C. Bottomley

Please see attached notes  
regarding petitions to the House

I understand from Captain  
Dagdale that it is quite  
clear that all petitions  
must be presented to the  
House by a Member. I.e.  
The petitioners have got to get  
some Member to take up their  
case

C. R. Cliffe

23.11.35

(There is nothing about Salmonia  
through the Governor of Colony)

## PUBLIC PETITIONS.

EVERY Petition offered to be presented to the House must begin with the words "To the Honourable the Commons of the United Kingdom of Great Britain and Northern Ireland, in Parliament assembled;" or with words equivalent thereto.

Every Member presenting a Petition to the House must affix his name at the beginning thereof. (*Vide Commons' Journals*, 1838, March 20; 1883, February 19.)

Every Petition must contain a prayer at the end thereof setting forth the general object of the Petitioner or the nature of the relief asked for. (*Vide Commons' Journals*, 1848, July 10.)

Every Petition must be written by hand and not printed, lithographed, or typewritten. (*Vide Commons' Journals*, 1793, May 6; 1817, March 12.)

Every Petition must be signed by at least one person on the skin or sheet on which the Petition is written. (*Vide Commons' Journals*, 1817, March 12.)

Every signature must be written upon the sheets bearing, or attached to, the Petition itself, and not pasted upon or otherwise transferred thereto. (*Vide Commons' Journals*, 1849, May 10.)

If signatures are affixed to more than one sheet, the prayer of the Petition must be repeated at the head of each sheet; but on every sheet after the first, the prayer may be reproduced in print or by other mechanical process. (*Vide the Terms of Reference to the Select Committee on Public Petitions.*) Signatures upon sheets not so headed will not be counted. The "Prayer" signifies that part of the Petition which expresses the particular object of the Petitioners, as distinguished from formal parts.

Every person signing a Petition must write his address after his signature or his signature will not be counted (*vide the Terms of Reference to the Select Committee on Public Petitions*); nor will signatures which appear to be in the same handwriting.

Every Petition must be written in the English language, or be accompanied by a translation certified by the Member who shall present it. (*Vide Commons' Journals*, 1821, March 16; March 21.)

Every Petition must be signed by the parties whose names are appended thereto by their names or marks, and by no one else except in case of incapacity by sickness. (*Vide Commons' Journals*, 1675, November 8; 1689, November 14; 1774, June 2; 1826, December 13; 1836, June 28.)

No letters, affidavits, or other documents, may be attached to any Petition. (*Vide Commons' Journals*, 1826, February 20; November 28; 1856, March 14.)

No erasures or interlineations may be made in any Petition. (*Vide Commons' Journals*, 1827, March 2; 1831, August 12.)

Every Petition must be respectful, decorous, and temperate in its language.

No reference may be made to any Debate in Parliament nor to any intended Motion unless notice of such Motion stands upon the Notice Paper. (*Vide Commons' Journals*, 1822, March 28.)

No application may be made for any grant of public money, except with the consent of the Crown. (*Vide Standing Orders.*)

No application may be made for a charge upon the revenues of India, except with the consent of the Crown. (*Vide Standing Orders.*)

All Petitions, after they have been ordered to lie upon the Table, are referred to the Committee on Public Petitions, without any question being put; but if any such Petition relate to any matter or subject with respect to which the Member presenting it has given notice of a Motion, and the said Petition has not been ordered to be printed by the Committee, such Member may, after notice given, move that such Petition be printed with the Votes. (*Vide Standing Orders.*)

A Member cannot present a Petition from himself. While it is quite competent to any honourable Member to petition the House, his Petition ought to be presented by another Member. But this Rule is not to be understood to extend to cases in which a Member shall present a Petition signed by him in his representative capacity as Chairman of a County Council or of any public incorporated body.

2

## APPENDIX

### FORM OF PETITION TO THE HOUSE OF COMMONS.

To the Honourable the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled.

The Humble Petition of *(here insert the names or other designation of the Petitioner or Petitioners)*,

Sheweth

*That (here set forth the case or circumstances to be brought to notice of the House).*

Wherefore your Petitioner *(or Petitioners)* prays *(or pray)* that *(here set forth the particular object of the Petitioner or the nature of the relief asked for)*.

And your Petitioner(s), as in duty bound, will ever pray, &c.

*Signatures, with addresses, to follow.*

NOTE.—Petitions must be written by hand and not printed, lithographed, or typewritten. If signatures are affixed to more than one sheet, the prayer of the Petition (i.e., the paragraph beginning "Wherefore") must be repeated at the head of each sheet; but on every sheet after the first, the prayer may be reproduced in print or by other mechanical process.