

1935

1935

38005/11

C0533/453  
KENYA

38005/11

Land Commission Report.

Utilization of the Yatta Plateau.

Previous

Open file.

Subsequent

1936 file

|                  |       |
|------------------|-------|
| Reg 297          | 26/2  |
| Room 309.        | 23    |
| Mr. Treaster     | 9     |
| Mr. Hunt         | 12    |
| Sir S. Bottomley | 12.   |
| Sir J. Moffat    | 13    |
| Sir J. S.        | 17/3  |
| Sir J. Moffat    | 19/3  |
| Sir C. Bottomley | 19.3. |
| R. 204           |       |
| 297              | 19/3  |
| Mr. Grossmill    |       |

69  
Lent.

1. Governor Byrnes 6H \_\_\_\_\_ 26 Jan '35

Land Commission report  
of the plateau

Submits proposals for the modification of the records of  
the Land Commission for the utilization of portions of the  
of the plateau as an addition to the Kikuyu Native Reserve & also  
6 acres

It is proposed to deviate from the recommendation  
of the Land Commission in the following respects:-

(a) To fix a line by means of existing natural  
features to divide the class B1 area recommended in  
paragraph 542 from the class C (or "Native Leasehold  
Area") recommended in paragraph 1879(1) of the report.  
This would involve a slight adjustment of the dividing  
line proposed by the Commission but would not alter  
the dimensions of either area.

(Para 542.)

(b) To reduce the area recommended by the  
Commission for addition to the Kikuyu Native Reserve  
on economic grounds, by a small strip along the right  
bank of the Tana River at the site of the proposed  
Seven Forks hydro-electric scheme. It will be  
remembered that a party of experts are at present  
investigating the commercial possibilities of the  
Seven Forks scheme as compared with those of the  
Maragwa-Tana scheme. (See 23108/24/34).

Both proposals seem reasonable. As regards (b)  
it will be seen from paragraph 542 of the report that  
the Commissioners thought that an addition of 350 to  
400 square miles was warranted and <sup>that they</sup> actually recommended  
an addition of 383 square miles. According to the  
plan accompanying the despatch the effect of the  
present proposal will be to reduce the area to 378  
square miles. It is far better to leave the Seven  
Forks site clear and thus avoid the complications which  
would ~~arise~~ <sup>undoubtedly</sup> arise if the site were in a native  
reserve.

(Case 16166/30)

? Approve the proposals.  
A. Grossmith  
1/2/35

I agree that (A) is entirely reasonable.  
should be approved.

The effect of (B) would be to reduce the total of B addition by about 5 sq. m. This total has been referred to by S. P. L. on more than one occasion, and, without regarding it as sacrosanct, one can hardly exclude the possibility of encroachment if it became known that it had been arbitrarily reduced, with a view to depriving the natives of their claim to compensation if when Seven Forks is wanted for hydro electric purposes.

The map shows 33 square miles of D area, wh. the Commission deal with in para. 542. We might suggest to the Govt. that as a condition of the exclusion of the Seven Forks block from the B1 area, an equivalent extent of the D area be added as B1 land.

Director  
9/5

The proposals are quite clear and can be easily followed from the map. The difference between B1 and C land is that B1 is land which is ~~likely to be~~ required permanently to allow the tribe to develop while in C land special facilities are recommended for natives, but the normal method of tenure is intended to be by lease. The slight adjustment of the boundary between B1 and C additions to the Kikuyu Reserve will make very little difference to either area. Part of what is now shown as C land will become B and part of what is shown as B1 land will become C. I do not imagine that in practice there will be very much difference so the boundary adjustment can obviously be approved. It makes no difference to the <sup>total</sup> amount of land available for natives.

The exclusion of the 5 square miles round the "Seven Forks" area on the Tana River is another matter. Higher up the river at the junction of it and the River Maragwa a development scheme for electric power has been held up because the native population are unwilling to agree to a certain amount of flooding of their land and suitable alternative land cannot be found. If the "Seven Forks" area becomes native reserve there might be a similar difficulty hereafter. It is therefore proposed to exclude from the land to be added to the Reserve as B1 land, a sufficient area to allow of another possible development in the hydro-electric power line. This, too, is clearly desirable. There is nothing unusual or improper in Govt. keeping control over all possible sources of power and I

think

think that all shades of political opinion in this country would agree with that policy. It is, however, as Mr. Freeston puts it, a matter for consideration whether some addition should not be made to the Native Reserve to compensate for this area of 3,200 acres and the map shows that it ought to be fairly easy to add a similar amount from the piece coloured blue on the map. Indeed, if it were left to me I would go further and add the whole of the blue area to the B class land as compensation. This would mean taking away 5 square miles from the area and adding 33, a nett gain of 28 square miles. The blue land area, in accordance with paragraph 542 of the Commission's Report, is recommended to be D land wherein both natives and Europeans will have equal rights. It is noteworthy, however, that the Chairman would have preferred to make it part of the extension to the Kikuyu with a proviso that it is to be an area in which non-natives should be encouraged to take up land. This recommendation of the Chairman's does not make very good sense and I think in the long run it would probably be best to lump the whole area into the Kikuyu block and class it not as D land but as B. However, it should be enough to suggest to the Governor the addition of a suitable quantity of land to the B area from this block.

In anything of this nature the question of access to water is sure to be raised by somebody or other. However, the construction of

of hydro-electric works in the "Seven Forks" area should not do very much to interfere with the water rights of the adjoining population. I do not suppose that there will be any attempt at excluding natives from getting at the river across the excised strip though, of course, it will be necessary in order to safeguard the future that native settlement in the Seven Forks piece should not be encouraged in any way.

? Proceed as proposed.

1.10.26  
12.3

W.C.S. 12.3.35

J.H.M. 13.1.35

I entirely agree that an equivalent area should be added to compensate for the Seven Forks area. I think there is real objection to reducing the appropriate area; & if the D land is not as good as the B land to be excised, a larger area should be added in exchange.

I should also like to be sure that Mr. Hamstead & Capt. White concur. It is an obvious precaution.

to carry with you the members  
of the Commission, who are at  
the spot. This sh. always  
be done: & Mr. Hunsford is  
also one of the Indian members.

PZ2

17/3

- 2 To Kenya 229 (1 answer) }  
3 - Kenya, Conf. ———— }

27 MAR 1936

*DM*

4 Gov Byrne 81 \_\_\_\_\_ 13.2.36  
gives modified proposals as agreed  
by Mr. Hunsford & Capt. Wilson & notes  
covering approval of the action taken.  
Transferred to 1936 file

*DM*

to carry with you the members  
of the Commission, who are at  
the spot. This sh. always  
be done: & Mr. Armstrong is  
also one of the National members.

P. 2

19/3

- 2 To Kenya 229 (1 answer) }  
3 - Kenya, Conf. ——— }

27 MAR 1935

*DM*

H. you Byrnes 81 ————— 13-2-36  
gives modified proposals as agreed  
by the Honored. Capt. Wilson & seeks  
covering approval of the action taken.  
Transferred to 1936 file

*DM*

*H.A. 2/28*  
C. O.

C. P. 3  
27

Mr. Grossmith. *22/3/35*

Mr. *Heaton 22*

Mr. *Hood 22/3*

Mr. Tomkinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Sir G. Grindle.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

Downing Street,

27 March, 1935.

Sir,

I have etc. to refer to my despatch No. 229 of even date regarding your proposals for modifying the recommendations in paragraphs 542 and 1879/1 of the Land Commission Report and to inform you that, as a matter of policy, I consider it desirable that the concurrence of the Land Commissioners in Kenya should be invited in any future proposals involving

2 DRAFT

KENYA.

CONFIDENTIAL.

GOVERNOR.

*Q.A. 2/28*

C. O.

Mr. Grossmith. 22/3/35

Mr. *Fleeston*Mr. *Hard* 22/3/35Mr. *Parliament*

Sir G. Tomlinson

Sir C. Bodomley

Sir J. Shackburgh

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

Downing Street,

27 March, 1935.

Sir,

I have etc. to acknowledge  
*Sir Joseph Byrnes*  
 the receipt of ~~your~~ despatch No. 64

of the 26th of January in which you  
 submitted for my approval proposals

for the modification of the

recommendations in paragraphs 542

and 1979/1 in the Land Commission

Report with regard to additions to

the Kikuyu Native Reserves in the

Yatta Plateau area.

(2) I have no hesitation in  
 approving your proposal to fix the

boundary line separating the "B 1"

from the "C" areas, by means of

*prominent*  
~~permanent and~~ natural features such

as the trigonometrical beacons

"Thatha" and "Ndalai".

(2) With regard to your

recommendation

*any substantial*  
 involving ~~the~~ modification of the  
 recommendations in the Land Commission  
 Report.

I have, etc.

(Sgd.) P. CUNLIFFE-LISTER

DRAFT

KENYA.

NO. 229

GOVERNOR.

O. A. C.

FURTHER ACTION.



recommendation for the exclusion from  
the "B 1" block, of land sufficient to  
satisfy the requisites of a Power Scheme  
at "the Seven Forks" site on the Tana  
River, it would seem from the plan  
accompanying your despatch that the  
effect of the proposal would be to reduce

the "B 1" block by <sup>about</sup> 5 square miles. While  
I agree that <sup>may properly</sup> "the Seven Forks" area should  
be excluded from the Native Reserve, I  
consider that <sup>at least</sup> an equivalent area should be  
added in compensation, and I suggest that  
this could with advantage be taken from  
the "D" area recommended in paragraph 542  
of the Report. ~~I would also suggest that~~

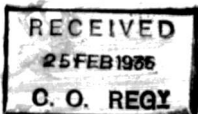
if it <sup>is</sup> were found that the "D" land is  
<sup>in quality</sup> inferior to the "B" land to be excluded, a  
larger area should be added in exchange.

4. Subject to your acceptance of these  
suggestions I should be obliged if you would  
invite the concurrence of <sup>two members of the</sup> the Land  
<sup>who are</sup> Commissioners in Kenya before taking any  
action.

KENYA.  
No. 64.



GOVERNMENT HOUSE  
NAIROBI,  
KENYA.



26<sup>th</sup> JANUARY, 1935.

Sir,

I have the honour to refer to paragraphs 539 to 542 and 1879/1 of the Kenya Land Commission Report on the subject of the utilization of portions of the Yatta Plateau as a BI addition to the Kikuyu Native Reserve and as "C" area respectively, and to submit for your approval two small modifications of the recommendations of the Commission.

*Approved (R)*

2. On detailed examination of the proposals it appeared to my advisers to be preferable instead of adopting the straight line boundary separating the BI from the C areas, as recommended by the Commission, to fix a line by means of prominent natural features which would be easily discernible on the ground. Such features exist in the hills on which the trigonometric beacons named "Inatha" and "Ndalai" are erected, and a line connecting these two points would leave the respective total areas of the BI and C blocks practically as before.

3. The other matter has reference to the future development of the hydro-electric power reserves of the Colony on which expert investigation is now proceeding. The power reaches known as "the Seven Forks" fall within the area classified by the Commission as BI

Native

THE RIGHT HONOURABLE

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

native reserve. It appears to be possible that this water power may eventually be required for the generation of electric energy and my advisers recommend that, in order to avoid possible complications, a sufficient area around the falls to satisfy the requirements of a Power Scheme be excluded before the formal addition to the native reserve is made. The precise area which may be required cannot be decided upon until the report of the present technical investigation has been received and considered, but the exclusion will be restricted to the needs of the Scheme.

4. Both these proposals as illustrated on the enclosed plan are recommended by the Provincial Commissioner (Central Province) the Commissioner for Local Government, Lands and Settlement, and the Acting Chief Native Commissioner, and will, I trust, receive your approval.

I have the honour to be,

Sir,

Your most obedient, humble servant,



BRIGADIER-GENERAL.  
GOVERNOR.

# PLAN SHOWING LAND COMMISSION'S PROPOSALS, YATTA PLATEAU AND PROPOSED REVISIONS.

NYERI  
DISTRICT

DISTRICT

DISTRICT

Seven Forks

Proposed Power Reserve

Sec. 542

(Commission's proposals) ... 383 Sq. Miles  
(Proposed revision) ... 378

Proposed revised boundary

(Commission's proposals) ... 370 Sq. Miles  
(Proposed revision) ... 170

Sec. 1879 (I)

Sec. 793

309 Sq. Miles

Sec. 759

RESERVE



Commission's proposals) 170 Sq Miles  
Proposed Revision 170

Sec. 1879 (1)

Sec. 793

Sec. 759

300 Sq Miles

MACHAKOS

NATIVE RESERVE

REFERENCE

- CLASS B.I. AREA 
- CLASS C. AREA 
- CLASS D. AREA 

Scale 1:250000 = 1 inch to 4 Miles

Form lines at approximately 900 feet VI

Survey and Registration  
Department  
5-1-55