

1933.

Kenya

No. 3245.

SUBJECT

C0533/437

Voi-Mwatati concession.

Previous

15547/29.

Subsequent

23262/34.

Called again, or had - long talk with
Sd C. Balthardy.

Send him for personal & return
a copy of the Crown Lands Ord. (Cap. 140)
and any amendments, 3 pr. (Address:-
Solbury House, London Wall.) This shd. go
tomorrow (Sat.)

[Signature]
23/6

Section 145 of Cap. 140 has been repealed
by 35/29 and Part VI (as amended by 22/26)
repealed by 9/30

[Signature]
Library (Legal)
246

4

To Major Goldman (with ^{Kya.} Cap. 140, Ord. 22/26,
Ord. 5/29, 35/29, 9/30) 3 pr.

24 July 1933

J. Major Goldman _____ 14 July 33
Acks No 9 returns enclosure.

DESTROYED UNDER STATUTE

[Signature]
27/7/33
at home

[Handwritten mark]

Sir Morris Carter called: he said he had seen Mr. Hamsburg who was anxious to know how the report would affect the Teita concession. Sir Morris left us a piece of his report from which the relevant extract is attached.

Mr. Hamsburg called on 3 August and we told him what was in it but in the absence of the map could not be clear as to which land is being affected. He said he would go and look at his maps & see if they helped. Hence this letter. It is still not clear.

I have made a tracing of the map - the clearest one. Apparently (para 1261) the Teita are cultivating along the Voi river for about 1/2 mile south (area dotted blue) and what is suggested is

- a) To turn them out of this. This is not stated but it is a fair inference. The syndicate must get at the river and if it were proposed to leave the Teita there, there would be no need to give them more.
- b) To give them 3 sq. miles round about the S. corner (shaded black)

That may be what is meant. I think it is. But it may equally well mean to turn them up at the Voi may not be all over the river and it may be intended to leave them alone & the 3 sq. miles may be to compensate the Teita for the other areas in the concession which are or were in their occupation.

The Kavirao looks easy. They are in the area shaded blue & it is apparently proposed to give them 2000 acres probably where I have indicated the plan line with a corridor.

all wrong: see later.
D.

But we can't be sure without the maps.

As the Syndicate is anxious about its future the best thing seems to be to write S/O as per Drayton's draft.

J.E.W. Flood
28.8.53

6 To Mr. Hamsburg 210
(1st card & maps sent)
H.M.M. Moore (with 6) 210 Cons.

By air mail

8 H.M.M. Moore 5/0 (Am. Mad) 22 August 53

Enc. a copy of an extract from the Land Commission's report, together with a plan & covering note by Mr. Farman & states that if Commission's records are accepted there is no doubt that there will be a proportionate reduction of the annual rental & that would bear out of re-survey of land concerned.

Sir C. Bottomley

The typing error is unfortunate in this case. It now appears that it is the area which I marked with blue dots in the sketch (i.e. that along the Voi river) that is to be handed over to the native reserve. The map makes it all too clear & there is no need to trouble Sir Mr. Carter.

That means that the concession holders will not be able to get at the river unless they can arrange a sort of way leave for water and I very much doubt their being able to do that. This in turn means that the concession will be useless to them.

Of course this assumes that the recommendation will be accepted & that there will be no provision for access to the river by a corridor or something. A site for a pump & enough ground for pipes would do but there is no suggestion of that in the report. It would be fair & reasonable but I doubt its being done.

The only fair thing I think is to tell Mr.

9/10
8/6/53

Hausburg what is recommended in fact & to say there is no doubt that if the recommendations are accepted the rent will be reduced if the Co. surrenders the 14 sq. miles.

This will certainly not set him at rest as he will at once ask about access to the Voi river but it's all we can do.

J.S.W. Hand
8/9/33.

* It seems ~~impossible~~ ^{improbable} that we should do so. I don't know what we can do with objections to the Carle's recommendations, but they are not advisable.

W.S.B.
8/9/33
at once

7 To Campbell B. Hausburg 1/10
(at end as aft.) 14/9/33

10 C.B. Hausburg % 18 Sept. 33.

Acks. No 9 & enquires whether there is any special reference in the report regarding a small area on the map almost directly above of which Station hatched in the same way as two hachures under cover. State map is being returned through Major Bildman's office.

I have examined the map in the Report. There is a bit hatched above the station but the scale is so small that it is hard to say whether it covers the Swamp or not. Probably it does, & probably it is meant to give the reserve sure access to the swamp but the point is not (very clearly) mentioned in the text of the report. Anyhow it comes in in connection with

* see para 1268

the Kasigao's "corridor" & I expect it will be varied in the spot.

? You will want to say that the swamp is not mentioned. Draft herewith.

J.S.W. Hand
21.9.33

W.S.B.
21.9.33
at once

11 To Campbell B. Hausburg (10 ams) 23/9/33

12 To H. Donch % 21 Sept 33.
DESTROYED UNDER STATUTE
Returns map encls. to No 9.

Put by
W.S.W. Hand

13. C.B. Hausburg % 15 October 33
Enquires whether he may send copies of cover. & map to Berlin & to Tanga & whether they should be treated as confidential.

Sir C. Bottomley

The whole thing will be published for all the world in the Morris Carter report so I can't see any objection to his letting his associates have all the stuff now with the proviso that they should not disclose it except to interested parties until the report is published.

J.S.W. Hand

I have replied as in 17.10
at my herewith W.S.B. 18.10

14 To Hausburg. S.O. - 18.10.33

15. C. B. Hausburg (s.o.) _____ 15 Nov. 33

Give details of the position regarding the relinquishment of land & the refund of rent paid. Requests matter may require careful consideration & suggests recommendations which might be made to Kenya.

We discussed this. It appears unfortunate that the local Directors did not proceed to communicate with the Colonial Secretary Nairobi, instead of urging Mr. Hausburg to come and worry the Colonial Office. However, as they have done so and as we are quite used to Mr. Hausburg and Major Goldman, it seems undesirable to tell them to put it up direct to the Colonial Secretary in Nairobi. It is, however, advisable to get the thing on to an official footing and I submit a draft letter to Mr. Hausburg for that purpose. When he replies we can ship his letter out to the Governor explaining that the matter has been discussed at this office and that the application is put in as a result of that discussion. It will also be expedient to send an s.o. letter to Mr. Moore asking him to see that the matter is given sympathetic and expeditious consideration. It is, however, somewhat doubtful whether anything much can be done until the Carter Commission's Report is published and then there is some risk of being delayed in case the Kenya Government proceeds to comment on the Carter Commission's proposals one after the other, unless they are very well made. However, I think that can be got over in the special circumstances of this case. Draft finished.

As the Dept. indicate, I do not think that Major Goldman's report on matters is all right correct. We have been to ...

of correspondence about this Commission for 24 years, offered on, and I despair of finding by any other means.

W.L.H. 23.11.33 am

16 To C. B. Hausburg (15 and.) 24/11/33
CW

17 C. B. Hausburg (s.o.) _____ 21 Dec. 33

States as to Kenya holdmans return & enquires when Carter Report is likely to be issued.

Sir C. Bottomley has answered as this can be put by
sent 14.34 alone

CW
Copy to No 16 has yet been received.
15.2.34
Kenya.

No need to remind.

16.2.34

18 To Sir J. Bygones (s.o.) _____ 8 May. 34

P.T.D.

5

Major Goldman called yesterday
on return from Kenya. Clearly
things are moving, partly as a result
of my letter but mainly
from a very favourable impression
of the work ^{done} by Sir J. Byrne
after personal inspection and a fresh study of
the papers by all the Departments concerned.
The matter has been brought to a head by the
refusal of Major Goldman's continental
financiers to provide any more money (or even
the £20,000 which they are already under
obligation to put up) unless the water promised
long ago is secured to the Company.

It appears that both Major Wilson
and Mr. Hemsted have repudiated the map facing
page 324 of the Land Commission Report and
have recognised that the recommendations in
the report are based on an inadequate study of
the question. Sir J. Byrne has convened a
special meeting of the Native Land Trust Board
in order to consider the position and it is
anticipated that we shall have something by
air mail very shortly.

It appears that the modification of
the Commission's proposals is required in the
interests of the Kavirua natives themselves
as the land provided for them is dry and high
and water would have to be carried by hand.

The whole subject is complex and we
can only wait till we hear from the Governor;
that it would be possible to obtain if necessary
from Major Goldman the record of the detailed
discussion held when he was in Kenya. ^{Thereafter} and made
by

by Mr. Mortimer of the Land Office. Major Goldman
will also be able to provide a good map illustrating
the problem.

1886

to be
noted
2/16
25.7.34

R. 297

M. C. Coleman
sent 9/1/34

6
18

Downing Street,

8th May, 1934.

My dear Sir,

Major C.S. ^{Goldman} Coleman, with whose Mwatati concession you will be familiar, called last week to say that he was very shortly leaving for Kenya and he asked me to send you a line in the hope that it might simplify his discussions when he arrived.

He particularly wished me to mention the pineapple industry which his Company are taking over from Libby's, who, owing to arrangements for restriction entered into with other Hawaii growers, have had to drop out of Kenya. He knows that you have seen the pineapple plantations and that you were favourably impressed with them. He himself considers that there is a great future for them in this area, which seems in climate, soil and natural vegetation to be an exact counterpart of the best ground in Hawaii.

The main object of his visit is, of course, in connection with the landholding and he will have to speak for himself on these points. All I can ask

is

WICADIER GENERAL SIR JOSEPH A. STONE, G.C.M.G., K.B.E., C.B.

7

is that your advisers will give sympathetic consideration to his points: the difficulties of his group are nearly thirty years old and one of my few remaining ambitions is that they may be settled before I leave the Colonial Office.

His main request is, I think, that he may be allowed to give up part of the concession, choosing ^{for surrender} the ~~part~~ which is least likely to be useful to the Company. He knows that ordinarily there is no provision for surrendering a part of an estate as opposed to the whole but he points out that under the terms of the concession they were allowed to take up the land by instalments (choosing the most favourable areas) in consideration of development expenditure on the previous areas, so that his request is really one for the surrender by instalments of what was acquired by instalments. His desire to give up part of the land is, of course, financial. He wishes to spend as much money as is available on the development of the remaining area.

This is, of course, outside the other troubles such as the surrender of land recommended by Morris Carter

which

which is a serious matter for the Company because of
water.

Yours sincerely,

W. C. ...

Received Oct. 23/12
TELEPHONE 6 HENFIELD 50.

HENFIELD
STATIONS AND
PARTRIDGE GREEN.

10/9

MEMO.

FROM
CAMPBELL B. HAUSBURG,
SHERMANBURY PLACE,
HORSHAM,
SUSSEX.

TO
Sir Cecil Holloway,
Colonial Office,
S.W. 1.

21st December, 1933.

My dear Sir Cecil,

X t. e. about
sical of

You will remember that following the
Conference at the Colonial Office on Friday,
the 8th, I had a word with you about
the Teita Concessions etc.

You then asked me if I had any
news of Major Goldman's return.

Curiously enough I had a long letter
from him on the following morning; though
he did not give the actual date of sailing,
he referred to a meeting we would hold
in London in January.

I thought you might like to know

this in view of the correspondence which has lately passed between us.

X Do you know when the Morris Carter Report is likely to be issued?

With best wishes to you yours for a very happy Christmas & New Year.

yours sincerely,

Campbell S. Hansburg.

X ans? .. Expect it to be in print in
Hansburg before the end of February -
after that things should move quickly
but we cannot assign any date
for publication.

10
No.

C. O.

Mr. Flood. 23/11

Mr.

Mr.

Mr. Parkinson.

Mr. Tomlinson.

X Sir C. Bottomley. 23/11

Sir J. Shuckburgh.

Permd. U.S. of S.

Parly. U.S. of S.

Secretary of State.

Memo for Sir C. Bottomley's sig.

DOWNING STREET,

24 November, 1933.

C.R.
R 24 NOV
D 24

Dear Mr. Hausburg,

I have your letter of the 15th November concerning the relinquishment of land and the refund of rent in regard to your concession at Mwatati. Unfortunately, I have not got any record of my interview with Major Goldman of last June, but I see no reason to quarrel with his recollection of it except that I do not quite understand the passage which says that I took the view that "it was either a payment of 2/- an acre free of rent, or no premium and ordinary rent." *But the point is that the material.*

The best way for you to go about matters would, of course, be to approach the Kenya Government, either the Commissioner of Lands or the Colonial

DRAFT.

CAMPBELL A. HAUSBURG, ESQ.

FURTHER ACTION.

Secretary

Secretary, but as there has been
so much talk and ^{semi-official} correspondence

in London, I think it will
probably save time in the end if
we take it up from here. May

I therefore ask you to send in
an official letter addressed to the Under

Secretary of State for the Colonies

and setting out exactly what it is

that you wish done and what

concessions you think Government

would be justified in making to

you. This will then be passed to

the Governor with an official

despatch ~~and~~ it will be accompanied

by a ~~semi~~-official letter asking

the Kenya authorities to use all

possible expedition.

Yours sincerely,

(Signed) W. O. BOTTOMLEY

11
15

SHERMANBURY PLACE,
HORSHAM,
SUSSEX.

15th November 1933.

Sir Cecil Bottomley,
Colonial Office,
London, S.W.1.

NOV 1933
C. O. REGY

My dear Sir Cecil, The Teita Concessions Ltd.

N 214
Answer 16

I am very much obliged for your letter of the 18th October, the contents of which I asked Major Goldman's office to communicate at once to Berlin and Tanga.

Relinquishment of land and refund of rent paid. In the Minutes of the Board Meeting held at Mwatati on the 24th September last, after my departure, is the following item:-

"Refund: In view of Major Goldman's letter to the D.O.A.G. dated the 29th of June 1933 it was resolved to write to Mr. Hausburg asking him to apply through the Colonial Office for a refund of the Stand Premium on the 10,000 acres Mwatati block and 750 acres extension Bura block in view of the fact that the Colonial Secretary, during his interview with Major Goldman, had expressed his willingness to pass on such an application to the local Government.

This refund involves the sum of 4 payments in respect of Mwatati and Bura extension totalling Shs. 8008/- and Shs. 1500/- respectively. This includes the September 1933 payment."

This letter I understand refers to the one written after Major Goldman's interview with you on the 23rd June. In this letter he says:-

"I then discussed with him the question of compromising for rent on the basis of giving up land.

He saw great difficulties in getting relief of rent except only in respect of the acreage of land which we might forfeit.

As regards the point that Mr. Logan evidently made as to our right under the Concession to forfeit land indiscriminately he realised that there might be some difficulty, but he

(contd.)

15/11/33

believed there was some clause in the Ordinance under which we might have the power to surrender land. As we could not find the reference in question, he agreed to send me the Ordinance, and to let me go through it myself. I have just received it and will look through it.

I then discussed the question of the 10,000 acres with him, which was given us in compensation for agreeing to allow the natives, who had come on to our land, to retain the right to the land they occupied.

I explained that we were being charged a premium of 2/- an acre for the 10,000 acres plus rent.

Sir Cecil took the view that in this we might be justified to raise the issue, he taking the view that it was either a payment of 2/- an acre free of rent, or no premium and ordinary rent. He certainly thinks we would be justified in taking up this matter more forcibly, and suggested that if I like to raise the question at this end, he would be pleased to pass it through to the Local Government."

You will remember the 10,000 acre block of land was granted "in compensation for" land occupied by the Wakasigau on the Company's Concession. But the position in a nutshell is this:-

a) The Company is paying rent, and stand premium on land given in compensation.

and b) The Company is paying and has paid rent from the very start on the land occupied by the Wakasigau.

Before leaving Mombasa, Major Laysell and I ^{ad} interview^d Mr. Famin, the Coast District Surveyor, from whom we understood that a claim for a refund of the stand premium on the 10,000 acres Kwatati Extension and on the 750 acres Mwasheti block, and a refund of rent paid for land in native occupation, was valid under the Crown Lands Ordinance.

I gather from a letter written by Major Laysell on the 11th October that no communication had been received

from you by the Land Office, Nairobi, up to that date.

I shall, therefore, be greatly obliged if you will kindly give the whole question your careful consideration, and if necessary I will come up to see you about it.

If I may suggest, and assuming that you would be prepared to make a recommendation from this side to the Land Office, Nairobi, the main points are these:-

- 1) That the question of rent and stand premium on the Mwatati Extension and Mwashoti block be revised with a view to the cancellation of the stand premium, and a refund of the amounts already paid.
- 2) That a refund of the rent paid for land occupied by the Wakasigau be made to the Company.

I have had no news of Major Goldman's return from British Columbia, but am dealing with this matter in the hope of expediting a settlement in anticipation of his return.

Yours sincerely,

Campbell S. Hansburg

14
14

COLONIAL OFFICE,

DOWNING STREET,

15th October, 1933.

Dear Mr. Hansburg,

I have your letter of the 15th October, and write to say that I do not think that there could be any objection to your communicating, in confidence, to your colleagues in Berlin and Tanga the copies of the map and of our correspondence with regard to the Teita Commission including ^{the} ~~two~~ ^{short} extracts which you saw that you were here from ^{the} part of the Land Commission's report which deals with the subject.

I say "in confidence", because the report is not yet ready for publication. It will be a Parliamentary paper and nothing must be made public prematurely, but we gave you the material in order to be of assistance to you, and if we could be of more assistance

Yours faithfully,
[Signature]

assurance by allowing you to use the matter as you
propose we can have no objection.

Yours sincerely,

62
W. S. Ramsey

RECEIVED

REC'D

16 OCT 1933

C. O. REGY

HENFIELD
HEATHONS AND
PARTRIDGE GREEN.

FROM

CAMPBELL, H. HAUSBURG

BERGHAUSEN PLACE

BIRMINGHAM.

ENGLAND.

TO

Sir Cecil Lottanley,
Colonial Office,

S.W.1.

15th October, 1933.

My dear Sir Cecil,

de Jitta Concessions, de

Good (14)

I have been considerably worried in my own mind lately about this matter, for reasons which I will try to explain.

When I saw you at the Colonial Office, you kindly gave me extracts from the Morris Carter Report dealing with this concession, though you did not actually say so, I gathered that what you told me you did not wish broadcasted.

Consequently, when sending the correspondence to Major Goldman's office with a request to send copies to Major Goldman & Major Layzell, I asked them to tell the latter to treat the correspondence as confidential; & I also told them not to send copies to Tanga, where the agent of the D.O.A.C. lives, or to Berlin for

the time being.

As Berlin finds the cash, they know
travelling home with Sir William^M, they
naturally want to know how the Report
affects the Commission, what the recommendations
are.

I have put them off as far as possible to
date; but as you will readily understand,
I do not wish them to feel we are keeping
any information from them which they ought
to have, which we have; nor do I wish to
annoy them, & disturb the present good feeling.

I please let me know if they send
copies of the map of the correspondence to
Berlin & Danga; if so whether they should
be marked "Confidential" or not.

Yours sincerely,
Campbell S. Hansburg.

C. O.

324 1/3

172
11

Mr. Flood

Mr.

Mr.

Mr. Parkinson.

Mr. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Perms. U.S. of S.

Parly. U.S. of S.

Secretary of State.

C. D.
21 SEP
47

23 Sept 1953

DRAFT.

Campbell B. Hansburg Esq

Dear Mr. Hansburg

Thanks for your letter of the 18th; I note that you are having the plan copied & that Major Goldman will return the original. There is no special reference to the Mwatati relevant sections of the Swamp in the Morris Carter Report but ^{one of} the paragraphs about the Kasigat recommends that "the Company should surrender the area of 11 square miles marked ~~X~~ on the map and goes on: -

"It includes the present houses of the Kasigat and provides two accesses to water and is joined to the main reserve by a corridor."

Whether the little piece ~~hatched~~ north of Mwatati station is meant as one of the accesses to water is an important part of the

FURTHER ACTION.

conductor I can't say and the map
is too small to show with any
clarity. It may be intended to
let them ^{Reserve} have access to the swamp
in that region, but ^{I can't be sure about} ~~the two extensions~~
~~of the hatched area mentioned do provide~~
~~two "accesses to water".~~

it and the point is nowhere taken.
The Commission recognize that some
adjustment may be required.

Yours sincerely

(Signed) W. C. BOTTOMLEY.

The original map has been
returned to-day
(Signed) W.C.B.

FROM

CAMPBELL E. HAUSBURG,
SHERMANBURY PLACE,
HORSHAM,

MEMO.

TO Sir Cecil Duttonley,
Colonial Office,
S.W.1.

SURREY.

RECEIVED

2nd SEP 1933

C. O. REGY

18th September, 1933.

My dear Sir Cecil,

The Nita Concessions, Ltd.

Many thanks for your letter of the 14th enclosing copy of the map relating to the above.

I note that you have now heard from the acting Governor of Kenya, that "South-East" should have read "North-East", which was what we expected.

I see on the map a small area almost directly above "Nwatati Station" is "hatched" in the same way as the other two portions under consideration.

As this is evidently part of the Nwatati Swamp, & consequently of very great importance & value to the Concession, I shall be very much obliged if you will kindly let me know if any special reference is made to this in the Report.

In this case

the area in question does not carry any distinguishing letters.

I am at the moment staying in Northumberland when your letter reached me this morning. I am going to Scotland tomorrow, but expect to be home again next Monday.

Meanwhile I am forwarding your letter to Major Goldman's office, with a request to make a copy of the map to send to him together with a copy of your letter; to return the original map to you.

Yours sincerely,
Campbell S. Hansburg.

C. O.

3245/33. *Re*

1933
9 75
R 13 SEP
D 13

Mr. Davies 10/9/33.

Mr. Freedom 12

Mr. Flood 12

S.O. for Sir Cecil Bottomley's signature.

Mr. Parkinson.

Mr. Tomlinson.

14 September, 1933.

X Sir C. Bottomley 13 f

Sir J. Shuckburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

Announced by No 10912

Dear Mr. Handberg,

*In continuation of my
(6) letter of the 8th of Aug, I
write to let you know
that I have now had a*

DRAFT.

CAMPBELL B. HAUSBERG, ESQ.

letter from the Acting Governor of Kenya, explaining the obscurities regarding the Teita Concession and Reserve which perplexed us so much in studying paragraph 1262 of Sir Morris Carter's report. It appears that, most unfortunately, there was a mis-type in this paragraph, and that "south-east" was really a mistake for "north-east". The passage in question ought to run as follows:-

(Note behind No 8. - in original)

FURTHER ACTION.

"We recommend that negotiations be opened with

the Company for the surrender of
an area of land approximately three
square miles in extent on the north-east
corner of the concession in the general
position shown as Area "W" on the map which
forms Appendix 20 to this report."

The Acting Governor has sent us
a copy of the map referred to. I enclose it,
but would you please return it when you have
finished with it? It seems to make the
^{Commission}
~~Committee's~~ recommendation^s quite clear.

I think I may safely assure you
that if these recommendations are accepted
and the Company surrender to the native reserve
the two areas of three and eleven square miles
respectively, the rent payable by the Company
would be reduced proportionately, and the cost
of the re-survey of the piece of land concerned
would be borne by the Government.

YOURS SI OERELY

(Signed) W. C. BOTTOMLEY

BY AIR MAIL.



GOVERNMENT HOUSE
KENYA,
EAST AFRICA.

S 20

Mombasa.

RECEIVED
22nd August, 1933.

22nd August, 1933.

Dear Sir Cecil,

No 4

With reference to your letter of the 8th August on the subject of Major Goldman's concession near Voi, I enclose a copy extract from the Land Commission's Report, together with a plan and covering note by Mr. Fazan. It is clear that the reference to the south eastern corner of the concession is a typographical error and should read "north eastern". Subject to Sir Morris Carter's concurrence that reading will finally appear in the Report.

You will not, of course, expect me to commit this Government to any definite view on matters of detail contained in the Commission's Report until we have had an opportunity of considering the Report as a whole. If the recommendation on this matter is ultimately accepted and Messrs. Teita Concessions, Limited, surrender to the native reserve the two areas of three and eleven square miles respectively, there is no doubt that there would be a proportionate.....

proportionate reduction of the annual rental payable by the Company and that Government would bear the cost of the re-survey of the pieces of land concerned. These assurances will doubtless set Mr. Hausberg's fears at rest.

Yours sincerely,

Mr. Hausberg

SIR CECIL BOTTOMLEY, K.C.M.G., C.B., O.B.E.,
COLONIAL OFFICE,
DOWNING STREET, S.W.1.
L O N D O N.

W.C.A. 2

Note by Mr. Jayan.

21

QUESTION RAISED BY MR. HANSBURG REGARDING
SECTIONS 1259 - 1271 OF THE REPORT OF
THE KENYA LAND COMMISSION.

Attachment 1 shows the conditions subject to which the report was signed on July 8th; they give discretion to the Secretary to correct typographical errors. In view of the high daily cost of the Commission, the Commissioners did not consider it necessary to continue their sessions until they had checked over the text of the Report in every detail.

2. The passage to which Mr. Hansburg has drawn the attention of the Secretary of State is Sections 1259 - 1271. In the form in which he read it, it contained a very typographical error: In the fifth line from the bottom of Section 1262 "south east" had been typed instead of "north east". Attachment No. 2 gives the whole passage under reference, as it ought to have read.

That the word "south" was actually a mistype for "north" is clearly shown in the map which forms Appendix 20 to the Report. I attach a copy (Attachment No. 3).

3. Seeing that the Chairman will have to examine the corrections made in the text of the Report and also the maps before the Report is fully authenticated, the present draft can only be considered as an advance copy till the Chairman has finally and unreservedly signed it. The Secretary has already called his attention by Air Mail to the particular passage under reference.

4. The fact that this passage has already been shown to Mr. Hansburg will perhaps render it necessary that he should be informed of the correction, but I suggest that Sir Morris Carter should first be asked to confirm it.

22

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

7.7.55.

Sd. W. Morris Carter.

Sd. R.W.Hemsted.

Sd. F.O.B.Wilson.

EXTRACT TAKEN FROM PART II OF THE REPORT.

Claim to part 1259. Archdeacon Maynard is more
of L.R. 3880
Teita Concessions. explicit in his evidence, and states:-

"To my knowledge considerable parts of it (Teita Concession Land) have been cultivated for the last 55 years.....The Mwatate Valley has been cultivated for four miles south of the Railway for years."

1260. The alienated land in places goes right into the foothills, and even apart from this evidence there would be strong presumption that the Teita made use of it for cultivation.

1261. At the present day there is considerable cultivation by the Teita at the north eastern end of L.R.3880, Teita Concessions Ltd, extending for perhaps half a mile south of the Voi river. But on the rest of the concession there is practically no cultivation by the Teita, as apart from the Kasigao, an allied tribe, whose case will be considered separately.

1262. That is not to say that the Teita never had more use of it than this, but we shall recommend an extension to the Reserve in another quarter which will be more than sufficient to compensate any claim in that respect, and we need consider at the moment only the claims of the Teita who are still in occupation. We recommend that negotiations be opened with the Company for the surrender of an area of land approximately three square miles in extent on the north east corner of the concession in the general position shown as area "W" on the map which forms Appendix 20 to this Report. This, as we believe, will include practically the whole of the land now in cultivation by the Teita on this Estate.

1265. For a reason which we shall explain below (Section 1269) we consider it just that the Company should be required to make a free surrender of this land.

24

The claim of the Kasigao. 1264. Part of the Teita Concessions is also inhabited by the Kasigao, whose history is briefly as follows:-

They originally lived on Kasigao Mountain, which fell into enemy hands during the Great War. Its position is shown on the map.

1265. The Kasigao natives were suspected of treachery and were deported by Government to Malindi District. At the end of the war, they were permitted to return to the Teita District, but for administrative reasons, they were not allowed to settle at their former home at Kasigao, but were required to live on the slopes of the Sembe and Zongoloni Hills near Mwatate. These hills are situated on the land which has since been alienated to Teita Concessions, and their position is shown on the map.

1266. The lease to Teita Concessions contained specific reference to the provision of Section 86 of the Crown Lands Ordinance, and the rights of the Kasigao and the Teita who were in actual occupation were clearly protected, the areas in occupation by them being deemed to be excluded from the lease.

1267. When the concessionaires discovered the extent of native occupation, they applied for a further grant of 10,000 acres in compensation, and an extension of approximately this acreage was granted at a stand premium of Shs. 2/- per acre. This land is known as L.R. 6924.

1268. We consider that the best practicable settlement of the Kasigao claim at this date is that the Company should surrender the area of approximately 11 square miles shown on the map and marked "I". It includes the present houses of the Kasigao and provides two accesses to water and is joined

to the main reserve by a corridor. It is not practicable to recommend that the land between the hills and the Mwatate river should be given up to the Kasigao, because it is already fully developed under sisal, but we consider that the area which we recommend to be surrendered would satisfy their just claims.

1269. Since the original lease to the Company was conditioned by Section 86 of the Crown Lands Ordinance, it is clear that areas in occupation by the natives were deemed to be excluded from the lease, and there is therefore no injustice in requiring that they should be excised. But under Section 31 (5) of the 1902 Ordinance the Company would be justified in asking for a reduction of rent.

1270. The principal drawback of the solution recommended is that the Kasigao land will not be consolidated with the main Reserve, except by a corridor. But when this area has been gazetted as native reserve, they will have an asset which could, if they desire and the Land Trust Board and Government agree, be exchanged for other land of equal value, which could be taken from the Crown land contiguous either to the Dabida or Sagalla Reserves. But we consider that, as a Commission, we have discharged our duty if we recommend that they be given the area to which, in our opinion, they have a right. Any subsequent adjustments could more appropriately be conducted by Government without any special recommendation on our part.

1271. Since the above recommendations, together with the block additions which we shall recommend to be made to the Reserve in another quarter will completely satisfy all claims of right, we consider that no injustice will be caused to the natives if it is provided that on the completion of the

surrender by the Company of the areas specified and with their addition to the Reserve all claims under Section 86 should be considered to be satisfied, and the remainder of the Estate should pass unencumbered into the hands of the lessees.

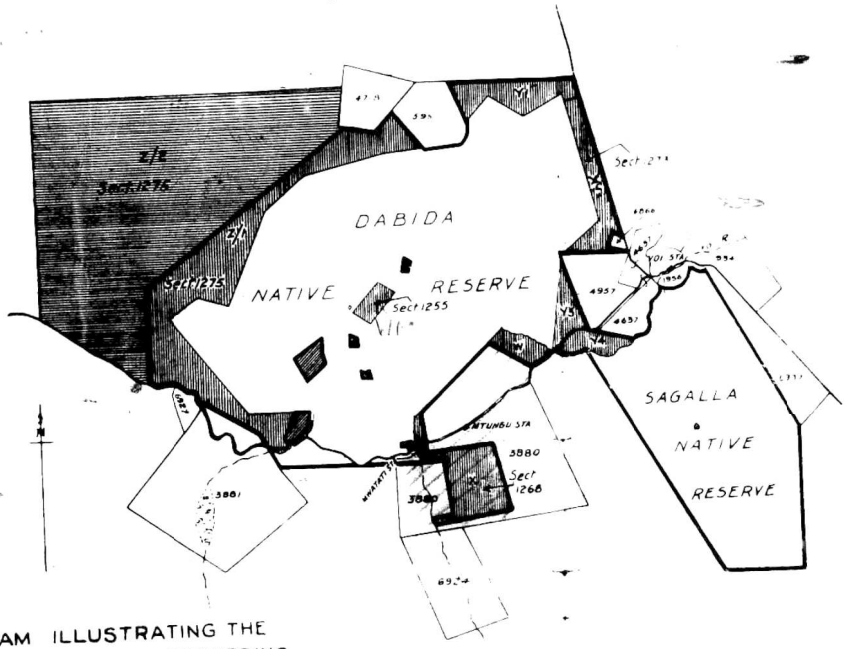





DIAGRAM ILLUSTRATING THE
 RECOMMENDATIONS REGARDING
 THE DABIDA NATIVE RESERVE



Additions to Native Reserve under Class A shewn thus 
 " " " " " " " " B2 " " 
 Alienated Land within the Native Reserve " " 

C. O.

3245/55 Kenya

7

Mr. ~~Hand~~ 7-8

Mr.

Mr.

Mr. Parkinson.

Mr. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

Answered by No 8

In Sir C. Bottomley's care

By Air Mail

8 Aug 1935

Dear Moore

There has been no comment

Major Goldman's concession near Voi and

Sir E. Gigg's desp. 770 733 of the 28th of
Nov. 1929. There is likely to be now.

In January, Goldman called here
& said he had heard that efforts were
being made by the local Archdeacon
to get the Morris Carter Commission
to recommend that some land be taken
away from the concession & added to
the Taita reserve. Morris Carter called
in here as soon as he got back & said
he had travelled home with Hausburg
& had discussed the thing with him,
Hausburg came in here to know what
was happening and we told him
what was in the report as follows:-

DRAFT.

H. H. H. Moore Esq. C. H. G.

4 August

(NO 4)

and left us with the section
of the report (Pages 1259-1271)
which deals with the thing.

FURTHER ACTION.

The Commission is going to
recommend that 3 square miles marked

"W" on a map (which we have not got) at the S.E. corner of the Concession, shall be added to the Reserve (Para 1262). This they say "will include practically the whole of the land now in cultivation by the Teika on this Estate". This would be fairly clear but unfortunately para 1261 says "there is considerable cultivation by the Teika at the north eastern end of L R 3880 ... extending for perhaps half a mile south of the Voi river". But on the rest of the concession there is practically no cultivation by the Teika

Does this mean that the Teika are to be ^{by} restricted from their area S. of the Voi river, and compensated by land at the S.E. corner, or can it mean that the area at the S.E. corner somehow includes the area S. of the Voi river at the N.E. corner? We can't say unless we have a copy of the map.

The matter is unfortunately pressing as the people who are finding the money are getting disinclined to part up any more. If they can be sure that ^{they} will have to pay ^{for} the 3 square miles mentioned in Para 1262 as well as the 11 square miles to be given to the

C. D.

- Mr.
- Mr.
- Mr.
- Mr. Parkinson.
- Mr. Tomlinson.
- Mr. G. Bottomley.
- Sir J. Shackburgh.
- Parlt. U.S. of S.
- Parly. U.S. of S.
- Secretary of State.

DRAFT

letter where they are. Could you therefore have the thing looked into and if possible let us have a copy of the map with the various pieces marked on it? I enclose a copy of a letter from Hounsburg to ^{me} ~~Bottomley~~ which shows that he can't quite make it out. We borrowed his maps to see if they would help, but they don't very much.

Yours sincerely,
(Signed) W. C. BOTTOMLEY.

FURTHER ACTION.

3245/53 Kenya

7 AUG
D 9

C. O.

Mr. ~~Hand~~ 7-8

Mr.

Mr.

Mr. Parkinson.

Mr. Tomlinson.

X Sir C. Bottomley. 7-8 *fr*

Sir J. Shuckburgh.

Perms. U.S. of S.

Parly. U.S. of S.

Secretary of State.

For Sir C. Bottomley's ass

8 Aug 1953

Dear Mr. Hansburg

DRAFT.

Campbell B. Hansburg Esq.

I am very much obliged for

your letter of the 4th of August &
which (return herewith)
for the maps. ~~the maps made on~~

They made it clear that L.R. 3880
is the Mwalati concession which
is the one in point but they do not
make it clear what areas are likely
to be affected by the Morris Carter
report, and in particular whether ~~the~~
it proposes to leave the people who
are south of the Voi alone where they
are or to move them.

I am personally
So ~~you are~~ writing to the Acting

Governor by air mail to see if
the matter can be finally cleared up.
I will let you know the result

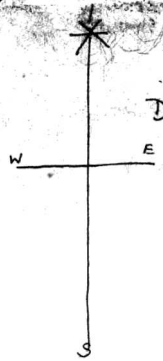
Yours sincerely

(Signed) W. C. BOTTOMLEY

maps with Mr. Hand

Scale 1:62,500

1:62,500
(1 inch = 1 1/4 miles)



Dabida Native Reserve



Voi River

Bridge

N. Cop

Road Access reserved

Railway

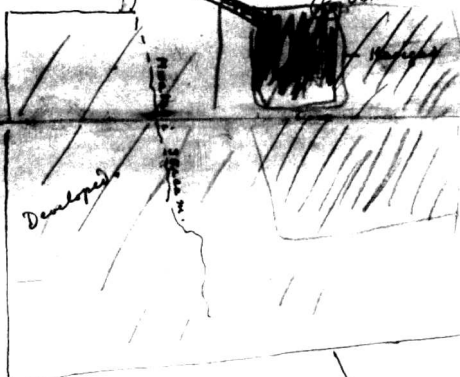
MWATATI STATION
VOL - TA VETA

LO 3880

MWATATI BLOCK

36,517 acres
Roads 136
Rail 197
Net area 36,184 acres

Semi.



Development

389
Hills

M-goro Sand
(Hills)

EXTENSION

CROWN LAND

CROWN LAND



Sir Cecil D. Crowley,
Colonial Office,
S.W. 1.

Shenambury Place,
Horsbham.
4th August, 1933.

My dear Sir Cecil

The Tita Concessions, Ltd

Copy to Home Office (1)

With further reference to our conversation of yesterday I now enclose the following plans:-

1. Form No. 3 blue print showing the Xwasati Block L.O. No. 3880 - 36,184 acres, and the Dura Block L.O. No. 3881 - 24,081 acres.
2. Sketch plan of Xwasati Block showing the approximate development in red; but which does not show the development done on the north side of the main road near Matingu.
3. A larger scale more up-to-date plan of cultivation, showing manager's house; office; factory site; etc.

Please note that these are the only copies I have, & should like to have them back when you have done with them.

Now as regards Sir Maurice Carter's Report, the extracts you gave me from it yesterday; the extract - "considerable cultivation at the north-east end of L.O. No. 3880 intending for

for perhaps half a mile South of the Voi River" is perfectly clear; but to "surround approximately three square miles on the South-East corner of the Concession", i.e. at Murgeno, is not so, that is if it refers to the same piece of land.

I notice on Plan No. 2 "Wakasigan Camp & Cultivation" is marked in red ink.

Tree huts are now at the back of the manager's house, about a quarter of a mile up the hill to the North-West, & are about forty in number.

There is also a small settlement on the West side of Sembi.

I gather from what you told me yesterday that the proposals contained in the Carter Report are as follows:-

1. That this Company surrenders three square miles, say, approximately 1920 acres on the North-West and/or (?) on the South-East of the Mwatani Block L.O. No. 3880.

2. That this Company surrenders about eleven square miles of land now occupied by the Wakasigan, say, about 7,040 acres, at the North-West corner of the Mwatani Block.

Sappal

I suppose, if these recommendations are carried out, that the Government of Kenya will (a) themselves bear the cost of the survey of the pieces of land concerned; and (b) demarcate the area occupied by the Wakasigan, & gazette it as a native area; and (c) that this Company will be relieved from paying rent for the pieces of land relinquished.

If it will be of any assistance, I shall be pleased to come & have a further discussion with you any day after Monday next.

I gather from what you told me that there is no prospect of the Report being published for some considerable time to come.

Yours sincerely,
Campbell S. Hansburg.

Extract from Chapter I - The Masai Province:
Some Observations on the Agreements of 1904
and 1911 and their effects.

x x x

Claim to part of L.R. 3880
Teita Concessions.

1259. Archdeacon Maynard

is more explicit in his evidence,
and states:-

"To my knowledge considerable parts of it (Teita Concession Land) have been cultivated for the last 35 years The Mwatate Valley has been cultivated for four miles south of the Railway for years."

1260. The alienated land in places goes right into the foothills, and even apart from this evidence there would be strong presumption that the Teita made use of it for cultivation.

1261. At the present day there is considerable cultivation by the Teita at the north eastern end of L.R. 3880, Teita Concessions Limited, extending for perhaps half a mile south of the Voi river. But on the rest of the concession there is practically no cultivation by the Teita, as apart from the Kasigao, an allied tribe, whose case will be considered separately.

1262. That is not to say that the Teita never had more use of it than this, but we shall recommend an extension to the Reserve in another quarter which will be more than sufficient to compensate any claim in that respect, and we need consider at the moment only the claims of the Teita who are still in occupation. We recommend that negotiations be opened with the Company for the surrender of an area of land approximately three square miles in extent on the south east corner of the concession in the general

position

position shown as area "W" on the map which forms Appendix
to this Report. This, as we believe, will include practically
the whole of the land now in cultivation by the Teita on this
Estate.

1263. For a reason which we shall explain below
(Section 1269) we consider it just that the Company should be
required to make a free surrender of this land.

The Claim
of the
Kasigao.

1264. Part of the Teita Concessions is also
inhabited by the Kasigao, whose history is
briefly as follows:-

They originally lived on Kasigao Mountain,
which fell into enemy hands during the Great War. Its position
is shown on the map.

1265. The Kasigao natives were suspected of treachery
and were deported by Government to Malindi District. At the end
of the War, they were permitted to return to the Teita District, but,
for administrative reasons, they were not allowed to settle at their
former home at Kasigao, but were required to live on the slopes of the
Sembe and Zongoloni Hills near Mwatate. These hills are situated
on the land which has since been alienated to Teita Concessions, and
their position is shown on the map.

1266. The lease to Teita Concessions contained
specific reference to the provision of Section 86 of the Crown Lands
Ordinance, and the rights of the Kasigao and the Teita who were in
actual occupation were clearly protected, the areas in occupation
by them being deemed to be excluded from the lease.

1267.

1267. When the concessionaires discovered the extent of native occupation, they applied for a further grant of 10,000 acres in compensation, and an extension of approximately this acreage was granted at a stand premium of Shs.2/- per acre. This land is known as L.R.6924.

1268. We consider that the best practicable settlement of the Kasigao claim at this date is that the Company should surrender the area of approximately 11 square miles shown on the map and marked "X". It includes the present houses of the Kasigao and provides two accesses to water and is joined to the main reserve by a corridor. It is not practicable to recommend that the land between the hills and the Mwatate river should be given up to the Kasigao, because it is already fully developed under sisal, but we consider that the area which we recommend to be surrendered would satisfy their just claims.

1269. Since the original lease to the Company was conditioned by Section 86 of the Crown Lands Ordinance, it is clear that areas in occupation by the natives were deemed to be excluded from the lease, and there is therefore no injustice in requiring that they should be excised. But under Section of the Ordinance the Company will be justified in asking for a reduction of rent.

1270. The principal drawback of the solution recommended is that the Kasigao land will not be consolidated with the main Reserve, except by a corridor. But when this area has been gazetted as native reserve, they will have an asset which could, if they desire and the Land Trust Board and Government agree, be exchanged for other land of equal value, which could be taken from the Crown land contiguous either to the Dabida or Sagalla Reserves. But we consider that, as a Commission, we have discharged our duty if we recommend that they be given the area to which, in our opinion, they have a right. Any subsequent adjustments could more appropriately be conducted by

Government without any special recommendation on our part.

1271. Since the above recommendations, together with the block additions which we shall recommend to be made to the Reserve in another quarter will completely satisfy all claims of right, we consider that no injustice will be caused to the natives if it is provided that on the completion of the surrender by the Company of the areas specified and with addition to the Reserve all claims under Section 86 should be considered to be satisfied, and the remainder of the estate should pass unencumbered into the hands of the lessees.

x x x

15547/29

C. O.

39

Mr. E. Momi 24/6.

Mr. Venning 26/7/33

Mr.

Mr. Parkinson.

Mr. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

Assessed by No 2

24 JUN

24

The U.S. of S. for

the Col. presents his

compliments to Major Goldman

and is directed to transmit,

for perusal and return,

copies of the Kenya

branch hands Ordinance

(Chapter 140), with

amendments.

DRAFT.

3 per.

(Addresses in minutes)

1st copy 100
2nd copy 27/2/36
No 4 of 1924
No 7 of 1924
No 9 of 1930

X.S.

26th June, 1933