

1938

Kenya

No. 38005 (Part III)

SUBJECT.

C0533/487

Sand Commission

(General Legislation)

Previous

Part II

Subsequent

- See 38420/39 (Common Lands Order)
- 38314/39 (Native Lands Trust Order)
- 38132/134/37

1939 file

38005/20/38

At the discussion yesterday the Secretary of State directed that a draft letter to Mr. Creech Jones should be prepared:

(a) informing him that a copy of the memorandum summarising the provisions of the proposed Orders in Council has now been placed in the Library of the House, and

(b) answering as many as possible of the points raised in his various letters, in so far as it is possible to deal with these pending the outcome of the correspondence with the Governor.

It was agreed that the letter would lose a great part of its effect unless it were sent off very early.

I have sent on the file separately with revised draft telegrams to the Governor; but I annex spare copies of Mr. Creech Jones' letters and I submit the draft of a letter to him. In the margin of Mr. Creech Jones' letters I have indicated the paragraphs of the draft in which his various points have been dealt with. I have also noted the points on which we are not yet in a position to reply (except <sup>in the case of</sup> his references to the various petitions, which must all clearly await the upshot of the correspondence with the Governor).

*I am afraid that the draft is rather long, but I do not see how it can be shortened if we are to deal (as seems necessary) with the general question of policy.*

*J. J. [Signature]* 2.12.38.

*H. J. [Signature]*  
2.12

*I fear that Mr. Creech Jones will never be convinced. It is a pity. but he is not open to conviction.*

*[Signature]*  
2.12.38

40 To Birch Jones 8/12/38  
copy on 38005/11/38

61 To Kenya Conf (2) (7c 40) 4/1 - 9/11/38

Sir R Brooke Popham to \_\_\_\_\_  
Complains against increasing habit of individuals a  
bodies telegraphing grievances direct to Parliament.  
Explains his own position in regard to rights holders  
Mr Paskin

I attach a letter from Sir Robert Brooke-Popham regarding land legislation in Kenya.  
Perhaps you will be kind enough to put up a  
draft reply for the S of S to send?

J. C. Paskin  
5.12.38

This seemed the case at No 88, & it  
is clearly desirable that the S.G.P.  
should know whether the Gov. is now  
prepared to agree to the proposals therein  
before replying to the letter - especially  
as the Gov's reply is contained in the  
minutes before the Com of - letter is  
to be added.

I do not think that further  
comment is req<sup>d</sup> at this stage in the  
Gov's objection to the Trust Bd. procedure.  
That has been carried a stage further  
by No 38 & the Gov. can hardly venture  
to disagree with the considered opinion of the S.G.P.  
of what is requisite for the Parliamentary  
point of view - whatever be my  
view of it from his own point of  
view.

Temporarily  
detached  
1/9/39

The suggestion that something ought  
to be done to check the habit of individuals  
communicating direct with R.P.'s clearly  
needs for comment however it is a question that  
the Gov. will have to consider in that  
of the attempt to bring the Gov. into  
will be strong to a large extent. The  
is a set of suggestions in fact...  
in para 13 of his Transport Dep. ...  
No 1 - 38179/8/38, & the Popham ...  
has enclosed the S.G.P.'s reply at No 9  
on that file. It does not require any  
negotiation to produce what is to be  
sent - Parliament if any such attempt  
was made.

As regards the last page of  
the Gov's letter, the obvious comment is  
that Sir R. Brooke-Popham attempts to  
do too much himself. We can ...  
the comment from and this ...  
officer ...

J. C. Paskin  
9/11/38

43 Birch Jones \_\_\_\_\_ 5/11/38

~~REPRODUCED BY THE GOVERNMENT OF THE UNITED KINGDOM~~  
~~FOR THE PURPOSES OF THE NATIONAL ARCHIVES~~  
~~THIS DOCUMENT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.~~

This is very satisfactory. The Governor has not only agreed to adopt the ~~Board~~ <sup>Draft</sup> Board procedure but also proposes to amend the Bill before it is enacted, thus going further than he was asked to do in our telegram of the 5th December (No. 38). It seems clear that the Governor has been advised that it would be safer to do this rather than to rely on there being no unreasonable European farmer who might attempt to interfere with the enjoyment of the rights of natives who cannot immediately be removed from his farm.

On the basis of this telegram ~~which~~ <sup>which</sup> the Secretary of State can now authorise the Governor to go ahead with the amendment of the Bill, and to assent to this Bill when amended, and also to the Crown Lands (Amendment) Bill.

As regards the ~~present~~ text of the proposed amendment to Clause 70 of the Bill, it would have looked better if the actual extinction of rights were postponed until these natives can be moved to other land. I have, however, discussed with Mr. Dale, who considers that <sup>we need not object to</sup> ~~such~~ <sup>such</sup> an amendment would be very difficult from the drafting point of view, and that the amendment ~~actually~~ proposed will in fact give these natives complete security in the continued enjoyment of their rights pending their removal.

It is, however, clearly desirable that the second proviso to Clause 49(1) should also be amended by the omission of the words in square brackets, thus bringing that provision into line with

with the intention embodied in the amendment to Clause 70.

As regards the programme for bringing this legislation into operation, the next meeting of the Privy Council is to be held on the 20th December, and all documents have to be at the Privy Council Offices on Saturday, 17th. Even if a telegram was sent to-day authorising the Governor to go ahead, I doubt whether it would be physically possible for the Ordinances to be amended and to receive the Governor's assent, in time for the draft Orders-in-Council to be sent to the Privy Council Office on Saturday. Moreover, at our last meeting, the Secretary of State said that he wished the Governor's assent to be deferred until Mr. Creech Jones had had an opportunity of putting another question. This would normally be on Wednesday, the 21st December. This is a further reason for not attempting to rush this legislation through this week. Unfortunately there will not be another meeting of the Privy Council this year, or in fact (probably) in January, as the King will be at Sandringham. ~~If~~ <sup>if</sup> ~~there~~ <sup>there</sup>, however, ~~the~~ <sup>the</sup> Secretary of State gives the Governor an assurance that the draft Orders will be submitted at the first meeting in the New Year, it will <sup>be</sup> ~~be~~ sufficient for the Governor's purpose, from the point of view of local politics.

I now submit a draft telegram for conson, in which I have included some observations, which are designed to prevent a repetition of the hardships which occur (vide the enclosure to No. 31 on

Copy h.w.

38005/11/38) when directions to stop planting are issued before the arrangements for a move are sufficiently far advanced.

I also submit for consideration draft of a further letter for the Secretary of State to send to Mr. Creech Jones.

J.J. Bassini

15.12.38

W.D.

13.12.38

Cherry

Good

H.J.

13.12

This is very satisfactory.

and

15.12.38

M.M.

14.12.38

The letter to Mr. Creech Jones, has been app. with an minor amendment. I will refer to Mr. Creech Jones to Mr. Bassini

When I saw you to the 18 - result 5  
to the 2 sheet 90 -

5/12/38

48 To Hqs. Kenya - Tel. 211 - Conf. - Imp. 15.12.38

To A. Creech Jones

# Extract from Lord Halifax's speech

To be sent by Mr. Creech Jones

I have sent copies of Nos 44, 45 & 46 to Mr. Hastings (No. 37 on 38005/11/38)

J.J. Bassini

17/12

12.11.38

48 Hastings (40)  
(Encl. with comment so letter from Sir A. Wade)

Sent a copy of No 46 to Sec. of Conf. & return as soon as possible

J.J. Bassini  
19/12

49 Gas Tel 214 Conf. Assurance may be given that movements of vehicles will be regulated as suggested.

50 Gas Tel 216 Conf. Assurance passed by Leg. Co. Assent to both bills will be given after 2/12

DESTROYED UNDER STATUTE

51 To: Kenya Conf. (N.C. 46) A/1. 20.12.38

This is very satisfactory, and I have made the necessary amendments in the draft reply to Mr. Creech Jones' Question for tomorrow.

As soon as we hear that the Governor has assented to the two Bills the way will be clear to go ahead with the arrangements for the issue of the two Orders-in-Council. As there is not to be another meeting of the Privy Council until February, there is no immediate urgency, but we ought, I think, to get the drafts of the Orders over to the Privy Council Office as soon as possible in case, for any reason, it should be decided to hold an earlier meeting of the Council. Before this is done Mr. Dale wishes to go through once again the text of the draft Orders, and the file should be recirculated to me, for this purpose, as soon as current action on the file has been completed.

The first thing, however, is to send replies to the Governor (No. 42) and Mr. Hosking (No. 48) and I submit drafts for consideration.

J.J. Pascoe  
21.12.38

A.P.  
22.12

22.12.38

- 52 To Sir R. Brooke Popham (No. 42 and) — 23<sup>rd</sup> Dec.
- 53 To Hosking (No. 48 and) (49 & 50) — 24<sup>th</sup> Dec

Mr. Keeton *Patience*

In order that there shall be no room for misunderstanding in regard to what is intended in regard to the arrangements for the reference to the Land Trust Board, in cases where natives are not satisfied with the land to which it is proposed to transfer same, Mr. Dale considers that a copy of an S. G. P. report to Mr. Creech Jones' at 2/12. should be sent out by tomorrow's mail by *dep.* instead of by l.f.

(at m  
-38 P2)

all the recent covers has been conf., but it is clearly desirable that this dep. should be open. In the file submitted h.w. I have accordingly adopted an oblique name for drawing Mr. Gov's attention to the points on which it is important that there should be no misunderstanding.

J.J. Pascoe  
22/12

A.P.  
22

The file is in circ. but copies of the recent covers will be found in *Present*

M. Dale

The way is now clear for the final setting of the Draft Orders in Council prior to sending them to the P.C. Office (v. minute of 21/12), & I attach spare copies for his purpose.

I have read through the Opts. & checked the titles of the officials who are to be members of the two Boards.

So far as I can see, the only point requiring cover. is the second sentence of para (c) of the Opt. Hyderabad Order. You will remember that there was some telegraphic cover. as to whether this sentence shd. relate to the whole section or only to para (c). It was decided that it shd. only relate to para (c). In how days the sentence came out to the end of the line. Now that it is a part of para (c), it is for cover. when the words "para (c)" will be last line shd. not be attached to read "this para."

\* This should be the way these words shd. be.

99/300  
2/12

On checking over the draft Opts. in the light of the above points of the two local Boards (i.e. have not previously been considered), M. Dale advised an important gap in the Hyderabad Draft Order, the nature of which is explained in the Opt. tal. herewith.

Fortunately Mr. Hosking was in London and the Opt. tal. was prepared in consultation with him. Mr. Hosking was very much concerned at the discovery of this gap & he urged that it shd. be filled up for us possible by an amendment of the Opt. Machine Areas O.M.C. This is not easy to do satisfactorily & the Opt. tal. represents the result of his efforts to make the best of a bad job.

One of the reasons why Mr. Hosking was particularly anxious about this gap was that the Manager had the habit of neglecting to fill the Reserve when the order was issued, & it is necessary to order them back to him. I think there is no promise with order drawing order, but this can be left to Kenya (M.D.).

issued and be for them,  
to return to their own tribal  
land unit, & Mr. Hosking was  
opposed that a local lawyer wd.  
be able to cause trouble by  
pointing out that there is no  
land unit specifically allocated  
to a village. ~~But~~ it is

~~expressly stated~~ true that the first  
land unit in the Second Schedule  
to the Order is called "The Kikuyu Unit",  
but this title has to serve also  
for the accommodation of other  
tribes (e.g. the Meru & Embu) and  
there is nothing to show that the proper  
place for them is the Kikuyu Unit.  
Similar difficulties arise in relation  
to the other units, especially the  
"Coast Land Unit".

It is a pity that the legal  
officers in Kenya did not spot this.  
The responsibility is theirs, because when  
draft Orders were prepared, the  
Schedules in the Bill were blank, &  
the Orders were typed in relation to  
what we were given to understand  
wd. be contained in the Schedules.

J. J. Paschke

30/12.

(M.D.) 20.1.39

55 To Gov. TEEN<sup>o</sup>1. Conf. - 50 and - 2/1/39 &  
CWS

56 To Hosking

56 to H. Sp.

22/2/38

Two 12 copies each of Amendments to Native  
Lands Trust Bill, moved in leg 60 and 61 and  
49, 53 and 40 of the Native Lands Trust Bill  
after amendment. Spares to library

57 Dep Gov 1939

Two two authenticated and twelve printed copies  
of Native Lands Trust Ordinance 1938.  
(Encl. in 38 31/3/39) Spares to library

58 Dep Gov 1930

24/2/38

Two two authenticated and twelve printed copies  
of Crown Lands Amendment Ordinance 1938.  
(Encl. in 38 20/3/39) Spares to library

59 To Hosking (w/c. 5-5) — 5/1/38

60 Dep Gov 1939

6/1/39

All suggestions acceptable given in number  
to both Ordinances 22/1/38

M. Dale.

Then? You will go ahead with your  
final vetting of the draft Orders, so that  
they can be sent to the P.C. office as  
soon as possible.

as regards the Orders, if it is  
likely to take any considerable time  
to examine them to see whether there  
is any reason why they shd. not be



Sometimes, then - this had better  
wait till the Orders are out of  
the way.

J.P. Pasani  
7/1

These draft orders (marked "For Copy")  
can now go to the Council.

As to the minutes, I have already  
examined them and being very well satisfied  
so far as I am concerned

C.W.S.

This file was held up owing to the  
letter from the India Office (27/2/38005/38)  
asking for the issue of the orders to be  
delayed. It has now been  
agreed with the IO. that the orders  
should go to the Party Council for  
their meeting on the 2nd Feb, but  
that the orders will not be  
published until Feb 21st.

I understand from Mr. Nelson that  
the Party Council Office will decide whether  
to print them before or after the meeting.  
Copies as sent to the P.C. will be sent  
to Kenya straight away, so this will  
cause no delay.

Clarks White  
2/1

61 The Lord President of the Council - <sup>1/2 Draft Order</sup> - 307-39  
<sub>in mail</sub>

Notes  
Authority as 53/1/3  
1939 Feb  
a. at 5/1/11  
To: Kenya Conf. (1/2 61 & 51/1/11) on 38005/3/39. A/1. 21/1/39  
Lo: Kenya 90-57 Standard - } 9/2-9 2.39  
Lo: Kenya 91-58 " " }

Library by date  
57.58.65.64

Library 1/1/11

Library actual date  
57.58.65.64  
relat. source 4/11

? 477 circular file by c.p. minutes on  
1/13 at 1/39 file

Clarks White

10/2/39

J.P. Pasani  
11/2

~~SR~~

(for signature by His Grace)

38000/38  
10

8/2/36  
C  
7

DRAFT.

Mr Collyer White 15/1  
Mr Megson 14/1  
Mr ... 27/1  
in Director ref

O. D.  
R 27 JUN 1934  
D 30.

Downing Street.

30 July 1934

My Lord

I have the honour to transmit to your Lordship the  
drafted Orders in Council entitled respectively the Kenya  
(Native Areas) Order in Council <sup>1934</sup> and the Kenya  
(Highlands) Order in Council <sup>1934</sup>.

I have to request that your Lordship will submit <sup>these</sup> Drafts for the  
approval of the King in Council, and that 2 sealed copies and 24 plain  
copies of <sup>each</sup> the Order in Council may be supplied for the use of the Colonial Office.

I have the honour to be,

My Lord,

Your Lordship's most obedient, humble servant.

The Lord President

of the Council.

(For the Secretary of State.)

Address ...  
Copy with copies enclosed to

in draft  
S.O. (472-1934)  
Kenya Conf. 15/1

626.

Fair copy

DRAFT NATIVE AREAS ORDER IN COUNCIL.

WHEREAS a Commission was appointed in the year 1932 to enquire into and report upon the claims and needs in respect of land of the native population in the Colony and Protectorate of Kenya, and certain other matters :

AND WHEREAS in order to satisfy all such claims and needs the Commission has made certain recommendations to which it is expedient to give effect in manner hereinafter appearing :

NOW, THEREFORE, His Majesty, in pursuance of the powers vested in Him by the British Settlements Act, 1887, and the Foreign Jurisdiction Act, 1890, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows :-

1. This Order may be cited as the Kenya (Native Areas) Order in Council, 1934.
2. (1) In this Order unless the context otherwise requires -

"Colony" means the Colony and Protectorate of Kenya, except in section 8 where it means the Colony only;

"Crown Lands Ordinance" means the Crown Lands Ordinance ( Chapter 140 of the Revised Edition of the Laws of Kenya) as amended by the Crown Lands (Amendment) Ordinance, 1929, the Crown Lands (Amendment) Ordinance, 1934 and the Crown Lands (Amendment) Ordinance, 1938;

"Gazette" means the Official Gazette of the Colony;

"Governor" means the Governor and Commander in Chief for the time being of the Colony and includes every person for the time being administering the

Government thereof;

"Trust Board" means the Native Lands Trust Board established in pursuance of section 3 of this Order.

*order*  
*may be*

(2) In this Order reference to the Native Lands Trust Ordinance, 1938, and the Town Lands Ordinance shall include any Ordinance which may hereafter be enacted to amend or replace the same provided that such Ordinance shall have been reserved for the signification of His Majesty's pleasure thereon and His Majesty's assent shall have been given thereto.

(3) The Interpretation Act, 1939, shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. There shall be areas of land in the colony to be known as the Native Lands, the Native Reserves, the Temporary Native Reserves, and the Native Household areas.

*order*  
*may be*

4. (1) The Native Lands shall be one area of land the boundaries of which are set out in the First Schedule to the Native Lands Trust Ordinance, 1938, and they are hereby vested in the Trust Board.

(2) The Native Lands are hereby divided into the nine Native Land Units mentioned in the Second Schedule to the Native Lands Trust Ordinance, 1938, the boundaries of which are set out in the First Schedule to the Ordinance, and the Trust Board shall hold the areas comprised in each Native Land Unit in trust for the native tribes ordinarily resident in those areas at the coming into operation of this Order.

(3) Except as provided in the Native Lands Trust Ordinance, 1938, the areas of land comprised within the Native Lands and the Native Land Units shall

shall not be altered.

(4) The Native Lands shall be administered in accordance with the provisions of the Native Lands Trust Ordinance, 1938, and shall be subject generally to the provisions of that Ordinance.

(5) The Native Lands shall be subject at all times to all such rights in respect of land as are or may be enjoyed by native tribes, groups, families, or individuals by virtue of existing native law and custom, or any subsequent modification thereof, in so far as such rights are not repugnant to any law from time to time in force in the Colony.

(6) The definition of "Crown Lands" contained in Section 2 of the Kenya Colony Order in Council, 1921, shall no longer apply to the Native Lands.

(7) Nothing contained in this section shall be taken to affect the provisions of the Mining Ordinance, 1933, or of any other Ordinance in force in the Colony, whereby the property in minerals and mineral oils is vested in the Governor in trust for His Majesty, or in the Crown, nor the provisions of the Water Ordinance, 1933, whereby the property in water is vested in the Crown.

5. (1) The Native Reserves shall be the areas of land the boundaries of which are set out in the Fourth Schedule to the Crown Lands Ordinance.

(2) The Temporary Native Reserves shall be the areas of land the boundaries of which are set out in the Fifth Schedule to the Crown Lands Ordinance.

(3) The Native Leasehold Areas shall be the areas

sub margin

areas of land the boundaries of which are set out in the Sixth Schedule to the Crown Lands Ordinance.

(4) Except as provided by the Crown Lands Ordinance the areas of land comprised respectively within the Native Reserves, the Temporary Native Reserves, and the Native Leasehold Areas shall not be altered.

(5) The Native Reserves, the Temporary Native Reserves and the Native Leasehold Areas shall continue to be Crown Lands, and shall be subject to the provisions of the Crown Lands Ordinance.

6. (1) There shall be established in the Colony a Board which shall be known as the Native Lands Trust Board.

(2) The Trust Board shall consist of the following persons -

(a) The person for the time being lawfully discharging the functions of the Chief Native Commissioner, who shall be President of the Board;

(b) The two Nominated Unofficial Members of the Legislative Council of the Colony who are appointed from time to time in accordance with any Instructions issued by His Majesty under the Royal Sign Manual and Signet to the Governor to represent the interests of the African community on such Council;

(c) One of the European Elected Members of the Legislative Council of the Colony who shall be chosen from time to time by a majority of the European Elected Members present and voting at a meeting of the European Elected Members convened for the purpose;

(d)

(d) A person from time to time nominated by the Governor.

*in margin*

(3) The two Nominated Unofficial Members who are members of the Board by virtue of paragraph (b) of subsection (2) of this section at the time of any dissolution of the Legislative Council shall continue to be members of the Board notwithstanding such dissolution until new Nominated Unofficial Members of the Legislative Council are appointed as provided in that paragraph.

(4) (a) The name of the European Elected Member from time to time chosen in accordance with paragraph (c) of subsection (2) of this section shall be submitted to the Governor who shall cause notice thereof to be published in the Gazette.

*in margin*

(b) The European Elected Member so chosen who is a member of the Board at the time of any dissolution of the Legislative Council shall continue to be a member of the Board notwithstanding such dissolution until the first session of the New Legislative Council, or until a New European Elected Member is so chosen as a member of the Board, whichever shall first happen.

*in margin*

(5) The Trust Board shall not be disqualified from acting by reason of any vacancy or vacancies among the members.

(6) The President and two other members of the Board shall form a quorum, and the Board may regulate its proceedings as it thinks fit: Provided that on any matter upon which the votes of the Board are equally divided the President shall have a second or casting vote.

(7) The Trust Board shall be a body corporate with power to hold lands in the Colony, and may sue and be sued.

7. (1) It shall be the function of the Trust Board -

(a) to protect the interests of the natives of the Colony in the areas of land mentioned in section 3 of this Order and in particular to make representations to the Governor when in the opinion of the Trust Board anything in relation to the administration, management, development or control of the land in the said areas is not in the best interests of the said natives;

(b) to advise the Governor upon any matter relating to the areas of land mentioned in section 3 which he may refer to the Board;

(c) to exercise any power or perform any duty which may be conferred or imposed on the Board by the Native Lands Trust Ordinance, 1938, the Crown Lands Ordinance or any other law for the time being in force in the Colony.

(2) The Trust Board may in any matter in regard to which the Native Lands Trust Ordinance, 1938, or the Crown Lands Ordinance so provides delegate its powers and duties to the Native Commissioner.

8. Except as provided by the Native Lands Trust Ordinance, 1938, all native rights existing at the coming into operation of this Order, whether such rights relate to tribal, group, family or individual holdings, in any land in the Colony situate outside the areas of land mentioned in section 3 are hereby extinguished.



9. Nothing in this Order shall be taken to affect

(a) the provisions of the Kenya (Annexation) Order in Council, 1920, the Kenya Colony and Protectorate (Boundaries) Order in Council, 1921, and the Kenya Colony and Protectorate (Boundaries) Order in Council, 1926, whereby the territories forming the Colony of Kenya were annexed to His Majesty's Dominions, and the boundaries of the Colony and Protectorate defined;

(b) except as provided by section 4 (c) hereof, the provisions of the Kenya Colony Order in Council, 1921.

10. This Order shall come into operation on a day to be appointed by the Governor by Proclamation published in the Gazette.

Principally

DRAFT HIGHLANDS ORDER IN COUNCIL.

WHEREAS it is expedient to define the boundaries of the area in the Colony of Kenya known as the Highlands, and to make other provision in respect thereof :

NOW, THEREFORE, His Majesty, in pursuance of the powers vested in him by the British Settlements Act, 1887, and of all other powers enabling him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows :-

1. This Order may be cited as the Kenya (Highlands) Order in Council, 1934.

(1) In this Order unless the context otherwise requires

"Colony" means the Colony of Kenya;

"Crown Lands Ordinance" means the Crown Lands Ordinance (Chapter 140 of the revised Edition of the Laws of Kenya) as amended by the Crown Lands (Amendment) Ordinance, 1927, the Crown Lands (Amendment) Ordinance, 1930, and the Crown Lands (Amendment) Ordinance, 1938;

"Gazette" means the Official Gazette of the Colony;

"Governor" means the Governor and Commander in Chief for the time being of the Colony and includes every person for the time being administering the Government thereof.

(2) In this Order references to the Native Lands Trust Ordinance, 1938, and the Crown Lands Ordinance shall include any Ordinance which may hereafter be enacted to amend or replace the same provided that such Ordinance shall have been

reserved

*[Handwritten signature/initials]*

rule  
margin

reserved for the signification of His Majesty's pleasure thereon and His Majesty's assent shall have been given thereto.

(3) The Interpretation Act, 1933, shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. (1) The Highlands of Kenya shall consist of the areas of land the boundaries of which are set out in the Seventh Schedule to the Highlands Ordinance.

(2) Except as provided in the Highlands Trust Ordinance, 1933, and the Crown Lands Ordinance, the boundaries of the Highlands shall not be altered.

4. (1) There shall be established a Board which shall be known as the Highlands Board.

(2) The Highlands Board shall consist of the following persons:-

(a) the person for the time being lawfully discharging the functions of Chief Secretary, who shall be President of the Board;

(b) the person for the time being lawfully discharging the functions of Commissioner for Lands and Settlement, who shall be Vice-President;

(c) four persons, not holding office in the public service of the Colony, appointed from time to time by a majority of the European Elected Members of the Legislative Council of the Colony present and voting at a meeting of the European Elected Members convened for the purpose;

(d) a person nominated from time to time by the Governor.

(3) (a) The names of the persons from time to time appointed

appointed in accordance with paragraph (c) of subsection (2) of this section shall be submitted to the Governor who shall cause notice thereof to be published in the Gazette.

(b) Such persons need not themselves be European Elected Members of the Legislative Council.

(c) The appointment of such persons shall not be affected by any dissolution of the Legislative Council, and the persons who are members of the Board at the time of the dissolution by virtue of such appointment shall continue to be members of the Board until the session of the new Legislative Council. New members are appointed by the European Elected Members, whichever shall first happen.

(4) The Board shall not be disqualified from acting by reason of any vacancy or vacancies among the members.

(5) Four members of the Board shall be a quorum, and the Board may regulate its proceedings as it thinks fit.

5. It shall be the function of the Board -

(a) to protect the interests of the inhabitants of the Highlands in the land situated in the Highlands and in particular to make representations to the Governor when in the opinion of the Board anything in relation to the administration, management, development or control of the land in the Highlands is not in the best interests of the inhabitants of the Highlands;

(b) to give or withhold its consent in all matters in which its consent is required by any Ordinance

21

Ordinance for the time being in force in the  
Colony;

(c) to advise the Governor in all matters  
relating to the disposition of land within the  
Highlands;

and the Governor shall consult the Board in all such  
matters as are referred to in paragraph (c).

6. This Order shall come into operation on a day  
to be appointed by the Governor by Proclamation published  
in the Gazette.

38005/39

60  
12

COPY FOR RECORD

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

Dated 6th January, 1939. Received 2.18.p.m. 6th January.

RECEIVED  
6 JAN 1939

No. 4. Confidential.

Your telegram No. 1 Draft Orders in Council.

All these suggestions are acceptable. Governor assented  
to both Ordinances 22nd December.

*Agreed with Mr. Dale  
H.P.*

59 13

38005/38.

5th January, 1939.

Dear Hosking,

I enclose a copy of our telegram to Kenya about the "gap" in the Native Land Trust Ordinance.

You will remember that, when we were talking about this the other day, you said that one of the reasons why you were so anxious for this "gap" to be filled was that there should be no doubt as to your power to order a Kikuyu (who might have made his way into the Masai Reserve) back into his own land unit. Dale has, however, pointed out to me that, so far as he can see, there is nothing in the Ordinance to empower you to order a native into a particular land unit, and that the proposed amendment of the Order in Council would not be sufficient for this purpose. If, therefore, you attach importance to this point, it would seem desirable for it to be gone into in connection

E. B. HOSKING, ESQ., C.B.E.

KENYA  
No



GOVERNMENT HOUSE  
NAIROBI  
KENYA

17 December, 1938.

Sir,

I have the honour to forward two  
authenticated and twelve printed copies of Ordinance  
Ordinance. No. XXVII of 1938 entitled "An Ordinance to Amend the  
Crown Lands Ordinance".

2. This Ordinance passed its third reading  
in the Legislative Council on the 18th August, 1938,  
and the Governor assented to it in His Majesty's  
name on the 22nd December, 1938.

3. Reference is invited to previous corres-  
pondence on the subject of this legislation, and it  
will be observed that a Legal Report thereon by the  
Attorney General has already been furnished.

I have the honour to be,  
Sir,  
Your most obedient, humble servant,

*Edith*  
GOVERNOR'S DEPUTY.

THE RIGHT HONOURABLE

MALCOLM MACDONALD, M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET, LONDON S.W.





Colony and Protectorate of Kenya

IN THE SECOND YEAR OF THE REIGN OF  
HIS MAJESTY KING GEORGE VI

HENRY ROBERT MOORE BROOKE-POPHAM  
G.C.V.O., K.C.B., C.M.G., D.S.O., A.F.C. *Governor*

Assented to in His Majesty's  
name this                      day of  
1938.

*Governor*

AN ORDINANCE TO AMEND THE CROWN  
LANDS ORDINANCE

**ORDINANCE No. XXVII of 1938**

**An Ordinance to Amend the Crown Lands Ordinance**

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as the Crown Lands (Amendment) Ordinance, 1938, and shall be read as one with the Crown Lands Ordinance (Chapter 140 of the Revised Edition), hereinafter referred to as the Principal Ordinance.

Short title  
Chapter 140

2. This Ordinance shall not come into operation until Orders have been made by His Majesty in Council providing for the establishment of a Native Lands Trust Board and a Highlands Board, and shall thereafter come into operation on such date as the Governor shall by proclamation in the Gazette appoint.

Date of commencement.

3. Section 5 of the Principal Ordinance is hereby amended by the insertion therein of the following definitions:—

Amendment of section 5 of the Principal Ordinance.

“Highlands Board” means the Board to be established as the Highlands Board in accordance with the provisions of any Order of His Majesty in Council;

“Native lands” mean the areas of land the boundaries of which are set out in the First Schedule to the Native Lands Trust Ordinance, 1938;

No. 28 of 1938.

“Native Lands Units” mean the sub-divisions of land into which the Native Lands are divided, which sub-divisions are described in the Second Schedule to the Native Lands Trust Ordinance, 1938;

No. 28 of 1938.

“Trust Board” means the Board to be established as the Native Lands Trust Board in accordance with the provisions of any Order of His Majesty in Council.

4. The Principal Ordinance is hereby amended by inserting therein, next after section 53, the following words and sections as Part VI:—

Insertion of Part VI in the Principal Ordinance

## PART VI

## RESERVATION OF LAND FOR SPECIAL PURPOSES

*Native Reserves and Temporary Native Reserves*

Definition of native reserves.

54. The areas of Crown land, the boundaries of which are set out in the Fourth Schedule to this Ordinance, shall be reserved for the use and enjoyment of the native tribes specified in the said Schedule, in satisfaction of their economic needs, and shall be known as the native reserves.

Definition of temporary native reserves.

55. The areas of Crown land, the boundaries of which are set out in the Fifth Schedule to this Ordinance, shall be temporarily reserved for the use and enjoyment of the native tribes specified in the said Schedule and shall be known as the temporary native reserves.

Governor may vary boundaries of native reserves and temporary native reserves.

56. (1) Where the Governor is satisfied that as a result of a diminution in the numbers of a tribe, or for economic reasons, any area of land in the native reserves is no longer required for the use and enjoyment of the tribes referred to in the Fourth Schedule to this Ordinance, or where the Governor is satisfied that any area of land in the temporary native reserves is no longer required for the use and enjoyment of the tribes referred to in the Fifth Schedule to this Ordinance, he may, by Proclamation, alter the boundaries of the native reserves or of the temporary native reserves, as the case may be, and with effect from the date of publication of such Proclamation any area of land which may be excluded from the native reserves or from the temporary native reserves in consequence of such alteration shall cease to form part of the native reserves or the temporary native reserves, as the case may be.

(2) The Governor shall, before exercising his powers under the provisions of this section, consult the Trust Board and, if the Trust Board refuses to give its consent to the action proposed, the Governor shall refer the matter to the Secretary of State whose decision shall be final.

Governor's power to set aside land for native reserves and temporary native reserves.

57. (1) Where the Governor considers it desirable, he may, from time to time, with the approval of the Legislative Council and subject generally to the provisions of this Ordinance, by Proclamation set aside other areas of Crown land as native reserves or temporary native reserves for the purpose of satisfying the economic needs (whether temporary or permanent) of any of the native tribes of the Colony, and with effect from the date of publication of such Proclamation any

area so set aside shall form part of the native reserves or the temporary native reserves, as the case may be, and the provisions of this Part relating to the native reserves or the temporary native reserves, as the case may be, shall thereupon apply to such areas, save that a rent shall be payable for the occupation of such areas, computed on the fair economic value of the land.

(2) If any such area of Crown land is situate in the Highlands, it shall not be set aside except with the consent of the Highlands Board.

57A. (1) The Governor may, with the advice of the Trust Board, grant to such native tribes for such terms and subject to such conditions regarding occupation, use and development as he may deem expedient or as may be prescribed, permits to occupy the temporary native reserves.

Permits to occupy temporary native reserves.

(2) No permit so granted shall be revoked without the consent of the Secretary of State, to whom any proposal for any such revocation shall be referred by the Governor together with the comments of the Trust Board upon such proposal.

58A. Save in regard to matters wherein express provision is made in this Part of this Ordinance, and to the exceptions hereinafter in this section contained, the native reserves and the temporary native reserves shall be subject to the provisions of the Native Lands Trust Ordinance, 1938, as if the expression "native lands" appearing therein contained a reference to the native reserves or to the temporary native reserves as the case may require: Provided that:—

Application of Native Lands Trust Ordinance, 1938.

No. 28 of 1938

(a) the native reserves and the temporary native reserves shall be under the protection of, but shall not vest in the Trust Board;

(b) sections 6, 7 (4), 7 (5), 24, 25, 26, 28, 29, 30, 47, 48, 49 and 68 and the proviso to section 23 of the Native Lands Trust Ordinance, 1938, shall not apply to the native reserves or to the temporary native reserves.

No. 28 of 1938

*Native Leasehold Areas*

58B. The areas of land, the boundaries of which are set out in the Sixth Schedule to this Ordinance, shall be reserved for the use and occupation of natives, and shall be known as the native leasehold areas.

Definition of native leasehold areas.

Leases to natives.

58c. (1) The Governor may grant leases of land in the native leasehold areas to any native group, family or individual for such terms and upon such conditions as may be specified in such leases or as may be prescribed.

(2) Any rental payable in respect of a lease of land in the native leasehold areas shall be paid into the general revenues of the Colony.

Transfer of leases to non-natives.

(3) Subject to the consent of the Trust Board and to the provisions of sub-section (3) of the next succeeding section the Governor may, for such term and upon such conditions as he may deem expedient, sanction the transfer of a lease in the native leasehold areas from a native lessee to a non-native.

Leases to non-natives.

58d. (1) The Governor may grant, for a term not exceeding ten years, leases to non-natives of land in such areas of the native leasehold areas as, in the opinion of the Chief Native Commissioner after consultation with the Provincial Commissioner, are surplus to the requirements of the natives at the time the lease is granted and which will be surplus to the requirements of the natives during the currency of the term of the lease.

(2) Subject to the consent of the Trust Board and to the provisions of sub-section (3) of this section, the Governor may grant, for such term, not exceeding 99 years, and upon such conditions as he may deem expedient, leases to non-natives of land in such unalienated areas of the native leasehold areas as, in the opinion of the Trust Board, are available for such purpose. In the selection of such areas due regard shall be had to the amount of land which is required and is likely to be required for leasing to natives, not only at the time when a lease is granted, but also during the currency of the term of the lease.

(3) The Trust Board shall not in any case consent to—

(a) the transfer of a lease to a non-native under the provisions of section 58c of this Ordinance; or

(b) the grant of a lease to a non-native under the provisions of sub-section (2) of this section,

unless the Board is satisfied that such transfer or such lease is desirable in the interests of the natives. Where the Board withholds its consent, the Governor may refer the matter to the Secretary of State, whose decision shall be final.

58e. (1) For the purpose of effecting exchanges of land the Governor may, with the consent of the Trust Board, resume possession of any area of land in the native leasehold areas, which area shall thereupon cease to form part of the native leasehold areas, and in exchange for such area may make an addition of Crown land to the native leasehold areas. The Crown land so added shall in every case be equal in value and, so far as may be possible, equal in size, to the area of land of which possession has been so resumed, and shall form part of the native leasehold areas.

(2) No such addition shall be made of Crown land situate in the Highlands, save with the consent of the Highlands Board.

#### The Highlands

58f. The areas of Crown land, the boundaries of which are set out in the Seventh Schedule to this Ordinance, shall be known as "the Highlands", and shall be subject to the protection and control of the Highlands Board in accordance with the provisions of any Order of His Majesty in Council and of this Ordinance and of any other law for the time being in force in the Colony.

#### The Northern Frontier District and the Turkana District

58g. (1) The areas of Crown land, the boundaries of which are set out in the Eighth Schedule to this Ordinance, and which are therein respectively described as the Northern Frontier District and the Turkana District, shall be areas in which the native tribes at present residing therein shall have a prior interest. The Governor may, from time to time, with the approval of the Secretary of State, by proclamation vary the boundaries of the said areas, and where any such variation has been made the Eighth Schedule to the Ordinance shall be read and construed subject to the variations specified in such proclamation.

(2) Where the Provincial Commissioner considers it desirable that any specific area of land within these areas should be used for a township, trading centre, market, school or hospital, or for any other purpose which in his opinion is likely to benefit the natives resident in these areas, he may, by notice in the Gazette, set aside such area for such purpose.

Provided that in the case of land required for residential sites or townships the Provincial Commissioner shall not set aside such land save with the consent of the Governor.

Power to resume possession for purpose of exchange.

The Highlands.

The Northern Frontier District and Turkana District.

Power to set aside land.

Power to grant leases.

(3) Where any land has been set aside under the provisions of subsection (2) of this section, the Governor may grant a lease of such land for such term and upon such conditions as he may deem expedient:

Provided that, where any land has been set aside for a purpose other than a township trading centre, market, school or hospital, the Governor shall not grant a lease of such land except with the consent of the Trust Board, and, if the Trust Board does not give its consent to the lease, the Governor may refer the matter to the Secretary of State whose decision shall be final.

(4) No compensation shall be payable in respect of the setting aside and leasing of land under this section except for buildings and crops destroyed or damaged and for disturbance or other loss or expense caused by such setting aside or leasing.

(5) Notwithstanding the priority of the interests of the tribes in the areas mentioned in this section the Crown shall be entitled to resume any part of the land for any of the purposes specified in section 58i of this Ordinance.

## GENERAL

Power to occupy other Crown Land.

58j. (1) The Governor may grant to any native tribe permits to occupy areas of Crown land which are adjacent to the Native Land Unit provided for such tribe under the provisions of the Kenya (Native Areas) Order in Council, 1938.

(2) No such permit may be granted for the occupation of any land situate in the Highlands, save with the consent of the Highlands Board.

(3) Every permit granted under the provisions of this section shall be subject to such conditions in regard to the occupation, use and development of the land to which the permit relates as may be prescribed.

Power to exclude from temporary native reserves, native reserves, native leasehold areas and native leasehold areas for public purposes, etc.

58k. (1) The Governor in Council may, by Proclamation, exclude from the native reserves, the temporary native reserves or the native leasehold areas any land which may be required for any of the following purposes—

- (a) public railways, tramways or roads, or for a tramway or road of access;
- (b) public reservoirs, aqueducts, canals, watercourses or water-pipe lines;

- (c) public drainage works;
- (d) public quays, wharves or landing places;
- (e) public aerodromes and landing grounds;
- (f) the development of electric power for public purposes from any lake, river or stream;
- (g) buildings or works, together with the necessary curtilage thereof, which are to be erected in connexion with any of the foregoing purposes.
- (h) outposts;
- (i) Government stations or camps;
- (j) hospitals, schools, or any institutions erected by Government;
- (k) afforestation purposes;
- (l) any other purpose which the Governor may declare to be a public purpose;

and in the case of the native leasehold areas the Governor in Council may, in addition, in like manner exclude therefrom any land which may be required for a township, trading centre or market.

(2) The Governor may, by notice in the Gazette, declare what is a public purpose for the purposes of this Part of this Ordinance.

(3) No compensation shall be payable in respect of an exclusion of land under this section except for buildings and crops destroyed or damaged and for disturbance or other loss or expense caused by such exclusion.

Compensation.

58l. The Governor may, with the advice and consent of the Trust Board, make Rules providing for the management, administration and control of the native reserves, the temporary native reserves and the native leasehold areas, including the occupation, use and development of such reserves and areas, and the measures, in addition to the penalties provided in section 58m of this Ordinance, to be taken upon failure to comply with such Rules, and generally for carrying into effect the purposes and provisions of this Part of this Ordinance.

Rules.

## MISCELLANEOUS

58k. Notwithstanding anything in this Ordinance contained, the Governor, in cases where the offences of treason or rebellion against His Majesty have been proved to have been committed by any native tribe, group, family or individual, and in addition to any other punishment lawfully inflicted in respect of an offence so committed, may order that any rights,

Forfeiture for treason or rebellion.

permits or leases in respect of any land comprised in the areas defined in the Fourth, Fifth, Sixth and Eighth Schedules to this Ordinance, shall be forfeited. Every such order of the Governor shall be subject to the approval of the Secretary of State.

Operation of the Mining Ordinance, 1933

58I. Nothing in this Part of this Ordinance contained shall be deemed to affect the operation of the Mining Ordinance, 1933, save that the native reserves and the temporary native reserves shall, for the purposes of that Ordinance, be deemed to form part of the native lands.

Construction

58M. Where any of the provisions of this Part conflict or are inconsistent with any of the provisions of any other Part of this Ordinance, the provisions of this Part shall prevail.

Penalties

58N. Every omission or neglect to comply with, and every act done, or attempted to be done, contrary to, the provisions of this Part of this Ordinance or of any Rules made thereunder, or in breach of the conditions and restrictions subject to or upon which any lease, licence or permit has been issued, shall be deemed to be an offence against this Ordinance, and for every such offence for which no penalty is specially provided the offender shall be liable on conviction by a magistrate to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

Definition of "Native"

Section 25 of 1934

58O. For the purposes of this Part of this Ordinance the expression "native" shall have the meaning assigned to it by the Interpretation (Definition of "Native") Ordinance, 1934, save that it shall include a Somali.

Addition of Schedules to the Principal Ordinance

5. The Principal Ordinance is hereby amended by adding thereto at the end thereof the Schedules set out in the Schedule hereto.

Amendment of the Principal Ordinance and the Interpretation and General Clauses Ordinance, Cap. 1

6. The definition of "Crown land" in section 5 of the Principal Ordinance and the definition of "Crown lands" in section 2 of the Interpretation and General Clauses Ordinance (Chapter 1 of the Revised Edition) are hereby amended by the addition to each such definition of the following words—

No. 28 of 1938

"Save only the lands declared to be native lands by the Native Lands Trust Ordinance, 1938."

Repeal of section 86 of the Principal Ordinance

7. Section 86 of the Principal Ordinance is hereby repealed.

SCHEDULE  
FOURTH SCHEDULE  
NATIVE RESERVES

The Native Reserves, which are described below, are delineated and bordered yellow with red hatching on Boundary Plan No. 157, deposited at the Land Survey Records Office, Nairobi.

Freehold areas which lie within the boundaries described below are not part of the Native Reserves and are excluded therefrom whether specifically mentioned or not.

Where a river or stream is described as forming a boundary the centre line of its course shall be the boundary unless otherwise stated.

(1) NGELESBA

(For the use and enjoyment of the Njemës tribe)

Commencing at the northern corner of L.R. No. 2689/R, thence proceeding by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

38° 09' 43"	7,600.7 feet
140° 56' 19"	5,917.7 "
330° 09' 18"	7,466.4 "
343° 30' 57"	5,811.7 "
325° 24' 42"	6,837.9 "
22° 23' 45"	41,377.8 "
24° 41' 39"	24,101.4 "
24° 24' 20"	29,830.3 "
21° 13' 38"	1,045.1 "
22° 25' 20"	2,754.9 "
343° 17' 25"	6,321.3 "

thence by a straight line south-westerly to the summit of the hill Morillo;

thence by a straight line still south-westerly to the height on the Laikipia Escarpment shown 4457 on the Topographical Sheet North A 37/S (latitude 0° 24' 50" north, longitude 36° 07' 30" east, approximately);

thence by a straight line south-easterly to the point of commencement.

(2) ESAGERI

(For the use and enjoyment of the Kamasia tribe)

Commencing at the eastern corner of L.R. No. 488,

thence proceeding by a straight line on a true bearing of 46° 03' 57" for a distance of 6,613.6 feet to a beacon.

thence by a straight line on a true bearing of  $138^{\circ} 27' 00''$  for a distance of 2,381.7 feet to a beacon,

thence by a straight line on a true bearing of  $30^{\circ} 32' 11''$  for a distance of 8,746.4 feet to a beacon on the south-western boundary of L.R. No. 662,

thence south-easterly by that boundary to its intersection with the Malo River,

thence up-stream by that river to its intersection with the north-eastern boundary of L.R. No. 486 1/2,

thence by the north-eastern and north-western boundaries of that portion to its westernmost corner on the north-eastern boundary of the Sclaters Road Reserve,

thence across that road reserve by a straight line on a bearing of  $223^{\circ} 01' 18''$  for a distance of 201.0 feet to a beacon on the north-eastern boundary of L.R. No. 487/26 4,

thence north-westerly by that north-eastern boundary to the northernmost corner of that portion,

thence south-westerly by the north-western boundaries of L.R. Nos. 487/26 4, 487/27, 487/28 4 to the westernmost corner of the last portion,

thence still south-westerly by the north-western boundary of L.R. No. 487/29 for a distance of about 750 feet to a beacon,

thence generally westerly, northerly and again westerly by a series of cut and beacons lines to the intersection with the eastern boundary of L.R. No. 5 (Mount Londiani Forest Reserve),

thence due north by the eastern boundary of that Forest Reserve for a distance of about 8,400 feet to the north-eastern corner of that reserve,

thence due west by the northern boundary of that Forest Reserve to its intersection with the Esageri River,

thence down-stream by that river to its intersection with the generally northern boundary of L.R. No. 5261,

thence generally westerly by that northern boundary and the generally northern boundary of L.R. No. 5242 to the intersection of the latter with the Enarosura River,

thence down-stream by that river to its confluence with the Esageri River,

thence up-stream by that river to its intersection with the south-western boundary of L.R. No. 493,

thence south-easterly by that boundary and by the south-western boundary of L.P. No. 5641 to the south-eastern corner of that portion,

thence north-easterly by the south-eastern boundaries of L.R. Nos. 5641, 6262, 5276, 5249 and 488 to the point of commencement

(3) TABLE

(For the use and enjoyment of the *Luvua* tribe)

Commencing at the easternmost corner of L.R. No. 5865,

thence northerly by the eastern boundary of that portion to its northernmost corner,

thence westerly by the northern boundary of the same portion to its intersection with the Kenya Tanganyika Territory boundary,

thence northerly by part of that Territorial boundary to the Trigonometrical Beacon Chala,

thence easterly by part of the same boundary to its intersection with the edge of Lake Chala,

thence southerly, easterly and north-easterly by that lake edge to its intersection on the north-eastern side of the lake with the Territorial boundary,

thence northerly by part of that Territorial boundary to a point due west of the point of intersection of the southern boundary of L.R. No. 6730/2 with the Lumi River,

thence by a straight line to that point of intersection,

thence down-stream by the Lumi River to its intersection with the southern boundary of L.R. No. 3287,

thence easterly by that southern boundary for a distance of about 170 feet to a beacon and onwards for a further distance of about 445 feet,

thence due south by a straight line to its intersection with the northern boundary of Voi-Moshi main road,

thence westerly by that northern boundary to its intersection with a straight line on a bearing of  $171^{\circ} 50' 00''$  from the easternmost corner of L.R. No. 4881,

thence southerly by that straight line on that bearing for about 40,000 feet to a beacon,

thence by a straight line on a true bearing of  $330^{\circ} 39' 54''$  for a distance of 17,710.6 feet to a beacon,

thence by a straight line on a true bearing of  $242^{\circ} 27' 56''$  for a distance of 3,489.7 feet to a beacon and onward to its intersection with the Lumi River,

thence up-stream by that river for about 5,000 feet to its intersection with a straight line on a true bearing of 241° 13' 38" from a beacon on the left bank;

thence by that straight line for about 84 feet to that beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

61° 13' 38"	2,902.3 feet
62° 54' 40"	5,101.1 "
355° 16' 20"	7,989.6 "
355° 38' 35"	7,883.6 "
37° 35' 45"	5,998.0 "
1° 48' 48"	10,094.2 "

to the point of commencement,

(4) NORTH YATTA

(For the use and enjoyment of the Kikuyu tribe)

Commencing at the junction of the Tana and Thika Rivers on the eastern boundary of L.R. No. 1992;

thence proceeding down-stream by the Tana River to its junction with the Kithioko River;

thence up-stream by that river to its junction with the Ngomolo River;

thence up-stream by that river to its intersection with the straight line joining the Trigonometrical Beacons Ndalai and Thatha;

thence by that straight line for a distance of about 28,016 feet to the latter Trigonometrical Beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

266° 40' 51"	52,766.9 feet
278° 03' 23"	5,241.8 "
7° 04' 56"	30,815.5 "
277° 31' 09"	15,782.2 "
276° 15' 46"	2,000.0 "

to the eastern corner of L.R. No. 7047;

thence by the northern and western boundaries of L.R. No. 7047 to the intersection with the northern boundary of L.R. No. 2305;

thence westerly by part of the northern boundary of that portion to its intersection with the Thika River;

thence down-stream by that river to the point of commencement.

(5) YATTA PLATEAU

(For the use and enjoyment of the Kamba tribe)

Commencing at the intersection of the south-eastern boundary of L.R. No. 2304 with the Athi River;

thence proceeding by the south-eastern boundaries of L.R. Nos. 2304, 2301, 2296 and the eastern boundary of L.R. No. 2295 to the north-eastern corner of the last portion;

thence by a straight line on a true bearing of approximately 92° 48' for a distance of about 391 feet to a beacon on the eastern boundary of the road reserve which forms the eastern boundary of L.R. No. 2294/R;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

146° 33' 56"	3,772.4 feet
98° 03' 23"	25,311.2 "
86° 40' 51"	250.3 "
176° 40' 07"	16,223.0 "

to its intersection with the head-water of Muita Chana (Siano) River;

thence down-stream by that river to its intersection with the northern boundary of the old Machakos-Kitui track;

thence south-easterly by that track boundary to its intersection with the Athi River;

thence up-stream by that river to the point of commencement.

FIFTH SCHEDULE

TEMPORARY NATIVE RESERVES

The Temporary Native Reserves, which are described below, are delineated and hatched yellow on Boundary Plan No. 157, deposited at the Land Survey Records Office, Nairobi.

Freehold areas which lie within the boundaries described are not part of the Temporary Native Reserves and are excluded therefrom whether specifically mentioned or not.

Where a river or stream is described as forming a boundary the centre line of its course shall be the boundary unless otherwise stated.

(1) CHURO

(For the use and enjoyment of the East Suk tribe)

Commencing at the summit of the hill Of Doiwo Lengere (Alengerr);



thence in a generally southerly direction—by a series of straight lines—through the heights shown 4241, 4263, 4291, 4320, 4070 and 4141 on the Topographical Sheet North A 37/S to a beacon on a small hill about one mile east of Old Baringo Boma;

thence by a straight line on a true bearing of  $43^{\circ} 49' 38''$  for a distance of 6,209.3 feet to a beacon;

thence by a straight line on a true bearing of  $75^{\circ} 32' 50''$  for a distance of 21,782.3 feet to a beacon;

thence by a straight line on a true bearing of  $45^{\circ} 24' 57''$  for a distance of 29,541.8 feet to a beacon;

thence by a straight line on a true bearing of  $31^{\circ} 50' 42''$  for a distance of 45,104.9 feet to a beacon;

thence by a straight line on a true bearing of  $20^{\circ} 32' 21''$  for a distance of 5,256.1 feet to a beacon;

thence by a straight line on a true bearing of  $58^{\circ} 55' 12''$  for a distance of approximately 7,000 feet to the Amaya River;

thence down-stream by that river to a point on a true bearing of  $83^{\circ} 30' 18''$  from the point of commencement;

thence by a straight line to the point of commencement.

#### (2) LEGISIANAN

(For the use and enjoyment of the Kamasia tribe)

Commencing at the north-west corner of L.R. No. 1650;

thence southerly by the western boundary of that portion to its south-western corner;

thence south-westerly by the north-western boundary of L.R. No. 1651 to the western corner of that portion;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 3816/R, 3815/R, 3814/R to the north-western corner of the last portion;

thence northerly by a straight line to the Trigonometrical Beacon Legislian;

thence northerly, easterly and north-easterly by part of the western and the generally north-western boundary of L.R. No. 5259/2 to the point of commencement.

#### (3) KITUI

(For the use and enjoyment of the Kamba tribe)

Commencing at the Trigonometrical Beacon Thatha;

thence by a straight line on a true bearing of  $266^{\circ} 40' 51''$  for a distance of 52,516.5 feet to a beacon;

thence by a straight line on a true bearing of  $176^{\circ} 40' 07''$  for a distance of 16,223 feet to its intersection with the head-water of Muija Chana (Siano) River;

thence down-stream by that river to its intersection with the northern boundary of the old Machakos-Kitui track;

thence north-easterly by that northern boundary to its intersection with the Tiva River;

thence by that river up-stream for a distance of about 4½ miles;

thence by a straight line to a cairn on its right bank; thence generally north-westerly by a line defined by a series of cairns to the Trigonometrical Beacon Mwakini;

thence generally north-easterly by a line defined by a series of cairns to its intersection with the straight line joining the Trigonometrical Beacons Thatha and Ndala;

thence north-westerly by that straight line to the point of commencement.

#### (4) TEITA

(For the use and enjoyment of the Teita tribe)

Commencing at the intersection of the eastern boundary of Maktau Station Reserve with the northern boundary of the railway reserve of the Voi-Moshi branch of the Kenya and Uganda Railway;

thence south-easterly by that railway reserve boundary to its intersection with a straight line bearing true north through a point 7,500 feet due west of the northernmost corner of L.R. No. 6925;

thence due north by that straight line for five miles; thence north-easterly by a straight line to the south-west corner of L.R. No. 4718;

thence northerly by the western boundary of that portion for about 11,000 feet;

thence due west by a straight line to a point due north of the point of commencement;

thence due south by a straight line to the point of commencement.

#### SIXTH SCHEDULE

##### NATIVE LEASEHOLD AREAS

The Native Leasehold Areas, which are described below, are delineated and cross-hatched brown on Boundary Plan No. 157, deposited at the Land Survey Records Office, Nairobi.

Freehold areas which lie within the boundaries described are not part of the Native Leasehold Areas and are excluded therefrom whether specifically mentioned or not.

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Where a river or stream is described as forming a boundary the centre line of its course shall be the boundary unless otherwise stated

## ISIOLO

Commencing at the Trigonometrical Beacon Lendili; thence easterly by a straight line to the Trigonometrical Beacon Mukogoda;

thence south-easterly by the straight line between that trigonometrical beacon and the western corner of L.R. No. 2791 for a distance of about 65,000 feet;

thence due east by a straight line to its intersection with the Ngare Siolo (Isiolo River);

thence down-stream by that river to its intersection with the Nyeri Archer's Post Road in the vicinity of the K.A.R. Wagon Camp;

thence north-easterly by the straight line from that point of intersection to the southern of the two principal summits of Shaba Hill, for a distance of about 80,000 feet;

thence due north by a straight line to its intersection with the E. Usao Nyiro;

thence up-stream by that river to a point due north of the Trigonometrical Beacon Lendili (the point of commencement);

thence due south by a straight line to the point of commencement.

## SEVENTH SCHEDULE

## BOUNDARIES OF THE HIGHLANDS

The Highlands, which are described below in six sections, are delineated and bordered red on Boundary Plan No. 133, deposited at the Land Survey Records Office, Nairobi.

*Specific Exclusions.* All proclaimed Municipalities, Townships and Trading Centres are excluded from the Highlands, and any area which shall in future be declared by proclamation to be a Municipality, Township or Trading Centre shall be deemed also to be excluded from the date of such proclamation.

*Note.*—Where a river or stream is described as forming a boundary the centre line of its course shall be the boundary unless otherwise stated.

Successive portions of the boundary are numbered in order on Boundary Plan No. 133. The descriptions hereunder of those successive portions have corresponding numbers in the right hand margin to enable them to be readily followed on the plan.

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## Descriptions

## SECTION I

Commencing at the westernmost corner of L.R. No. 6439; (1)  
thence by the south-western boundary of that portion to its intersection with the Kamakoiwa River;

thence down-stream by that river to its junction with the Kimilli (Kabis) River;

thence down-stream by that river to its junction with the Nzoia River;

thence down-stream by that river to its intersection with the south-western boundary of L.R. No. 4099;

thence by the latter boundary to the westernmost corner of L.R. No. 4121;

thence by the south-western boundaries of L.R. Nos. 4121 and 4122 to the southernmost corner of the latter portion (Senya Hill);

thence by the north-western boundaries of L.R. Nos. 6176 and 4130 to the south-western corner of the latter portion (Bwanga); (2)

thence by the southern boundaries of L.R. Nos. 4130 and 4126 to the south-eastern corner of the latter portion;

thence by part of the southern boundary of L.R. No. 5598 for a distance of about 9507 feet to its intersection with an unnamed watercourse;

thence up-stream by that watercourse to a beacon at its source;

thence by a straight line on a true bearing of  $187^{\circ} 09' 57''$  and for a distance of 3,060.0 feet to the north-western corner of L.R. No. 6954;

thence by the western boundaries of L.R. Nos. 6954 and 6955 and by the western, south-western and south-eastern boundaries of L.R. No. 6956 to the westernmost corner of L.R. No. 3134;

thence by part of the south-western boundary of L.R. No. 3134 for a distance of about 775 feet to its intersection with the unnamed river which forms the north-western boundary of L.R. No. 7140;

thence up-stream by that unnamed river for a distance of about 6,800 feet to a point on a true bearing of  $341^{\circ} 33' 28''$  from a beacon situated on the right bank;

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thence by a straight line to that beacon and onwards by a straight line on a true bearing of  $161^{\circ} 33' 28''$  and for a distance of 2,663.6 feet to a beacon;

thence by a straight line on a true bearing of  $180^{\circ} 27' 17''$  and for a distance of 2,507.3 feet to the north-western corner of L.R. No. 6958;

thence by the western and south-western boundaries of that portion to the intersection of the latter with the river which forms the generally western boundary of L.R. No. 3160;

thence by that river up-stream to its intersection with the southern boundary of L.R. No. 3160;

thence by that southern boundary to the north-western corner of L.R. No. 6958;

thence southerly and easterly by the western and part of the southern boundary of L.R. No. 6958 to the intersection of the latter with the river which forms the western boundary of L.R. No. 6959/2;

thence by that river up-stream to its intersection with the south-western boundary of L.R. No. 6960/2;

thence south-easterly by that boundary to the southern corner of that portion;

thence south-easterly by part of the south-western boundary of L.R. No. 4363 for a distance of 3,570 feet to a beacon;

thence easterly by a straight line on a true bearing of  $94^{\circ} 38' 34''$  and for a distance of about 3,217.2 feet to a beacon on the south-western boundary of L.R. No. 3161;

thence by part of the south-western boundary of that portion, and the south-western boundaries of L.R. Nos. 3150, 3149, 3148 and 3147 to the south-eastern corner of the last portion.

thence northerly by the eastern boundaries of L.R. Nos. 3147 and 3151 and onwards across the road reserve to the southernmost corner of L.R. No. 3120;

thence still northerly by the eastern boundaries of L.R. Nos. 3120, 4112, 3156, 6427 and 6426 to the north-eastern corner of the last portion;

thence easterly by part of the southern boundary of L.R. No. 755 2/2 and the whole of the southern boundaries of L.R. Nos. 5323 and 755/4 R to the south-eastern corner of the latter portion (Eldalat).

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thence by the generally western boundaries of L.R. Nos. 5731, 766/1, 766 2, 766 3, 749, 748, 747, 6467, 6609, 6608, 6478, 693/1, 689, 3063, 4137, 4281 and 686 to the southern corner of the last portion (Olessos);

thence by the north-western boundary of L.R. No. 6457/R and onwards across a road reserve to the northernmost corner of L.R. No. 1484;

thence by the north-western boundaries of L.R. Nos. 1484, 6775, 1481/R and part of 1478A to its intersection with the Kepsimbegwa River;

thence down-stream by that river to its junction with the Choinim River;

thence down-stream by the latter river to its intersection with the northern boundary of L.R. No. 1371;

thence by the northern boundary of the latter portion to its north-western corner;

thence by the western boundary of L.R. No. 1371 to its intersection with the Kamarya River;

thence down-stream by that river to its junction with the Kapchure River;

thence down-stream by that river to its intersection with the south-western boundary of L.R. No. 7057;

thence by that south-western boundary to the southernmost corner of that portion;

thence by the south-western boundary of L.R. No. 1468 to its intersection with the Amomotua River;

thence up-stream by that river to its intersection with the western boundary of L.R. No. 3071;

thence by the generally western boundaries of L.R. Nos. 3071, 1617 and the north-western boundary of L.R. No. 1613 to the south-western corner of the last portion;

thence south-easterly by part of the north-eastern boundary of L.R. No. 6086 to the north-western corner of L.R. No. 1580/1;

thence by the north-western boundaries of L.R. Nos. 1580/1 and 1580/2 to the south-western corner of the latter portion and onwards by the same straight line to its intersection with the southern boundary of the Kenya and Uganda Railway Reserve;

thence easterly by that southern boundary to the north-western corner of L.R. No. 3102;

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thence by the north-western boundary of that portion to its intersection with the Nyando River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 3979;

thence by that north-western boundary to its south-western corner;

thence by the southern boundaries of L.R. Nos. 3979 and 3978/2 to the south-eastern corner of the latter portion;

thence by part of the eastern boundary of L.R. No. 3978/2 for a distance of 5,751.54 feet to the Chemutum Salt Lick;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

296° 26' 20"	4,154.0 feet
206° 26' 20"	600.0 ..
296° 26' 20"	900.0 ..
26° 26' 20"	900.0 ..
116° 26' 20"	5,045.3 ..

to a beacon on the south-eastern boundary of L.R. No. 3978/2;

thence by part of the south-eastern boundary of L.R. No. 3978/2 and the whole of L.R. No. 3977 to the south-western corner of L.R. No. 643/1;

thence by the southern boundary of L.R. No. 643/1 to its intersection with the Nyando River;

thence up-stream by that river to its junction with the Tugenon River;

thence up-stream by that river to its intersection with the western boundary of L.R. No. 6071;

thence southerly by the western boundary of that portion to the north-western corner of L.R. No. 6033;

thence south-westerly by the north-western boundaries of L.R. Nos. 604/2/R, 604/1, 610, 611/2, 6067/1, 612/1/R, 7282, 2977, 23/4 (Crown Lands) 625, 627, 628 to the intersection with the north-eastern boundary of Kericho Township (L.R. No. 631);

thence north-westerly, south-westerly and south-easterly by part of the north-eastern, the north-western, and part of the south-western boundary of that township to the intersection of the last mentioned with the north-western boundary of L.R. No. 5467.

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thence generally south-westerly by the generally north-western boundaries of L.R. Nos. 5467 and 4098 to the intersection of the latter with the Kitho (or Jamji) River;

thence down-stream by that river to its junction with the Chepkoiisi River;

thence up-stream by the latter river to its intersection with the southern boundary of L.R. No. 3436;

thence easterly by that boundary to the south-eastern corner of the latter portion;

thence northerly by the eastern boundary of that portion to its intersection with the southern boundary of L.R. No. 6001/1;

thence easterly by the latter boundary to its intersection with the Korupa River;

thence up-stream by that river to its intersection with the eastern side of the Sorik-Kericho main track 25-foot reservation;

thence southerly by a cut and beacons straight line to its intersection with the Chepkoiisi (Kiptiget) River which forms the northern boundary of L.R. No. 6020;

thence down-stream by that river to its junction with the Dare (Itare) River;

thence up-stream by the latter river to its intersection with the straight line joining the Trigonometrical Beacon Posta with the south-western corner of L.R. No. 533;

thence south-westerly by a straight line to the Trigonometrical Beacon Posta;

thence by a straight line in the direction of the Trigonometrical Beacon Kabroret to its intersection with the Kipsinoti River;

thence north-easterly by a straight line to the south-western corner of L.R. No. 4600;

thence by the generally south-eastern boundaries of L.R. Nos. 4600 and 4598 to the north-eastern corner of the latter portion;

thence by part of the generally south-eastern boundary of L.R. No. 4597 for a distance of approximately 2,800 feet to its intersection with a cut and beacons line;

thence south-easterly by that cut and beacons straight line which is on a true bearing of 100° 29' 29" for a distance of 42,354.2 feet to a beacon;

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thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

12° 29' 29"	7,899 feet
23° 37' 13"	11,760 2 ..
60° 56' 43"	3,294.6 ..
74° 52' 34"	11,498 2 ..
126° 00' 55"	3,486.4 ..
199° 01' 32"	6,135.2 ..
117° 13' 37"	24,163.9 ..
145° 23' 35"	9,007.8 ..
112° 04' 02"	3,048.3 ..

to a beacon on the western boundary of L.R. No. 3990;

thence southerly and easterly by part of the western boundary and the whole of the southern boundary of the latter portion to its south-eastern corner;

thence generally southerly by the generally western boundary of L.R. No. 1316 to the southernmost corner of that portion;

thence north-easterly by part of the south-eastern boundary of the latter portion for a distance of 30,283.7 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

140° 38' 53"	1,016 feet
151° 04' 32"	500.9 ..
122° 16' 52"	534.8 ..
121° 01' 39"	760.95 ..
123° 56' 06"	736.4 ..
121° 34' 27"	841.95 ..
122° 45' 25"	392.9 ..
132° 05' 08"	350.1 ..
140° 54' 00"	632.54 ..
131° 33' 01"	878.71 ..
133° 15' 19"	763.3 ..
153° 19' 31"	462.85 ..
111° 15' 07"	644.04 ..
56° 55' 52"	12,829.1 ..
60° 26' 56"	16,082.5 ..

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to a beacon at the north-western corner of L.R. No. 1771;

thence by the western boundary of L.R. No. 1771 to the north-western corner of L.R. No. 6233;

thence by the south-western boundary of L.R. No. 7265 to its intersection with the Marmonet River;

thence down-stream by that river to its intersection with the western boundary of L.R. No. 411;

thence by part of the western, the whole of the south-eastern, and part of the eastern boundaries of that portion to the intersection of the last boundary with the Marmonet River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 410/2;

thence by the north-western, and the south-western boundaries of that portion to the westernmost corner of L.R. No. 1381;

thence by the western boundary of that portion to the northernmost corner of L.R. No. 1380;

thence southerly by the generally western boundaries of L.R. No. 1380 to the southernmost corner of that portion;

thence southerly and easterly by the generally western and southern boundaries of L.R. No. 2662 to the south-eastern corner of that portion;

thence south-easterly by a cut and beacons straight line for a distance of approximately 54,758.3 feet to a beacon on the Kijabe-Narok Road;

thence south-easterly by a straight line to the westernmost corner of L.R. No. 375;

thence by the south-western boundaries of L.R. Nos. 375 and 373 to the southernmost corner of the latter portion;

thence north-easterly by the generally south-eastern boundaries of L.R. Nos. 373 and 374 to the easternmost corner of the latter portion;

thence south-easterly by part of the south-western boundary of L.R. No. 378 to its southernmost corner;

thence by part of the south-eastern boundary of L.R. No. 378 for a distance of 16,194.4 feet to a beacon on the western boundary of the Kikuyu Escarpment Forest Reserve;

thence generally southerly, easterly, northerly, again easterly and generally southerly by a series of cut and beacons straight lines which form a part of the western and

generally southern boundary of the aforesaid Forest Reserve (L.R. No. 4448) to its intersection with the northern boundary of the Limuru-Narvasha main road reserve.

thence easterly by that road reserve boundary to its intersection with the western boundary of the Kenya and Uganda Railway Reserve.

thence southerly by that reserve boundary to its intersection with the northern boundary of Limuru Railway Station Reserve.

thence southerly by the generally western boundary of that station reserve to its intersection with the western boundary of the Kenya and Uganda Railway Reserve;

thence southerly by that railway reserve boundary to its intersection with the north-western boundary of L.R. No. 173/1.

thence southerly by the generally western boundary of L.R. No. 173/1, and southeasterly by the south-western boundary of L.R. No. 173/2 to the southernmost corner of the latter portion.

thence north-easterly by the south-eastern boundary of L.R. No. 174 to its intersection with the western boundary of the Kenya and Uganda Railway Reserve;

thence southerly by that railway reserve boundary to a point due west of the southernmost corner of L.R. No. 4713, thence due east to that southernmost corner.

thence by the south-eastern boundaries of L.R. Nos. 4713, 4831 and 4495 to the easternmost corner of the last portion.

thence south-easterly by the generally south-western boundaries of L.R. Nos. 5851/5, 5851/9 and 164/3 to the northernmost corner of L.R. No. 170/1/2.

thence southerly by the western boundary of the last portion to its intersection with the Mutigutu River;

thence downstream by that river to its intersection with the south-eastern boundary of L.R. No. 5878.

thence north-easterly by the south-eastern boundaries of L.R. Nos. 5878, 3564, 2950/1, 2950/5, 2, 2950/3/R, 5916 and 72 to the easternmost corner of the last portion. (12)

thence south-easterly by the south-western boundaries of L.R. Nos. 132/1, 2, 245/1, 245/2 R, part of 134/3/R, the whole of 134/6 and again part of 134/3 R to the south-eastern corner of the last portion.

thence north-easterly by the generally south-eastern boundaries of L.R. Nos. 134/3 R, 134/7, 134/4 R, 5876, 4640 and 125 to the intersection of the last with the Kamiti River.

thence upstream by that river to its intersection with the eastern boundary of L.R. No. 3696.

thence northerly by the eastern boundaries of L.R. Nos. 3696 and 3697 to the north-eastern corner of the latter portion. (13)

thence northerly by part of the eastern boundary of L.R. No. 3700 to the southernmost corner of the Kikuyu Escarpment Forest Reserve (south-eastern portion);

thence easterly, northerly and westerly by the generally eastern and northern boundaries of that Forest Reserve to the north-eastern corner of L.R. No. 241/3.

thence westerly by the northern boundary of L.R. No. 241/3 to the north-western corner of that portion;

thence by part of the eastern, the northern, generally western and southern boundaries of L.R. No. 3900 to the south-eastern corner of that portion;

thence by part of the western boundary of L.R. No. 241/3 for a distance of approximately 855 feet to its intersection with part of the northern boundary of the Kikuyu Escarpment Forest Reserve (south-western portion).

thence westerly by that forest reserve boundary to its intersection with the eastern boundary of L.R. No. 4768.

thence northerly by part of that boundary and westerly by the northern boundary to the northernmost corner of that portion.

thence southerly by the western boundary of L.R. No. 4768 to its intersection with the northern boundary of the Kenya and Uganda Railway Reserve;

thence south-westerly by that railway reserve boundary for approximately 3,200 feet to its intersection with a cut and beaconed line which forms the boundary of the Kikuyu Escarpment Forest Reserve.

thence generally northerly by that cut and beaconed line for a distance of about 6,000 feet to its intersection with the eastern boundary of the Kenya and Uganda Railway Reserve.

thence by a straight line on a true bearing of  $315^{\circ} 15' 40''$  to a beacon on the western boundary of that railway reserve.

thence by a straight line on a true bearing of  $246^{\circ} 35' 30''$  for a distance of about 3,523 feet to a beacon.

thence by a straight line on a true bearing of  $356^{\circ} 37' 30''$  for a distance of about 3,537 feet to a beacon;

thence by a straight line on a true bearing of  $88^{\circ} 48' 33''$  for a distance of about 886 feet to a beacon;

thence by a straight line on a true bearing of  $89^{\circ} 57' 25''$  for a distance of about 506 feet to a beacon;

thence by a straight line on a true bearing of  $86^{\circ} 31' 20''$  for a distance of about 2,181 feet to a beacon on the western boundary of the Kenya and Uganda Railway Reserve;

thence southerly by that reserve boundary for a distance of about 3,300 feet to a point on a true bearing of  $315^{\circ} 15' 40''$  from a beacon on the eastern boundary of the Kenya and Uganda Railway Reserve;

thence by a straight line to that beacon;

thence easterly, northerly, westerly, southerly and south-westerly by a cut and beacons line, which forms part of the boundary of the Kikuyu Escarpment Forest Reserve, to its intersection with the north-eastern boundary of the Kenya and Uganda Railway Reserve;

thence north-westerly by that reserve boundary for a distance of about 700 feet to a beacon in the vicinity of Escarpment Station

thence by a straight line on a true bearing of  $13^{\circ} 01' 00''$  for a distance of 13.6 feet to a beacon

thence by a straight line on a true bearing of  $22^{\circ} 31' 14''$  for a distance of 990.5 feet to a beacon;

thence by a straight line on a true bearing of  $266^{\circ} 43' 25''$  for a distance of 2,725.5 feet to a beacon on the eastern boundary of the Kenya and Uganda Railway Reserve.

thence northerly by that reserve boundary for a distance of about 570 feet to a beacon;

thence by a straight line on a true bearing of  $86^{\circ} 39' 03''$  for a distance of about 403 feet to a beacon;

thence by a straight line on a true bearing of  $356^{\circ} 39' 03''$  for a distance of about 653 feet to a beacon;

thence by a straight line on a true bearing of  $86^{\circ} 39' 03''$  for a distance of about 2,384 feet to a beacon;

thence by a straight line on a true bearing of  $37^{\circ} 44' 20''$  for a distance of about 147 feet to a beacon;

thence northerly, north-easterly, north-westerly and south-westerly by a cut and beacons line, which forms part of the boundary of the Kikuyu Escarpment Forest Reserve, to its intersection with the eastern boundary of the Kenya and Uganda Railway Reserve;

thence northerly by that railway reserve boundary for a distance of approximately 8,000 feet to its intersection with the north-western boundary of L.R. No. 388/1;

thence by the north-western and north-eastern boundaries of that portion to its easternmost corner;

thence by part of the south-eastern boundary of L.R. No. 388/1 for a distance of approximately 2,200 feet to a beacon.

thence south-easterly by part of the generally south-western boundary of the Kikuyu Escarpment Forest Reserve (northern portion) to its intersection with the Kimaiti River; (15)

thence northerly by the generally eastern boundary of the Kikuyu Escarpment Forest Reserve (northern portion) and the Aberdare Forest Reserve to the intersection of the western boundary of L.R. No. 5143 with the Muringato River; (16)

thence down-stream by that river to its intersection with the south-eastern boundary of L.R. No. 5152;

thence by a straight line on a true bearing of  $94^{\circ} 08' 10''$  for a distance of about 3,430 feet to a beacon;

thence by a straight line on a true bearing of  $114^{\circ} 58' 15''$  for a distance of 3,155.3 feet to a beacon;

thence by a straight line on a true bearing of  $118^{\circ} 51' 06''$  for a distance of 1,872.0 feet to a beacon;

thence by a straight line on a true bearing of  $73^{\circ} 25' 32''$  for a distance of 1,228.4 feet to a beacon on the western boundary of the portion known as Njengu Salt Lick;

thence by a straight line on a true bearing of  $350^{\circ} 07' 27''$  for a distance of 1,423.1 feet to a beacon on the generally western boundary of the Nyeri-Rumuruti Road Reserve;

thence generally south-easterly by that road reserve boundary to the north-western corner of L.R. No. 6948;

thence southerly by the western boundary of that portion for a distance of 764.1 feet to a beacon;

thence by a straight line on a true bearing of  $304^{\circ} 51' 17''$  for a distance of 2,032.5 feet to a beacon;

thence by a straight line on a true bearing of  $253^{\circ} 25' 32''$  for a distance of 1,258.5 feet to the north-eastern corner of L.R. No. 4166;

thence north-westerly and south-westerly by the north-eastern and the north-western boundaries of that portion to the intersection of the latter with the Muringato River; (10)

thence down-stream by that river to its junction with the Muzaria River;

thence up-stream by that river to its intersection with the south-western boundary of L.R. No. 1105/2;

thence south-easterly by the generally south-western boundary of that portion and the generally western boundary of L.R. No. 1105/1 to the intersection of the latter with the Chanja River;

thence down-stream by that river to its intersection with the western boundary of Nyeri Township (L.R. No. 1108);

thence by part of that boundary and by the southern and part of the eastern boundary of that township to the intersection of the last with the Chanja River;

thence down-stream by that river to its intersection with the western boundary of L.R. No. 1119;

thence by that boundary and by the southern and part of the eastern boundary of that portion to the intersection of the last with the Chanja River;

thence down-stream by that river to its junction with the Muringato River; (17)

thence up-stream by that river to its junction with the Amboni River;

thence easterly by a cut and cleared line to the intersection of the eastern boundary of L.R. No. 3469 with the Naitoni River;

thence down-stream by that river to its junction with the Sagana River;

thence easterly and northerly by the generally southern and eastern boundaries of the Mount Kenya Forest Reserve to the intersection of the south-eastern boundary of L.R. No. 4634 with the Marani River; (18)

thence down-stream by that river and onwards by the Siole River to its intersection with the northern boundary of L.R. No. 2794;

thence westerly by the northern boundaries of L.R. Nos. 2794 and 2792 to the north-western corner of the latter portion;

thence by the western boundary of L.R. No. 2792 and the north-western boundary of L.R. No. 2791 to the western-most corner of the latter portion; (19)

thence by part of the north-eastern boundary of L.R. No. 5181, by the north-eastern boundary of L.R. Nos. 6307 and by the generally northern boundaries of L.R. Nos. 2789 and 2788 to the north-western corner of the last portion;

thence north-westerly by a straight line to the north-eastern corner of L.R. No. 5162;

thence by a straight line on a true bearing of  $345^{\circ} 01' 14''$  for a distance of 20,743.7 feet to the Trigonometrical Beacon Musul;

thence north-westerly by a straight line for a distance of about 47,000 feet to the summit of Ol Doinyo Kimanja;

thence westerly by a straight line for a distance of about 19,000 feet to a point situated on the north-eastern boundary of and at a distance of 1,500 feet from the northernmost corner of L.R. No. 3213;

thence by that north-eastern boundary to that northern-most corner;

thence by a straight line on a true bearing of  $338^{\circ} 36' 30''$  for a distance of 7,700 feet to a beacon;

thence by a straight line on a true bearing of  $237^{\circ} 31' 27''$  for a distance of 7,700 feet to a beacon;

thence by a straight line on a true bearing of  $243^{\circ} 13' 01''$  for a distance of 6,565.2 feet to a beacon;

thence by a straight line on a true bearing of  $334^{\circ} 28' 14''$  for a distance of 1,046.2 feet to a beacon;

thence by a straight line on a true bearing of  $258^{\circ} 02' 32''$  for a distance of 3,187.1 feet to a beacon and onwards by the same straight line to its intersection with the Uaso Nyiro River; (20)

thence down-stream by that river for a distance of approximately twenty-five miles to its junction with an unnamed stream;

thence up-stream westerly by that stream to its source;



thence by a straight line due west to its intersection with the top edge of the cliffs forming the eastern edge of the Angata Wergot;

thence north-westerly by the top edge of these cliffs to the Trigonometrical Beacon Bergot;

thence generally westerly and south-westerly by a series of straight lines defined by cairns, crossing and re-crossing the Of Koa Mara (Soya) River to a beacon ("Cairn") on the eastern bank of the northernmost and largest lake of Sogota Marna;

thence south-westerly by a straight line to a cairn on the western bank of that lake;

thence generally south-westerly by a series of straight lines defined by cairns to its intersection with a cut and beacons straight line; (21)

thence westerly by that cut and beacons line to its intersection with the Amaya River;

thence down-stream by that river for a distance of approximately two miles to its intersection with a cut and beacons straight line; (22)

thence by that straight line on a true bearing of 238° 55' 12" for a distance of approximately 7,000 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively

200° 32' 21"	5,256.1 feet
211° 50' 42"	48,104.9 ..
225° 24' 57"	29,541.8 ..
255° 32' 50"	21,782.3 ..
223° 49' 38"	6,209.3 ..
166° 46' 05"	19,104.2 ..
163° 17' 25"	6,321.3 ..
202° 25' 20"	2,754.9 ..
201° 13' 38"	1,045.1 ..
204° 23' 20"	29,830.3 ..
204° 41' 39"	24,101.4 ..

to a beacon at the north-western corner of L.R. No. 2463;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively

202° 23' 45"	41,377.8 feet
145° 24' 42"	6,837.9 ..
163° 30' 57"	5,811.7 ..
150° 09' 18"	7,466.4 ..
160° 56' 19"	5,917.7 ..
218° 09' 43"	7,600.7 ..

to a beacon at the north-eastern corner of L.R. No. 2689/R; (23)

thence westerly by the northern boundary of that portion to its intersection with the Ghusa Lugeri (En Dilo) River;

thence up-stream by that river to its intersection with the northern boundary of L.R. No. 2687;

thence westerly by part of the northern boundary of L.R. No. 2687 and the northern boundary of L.R. No. 2682 to the north-western corner of the latter portion;

thence southerly by the western boundaries of that portion and of L.R. No. 1168 to the south-western corner of the latter portion;

thence by the western boundaries of L.R. Nos. 2680 and 1168 to the south-western corner of the latter portion;

thence westerly by part of the northern boundary of L.R. No. 1650 to the north-western corner of that portion;

thence southerly by the western boundary of that portion to its south-western corner;

thence south-westerly by the north-western boundary of L.R. No. 1651 to the western corner of that portion;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 3816/R, 3815/R and 3814/R to the north-western corner of the last portion;

thence northerly by a straight line to the Trigonometrical Beacon Legisianan;

thence by a straight line to the north-eastern corner of L.R. No. 5260;

thence by the generally northern boundary of that portion to the north-eastern corner of L.R. No. 3843;

thence westerly by part of the northern boundary of that portion to the south-eastern corner of L.R. No. 3844; (24)

thence by the eastern and the northern boundaries of the latter portion and the northern boundaries of L.R. Nos. 4732/R and 5672 to the intersection of the last with the Molo River;

thence down-stream by that river to its intersection with the north-eastern boundary of I.R. No. 662.

thence by the north-eastern, north-western and south-western boundaries of that portion to the intersection of the last with the Molo River;

thence up-stream by that river to its intersection with the north-eastern boundary of L.R. No. 486/1;

thence by the north-eastern and north-western boundaries of this portion to its westernmost corner on the north-eastern boundary of the Sclaters Road Reserve;

thence across that road reserve by a straight line on a bearing of  $223^{\circ} 01' 18''$  for a distance of 201.0 feet to a beacon on the north-eastern boundary of I.R. No. 487/26/4

thence north-westerly by that north-eastern boundary to the northernmost corner of that portion.

thence south-westerly by the north-western boundaries of I.R. Nos. 487/26/1, 487/27, 487/28/4 to the westernmost corner of the last portion.

thence still south-westerly by the north-western boundary of I.R. No. 487/29 for a distance of 750 feet to a beacon;

thence generally westerly, northerly and again westerly by a series of cut and beacored lines to the intersection with the eastern boundary of I.R. No. 502 (Mount Londani Forest Reserve);

thence due north by the eastern boundary of that Forest Reserve for a distance of 8,400 feet to the north-eastern corner of that reserve.

thence due west by the northern boundary of that Forest Reserve to its intersection with the Esageri River.

thence down-stream by that river to its intersection with the generally northern boundary of I.R. No. 5261.

thence westerly by that generally northern boundary and the generally northern boundary of I.R. No. 5242 to the intersection of the latter with the Enarosira River.

thence down-stream by that river to its intersection with the north-eastern boundary of I.R. No. 497/3/1.

thence north-westerly by the north-eastern boundaries of L.R. Nos. 497/3/3 and 497/4 to the northernmost corner of the latter portion.

thence by a straight line to the eastern corner of I.R. No. 497/3/1 and onwards by the north-eastern boundary of that portion to its intersection with the Tiggeri River;

thence up-stream by that river to its intersection with the eastern boundary of L.R. No. 503 (Lembus Forest Reserve);

thence northerly by part of the eastern boundary of that reserve to its north-eastern corner;

thence westerly by the northern boundary of that reserve to the south-eastern corner of L.R. No. 5690/R;

thence northerly by the eastern boundary of that portion for a distance of about 624 feet to its intersection with Kinoinoi River;

thence down-stream by that river to its intersection with the north-eastern boundary of L.R. No. 5690/R.

thence north-westerly by part of that north-eastern boundary to the southernmost corner of L.R. No. 7210;

thence northerly and south-westerly by the eastern and north-western boundaries of the latter portion to the north-eastern corner of L.R. No. 5687.

thence westerly by the northern boundary of the latter portion to the southernmost corner of I.R. No. 6445.

thence north-easterly by the south-eastern boundaries of I.R. Nos. 6445 and 6446 to the easternmost corner of the latter portion.

thence by part of the north-eastern boundary of the latter portion for a distance of 561.4 feet to a beacon.

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively

33 01' 17"	2,847.2 feet
57 23' 37"	1,776.1 "
104 32' 54"	2,436.7 "
60 08' 36"	5,890 "

to its intersection with the Kinoinoi River.

thence down-stream by that river for a distance of approximately 4,300 feet to a point on a bearing of  $84^{\circ} 26' 17''$  from a beacon on its left bank.

thence by a straight line on a true bearing of  $264^{\circ} 26' 17''$  for a distance of 3,456 feet to a beacon.

thence by a straight line on a true bearing of 258° 18' 33" for a distance of 8,029.9 feet to its intersection with the northern boundary of the Kenya and Uganda Railway Reserve;

thence generally westerly by that railway reserve boundary for a distance of approximately 3,000 feet to a point on a bearing of 80° 39' 41" from a beacon at the south-eastern corner of L.R. No. 6453;

thence by a straight line to that beacon;

thence northerly by the eastern boundary of L.R. No. 6453 for a distance of approximately 6,416 feet to a beacon at the south-western corner of L.R. No. 908/R (South Elgeyo Forest Reserve);

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

90° 01' 27"	2,178.6 feet
188° 12' 52"	3,731.8 ..
65° 48' 10"	9,002.7 ..
90° 01' 27"	3,345.7 ..

to a beacon at the south-eastern corner of L.R. No. 908/R (South Elgeyo Forest Reserve);

thence northerly by part of the eastern boundary of that Forest Reserve for a distance of approximately 32,600 feet to its intersection with the Mandarila River;

thence down-stream by that river to its intersection with the eastern boundary of L.R. No. 6664;

thence northerly by part of that boundary and the eastern boundary of L.R. No. 1727 to the north-eastern corner of the latter portion;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

53° 56' 28"	9,965.2 feet
53° 57' 36"	8,529.6 ..
346° 01' 39"	3,990.8 ..
310° 49' 25"	2,716.7 ..
11° 00' 46"	1,444.6 ..
60° 54' 03"	15,672.2 ..

to a beacon on the north-eastern boundary of L.R. No. 907/R (South Elgeyo Forest Reserve);

thence north-westerly and westerly by part of the north-eastern and the northern boundary of that forest reserve to its intersection with the eastern boundary of L.R. No. 902/2; (26)

thence northerly by part of that eastern boundary and the eastern boundary of L.R. No. 1561 to the north-eastern corner of the latter portion;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 3975 and 4473 to the north-eastern corner of the latter portion;

thence by a straight line on a true bearing of 325° 02' 22" for a distance of 18,588.4 feet to a beacon;

thence by a straight line on a true bearing of 329° 15' 15" for a distance of 12,623.6 feet to a beacon on the eastern shore of Lake Sergoit;

thence due west by a straight line to its intersection with the low water mark of that lake;

thence northerly by that low water mark and the eastern bank of the Arohobutch River to its intersection with the southern boundary of L.R. No. 876;

thence easterly by the southern boundaries of that portion and of L.R. Nos. 874 and 875/1 to the intersection of the last with the Kapkitoi River;

thence down-stream by that river which forms the eastern boundary of L.R. Nos. 875/1 and 875/2 to its intersection with the eastern boundary of L.R. No. 873/2;

thence northerly by the eastern boundaries of L.R. Nos. 873/2 and 873/1/2 to the north-eastern corner of the latter portion;

thence westerly by part of the northern boundary of L.R. No. 873/1/2 for a distance of 2,321.2 feet to a beacon;

thence by a straight line on a true bearing of 351° 18' 24" for a distance of 848.32 feet to a beacon;

thence by a straight line on a true bearing of 59° 06' 16" for a distance of 1,425.0 feet to a beacon;

thence by a straight line on a true bearing of 132° 24' 22" for a distance of 1,826.6 feet to a beacon on the eastern boundary of L.R. No. 5755;

thence northerly by part of the eastern boundary of that portion to the south-western corner of L.R. No. 4592;

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thence by the southern, generally eastern and northern boundaries of that portion to the intersection of the last with the eastern boundary of L.R. No. 3771;

thence northerly by that eastern boundary for a distance of about 17,375 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:

230° 44' 47"	474.5 feet
262° 13' 13"	634.6 "
342° 17' 52"	659.9 "
305° 52' 36"	839.8 "
17° 45' 28"	420.7 "

to a beacon at the north-eastern corner of L.R. No. 5347;

thence westerly by the northern boundary of that portion to its intersection with the Moybean River;

thence up-stream by that river to its intersection with the northern boundary of L.R. No. 4635;

thence westerly by that boundary to the south-eastern corner of L.R. No. 3046;

thence by the eastern and northern boundaries of that portion to the intersection of the latter with the Charanrai River;

thence up-stream by that river to its intersection with the northern boundary of L.R. No. 2227;

thence westerly by that boundary to its intersection with the eastern boundary of L.R. No. 2226;

thence northerly by part of that eastern boundary and the eastern boundaries of L.R. Nos. 3047 and 2210 to the north-eastern corner of the last portion;

thence westerly by the northern boundary of L.R. No. 2210 to its intersection with a river which forms the north-western boundary of that portion;

thence down-stream by that river to its intersection with the north-eastern boundary of L.R. No. 2225;

thence by that north-eastern boundary to the north-eastern corner of L.R. No. 2222;

thence by part of the northern boundary of that portion for a distance of 5,851.8 feet to a beacon.

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*Crown Lands*

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thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:--

347° 26' 43"	5,745.5 feet
60° 41' 49"	2,601.1 "
279° 19' 13"	3,362.8 "
27° 16' 18"	2,038.8 "
65° 21' 24"	5,191.8 "

to a beacon;

thence by a straight line on a true bearing of 338° 11' 30" to a beacon at the westernmost corner of L.R. No. 2980;

thence easterly and northerly by the generally southern and eastern boundaries of L.R. No. 2980 to the northernmost corner of that portion;

thence northerly by the eastern boundary of L.R. No. 3020 1/2 to the north-eastern corner of that portion; (27)

thence north-westerly by the north-eastern boundaries of L.R. Nos. 3020 1/2, 2167 1/2, 3017 and 2167 R to the northernmost corner of the last portion (Cherangan);

thence north-westerly by the north-eastern boundaries of L.R. Nos. 5595, 5559, 6904, 2160, 2158, 2156 1/3 and 5783 to the northernmost corner of the last portion;

thence westerly by the generally northern boundaries of L.R. Nos. 5783, 6684 and 2130 1 to the north-western corner of the last portion;

thence southerly by the western boundary of L.R. No. 2130 1 to its intersection with the Kabega River;

thence up-stream by that river to its junction with an unnamed river;

thence by that unnamed river which forms part of the north-eastern boundary of L.R. No. 5771 to its intersection with the south-eastern boundary of L.R. No. 5789;

thence by part of the south-eastern and the north-western boundary of L.R. No. 5789 and the north-eastern boundaries of L.R. Nos. 5788, 5529 and 2167 1 to the northernmost corner of the last portion; (28)

thence southerly by the western boundary of L.R. No. 2167 1 to the north-eastern corner of L.R. No. 2037;

thence westerly by the generally northern boundaries of L.R. Nos. 2037, 2035 and 2033 R to the north-western corner of the last portion.

thence northerly by part of the eastern boundary of L.R. No. 4140/2 R to the north eastern corner of that portion;

thence south-westerly by part of the north-western boundary of L.R. No. 4140/2 R to its intersection with the road reserve, across the road reserve and onwards to its intersection with the Swam River;

thence up-stream by that river, which forms the Kenya Uganda Boundary, to the point where it emerges from the crater of Mount Elgon;

thence south-easterly by a straight line to that source of the Kimotho River which is situated immediately to the south or south-west of Koiobos Peak (Mount Elgon);

thence down-stream by that river to its intersection with a cut and beacons line which forms the generally north-western boundary of Mount Elgon Forest Reserve;

thence generally south-westerly by that cut and beacons line to its intersection with the Lwagaga (Lwakaka) or Malawa (Malaba) River;

thence down-stream by that river, which forms the Kenya Uganda Boundary, to its intersection with a cut and beacons line which forms the generally south-eastern boundary of the Mount Elgon Forest Reserve;

thence generally north-easterly by that cut and beacons line to the point of commencement

Including in addition the following farms in the vicinity of Eldama Ravine: L.R. Nos. 486, 489, 490, 5249, 5276, 6262, 5641 and 493

## SECTION II

Commencing at the southernmost corner of L.R. No. 3596 (Koma Rock); (29)

thence north-easterly by the south-eastern boundaries of L.R. Nos. 3596, 3595 and 2360 to the north-eastern corner of the last portion;

thence by a straight line across the road reserve to the south-eastern corner of L.R. No. 2709;

thence north-easterly by the south-eastern boundaries of that portion and of L.R. No. 1530 to the south-western corner of L.R. No. 1846/2;

thence easterly by the generally southern boundary of L.R. No. 1846/2 to its intersection with the Mutonyi River;

thence down-stream by that river to its junction with the Kalala River;

thence down-stream by the latter river to its junction with the Athi River;

thence down-stream by that river to its intersection with the south-eastern boundary of L.R. No. 2304;

thence by the south-eastern boundaries of L.R. Nos. 2304, 301, 2296 and the eastern boundary of L.R. No. 2295 to the north-eastern corner of the last portion;

thence by a straight line on a true bearing of approximately 92° 48' for a distance of about 391 feet to a beacon on the eastern boundary of that road reserve which forms the eastern boundary of L.R. No. 2294/R;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

146° 33' 56"	3,772.4 feet
98° 03' 23"	20,069.4 ..
07° 01' 56"	30,815.5 ..
271° 31' 09"	15,782.2 ..

to the north-eastern corner of L.R. No. 7047;

thence by the northern and western boundaries of L.R. No. 7047 to the intersection of the last with the northern boundary of L.R. No. 2305; (30)

thence westerly by part of the northern boundary of that portion to its intersection with the Thika River;

thence down-stream by that river to its junction with the Jana River;

thence up-stream by that river to its junction with the Maragua River;

thence up-stream by the latter river to its intersection with the north-western boundary of the Kenya and Uganda Railway Reserve; (31)

thence generally south-westerly by that railway reserve boundary to its intersection with the western boundary of the Thika-Fort Hall Road Reserve;

thence southerly, south-westerly and again southerly by that reserve boundary to a point due west of the south-western corner of L.R. No. 1959/2;

thence by a straight line to that south western corner.

thence south-easterly and northerly by the south-western and the generally eastern boundaries of L.R. No. 1959/2 to the south-eastern corner of L.R. No. 325/7 (325/6/2).

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:

12° 22' 03"	1,580 0 feet
2° 13' 19"	549 4
331° 01' 11"	385 5
17° 14' 39"	296 3
350° 12' 34"	576 9
329° 41' 58"	561 5
36° 38' 27"	980 1
25° 58' 26"	494 1
0° 36' 00"	416 3
348° 06' 55"	293 3
342° 30' 52"	770 4
70° 41' 47"	255 6
57° 19' 11"	224 5
96° 36' 59"	96 1
124° 22' 07"	646 0

to a beacon on the western boundary of L.R. No. 1965.

thence southerly by a part of the western boundary of that portion to its intersection with the Thaba Thaba River.

thence down-stream by the Thaba Thaba River to its intersection with the western boundary of L.R. No. 6912.

thence southerly by that western boundary to the north-eastern corner of L.R. No. 3511.

thence by the north-eastern boundary of that portion to its intersection with the Thara River.

thence up-stream by that river to its intersection with the western boundary of that road reserve which forms the western boundary of L.R. No. 319/3. (32)

thence generally southerly by that western boundary of that road reserve to its intersection with the Makindi River.

thence up-stream by that river to its junction with the Thugi River.

thence up-stream by the latter river to its intersection with the north-western boundary of L.R. No. 3557.

thence south-westerly by the north-western boundaries of L.R. Nos. 3557, 298/2 and 298/10 to the intersection of the last with the Thika River.

thence up-stream by that river to its intersection with the western boundary of L.R. No. 2955/1/2/3.

thence generally south-westerly by the western boundary of L.R. No. 2955/1/2/3, the northern boundary of L.R. No. 2955/1/2/2 and the north-western boundary of L.R. No. 2955/1/1 to the intersection of the last with the Chonia River. (33)

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 295/3.

thence south-westerly by that boundary and onwards by the same straight line to its intersection with the Karamenu River.

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 295/1/R.

thence south-westerly by the north-western boundaries of L.R. Nos. 295/1/R, 295/2/R and 295/7 to the intersection of the last portion with the north-eastern boundary of L.R. No. 290/2/1.

thence north-westerly by part of that boundary and the whole of the north-eastern boundary of L.R. No. 290/1 to the northernmost corner of the latter portion.

thence south-westerly by the north-western boundaries of L.R. Nos. 290/1, 4907 and 291/1 to the intersection of the last portion with the Thiririka River.

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 294/1/2.

thence south-westerly by that boundary to its intersection with the Theta River.

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 247/7.

thence south-westerly by that boundary and the north-western boundary of L.R. No. 244 to the intersection of the latter with the river which forms the north-eastern boundary of L.R. No. 115/3.

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 115/3.

thence south-westerly by that boundary and the north-western boundary of L.R. No. 3678 to the intersection of the latter with the Ruia River.

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 114/2.

thence by that boundary and part of the northern and the whole of the north-western boundaries of L.R. No. 113/1 to the intersection of the last with the Mukuyu River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 6000;

thence south-westerly by that boundary and part of the north-western boundary of L.R. No. 6710 to the north-eastern corner of L.R. No. 6763;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 6763, 4924, part of 4888, and the whole of 98/1 to the north-western corner of the last portion;

thence north-easterly and north-westerly by part of the south-eastern and north-eastern boundaries of L.R. No. 4888 to the northernmost corner of that portion;

thence south-westerly by the north-western boundary of the latter portion and of L.R. No. 4889 and 4890/4 to the intersection of the last with the Kamiti River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 3728;

thence south-westerly by the north-western boundaries of L.R. Nos. 3728, 3729/3 and 5858 to the intersection of the last with the Kju River;

thence down-stream by that river to its intersection with the north-western boundary of the Kiamba-Fort Hall Road Reserve;

thence south-westerly by that road reserve boundary to its intersection with the Riara River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 8113;

thence south-westerly by that boundary to its intersection with the Gatharaini River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 86/3;

thence north-westerly and south-westerly by the generally north-eastern and north-western boundaries of L.R. No. 86/1 to the north-western corner of L.R. No. 86/2;

thence south-easterly by the generally south-western boundaries of L.R. Nos. 86/2, 86/1 and part of 86/3 to the northernmost corner of L.R. No. 85;

thence by the north-western boundary of L.R. No. 85 to its intersection with the northern boundary of L.R. No. 43;

thence by the northern boundaries of L.R. Nos. 23 and 22 to the intersection of the latter with the Kashi River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 22;

thence south-westerly by that boundary to its intersection with the Rui Ruaka River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 21/1;

thence south-westerly by that boundary to its intersection with the Karura River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 18/2/2;

thence south-westerly by part of that boundary and the north-western boundary of L.R. No. 7008 to the easternmost corner of L.R. No. 3861;

thence by the north-eastern boundaries of L.R. Nos. 3861, 3862 and part of the north-western boundary of the latter portion to the easternmost corner of L.R. No. 2951/1/2;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 2951/1/2, 2951/1/3, 2951/1/4, 2951/1/5 and 2951/3 to the northernmost corner of the last portion;

thence south-westerly by the north-western boundary of the last portion to its intersection with the Gethathuru River;

thence up-stream by that river to its intersection with the western boundary of L.R. No. 189/R;

thence south-westerly by the generally north-western boundary of that portion, of L.R. No. 4065 and again of 189/R to the north-western corner of L.R. No. 189/A/2/R (Government Farm Extension);

thence by the western, southern, and eastern boundaries of that portion and the eastern boundary of L.R. No. 4077 to the intersection of the last with the southern boundary of the Kenya and Uganda Railway Reserve;

thence easterly by that railway reserve boundary to a beacon on the western boundary of L.R. No. 4393;

thence south-westerly by a straight line to the north-western corner of L.R. No. 5;

thence southerly, south-easterly and south-westerly by the western and south-western boundaries of that portion to its intersection with the Nairobi River;

thence by that boundary and part of the northern and the whole of the north-western boundaries of L.R. No. 113/1 to the intersection of the last with the Mukuyu River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 6000;

thence south-westerly by that boundary and part of the north-western boundary of L.R. No. 6710 to the north-eastern corner of L.R. No. 6763;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 6763, 4924, part of 4888, and the whole of 98/1 to the north-western corner of the last portion;

thence north-easterly and north-westerly by part of the south-eastern and north-eastern boundaries of L.R. No. 4888 to the northernmost corner of that portion;

thence south-westerly by the north-western boundary of the latter portion and of L.R. Nos. 4889 and 4890/4 to the intersection of the last with the Kamiti River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 3728;

thence south-easterly by the north-western boundaries of L.R. Nos. 3728, 3729/3 and 5858 to the intersection of the last with the Kiu River;

thence down-stream by that river to its intersection with the north-western boundary of the Kiambu-Fort Hall Road Reserve;

thence south-westerly by that road reserve boundary to its intersection with the Riaru River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 81/3;

thence south-westerly by that boundary to its intersection with the Gatharami River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 86/3;

thence north-westerly and south-westerly by the generally north-eastern and north-western boundaries of L.R. No. 86/1 to the north-western corner of L.R. No. 86/2;

thence south-easterly by the generally south-western boundaries of L.R. Nos. 86/2, 86/1 and part of 86/3 to the northernmost corner of L.R. No. 85;

thence by the north-western boundary of L.R. No. 85 to its intersection with the northern boundary of L.R. No. 23;

thence by the northern boundaries of L.R. Nos. 23 and 22 to the intersection of the latter with the Kashi River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 22;

thence south-westerly by that boundary to its intersection with the Rui Ruaka River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 21/1;

thence south-westerly by that boundary to its intersection with the Karura River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 18/2/2;

thence south-westerly by part of that boundary and the north-western boundary of L.R. No. 7008 to the easternmost corner of L.R. No. 3861;

thence by the north-eastern boundaries of L.R. Nos. 3861, 3862 and part of the north-western boundary of the latter portion to the easternmost corner of L.R. No. 2951/1/2;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 2951/1/2, 2951/1/3, 2951/1/4, 2951/1/5 and 2951/3 to the northernmost corner of the last portion;

thence south-westerly by the north-western boundary of the last portion to its intersection with the Gethathuru River;

thence up-stream by that river to its intersection with the western boundary of L.R. No. 189 R.

thence south-westerly by the generally north-western boundary of that portion, of L.R. No. 4065 and again of 189 R to the north-western corner of L.R. No. 189 A 2 R (Government Farm Extension);

thence by the western, southern, and eastern boundaries of that portion and the eastern boundary of L.R. No. 4077 to the intersection of the last with the southern boundary of the Kenya and Uganda Railway Reserve;

thence easterly by that railway reserve boundary to a beacon on the western boundary of L.R. No. 4393;

thence south-westerly by a straight line to the north-western corner of L.R. No. 5;

thence southerly, south-easterly and south-westerly by the western and south-western boundaries of that portion to its intersection with the Nairobi River;



thence up-stream by that river to its intersection with the western boundary of L.R. No. 3734;

thence southerly by part of that boundary to the northern corner of L.R. No. 330;

thence by part of the north western and part of the south-western boundaries of the latter portion to the intersection of the latter with the Kerichwa Kubwa River;

thence by a straight line due south for a distance of approximately 302 feet to a beacon on the south-western boundary of the Dagoreti Road Reserve;

thence south easterly by that road reserve boundary to its intersection with the northern boundary of the Ngong Road Reserve;

thence south westerly by that road reserve for a distance of approximately 10,840 feet to its intersection with the eastern boundary of the Ngong Road Forest Reserve;

thence northerly, easterly, northerly, westerly, southerly, north westerly and again southerly by the generally northern boundary of that Forest Reserve to the intersection of the last with the Mutoni River which forms the northern boundary of L.R. No. 191;

thence up-stream by that river to the intersection with the north-western boundary of L.R. No. 195/3;

thence south westerly by part of that boundary to the north-eastern corner of L.R. No. 197;

thence by the northern and part of the north-western boundary of that portion to the north-eastern corner of L.R. No. 197;

thence north westerly by the north-eastern boundary of that portion to the north-eastern corner of L.R. No. 2377. (35)

thence by the north-eastern and north-western boundaries of L.R. No. 2377 to the intersection of the latter with the Mbagathi River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 197;

thence south westerly by part of that boundary to the western corner of that portion;

thence south easterly by the south-western boundaries of L.R. Nos. 197 and 5842 to the northernmost corner of L.R. No. 116;

thence by the north-western and the south-western boundaries of that portion and the south-western and part of the south-eastern boundary of L.R. No. 192/112 to the western most corner of L.R. No. 193/3;

thence by the south-western and part of the south-eastern boundary of the last portion to the north-eastern corner of L.R. No. 4947;

thence south-easterly and easterly by the western and southern boundaries of L.R. Nos. 4942, 4944, 5932, 5800, 5830 R, 6967 and 6939 to the intersection of the last with the Mbagathi River;

thence down-stream by that river till it becomes the Athi River and onwards to its intersection with the generally western boundary of L.R. No. 9274;

thence southerly by that generally western boundary to its intersection with the Kitengela River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 726;

thence south-westerly and south-easterly by the north-western and south-western boundaries of that portion to its intersection of the latter with the north-western boundary of the Kenya and Uganda Railway Reserve. (36)

thence south-easterly by that railway reserve to its intersection with the western boundary of Kenya Trading Centre;

thence by part of the western, the whole of the southern and part of the eastern boundaries of that trading centre to the intersection of the last with the southern boundary of that railway reserve;

thence generally southerly by that railway reserve boundary to its intersection with the western boundary of Sultan Hamud Trading Centre.

thence by part of the western, the whole of the southern and part of the eastern boundaries of that trading centre to the intersection of the last with the south-western boundary of the Kenya and Uganda Railway Reserve. (37)

thence south-easterly by that railway reserve boundary to a point on a true bearing of 201° 26' 09" from a beacon on the north-eastern boundary of that railway reserve and at a distance of about 2,640 feet from the intersection of the western boundary of Emali Trading Centre with the north-eastern boundary of the Kenya and Uganda Railway Reserve;

thence by a straight line to that beacon.

thence by a straight line on a true bearing of  $21^{\circ} 20' 00''$  for a distance of about 9,420 feet to its intersection with the Mwanu River;

thence up-stream by that river to its intersection with the eastern boundary of L.R. No. 1758/2;

thence north-westerly by the generally north-eastern boundary of that portion to the north-eastern corner of L.R. No. 1757;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 1757, 1756, 1755, 1754 and 1751 to the northernmost corner of the last portion;

thence northerly by the generally eastern boundaries of L.R. Nos. 1743, 1696/2, 1696/1, 1742, 1741 and 5933 to the northernmost corner of the last portion;

thence northerly by the eastern boundaries of L.R. Nos. 7225/2, 7225/1 and 7226 to the north-eastern corner of the last portion;

thence westerly by part of the northern boundary of that portion to its intersection with the Kamutwa River;

thence down-stream by that river, which forms the south-eastern boundary of L.R. No. 4937, to the intersection with the eastern boundary of that portion;

thence northerly by that eastern boundary and the generally eastern boundary of L.R. No. 1491 (south-western portion of Machakos Township) to the north-eastern corner of that portion;

thence westerly by the northern boundary of L.R. No. 1491 to its intersection with the Murongoni River;

thence up-stream by that river to its intersection with the southernmost corner of L.R. No. 4932;

thence northerly by the eastern boundaries of L.R. Nos. 4932, 1420/1, 1423/2, 5942, 361/1, 361/2, again 361/1, 360/1, 360/2, 360/3, 360/4 and 2365 to the point of commencement.

Excepting and Excluding a portion in the vicinity of Fort Hall, the boundary of which is described as follows:—

Commencing at a beacon situated on the western boundary of L.R. No. 1965 at a distance of 1,639.8 feet from its northernmost corner;

thence southerly by part of the western boundary of that portion for a distance of 6,130.9 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

304° 22' 07"	555.0
276° 36' 59"	462.6
237° 19' 11"	853.0
250° 41' 47"	237.8
342° 30' 52"	162.9
333° 38' 08"	117.9
314° 09' 59"	665.8
14° 54' 59"	495.7
342° 29' 20"	152.6
304° 39' 43"	500.0
313° 45' 50"	2,051.7
55° 34' 05"	685.5
16° 52' 15"	501.7
14° 30' 27"	471.8
14° 31' 17"	2,377.8
14° 29' 51"	376.7
97° 53' 14"	903.6
142° 00' 19"	587.9
131° 09' 58"	405.0

to a beacon at the point of commencement

#### SECTION III

Commencing at the easternmost corner of L.R. No. 183/R;

thence generally north-westerly by the north-eastern and northern boundaries of L.R. No. 183/R and the northern boundary of L.R. No. 1641 to the intersection of the last with the south-eastern boundary of the Kenya and Uganda Railway Reserve;

thence northerly by that railway reserve boundary to its intersection with the southern boundary of L.R. No. 233 (Railway Quarry Reserve);

thence by the southern, eastern and northern boundaries of that portion to the intersection of the last with the eastern boundary of the Kenya and Uganda Railway Reserve;

thence by a straight line on a true bearing of  $275^{\circ} 33' 28''$  to its intersection with the western boundary of the Kenya and Uganda Railway Reserve;

thence south-westerly by that railway reserve boundary to its intersection with the north-western boundary of L.R. No. 231 (Kikuyu Trading Centre).

thence south-easterly by part of the northern boundary of that portion to the south eastern corner of L.R. No. 4871/9;

thence northerly by the generally eastern boundary of L.R. Nos. 4871/9-16 and 4955/5-10 to the northernmost corner of the last portion;

thence by the north-eastern and north-western boundaries of L.R. No. 4870 to the intersection of the latter with the eastern boundary of the Kenya and Uganda Railway Reserve; (42)

thence northerly by that railway reserve boundary to a point on the production of the northern boundary of L.R. No. 4885;

thence westerly by a straight line to the north-eastern corner of L.R. No. 4885 and onwards by part of the northern boundary of that portion, and the northern boundary of L.R. No. 4495 to the north-western corner of the latter portion;

thence westerly and southerly by part of the northern boundary and the western boundary of L.R. No. 4885 to the south-eastern corner of that portion which is on the eastern boundary of the Muguga Forest Reserve (L.R. No. 4447); (43)

thence north-westerly and southerly by the generally north-eastern and generally western boundary of the Muguga Forest Reserve to the north-western corner of L.R. No. 4025;

thence south-easterly by the south-western boundary of that portion and of L.R. Nos. 4026, 4037 and 1057 to the south-western corner of the last portion; (44)

thence southerly, south-easterly and northerly by a series of cut and beacons lines (which form the boundary of the northern portion of the Dagoreti Forest Reserve L.R. No. 2256/6) to the intersection of the last with the southern boundary of L.R. No. 1057; (45)

thence easterly by part of the southern boundary of L.R. No. 1057 and the southern boundaries of L.R. Nos. 182/2/1 and 182/2/2 to the south-eastern corner of the last portion;

thence north-easterly by the south-eastern boundary of L.R. No. 182/2/2 to its intersection with the Niongana River;

thence down-stream by that river to its intersection with the western boundary of L.R. No. 7219;

thence by the western, southern, south-eastern and eastern boundaries of L.R. No. 7219 to the intersection of the last with the Niongana River;

thence down-stream by that river to its junction with an unnamed river which forms part of the north-eastern boundary of L.R. No. 7219;

thence up-stream by that unnamed river to its intersection with the south-eastern boundary of L.R. No. 1054;

thence north-easterly by part of that boundary and the south-eastern boundaries of L.R. Nos. 5945 and 183/R to the point of commencement;

Excepting and Excluding the portions of the Kikuyu Native Land Unit known as L.R. Nos. 178 and 1126 in the vicinity of Kikuyu Station.

## SECTION IV

Commencing at the intersection of the south-western boundary of L.R. No. 958 with the Nyangoris River; (46)

thence up-stream by that river to its intersection with the north-eastern boundary of L.R. No. 957;

thence by the north-eastern boundary of that portion to its northernmost corner;

thence by part of the south-eastern boundary and the whole of the north-eastern boundary of L.R. No. 3668 to the intersection of the latter with the Leldaiet River;

thence down-stream by that river to its intersection with the eastern boundary of L.R. No. 4783/2;

thence northerly by that boundary to its intersection with the Kipsonoi River;

thence down-stream by that river to its intersection with the south-western boundary of Chemagel Township (L.R. No. 7288);

thence south-easterly, north-easterly and generally westerly by the south-western, south-eastern and northern boundary of that township to the intersection of the last with the Kipsonoi River;

thence down-stream by that river to its intersection with the northern boundary of L.R. No. 940; (47)

thence westerly and southerly by the northern and western boundaries of L.R. No. 940 to the north-western corner of L.R. No. 941/6;

thence southerly by the western boundary of that portion and the western boundaries of L.R. Nos. 941/2/2, 941/R, 941/5, 941/4, 942 and 7091 to the south-western corner of the last portion;

thence by the western boundary of L.R. No. 7090 for a distance of 8,846 1 feet to a beacon.

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively

270° 00' 00"	9,132.2 feet
199° 59' 27"	2,741.7 "
181° 27' 37"	2,652.7 "
141° 25' 32"	2,867.9 "
116° 12' 40"	3,388.4 "
072° 53' 58"	2,453.6 "
044° 31' 20"	4,312.2 "
214° 55' 29"	2,746.1 "
161° 37' 42"	3,156.0 "
203° 41' 02"	3,018.8 "
188° 44' 22"	5,639.0 "
206° 51' 37"	1,545.5 "
262° 38' 18"	2,044.8 "
209° 38' 47"	4,349.4 "
234° 20' 24"	3,950.7 "
209° 27' 51"	3,530.5 "

to the north-western corner of L.R. No. 4400 R.

thence by the generally western boundaries of L.R. Nos. 4400 R. and 5472 to the northernmost corner of L.R. No. 5472.

thence by the north-western and south-western boundaries of that portion and the south-western boundaries of L.R. Nos. 5472, 7126, 5448, 2, 3644, 6 and 3644, 7 to the southernmost corner of the last portion (Gelelele).<sup>(48)</sup>

thence by the straight line towards the Trigonometrical Beacon "Abossi" for a distance of about 18,413 feet to a beacon.

thence by a straight line on a true bearing of 6° 11' 03" for a distance of about 9,299 feet to a beacon.

thence by a straight line on a true bearing of 42° 50' 17" for a distance of about 6,442 feet to a beacon.

thence by a straight line on a true bearing of 11° 19' 22" for a distance of about 3,181 feet to a beacon.

thence by a straight line on a true bearing of 27° 23' 40" for a distance of about 8,577 feet to a beacon.

thence by a straight line on a true bearing of 31° 32' 23" for a distance of about 6,998 feet to a beacon.

thence by a straight line on a true bearing of 17° 47' 33" for a distance of about 3,583 feet to a beacon at the southernmost corner of L.R. No. 948.

thence by the south-eastern boundary of that portion and the south-eastern boundary of L.R. No. 3677 to the intersection of the latter with the Sisi River.

thence up-stream by that river to its intersection with the south-western boundary of L.R. No. 955.

thence south-easterly by that south-western boundary and the south-western boundary of L.R. No. 958 to the point of commencement.

#### SECTION V

Commencing at the north-western corner of L.R. No. 1906 at the Trigonometrical Beacon Kipsugur;<sup>(49)</sup>

thence southerly by the western boundary of L.R. No. 1906 to the north-eastern corner of L.R. No. 1900;

thence by the northern and western boundaries of that portion and the western boundary of L.R. No. 1762 to its intersection with the Mchomekek River;

thence up-stream by that river to the intersection with the eastern boundary of the Kisumu Kapsabet Road Reserve;

thence south-westerly by that road reserve boundary to its intersection with the western boundary of L.R. No. 1891.

thence southerly by the latter boundary and the western boundary of L.R. No. 1897 to the south-western corner of the latter portion;<sup>(50)</sup>

thence south-easterly by the south-western boundaries of L.R. Nos. 1893, 1898 and 1897 to the south-eastern corner of the last portion;

thence north-easterly by the south-eastern boundaries of L.R. Nos. 1897 and 1896 to the northernmost corner of the latter portion.

thence north-westerly by the north-eastern boundaries of L.R. Nos. 1895 and 1894 to the intersection of the latter with the Mchomekek River;

thence down-stream by that river to its intersection with the south-eastern boundary of L.R. No. 1763;

thence north-easterly by that boundary to its intersection with the Yala River.

thence down-stream by that river to its intersection with the eastern boundary of the Kisumu-Kapsabet Road Reserve;

thence north-easterly by the generally south-eastern boundary of that road reserve to its intersection with the south-western boundary of L.R. No. 1902;

thence by that south-western boundary and the southern boundary of L.R. No. 1902 to the south-eastern corner of the latter portion;

thence north-easterly by the generally south-eastern boundaries of L.R. Nos. 6734 and 6736 to the north-eastern corner of the latter portion;

thence northerly and westerly by the eastern and northern boundaries of L.R. No. 1904 to the north-western corner of that portion;

thence northerly and westerly by the eastern and northern boundaries of L.R. No. 1906 to the point of commencement;

#### Section VI

L.R. Nos. 187, 188, 1, 188/2, 190, 226, 228, 229, 230, 227	In the vicinity of Fort Smith.
L.R. No. 1058	Adjoining Dagoreti Township.
L.R. No. 1127	In the vicinity of Government Farm extension abete.
L.R. No. 232	In the vicinity of Kikuyu-Station.
L.R. No. 2256/7	Lower portion of the Dagoreti Forest Reserve south-west of Dagoreti Township.
L.R. No. 246	E.C. Mission West of Kiambu Township.
L.R. Nos. 1064, 1065 and 1066	A.I. Mission, Kambui.
L.R. No. 1760	Water Works Reserve.
L.R. No. 325/8 (325/6/3)	West of Maragua Railway Station.
L.R. No. 7167	Tana-Maragua Power Station.

(That portion which lies to the north of the Maragua River.)

#### EIGHTH SCHEDULE

#### BOUNDARIES OF THE NORTHERN FRONTIER DISTRICT AND THE TURKANA DISTRICT

The areas which are described below are delineated, edged brown, on Boundary Plan No. 159, deposited at the Land Survey Records Office, Nairobi.

#### Northern Frontier District

Commencing at the mouth of the River Turkwel in Lake Rudolf;

thence northerly by a straight line through the summit of North Island and onwards to its intersection with the boundary of Abyssinia;

thence easterly by the Kenya-Abyssinian boundary to its intersection with the north-western boundary of Italian Somaliland;

thence south-westerly, southerly and south-easterly by the north-western, western and south-western boundaries of Italian Somaliland to the intersection with the northern boundary of Lamu District;

thence westerly and south-westerly by the generally northern boundary of the latter district to its intersection with the generally eastern boundary of Tana River District;

thence westerly, northerly, north-westerly and westerly by the generally eastern and northern boundaries of the latter district to the junction of the Mackenzie and Tana Rivers;

thence north-westerly and south-westerly by part of the generally north-eastern and north-western boundaries of the Kikuyu Native Land Unit;

thence in a generally north-westerly direction by the generally northern or north-eastern boundaries of North Nyeri and Laikipia Districts to the most southern point of Turkana District, on the Amaya River;

thence northerly by the eastern boundary of Turkana District to the point of commencement.

#### Excluding and excepting.

Such portion of the North Pokomo Native Land Unit as lies within the above boundaries, and as described in the First Schedule.

The Isiolo Native Leasehold Area as described in the Fourth Schedule.

*Turkana District*

Commencing at Teleki's Volcano at the south end of Lake Rudolf;

thence in a southerly direction to the western slopes of Mount Ajuk;

thence generally southerly along the top of the lava escarpment which forms the eastern edge of the Sogota Valley until such escarpment merges into Mount Lorogi;

thence generally southerly along the western slope of Mount Lorogi to the falls on the Amaya River, about 36° 24' E. and 0° 55' N;

thence by that river down-stream to a point due east of Of Doinyo Lengere (the most easterly point of the Kerio Native Land Unit);

thence due west by a straight line to Of Doinyo Lengere;

thence north-westerly along the north-eastern boundary of the Kerio Native Land Unit to its intersection with the Kerio River;

thence generally north-westerly by the generally north-eastern boundary of the Kerio Native Land Unit to its intersection with the Turkwel River;

thence by that river down-stream to where the latter enters Lake Rudolf;

thence generally southerly by the western shores of Lake Rudolf to the point of commencement.

Passed in the Legislative Council the eighteenth day of August, in the year of Our Lord one thousand nine hundred and thirty-eight.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council and is presented for authentication and assent as a true and correct copy of the said Bill.

*Acting Clerk to the Legislative Council*

KENYA  
No 744



GOVERNMENT HOUSE  
NAIROBI  
KENYA

53

14 December, 1938.

Sir,

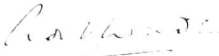
I have the honour to forward two authenticated and twelve printed copies of Ordinance No. XXVIII of 1938 entitled "An Ordinance to Make Provision for Native Lands in the Colony".

Ordinance.

2. This Ordinance passed its third reading in the Legislative Council on the 19th December, 1938, and the Governor assented to it in His Majesty's name on the 22nd December, 1938.

3. Reference is invited to previous correspondence on the subject of this legislation, and it will be observed that a Legal Report thereon by the Attorney General has already been furnished and that in the Ordinance as passed effect has been given to your latest instructions in this matter.

I have the honour to be,  
Sir,  
Your most obedient, humble servant,

  
GOVERNOR'S DEPUTY.

THE RIGHT HONOURABLE

MALCOLM MACDONALD, M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET, LONDON S.W.



Colony and Protectorate of Kenya

IN THE THIRD YEAR OF THE REIGN OF  
HIS MAJESTY KING GEORGE VI

HENRY ROBERT MOORE BROOKE-POPHAM  
G.C.Y.O., K.C.B., C.M.G., D.S.O., A.F.C. *Governor*

Assented to in His Majesty's  
name this            day of  
1938. 22            1938

*Governor*

AN ORDINANCE TO MAKE PROVISION FOR  
NATIVE LANDS IN THE COLONY



**ORDINANCE No. XXVIII of 1938**

**An Ordinance to make Provision for Native Lands in the Colony**

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as the Native Lands Trust Ordinance, 1938. Short title.

2. This Ordinance shall not come into operation until Orders have been made by His Majesty in Council providing for the establishment of a Native Lands Trust Board and a Highlands Board and shall thereafter come into operation on such date as the Governor shall by proclamation in the Gazette appoint. Commencement.

3. In this Ordinance, unless the context otherwise requires— Interpretation.

the "Highlands" means the areas of land the boundaries of which are set out in the Seventh Schedule to the Crown Lands Ordinance;

Cap. 140.

"Highlands Board" means the Board to be established as the Highlands Board in accordance with the provisions of any Order of His Majesty in Council;

"mining lease" does not include a lease in respect of a subterranean area.

"native lands" mean the areas of land the boundaries of which are set out in the First Schedule hereto;

"native land units" mean the divisions of land into which the native lands are divided, which divisions are specified in the Second Schedule hereto;

"native leasehold areas" mean the areas of land the boundaries of which are set out in the Sixth Schedule to the Crown Lands Ordinance.

Cap. 140.

"native reserves" mean the areas of land the boundaries of which are set out in the Fourth Schedule to the Crown Lands Ordinance. Cap. 140.

"temporary native reserves" mean the areas of land the boundaries of which are set out in the Fifth Schedule to the Crown Lands Ordinance.

"Trust Board" means the Board to be established as the Native Lands Trust Board in accordance with the provisions of any Order of His Majesty in Council.

## PART I

## ESTABLISHMENT AND FUNCTIONS OF LOCAL BOARDS

4. (1) There shall be established in every administrative district in which any native lands may be situate an advisory board to be known as the Local Land Board (hereinafter referred to as the "Local Board") which shall consist of

- (a) the District Commissioner as chairman;
- (b) four members of the Local Native Council, two of whom shall be chosen by the members of such Council and two of whom shall be selected by the Provincial Commissioner; and
- (c) such additional persons, not exceeding two, as may be co-opted at any time by the Local Board.

Provided that, in any administrative district where there is no Local Native Council, the Provincial Commissioner shall appoint from among the native inhabitants of such district, four members in lieu of the members referred to in paragraph (b) of this sub-section.

(2) The Chairman of a Local Board and two other members shall form a quorum.

(3) A Provincial Commissioner may attend any meeting of a Local Board in his Province and at such meeting may speak but may not vote.

5. It shall be the function of a Local Board generally to exercise the various powers and to carry out the duties assigned to Local Boards by this Ordinance and by any rules made thereunder, and to make written representations to the Trust Board in regard to any matter concerning the protection of the native lands upon which the advice of the Local Board has been rejected by a Provincial Commissioner.

## PART II

## INTER-TRIBAL OCCUPATION PERMITS AND EXCHANGES

6. (1) The Governor may, upon such conditions and for such terms as he may deem expedient, issue permits to occupy areas of land in a native land unit to and for the benefit of any native tribe, group, family or individual of any other native land unit

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Local Boards

Functions of  
Local BoardsInter-tribal  
occupation  
permits

(2) No such permit shall in any case be issued unless and until the land to which the permit relates has first been set apart in accordance with the provisions of Part III of this Ordinance.

(3) The Governor shall, before issuing a permit under the provisions of this section, consult the Trust Board. If the Trust Board objects to the issue of the permit the Governor shall refer the matter to the Secretary of State, whose decision shall be final.

7. (1) Notwithstanding anything in this Ordinance contained, the Governor may, with the consent of the Trust Board and with the approval of the Legislative Council, grant leases of land in the native lands to any person for the purpose of effecting exchanges of land between land in such native lands and other land.

(2) Every such grant shall be made upon such conditions and for such term as the Governor may deem expedient, and in every case the land to be so leased shall first be set apart and shall be subject to the payment of compensation in accordance with the provisions of Part III of this Ordinance.

(3) Any land in the native lands which is the subject of an exchange by way of lease between native lands and other land shall, by reason of such exchange, cease to form part of the native lands for the currency of the term of such lease.

(4) Any land in the native lands which is the subject of an exchange by way of lease between native lands and Crown lands shall be deemed, by reason of such exchange, to have become Crown land for the currency of the term of such lease.

(5) All land which is the subject of any exchange with land in the native lands under this section shall vest in the Trust Board for the currency of the term of the lease granted under sub-section (1) of this section.

The provisions of this sub-section shall apply to such land irrespective of whether it be Crown lands, or land held under the Land Titles Ordinance, or land alienated under the provisions of any of the following Ordinances:

- (a) the Crown Lands Ordinance, 1902.
- (b) the Crown Lands Ordinance.
- (c) the Crown Lands (Discharged Soldiers' Settlement) Ordinance.

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Provided that, where the circumstance attending any exchange of land are such that the Governor, the Legislative Council, the Trust Board, the Local Board and the Local Native Council concerned are all agreed as to the need for permanency in such exchange, the Governor, in lieu of granting a lease under sub-section (1) of this section, may, by notice in the Gazette, effect the exchange by a permanent exclusion of land from the native lands and a permanent vesting in the Trust Board of the land exchanged.

Exchanges in the Highlands.

8. No exchanges under the provisions of section 7 of this Ordinance shall be effected in respect of any land in the Highlands, save with the consent of the Highlands Board.

### PART III SETTING APART

Setting apart of land in the native lands.

9. Notwithstanding anything contained in any other law for the time being in force in the Colony, land in the native lands may be set apart in accordance with the provisions of this Ordinance.

Land set apart remains native land.

10. Save as is provided in section 7 of this Ordinance, any land in the native lands set apart under the provisions of this Part shall, notwithstanding such setting apart and any grant of such land subsequently made, remain part of the native lands.

Application for setting apart.

11. (1) When it is desired that land should be set apart in accordance with the provisions of this Ordinance, application in writing shall be made to the Provincial Commissioner of the Province in which the land to which such application relates is situate.

(2) Residential sites, which are required for the accommodation of persons engaged in any trade or industry, may be included in the area to which the application relates.

(3) Where any such application is made for the purpose of obtaining a mining lease of land in the native lands, the application shall be accompanied by a plan based on a survey by a licensed surveyor of the area to which the application relates and shall be addressed to the Provincial Commissioner through the Commissioner of Mines.

Procedure for setting apart and not exceeding ten acres in extent.

12. Where an application has been duly made to him in respect of the setting apart from the native lands of an area of land not exceeding ten acres in extent, a Provincial

Commissioner may, subject to the provisions of this Ordinance and with the approval of the Local Board concerned, set apart such land.

(2) Where the area of land to which a proposal to set apart relates does not exceed ten acres in extent and the Provincial Commissioner supports the proposal but the Local Board concerned objects thereto, such area shall not be set apart unless and until the approval of the Governor to such setting apart has been obtained.

(3) Where an application to set apart an area of land not exceeding ten acres in extent is made to a Provincial Commissioner and is not supported by him, such application shall be forwarded for the consideration of the Local Board concerned. Should the Local Board support the proposal, the application shall be forwarded for the consideration of the Governor.

(4) Where an application to set apart an area of land not exceeding ten acres in extent is not supported by either the Provincial Commissioner or the Local Board concerned, the Provincial Commissioner shall inform the applicant that the application has been refused. The applicant may appeal in writing to the Governor against such refusal within thirty days after the date on which he is notified thereof.

(5) The decision of the Governor upon any of the matters referred to him under the provisions of this section shall be final.

13. (1) Where an application is made to a Provincial Commissioner under this Ordinance to set apart from the native lands an area of land exceeding ten acres in extent, such application shall in every case, subject to the provisions of section 14 of this Ordinance and after being submitted to the natives concerned and to the authorities set out in paragraphs (b) and (c) of section 15 of this Ordinance, be referred to the Trust Board.

Power of Trust Board as to applications to set apart land exceeding ten acres in extent.

(2) If the Trust Board approves of such application it shall grant the application.

(3) If the Trust Board does not approve of such application it shall submit the application to the Governor together with the reasons for such non-approval, and the Governor may refer the matter to the Secretary of State, whose decision shall be final.

Power of Trust Board to delegate to Chief Native Commissioner.

14. The Trust Board may, by notice in the Gazette, delegate to the Chief Native Commissioner the power to grant the applications referred to in the last preceding section where the area of land to be set apart does not exceed fifty acres in extent, but the Chief Native Commissioner shall not refuse any such application without the consent of the Trust Board. In any case where the Trust Board supports the refusal of the Chief Native Commissioner the Board shall submit the application to the Governor together with the reasons for such refusal, and the Governor may refer the matter to the Secretary of State, whose decision shall be final.

Conditions to be fulfilled prior to approval of setting apart

15. Approval of the setting apart of land under the provisions of this Part of this Ordinance shall in no case be granted unless and until all the following conditions have been fulfilled:

- (a) the proposed setting apart must, in the opinion of the Provincial Commissioner, be for the benefit of the natives, either by reason of the use to which the land is to be put or by reason of the anticipated revenue from rents;
- (b) the proposal to set apart the land must have been brought to the notice of the natives concerned and to the notice of the Local Native Council having jurisdiction over the area in which such land is situated, and such natives and such Local Native Council must have had an opportunity of expressing their views upon the proposal;
- (c) the Local Board must have been consulted and representatives of the location or section concerned must have been given the opportunity of appearing before the Local Board for the purpose of expressing their views upon the proposal which views if given shall have been recorded in writing;
- (d) when the land is to be used, then before, or at the time of, the making of the application to the Provincial Commissioner for setting apart, an application for the grant of a lease in respect of the land to be set apart must have been duly lodged with the Provincial Commissioner.

Setting apart to be gazetted

16. (1) When an application for setting apart has been duly approved by the proper authority in accordance with the provisions of this Ordinance, the Provincial Commissioner shall publish in the Gazette a notice of such setting apart, and

in such notice shall specify the boundaries of the land so set apart and the purposes for which the land is set apart. Such land shall be deemed to be set apart on, and not before, the date of the publication of such notice, save where some other date is therein specified:

Provided that the Provincial Commissioner shall not gazette such setting apart unless and until the sums of money payable by way of compensation in accordance with the provisions of sections 17, 18 and 19 of this Ordinance and calculated as hereinafter provided have first been deposited with the District Commissioner.

Compensation to be paid prior to setting apart

(2) Where land is set apart preparatory to the grant of a mining lease, the provisions of this section shall be in addition to and not in derogation of the provisions of the Mining Ordinance, 1933.

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17. (1) Where an application to set apart land has been duly approved by the proper authority under the provisions of this Ordinance, the District Commissioner shall notify the natives in the area concerned that such application has been so approved.

Compensation for disturbance and other loss

(2) Any native who though not a private right-holder within the meaning of section 18 of this Ordinance, is likely to be prejudicially affected by the setting apart of any land under this Part of this Ordinance, shall be entitled to apply for compensation to the District Commissioner concerned in respect of disturbance or of any other loss or expense likely to be caused by such setting apart, and the District Commissioner shall forward forthwith to the Provincial Commissioner the details of every such application.

(3) The compensation payable to any such native upon the granting of any such application for compensation by the Provincial Commissioner shall include full compensation for the vacation or destruction of any hut or huts or other buildings and for any growing crops which such native is unable to reap or which are, or are likely to be, destroyed or damaged.

(4) The amount of compensation to be awarded to any native under this section shall be assessed by the Provincial Commissioner after consultation with the Local Board concerned, and shall, after such assessment, be deposited by the applicant for setting apart with the District Commissioner. The District Commissioner shall be responsible for notifying all persons concerned of the Provincial Commissioner's award

(7) Any person aggrieved by an award of a Provincial Commissioner under this section may, within thirty days after the date of the notification of such award, appeal in writing through the Provincial Commissioner to the Governor, whose decision shall be final. The Governor in special cases and in his absolute discretion may extend the time for lodging any such appeal.

(6) (a) Where no such appeal has been lodged, or where such appeal has been determined by the Governor and the sum of money finally assessed does not exceed the amount of compensation deposited with the District Commissioner in accordance with the provisions of this section, the District Commissioner shall, from the amount of compensation so deposited with him, and upon instructions from the Provincial Commissioner, pay the sums of money finally assessed to the persons entitled thereto.

(b) Where an appeal has been determined by the Governor and the sum of money finally assessed exceeds the sum of money deposited with the District Commissioner in accordance with the provisions of this section, the applicant for setting apart shall pay to the District Commissioner the additional sum of money so awarded as compensation, and the District Commissioner shall, upon the instructions of the Provincial Commissioner, pay the sums of money finally assessed to the persons entitled thereto.

18. (1) In any district where the Provincial Commissioner considers that a recognizable form of private right-holding exists, any native who claims to be a private right-holder in respect of any portion of the land to which an application to set apart relates shall be entitled to apply to the District Commissioner for compensation, and the District Commissioner shall forward forthwith every such application to the Provincial Commissioner.

(2) Where after consultation with the Local Board, the Provincial Commissioner is satisfied as to the claim of any native applying compensation, in addition to the compensation awarded under the last preceding section, shall be awarded to such native, and shall be calculated on the basis of the full agricultural value of the land plus fifteen per centum of such value. The payment of compensation under the provisions of this section shall operate to extinguish every right, title or interest vested in the private right-holder or in any person claiming under, by or through him.

Compensation for private right holders

(3) The amount of compensation to be awarded to any native under the provisions of sub-section (2) of this section shall be assessed by the Provincial Commissioner after consultation with the natives concerned and with the Local Board.

(4) Where the Provincial Commissioner and the Local Board are unable to agree upon the sum of money which should be so awarded as compensation, or where any person desires to appeal against a sum so awarded, or against any decision of the Provincial Commissioner as to the existence or non-existence of any system of private right-holding, or against any decision as to the claim of a native to be a private right-holder, the matter shall be referred to the Governor in Council, whose decision shall be final. Every appeal under this sub-section shall be made in writing through the Provincial Commissioner within thirty days after the date of the notification of the award or decision to which the appeal relates.

(5) All sums of money awarded as compensation under this section shall be deposited by the applicant for setting apart with the District Commissioner, who shall be responsible for notifying any person concerned as to the amount so awarded.

19. (1) Where any dispute arises as to the persons entitled to receive any sum of money which has been duly assessed under the provisions of this Ordinance, the Provincial Commissioner shall direct that such sum be deposited in the office of the District Commissioner by the applicant for setting apart, pending the making of a final award by the District Commissioner, but the setting apart of the land shall not be delayed by reason of any such dispute.

Deposit of money pending settlement of disputes.

(2) Where a sum of money has been so deposited in the office of the District Commissioner under the provisions of the last preceding sub-section, the District Commissioner, after taking the advice of the Local Board having jurisdiction in the area concerned and after hearing all interested parties and their witnesses, shall make his award.

(3) Any person aggrieved by the award of a District Commissioner under this section may, within thirty days after the date of the notification of such award, appeal to the Provincial Commissioner, whose decision shall be final. The Provincial Commissioner in special cases and in his absolute discretion, may extend the time for lodging any such appeal.

(4) Where no such appeal has been lodged or where such appeal has been duly determined, the District Commissioner shall, from the sum of money deposited with him, pay to the persons entitled thereto the various amounts awarded by him or by the Provincial Commissioner, as the case may be.

Commuted rent  
for mining  
leases.

No. 61 of 1933

20. (1) Except in cases of private right-holding where compensation has been awarded under the provisions of section 18 of this Ordinance, and notwithstanding anything contained in the Mining Ordinance, 1933, a lump sum of money by way of commuted rent shall be payable in every case by a mining lessee for all land set-apart under this Ordinance in respect of which a mining lease is granted to him, and the payment of such lump sum shall be additional to the rent payable to the Government of the Colony for such mining lease.

(2) The commuted rent payable for the land so set apart shall be paid by the applicant to the District Commissioner on behalf of the Local Board concerned, and shall be such a sum of money as the Provincial Commissioner shall assess as representing the total sum payable by way of annual rent over the term of years for which the mining lease is to be granted, the amount of such annual rent being calculated on the full agricultural value of the land.

(3) Any person aggrieved by the amount assessed as commuted rent under this section may, within thirty days after the notification of such assessment, appeal in writing to the Governor, whose decision shall be final.

(4) The District Commissioner, as Chairman of the Local Board, shall be responsible for making payments in proper cases, out of the sums so paid to the Board by way of commuted rent, to such natives as may be entitled thereto under the provisions of section 17 of this Ordinance.

(5) The District Commissioner, as Chairman of the Local Board, shall from time to time pay to the Local Native Council concerned any balance remaining in the hands of the Local Board from sums so paid by way of commuted rent.

(6) Where a mining lease in respect of any land set apart from native lands is determined, from any cause whatsoever, at any time before the expiration of the term for which such lease was granted, no claim shall lie by the mining lessee or any other person for a proportionate or any other refund of the sum previously paid by way of commuted rent in respect of such mining lease. The provisions of this sub-section shall

apply to all such mining leases, irrespective of whether they have been granted before or subsequent to the commencement of this Ordinance.

21. (1) Notwithstanding any provision to the contrary contained in the Mining Ordinance, 1933, the term for which land is set apart under the provisions of this Part shall be deemed to run concurrently with the term of the mining or other lease granted in respect of such land and with the term for which any such lease is thereafter renewed. The setting apart of the land shall be deemed to have expired automatically upon the final expiry of the lease and the land shall thereupon revert to native use.

Term for which  
land is set apart  
to be concurrent  
with term of  
lease.  
No. 61 of 1933.

(2) Upon the first and every subsequent renewal of a mining lease, in addition to any fees and rent payable under the Mining Ordinance, 1933, there shall be paid for the renewal of the setting apart of the land in respect of which the mining lease was granted, the sum of money by way of commuted rent as provided in section 20 of this Ordinance, together with an additional sum equal to twenty per centum of the amount of such commuted rent.

No. 61 of 1933

(3) In every case where a lease of native lands is renewed the Provincial Commissioner shall publish in the Gazette notice of the renewal of the setting apart of the land in respect of which the lease was granted, and such renewal shall take effect from the date of such publication, save where some other date is in such notice specified. In the case of the renewal of a mining lease, no such notice shall be published unless and until the sums provided for in the last preceding sub-section have been paid.

(4) Where any lump sum of money is under the provisions of this Part of this Ordinance, paid to or deposited with the District Commissioner for payment to the person or persons entitled thereto, such District Commissioner may, in his absolute discretion, pay such money to such person or persons either in one single payment or in a number of payments made over such period of time as may to him seem fit and desirable.

22. (1) Where a Provincial Commissioner considers it desirable that any specific area of land in the native lands should be set apart—

Setting apart for  
local public  
purposes.

- (a) for a township, trading centre, market, or for a school, hospital, Government station or camp, or
- (b) for the purpose of issuing inter-tribal occupation permits as provided in section 6 of this Ordinance; or

(c) for any purpose which, in the opinion of the Provincial Commissioner, is likely to benefit the natives resident in the native land unit concerned either by reason of the use to which the land is to be put or by reason of the anticipated revenue from rents.

The Provincial Commissioner shall cause a proposal to that effect to be submitted to the natives concerned and to the authorities set out in paragraphs (b) and (c) of section 15 of this Ordinance, and the provisions of sections 12, 13 and 14 of this Ordinance, save in so far as such provisions presuppose the making of an application to the Provincial Commissioner, shall apply to every such proposal.

(2) The Provincial Commissioner shall publish in the Gazette, in accordance with the provisions of sub-section (1) of section 16 of this Ordinance, a notice of every such setting apart, but no such notice shall in any case be so published unless and until the requirements of section 23 of this Ordinance have been fulfilled.

23. Any compensation payable under the provisions of this Ordinance in respect of the setting apart of any land under the provisions of section 22 of this Ordinance shall be paid in accordance with the provisions of sections 17 and 18 of this Ordinance by the Local Native Council concerned:

Provided that, in the case of a permanent camp established for the use of the armed forces of the Crown, such compensation shall be paid from the general revenues of the Colony.

24. (1) Notwithstanding anything in this Part of this Ordinance contained, but subject always to the provisions of sections 12, 13, 14, 17 and 18 of this Ordinance, a Provincial Commissioner may set apart land in the native lands for any of the following purposes:

- (a) for public reservoirs, aqueducts, canals, watercourses or water pipe lines;
- (b) for sewerage works;
- (c) for wharves, wharves or landing places;
- (d) for jetty, piers, landing grounds;
- (e) for the development of electric power for public purposes;
- (f) from any lake, river or stream;
- (g) for public telegraphs or telephones;
- (h) for outposts, stock routes, cattle dips and labour camps;
- (i) for buildings or works in connexion with any of the foregoing purposes, together with the necessary curtilage of such buildings or works;

Setting apart for general public purposes.

(ii) any other purpose which the Governor may, under the powers conferred upon him by sub-section (2) of section 48 of this Ordinance, declare to be a public purpose.

(2) Before the publication in the Gazette of the setting apart of land for any of the purposes referred to in this section, the compensation, if any, payable in accordance with the provisions of sections 17 and 18 of this Ordinance shall be paid from the general revenues of the Colony.

25. (1) Notwithstanding anything in this Part of this Ordinance contained, but subject to the provisions of sections 17 and 18 of this Ordinance, a Provincial Commissioner may set apart from the native lands any land which is required for a public railway, tramway or road, or for a tramway or road of access, or for buildings or works in connexion with any of the foregoing purposes, together with the necessary curtilage of such buildings or works.

Setting apart for railways, tramways and roads.

For the purposes of this sub-section, tramway or road of access means a tramway or road which gives access—

- (a) (i) from any land forming part of the native lands and which has been set apart under the provisions of this Ordinance, or
  - (ii) from any land situate within the boundaries of the native lands (whether or not it forms part of the native lands), or
  - (iii) from any land situate outside the boundaries of the native lands through any part of the native lands;
- to the nearest railway station or halt or public road:

- (b) from any land in the native lands in respect of which a mining lease has been granted to a lessee under the Mining Ordinance, 1933, to any points on the surface of any area of land in the native lands which overlies a subterranean area in respect of which such mining lessee has been granted a mining lease; or
- (c) from any surface point to which the last preceding paragraph relates to any other such surface point.

(2) Before any land is set apart for any purpose under the provisions of this section, the Provincial Commissioner shall consult the Local Board as to the alignment of the proposed railway, tramway or road and as to the compensation to be paid in respect thereof. Where the Provincial Com-

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missioner and the Local Board are unable to agree as to any such matter the Provincial Commissioner shall make a report thereon to the Governor, whose decision shall be final.

(3) It shall not be obligatory on the Provincial Commissioner to consult the Trust Board as to any proposal to set apart land under this section, but the Provincial Commissioner shall forward to the Board an estimate of the area of land likely to be withdrawn from agricultural use by reason of such setting apart.

(4) Where the Trust Board is of opinion that, by reason of any setting apart under the provisions of this section or of section 24 of this Ordinance, the agricultural land available in any native land unit is likely to be insufficient for the economic needs of the natives concerned, the Board may recommend to the Governor the addition to such native land unit of an area of land equal in value to the area of land withdrawn from agricultural use. If any land is so added it shall be deemed to be included in the native lands for the purposes of this Ordinance.

(5) Where the Trust Board is in any way dissatisfied by reason of any setting apart of land under this section or by reason of any matter arising from such setting apart, the Board may make representations to the Governor, who shall refer the matter to the Secretary of State, but it shall not be obligatory to delay the construction of public works upon land so set apart pending the consideration of any such representations.

Compensation  
for setting apart  
of railways, etc.

26. (1) All compensation payable in respect of the setting apart of land in accordance with the provisions of the last preceding section shall be settled by one outright payment.

(2) Where the setting apart is in respect of a road, the whole cost of the construction of which has not been defrayed from the general revenues of the Colony and the whole cost of the maintenance of which has not been, and at the time of such setting apart is not, so defrayed, the compensation payable shall be paid from the revenues of the Local Native Council concerned and from the general revenues of the Colony, and the amount of compensation payable from the general revenues of the Colony shall bear the same proportion to the total amount of compensation payable as the portion of the cost of the road to be defrayed from the revenues of the Council bears to the total cost of the road.

(3) Where the setting apart is in respect of a road, the whole cost of the construction of which has been defrayed from the general revenues of the Colony and the whole cost of the maintenance of which has been and at the time of such setting apart is so defrayed, the compensation payable shall be paid from the general revenues of the Colony.

(4) Where the maintenance of a road, the cost of the construction of which has not been defrayed from the general revenues of the Colony, becomes at any time a charge upon such revenues, it shall be the duty of the Provincial Commissioner, after consultation with the Local Board, to submit a claim for the repayment to the Local Native Council of the sum paid by such Council under the provisions of subsection (2) of this section. Every such claim shall be considered by the Central Roads and Traffic Board established under the Central Roads and Traffic Board Ordinance, 1929, and the decision of the Governor upon such claim shall be final.

Provided that any compensation payable by reason of a realignment of any such road shall be paid from the general revenues of the Colony.

(5) Where the setting apart is in respect of a railway, the compensation, if any, payable shall be paid by the High Commissioner for Transport.

(6) Nothing in this section contained relating to compensation shall be deemed to apply to any public road or railway which was in existence in the native lands before the date of commencement of this Ordinance, irrespective of whether, in the case of a public road, such road had or had not at such date been declared to be a public road under any Ordinance relating to roads.

(7) Where land has been set apart under the provisions of this section for a tramway or road of access the compensation, if any, payable shall be paid by the owner of such tramway or by the lessee of the land to and from which access is given by such road, as the case may be.

27. Every District Commissioner in the native lands shall cause a register to be kept in his office containing a description of all land which has been set apart in accordance with the provisions of this Ordinance, from the native lands in his district, together with all particulars relating to such land.

District Com-  
missioners to  
keep registers.



PART IV  
EXCLUSIONS

Exclusions for  
public purposes

28. (1) Subject to the provisions of sub-section (2) of this section and notwithstanding anything in Part III of this Ordinance contained, the Governor, after consulting the Local Board and with the consent of the Trust Board, may exclude from the native lands any land required for any of the purposes set out in section 22 (but not for the purpose set out in paragraph (a) of sub-section (1) of that section) and in sections 21 and 52 of this Ordinance, and the land so excluded shall thereupon cease to form part of the native lands. In every case where the Local Board is consulted by the Governor for the purposes of this section, representatives of the location or section concerned and of the local natives concerned shall be given the opportunity of appearing before the Local Board for the purpose of expressing their views and such views if given shall be recorded in writing.

(2) No such exclusion shall be made unless and until the Governor is satisfied that a majority of the natives concerned has expressed a desire that the land required should be so excluded in lieu of being set apart, and unless and until the Local Native Council concerned has passed a resolution to that effect.

(3) Where any land is so excluded from the native lands the Governor shall by notice published in the Gazette add to the native land out from which such land has been excluded an area of suitable and, where possible, contiguous unalienated Crown land of equivalent value. Any land so added shall form part of the native lands for the purposes of this Ordinance.

Provided that, in any case where land so excluded is required solely for the actual site of a building together with the curtilage thereof, no such addition of land need be made.

And provided further that, in any case where an equivalent area of land has been added to the native lands before and in anticipation of any individual exclusion, no additional area need be added under the provisions of this sub-section.

(4) No land situated in the Highlands shall be added to the native lands under the provisions of sub-section (3) of this section, or under the provisions of sub-section (4) of section 25 of this Ordinance, save with the consent of the Highlands Board.

TEMPORARY EXCLUSIONS FOR MINING PURPOSES

29. (1) Where an application has been made for the grant of a mining lease of land in the native lands, such land may be temporarily excluded from the native lands by the Governor if he is satisfied that a majority of the natives concerned has expressed a desire that this procedure be followed in lieu of setting apart the land in accordance with the provisions of Part III of this Ordinance, and that the Local Native Council has passed a resolution to that effect. Every proposal for any such temporary exclusion shall first be laid before the Provincial Commissioner, who shall report thereon to the Trust Board, and the Board shall consider the practicability or otherwise of such proposal, having regard to the provisions of sub-section (2) of this section, and shall thereafter make its recommendations to the Governor, whose decision shall be final.

Temporary  
Exclusions for  
Mining

(2) In every case where land is temporarily excluded from the native lands under the provisions of this section there shall be added temporarily to the native lands for the currency of the term of such exclusion an area of unalienated Crown land equal in agricultural value and, so far as may be, equal in size to the area which has been so excluded.

(3) Notwithstanding any provision to the contrary contained in the Mining Ordinance, 1933, the term for which land is temporarily excluded from the native lands under the provisions of this section shall be deemed to run concurrently with the term of the mining lease granted in respect of such land, and the term of such temporary exclusion shall be deemed to have expired automatically upon the expiry of the mining lease. Provided that if the mining lease is, under the provisions of the Mining Ordinance, 1933, renewed for any term, the exclusion of the land temporarily excluded shall be deemed also to have been renewed for a like term.

(4) Upon the final determination of a mining lease in respect of which land has been temporarily excluded, the land so excluded shall forthwith revert to and form part of the native lands, and thereupon any land temporarily added to the native lands by reason of such temporary exclusion shall cease to form part of the native lands and shall revert to the Crown.

Provided that in any case where the Trust Board is satisfied that the agricultural value of any portion of an area so temporarily excluded has been permanently impaired by reason of mining operations conducted thereon during the currency of the mining lease, the Governor may, on the recommendation of the Trust Board, make a permanent addition of land to the native lands from the land temporarily added thereto. The land so added shall be an area of land equal in agricultural value and, so far as may be, equal in size to the portion of the native lands which has been so impaired in value.

(5) No land situate in the Highlands shall be added to the native lands under the provisions of sub-sections (2) and (4) of this section, save with the consent of the Highlands Board.

(6) No mining lease shall be granted in respect of any land which is to be temporarily excluded in accordance with the provisions of this section unless and until all compensation payable by reason of such exclusion has been duly paid to the proper authority. Notice of every temporary exclusion of land and of every temporary addition to the native lands consequent thereon and of every renewal and expiration of any such exclusion and addition shall be published in the Gazette.

#### COMPENSATION

30. (1) Any native who is disturbed in his occupation of land in the native lands by reason of any permanent or temporary exclusion of land under the provisions of this Part of this Ordinance may make application for compensation in accordance with the provisions of section 17 of this Ordinance, and shall, in addition to receiving such compensation, be entitled, so far as may be practicable, to reside, together with his family, during the term of such exclusion in the area which has been added to the native lands in consequence of such exclusion.

(2) Any native who has satisfactorily established a claim, in accordance with the provisions of section 18 of this Ordinance, to be a private right-holder in respect of any land permanently or temporarily excluded from the native lands under this Part, shall, whether or not he is entitled to compensation under the provisions of sub-section (1) of this section, be entitled in addition to any compensation which may have been paid to him for disturbance, to receive compensation as a private right-holder under the provisions of section 18 of this Ordinance.

Compensation  
for exclusion

Provided that any such native may at his option, and in lieu of receiving such compensation as a private right-holder, elect to reside, if practicable, with his family during the term of such exclusion in the area which has been added to the native lands by reason of such exclusion; but a native who is entitled to compensation under sub-section (1) of this section and who exercises his right under that sub-section to reside in the added area shall not by reason thereof be taken to have exercised his option so as to deprive him of the right to receive compensation under sub-section (2) of this section.

#### PART V

##### LEASES AND LICENCES

31. Subject to the provisions of this Ordinance, and in the case of mining leases subject to the provisions of the Mining Ordinance, 1933, the Governor may grant leases of land in the native lands to any persons for such terms and subject to such conditions as the Governor may deem expedient.

Powers of  
Governor to  
grant leases in  
Native Lands  
No. 61 of 1933

Provided that, before any lease is granted under the provisions of this section, or under the provisions of the Mining Ordinance, 1933, the land to which such lease relates shall, subject to the provisions of section 29 of this Ordinance, be first set apart in accordance with the provisions of Part III of this Ordinance; but, where any land in the native lands has been set apart for the purpose of being so leased, it shall not be necessary again to set apart the land for the purpose of granting any renewal of the original lease.

No. 61 of 1933

32. (1) The Chief Native Commissioner may, subject to any general or special directions of the Governor, execute any lease, to be granted under the provisions of this Ordinance, of land in the native lands.

Chief Native  
Commissioner  
to execute leases

(2) Leases may be granted under the provisions of this Ordinance for any term not exceeding thirty-three years, subject to such conditions as may be prescribed:

Form of leases

Provided that, with the consent of the Secretary of State, leases may be granted for any term exceeding thirty-three years but not exceeding ninety-nine years.

(3) Leases granted for a term of one year or less shall be in such form as may be prescribed.

Form of leases  
for one year  
or less

(4) Leases for a term exceeding one year shall be in the form of grants under the provisions of the Registration of Titles Ordinance.

Form of leases  
for more than  
one year  
Cap. 142

Leases for  
farming or  
regulating centres,  
No. 28 of 1933

Mining leases,  
No. 61 of 1933

Buildings on  
leased native  
lands.

No. 61 of 1933

(5) Leases in respect of plots in townships or trading centres shall be granted subject to the provisions of the Town Planning and Development Ordinance, 1921.

(6) The Chief Native Commissioner may delegate to any Provincial Commissioner the power conferred upon him by sub-section (1) of this section in respect of any lease granted for a term of one year or less.

(7) Nothing in this section contained shall be deemed to apply to leases granted under the provisions of the Mining Ordinance, 1933.

33. (1) On the determination of any mining or other lease granted in respect of land in the native lands which has been set apart under the provisions of this Ordinance, the property in all buildings on such land, whether erected by the lessee or by any other person, shall, in the absence of any provision to the contrary contained in the lease, pass to and vest in the Trust Board on behalf of the native population of the native lands without payment of compensation to the lessee or to any other person in respect of such buildings.

Provided that where—

(a) the term of the lease does not exceed thirty-three years; and

(b) the buildings were erected by the lessee or by his predecessor in title; and

(c) the lease is not determined by forfeiture

the lessee may, within six months after the determination of the lease, remove any such buildings unless the Trust Board elects to purchase the buildings on behalf of the native population of the native lands and informs the lessee accordingly before such lessee has commenced to remove such buildings.

Provided further that nothing in this section contained shall be deemed to affect the provisions of sections 36, 56 and 58 of the Mining Ordinance, 1933, except that the Commissioner of Mines shall not allow a further period in excess of three months under the aforesaid section 36, or fix a time in excess of six months under the aforesaid section 56, save with the consent of the Trust Board.

(2) Where the Trust Board elects to purchase any such buildings in accordance with the proviso to sub-section (1) of this section, the lessee shall have no option as to the sale to the Trust Board but if he does not agree to the price offered by the Trust Board the matter shall be referred to arbitration under the provisions of the Arbitration Ordinance.

34. Subject to the provisions of section 20 of this Ordinance, the stand premium and/or rent payable in respect of any land in the native lands, in respect of which a lease has been granted, shall be assessed by the Provincial Commissioner in consultation with the Local Board, shall be subject to the approval of the Governor, and shall be paid to the Local Native Council concerned. Due regard shall be had in all such assessments to the fair economic value of the land and to such conditions regarding improvements as may be contained in the lease.

35. (1) Save as may otherwise be prescribed, no lease of land in the native lands shall alienate the land, or any part thereof, comprised in his lease by sale, mortgage, transfer of possession, sub-lease, bequest or otherwise howsoever without the consent in writing of the Provincial Commissioner.

(2) Before giving his consent in any case the Provincial Commissioner shall consult—

(a) the Trust Board, in cases where the land leased exceeds fifty acres in extent;

(b) the Local Board, in cases where the land leased does not exceed fifty acres in extent.

(3) Any such sale, mortgage, transfer of possession, sub-lease, bequest or other alienation effected without the consent in writing of the Provincial Commissioner shall be null and void and of no effect.

(4) An appeal shall lie to the Governor from any refusal of the Provincial Commissioner to give his consent in writing under the provisions of this section.

(5) Nothing in this section contained shall be deemed to apply to leases granted under the provisions of the Mining Ordinance, 1933.

36. (1) Where a lessee of land in the native lands desires to change the user of any land comprised in his lease, he shall make application in writing to the Provincial Commissioner concerned.

(2) Upon receipt of any such application the Provincial Commissioner shall consult the Local Board and shall thereupon forward to the Governor the application of the lessee, together with the recommendations thereon of the Local Board and of the Provincial Commissioner.

(3) (a) Where the land in respect of which any such application is made does not exceed ten acres in extent, the

Rents.

Lessee prohibited from alienating.

No. 61 of 1933

Change of user

Governor may approve the application, subject to such conditions as he may think fit, or reject the application

(b) Where the land in respect of which any such application is made exceeds ten acres in extent, the Governor shall, before making his decision, consult the Trust Board.

37. If the rent or any part thereof reserved in a lease of lands in the native lands shall at any time be unpaid for a period of twenty-one days after the same shall have become due, or if there shall be any breach of the lessee's covenants, whether express or implied, or any change of user not authorized under the provisions of section 36 of this Ordinance, the Chief Native Commissioner, or any person authorized by him in writing, may serve a notice upon the lessee specifying the rent in arrear, or the covenant of which a breach has been committed, or the unauthorized change of user which is alleged, and, at any time after one month from the service of such notice, may, notwithstanding the provisions of the Courts Ordinance, 1931, commence a suit in a First Class Subordinate Court for the recovery of the land. On proof of the facts, the Court shall, subject to relief upon such terms as to it may appear just, declare the lease forfeited, and may order that possession of the land be given by the lessee to the Chief Native Commissioner, either forthwith or on or before such day as the Court thinks fit to name, and that the defendant do pay the costs.

38. (1) Notwithstanding anything in this Ordinance contained, but subject to such conditions and fees as may be prescribed, licences may be granted to any person relating to

- (a) the grazing of live stock on native lands;
- (b) the removal of timber or other forest produce from any part of the native lands not included in an area declared under the provisions of section 3 of the Forest Ordinance to be a forest area;
- (c) the taking of sand, lime, stone, and other common minerals (excluding surface salt) from the native lands;
- (d) wayleaves in the native lands;

Provided that no licence referred to in paragraphs (a), (b) or (c) of this sub-section shall, except with the consent of the Trust Board, be granted for a period exceeding twelve months at any one time

(2) Subject to any general or specific instructions issued by the Trust Board, the Chief Native Commissioner, or such Provincial or District Commissioners as he may appoint as licensing officers, may grant licences for the grazing of live stock in the native lands, and for the removal of timber or other forest produce from the native lands.

(3) Licences for the taking of sand, lime, stone and other common minerals (excluding surface salt) from the native lands may be granted by a Provincial Commissioner or by such District Commissioners as a Provincial Commissioner may appoint as licensing officers.

(4) A Provincial Commissioner may grant a wayleave licence to any person empowering the holder thereof, his servants and agents to enter upon land in the native lands for the purposes of laying pipes, making canals, aqueducts, weirs, dams and/or any other works required for the supply and use of water, setting up electric power or telephone lines, cables, or aerial ropeways, and erecting such poles and pylons and making such excavations as may, in the opinion of the Provincial Commissioner, be necessary for the carrying out of any such purpose. Provided that, where the native land concerned is the subject of a mining right under the Mining Ordinance, 1933, or of a lease granted under the provisions of the Crown Lands Ordinance or of this Ordinance or of the Ordinance repealed by this Ordinance, the Provincial Commissioner shall not grant a wayleave licence in respect of such land except with the consent of the lessee or the holder of the mining right, as the case may be; and if any such lessee or holder refuses his consent, the Provincial Commissioner may appeal to the Governor in Council whose decision shall be final. In any case where a wayleave has been granted over any such land and any compensation is payable in respect of disturbance, or damage to the interests of the lessee, or holder, as the case may be, the amount of compensation shall be such sum as may be agreed upon between the applicant for the wayleave and the lessee or holder, as the case may be, and in default of such agreement, such sum as may be determined by arbitration under the provisions of the Arbitration Ordinance.

(5) Before granting any such wayleave licence the Provincial Commissioner shall consult the Local Board as to any compensation (other than compensation payable under the provisions of sub-section (4) of this section) which may be

payable and, if he is unable to agree with the Board as to such compensation, he shall report the matter to the Governor, whose decision shall be final. In any case where the usefulness of any land for agricultural purposes is in any way impaired by reason of the grant of any such wayleave licence, compensation in respect thereof shall be payable.

Licence fees

(6) All fees prescribed in respect of licences issued under the provisions of this section shall be paid to the Local Native Council concerned.

Renewals.

(7) Where the Trust Board objects to any licence which has been granted under the provisions of this section, such licence shall not be renewed unless and until the Board has withdrawn such objection:

Appeal.

Provided that where the Board refuses to approve the grant or renewal of any licence which may be granted under the provisions of this section, the applicant for such licence or renewal, as the case may be, may, within thirty days after the date of the notification of such refusal, appeal in writing to the Governor, whose decision shall be final.

Forfeiture of licences

39. (1) If the fees or any part thereof payable under a licence granted under this Ordinance shall at any time be unpaid for the space of twenty-one days after the same shall have become due, or if the licensee fails to comply with or commits any breach of any of the conditions of his licence, the Chief Native Commissioner, Provincial Commissioner, or licensing officer, as the case may be, may cause an application for the forfeiture of such licence to be made to a magistrate of the first class.

(2) Upon receipt of such application, together with particulars in writing specifying the fees in arrear or the condition which has not been complied with or of which a breach has been committed, the magistrate shall cause to be served upon the licensee a copy of such particulars together with a notice of the date, not being less than fourteen days after the date of such notice, when the application is to be heard.

(3) If upon the date fixed for the hearing of the application, or the date to which such hearing has been adjourned, it be proved to the satisfaction of the magistrate that fees are in arrear, or that the licensee has failed to comply with, or has committed a breach of, any of the conditions of the licence, the magistrate shall, subject to relief upon such terms as may to him appear just, declare the licence forfeited.

40. No forfeiture of any lease or licence under the provisions of this Ordinance, or of any rule made thereunder, shall operate to extinguish any debt due in respect of any rent or other payment to be made by a lessee or licensee under a lease or licence forfeited.

Debt not to be extinguished by forfeiture

41. The issue of licences and occupation permits in respect of land set apart under the provisions of this Ordinance shall, save where a contrary intention is in this Ordinance expressed, be governed by rules made under this Ordinance.

Licences and permits to be issued subject to rules.

## PART VI

## MISCELLANEOUS POWERS

*The Trust Board*

42. The Trust Board shall, in respect of water flowing into, through or out of the native lands, be deemed, for the purposes of the Water Ordinance, 1929, to be the landholder in relation to such native lands.

Trust Board to be landholder for purpose of Water Ordinance, 1929. No. 35 of 1929.

43. The Trust Board may, by notice in the Gazette, delegate to the Chief Native Commissioner the power to exercise on behalf of the Trust Board any of the functions or powers of the Trust Board in respect of water benefits and/or water rights which, in the opinion of the Trust Board, are of a minor character.

Trust Board may delegate powers under Water Ordinance, 1929.

44. The Trust Board at any time may cause general or specific instructions to issue in regard to the grant by Provincial Commissioners or licensing officers of licences to remove sand, lime, and any other common minerals (except surface soil), timber and other forest produce, from the native lands.

Trust Board may issue instructions and grant licences to remove common minerals.

45. (1) Service on the Trust Board of all legal processes and notices shall be effected by service on the Chief Native Commissioner who, in any legal proceedings, may be plaintiff or defendant, as the case may be, in the name of the Trust Board.

Service of process on

(2) Any costs incurred by or damages awarded against the Trust Board in connexion with any legal proceedings shall be paid by the Treasurer out of the revenues of the Colony.

*Local Native Councils*

46. The Local Native Councils established under the provisions of the Native Authority Ordinance, 1937, shall be

Local Native Councils. No. 2 of 1937.

responsible at all times for exercising the various functions assigned to them in respect of the native lands by this Ordinance and by any rules made thereunder.

*Miscellaneous Powers of Governor*

Governor may make minor adjustments to boundaries of Native Land Units.

47. (1) The Governor may, with the consent of the Trust Board, make adjustments of the boundaries of the native land units where the Trust Board is satisfied that any such adjustment is of a minor character and in the interests of the native population.

(2) Where any such adjustment has been made notice thereof shall be published in the Gazette, and the Second Schedule to this Ordinance shall be read and construed subject to the adjustments specified in such notice.

Governor may declare that land is required for public purposes.

48. (1) The Governor may, by notice in the Gazette, declare that land in the native lands is required for public purposes.

(2) The Governor may, by notice in the Gazette, declare what is a public purpose for the purposes of this Ordinance.

Governor may order native to remove.

49. (1) The Governor may, by writing under his hand, order any native, who at the commencement of this Ordinance is not residing in the native lands, the native reserves, the temporary native reserves, or the native leasehold areas and whose rights have, under the provisions of section 70 of this Ordinance, been extinguished, forthwith to remove himself, his family and his property (if any) from the land on which he is residing.

Provided that no such order shall be made unless the Governor is satisfied that sufficient suitable land for the accommodation of the native and his family is available and that provision for compensation for disturbance has been made.

Provided further that a private right-holder shall not be required to remove himself until he shall have harvested any annual crops which may have been planted:

And provided further that notwithstanding the provisions of section 12 of the Native Authority Ordinance, 1937, no native, whose rights in respect of the land upon which he, or his family, is, or are, residing, have been extinguished under the provisions of section 70 of this Ordinance, shall be compelled to remove himself from such land except by order of

the Governor made in accordance with the provisions of this section, but the provisions of this section and of this proviso shall not apply to a native who, having been ordered by the Governor to remove in accordance with the provisions of this section, either removes himself or is removed under the provisions of this section, subsequently cultivates or occupies land outside the boundaries of the native lands, the native reserves, the temporary native reserves or the native leasehold areas, as the case may be.

(2) Any native who disobeys or fails to comply with any order made under this section shall be guilty of an offence against this Ordinance.

(3) Where any native is convicted of an offence under the provisions of this section, the Court may, in addition to any penalty which it may impose under this Ordinance, authorize any administrative officer or police officer to cause such native, together with his family and property, if any, to be removed from the land on which he is residing in contravention of an order made under the provisions of sub-section (1) of this section.

*Powers of Entry*

50. (1) The Governor, subject to the provisions of sub-section (2) of this section, may at any time—

Powers of entry of Governor to Native Lands.

- (a) enter upon any land in the native lands, and take therefrom stone and other materials for the making or repairing of roads, railways, canals, water channels, or other public works whether of the like kind or not;
- (b) enter upon such land for the purpose of setting up poles and carrying electric, telegraph or telephone lines across such land, and laying sewers, water pipes, electric, telegraph or telephone lines therein, and for maintaining and/or affording access to any such works and to any other works of a public nature;
- (c) enter upon such land and there do any work which he may consider necessary for maintaining or improving the flow of water in any river, stream, spring, lake or swamp, and for that purpose may construct dams and divert any river, stream, spring, lake or swamp.

(d) by writing under his hand authorize officers in the service of the Government of the Colony, of the High Commissioner for Transport, and of any local authority duly established by any Ordinance in force in the Colony, and any contractors employed by such officers, to exercise any of the powers conferred upon the Governor by this section. Any authority granted under the provisions of this paragraph shall be deemed to include the assistants, servants or agents of the officers or contractors to whom such authority is granted.

(2) Compensation, assessed in accordance with the provisions of sections 17 and 18 of this Ordinance, shall be payable in respect of anything done under this section for loss or disturbance and for the fair value of buildings and crops destroyed or damaged, and, in any case where the usefulness of any land for agricultural purposes is impaired by anything so done, compensation in respect thereof shall be payable.

(3) The powers conferred by this section may be exercised before the compensation is paid, but not before compensation has been assessed.

(4) It shall not be competent for the Trust Board or a Local Board to make any representations in regard to the exercise of any powers under this section except so far, in the case of a Local Board, as the Provincial Commissioner may refer to such Board any question of compensation.

51. (1) Any officer of the Government of the Colony and any person authorized by any such officer shall for any purpose relating to this Ordinance have power at all times to enter upon any land in the native lands or to enter any premises or place on such lands and there to make such inspection, examination and inquiry and to call for such information as may be necessary for carrying into effect any of the provisions of this Ordinance or of any other law for the time being in force.

(2) Any person who refuses to permit any duly authorized officer or his representative to carry out any of the powers conferred by sub-section (1) of this section, or obstructs or hinders any such officer or his representative in the execution of his duty under this Ordinance, or fails to give any required information, or furnishes false information, to such officer or

Power to enter  
land and  
premises.

Obstruction of  
officers.

to his representative, shall be guilty of an offence under this Ordinance and shall, on conviction by a magistrate of the first or second class, be liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

#### PART VII

##### MISCELLANEOUS PROVISIONS

52. (1) Notwithstanding anything contained in this Ordinance, land in the native lands may, with the consent of the Trust Board, be declared to be a forest area as defined by the Forest Ordinance.

Consent of  
Trust Board to  
be necessary in  
case of forest  
areas.  
Cap. 149.

(2) Any land in the native lands duly declared to be a forest area shall be proclaimed as such in accordance with the provisions of the Forest Ordinance and shall be administered and controlled in accordance with rules made under that Ordinance or any other Ordinance at any time in force in the Colony relating to forests.

Cap. 149.

(3) All net profits accruing to the Conservator of Forests from the working of forest areas in the native lands shall be paid annually to the Local Native Council concerned.

For the purposes of this section the net profit of any forest area shall be the revenues derived from such forest area after deducting from such revenues the cost to the Government of the Colony, including overhead expenses, of working and maintaining such forest area. Where, in any year, a loss is incurred, the amount of such loss shall be carried forward and added to the working and maintenance charges for the ensuing year.

53. (1) No action shall lie against the Government of the Colony or against any officer thereof or against any person authorized by any such officer, for any act done in good faith and without negligence under the provisions of this Ordinance or for the purpose of carrying into effect any such provisions.

Indemnity.

(2) No compensation shall be payable to any person for any act done under the provisions of this Ordinance in good faith and without negligence, save where express provision is made in this Ordinance for the payment of compensation.

Compensation

54. All acts heretofore done by the Governor or by any officer of the Government of the Colony or by any person acting under the direction of the Governor or of any officer of

Validation of  
acts previously  
done, and  
indemnity  
therefor.

such Government in regard to any matter for which lawful authority is provided in this Ordinance and for which no lawful authority existed prior to the commencement of this Ordinance are hereby made and declared to be lawful and are confirmed as on and from the time of the performance of such acts, and the Governor and every such officer or person is hereby freed, acquitted, discharged, and indemnified, as well against the King's Most Gracious Majesty, his heirs and successors, as against any and all persons whatsoever, from all legal proceedings of any kind whatsoever whether civil or criminal, in respect of any such acts

Proceedings to be brought in name of Chief Native Commissioner

55. (1) All actions, suits and proceedings respecting land in the native lands or respecting any lease, licence or permit relating thereto, or respecting the breach of any covenant contained in any such lease, licence or permit, or respecting any trespass on such land, or any damages accruing by reason of such trespass, or for the recovery of any rents or fees, or relating to any damages or wrongs whatsoever in respect of such land, may be commenced, prosecuted and carried on in the name and title of the Chief Native Commissioner

(2) In any such action, suit or proceeding the Chief Native Commissioner may be represented by any advocate or by any administrative officer duly authorized by him in writing in that behalf.

Service of notice, etc.

56. (1) Any application, statement, demand, instrument, notice or other document authorized or required by this Ordinance, or any rule made thereunder, may be served on the person to whom it is to be given either personally or by leaving it for him at his last known place of abode or by sending it through the post in a registered letter addressed to him there

(2) Where any such document is to be served on a person by being sent through the registered post it shall be deemed to have been served not later than the fourteenth day succeeding the day on which it was posted, and for proof of such service it shall be sufficient to prove that the letter containing the notice was properly addressed, registered and posted

Publication of notices, etc.

57. (1) Any order, notice or other document required by this Ordinance, or any rule made thereunder, to be published may be published by affixing a copy in the District Commissioner's office and in some other public or conspicuous place

or situation in the area concerned, and where it is deemed necessary, by publishing it in the Gazette.

(2) Such publication or affixing shall be deemed good and sufficient publication and notice to all persons concerned.

(3) Any person who without lawful cause or excuse, tears, defaces, alters, injures or removes any notice so affixed, shall be guilty of an offence against this Ordinance and shall be liable on conviction by a magistrate to a fine not exceeding ten pounds

58. Save where provision to the contrary is expressly made in this Ordinance, no appeal shall lie from any decision given, order made, or matter or thing done under this Ordinance. Appeal

59. Save in regard to matters wherein express provision is made in this Ordinance, the native lands shall be subject in all respects to the general law from time to time in force in the Colony

Not to over-ride other laws except where express provision is made.

#### Penalties

60. Every omission or neglect to comply with and every act done, or attempted to be done, contrary to the provisions of this Ordinance or of any rule or order made thereunder, or in breach of the conditions and restrictions subject to or upon which any licence or permit has been issued, shall be deemed to be an offence against this Ordinance, and for every such offence for which no penalty is specially provided the offender shall be liable on conviction by a magistrate to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment. Penalty.

61. (1) Any person who unlawfully occupies land in the native lands, in any manner whatsoever, shall be guilty of an offence against this Ordinance. Penalty for unauthorized occupation of land in Native Lands.

(2) No person entering or being in the native lands shall be deemed to be a trespasser on or to be in unlawful occupation of such native lands save in so far as he would be liable to be proceeded against for trespass or for unlawful occupation of land under the provisions of this Ordinance or any rules made thereunder or under the provisions of any other law for the time being in force in the Colony. Trespass.

(3) Travellers shall be allowed to encamp with their servants, transport and baggage on any uncultivated land in



the native lands for a period not exceeding forty-eight hours, and, with the consent of the District Commissioner, for a longer period; and they shall with their servants be allowed access to any spring, river, stream or lake upon the land.

Penalty for  
false  
declaration.

62. Any person who makes a false declaration in relation to any matter or thing required to be done by this Ordinance, or by any rules made hereunder, or who produces any false declaration or certificate, knowing the same to be false in any material particular, shall be guilty of an offence against this Ordinance.

Saving of other  
powers.

63. Nothing in this Ordinance contained shall prevent a prosecution under any other law, but so that a person shall not be punished twice for the same offence.

#### Construction

Construction  
No. 9 of 1930.

64. (1) Any reference in any enactment to the Native Lands Trust Ordinance, 1930, or to any Ordinance amending the same, shall, unless the context otherwise requires, be construed to refer to this Ordinance.

Cap. 149

(2) Any reference in any enactment to a native reserve shall, unless the context otherwise requires and save in the case of this Ordinance or of Part VI of the Crown Lands Ordinance, be construed to refer to an area in the native lands as defined by this Ordinance.

(3) Any reference in any enactment to the Native Lands Trust Board or to the Central Board shall, unless the context otherwise requires, be construed to refer to the Trust Board defined in section 3 of this Ordinance.

(4) Any reference in this Ordinance to any other Ordinance shall be construed to include any Ordinance amending or replacing such other Ordinance.

#### Rule-making Powers

Governor may  
make Rules.

65. (1) Subject to the provisions of this Ordinance, the Governor may, with the advice and consent of the Trust Board, make rules, relating to the native lands, for the purpose of carrying this Ordinance into effect and for prescribing the fees to be paid for any matter or thing done under this Ordinance, and more particularly for all or any of the following purposes:

- (a) controlling the occupation and use of the native lands for grazing and pasturing stock, flocks and herds;

(b) compulsorily reducing the numbers of stock, flocks and herds in any native land unit;

(c) regulating the reconditioning of any native land unit and for such purpose prohibiting and regulating the occupation of any areas therein;

(d) regulating generally the use and conservation of any area in the native lands;

(e) regulating any matters relating to the tenure of land between natives in the native lands;

(f) regulating the grant of leases in respect of land set apart in the native lands and all matters relating thereto, and prescribing—

(i) the form of leases issued for a term of one year or less;

(ii) the term for which any particular class of lease may be granted;

(iii) the conditions or restrictions subject to and upon which any particular class of lease may be granted;

(iv) the method of collecting the rents for leases and the persons to whom such rents are to be paid;

(g) regulating the issue of licences in the native lands in respect of—

(i) native cattle grazing rights;

(ii) the removal of timber, forest produce, and lime, stone and other common minerals (excluding surface salt); and

(iii) wayleaves;

(h) prescribing the form and term of licences and occupation permits and the conditions upon and subject to which such licences and permits may be issued;

(i) for the protection of trees and forest produce on land not within a forest area within the meaning of the Forest Ordinance, and for regulating the felling or removal of such trees or forest produce, as the case may be.

(2) In any rules made under this section the Governor may reserve power to apply all or any of the provisions of such rules to the native lands as a whole, or to any one native land unit, or to any specified part of any native land unit.

(3) Any rules made under the provisions of this section shall be in addition to, and not in derogation of, the provisions of any law for the time being in force relating to the matters specified in paragraphs (a), (b), (c) and (d) of this section.

## PART VIII

## SAVING - EXTINGUISHMENT OF RIGHTS—REPEALS

Savings of existing rights

66. Save where a contrary intention is expressed in this Ordinance, nothing herein contained shall be deemed to affect the validity of any subsisting title to land within the native lands nor the validity of any subsisting grant of mining or other rights therein in any case where such title was acquired or such grant was made before the commencement of this Ordinance. All such titles and rights and the powers thereby conferred and the obligations thereby imposed shall continue to be governed by the Ordinance under which such titles or rights were granted as if this Ordinance had not been enacted:

Provided that all land held under any such subsisting title or grant shall be deemed to be included in the native lands from the commencement of this Ordinance.

Crown rights

67. Save as is expressly provided in this Ordinance, nothing herein contained shall affect prejudicially any right, power, privilege or exemption of the Crown.

Rights of natives in the native lands

68. In respect of the occupation, use, control, inheritance, succession and disposal of any land situated in the native lands, every native tribe, group, family and individual shall have all the rights which they enjoy or may enjoy by virtue of existing native law and custom or any subsequent modifications thereof, in so far as such rights are not repugnant to any of the provisions of this Ordinance, or to any rules made thereunder, or to the provisions of any other law for the time being in force in the Colony.

Enforcement of laws for treason or rebellion

69. Notwithstanding anything in this Ordinance contained, the Governor, in cases where the offences of treason or rebellion against His Majesty have been proved to have been committed by any native tribe, group, family or individual, and in addition to any other punishment lawfully inflicted in respect of an offence so committed, may order that any land in the native lands, held or occupied by any such tribe, group, family or individual, be forfeited and revert to His Majesty. Every such order of the Governor shall be subject to the approval of the Secretary of State.

70. (1) With effect from the commencement of this Ordinance, all native rights existing at the commencement of this Ordinance in any land in the Colony situate outside the boundaries of the native lands, the native reserves, the temporary native reserves and the native leasehold areas, irrespective of whether such rights relate to tribal, group, family or individual holdings, are hereby declared to be extinguished, and the provisions of sections 30 and 31 of the Crown Lands Ordinance, 1902, and of section 86 of the Crown Lands Ordinance shall no longer have effect in respect of land alienated under such Ordinances respectively.

Extinguishment of native rights.

Cap. 140. No. 21 of 1902

Provided that nothing in this section contained shall be deemed to apply to—

- (a) rights enjoyed by individual natives under any specific title granted to them;
- (b) rights of resident labourers secured by contract under the provisions of the Resident Native Labourers Ordinance, 1925, until the termination of the contract;
- (c) existing rights in any areas in respect of which forest concessions have been granted by the Government of the Colony;
- (d) native rights in the Protectorate of Kenya.

No. 8 of 1925.

Provided further that nothing contained in this section and/or in section 49 of this Ordinance shall be deemed to restrict the enjoyment of such rights as have been extinguished under the provisions of this section in respect of the land on which any native resides until such native has been ordered by the Governor under the provisions of section 49 of this Ordinance to remove himself from such land.

(2) Nothing in this section contained shall be construed as affecting any native tribes or communities, for whom no specific native land unit is provided by this Ordinance, in regard to any right which such tribes or communities may have to occupy areas of unalienated Crown land, other than land situate in the Highlands, in which they are resident at the date of the coming into operation of this Ordinance.

71. Subject to the provisions of section 66 of this Ordinance, the Native Lands Trust Ordinance, 1930, as amended by the Native Lands Trust (Amendment) Ordinance, 1932, and by the Native Lands Trust (Amendment) Ordinance, 1934, is hereby repealed.

Repeal.

No. 9 of 1930.

No. 51 of 1932.

No. 36 of 1934.

## FIRST SCHEDULE

## NATIVE LANDS

The Native Lands, the boundaries of which are set out below, are delineated and bordered yellow on Boundary Plan No. 156, deposited at the Land Survey Records Office, Nairobi.

Freehold areas which lie within the boundaries of the native lands are not part of the native lands and are excluded therefrom whether specifically mentioned therein or not.

Where a river or stream is described as forming a boundary the centre line of its course shall be the boundary unless otherwise stated, and where the term "high-water mark" is mentioned that term means the high-water mark at ordinary spring tides of the Indian Ocean.

Note.—Successive portions of the boundary are numbered in order on Boundary Plan No. 156. The descriptions hereunder of those successive portions have corresponding numbers in the right hand margin to enable them to be readily followed on the plan.

## (1) BOUNDARIES OF THE KIKUYU NATIVE LAND UNIT

The Kikuyu native land unit consists of two areas the boundaries of which are as follows.

## PART I

Commencing at the southernmost corner of L.R. No. 378, (1)

thence by part of the south-eastern boundary of L.R. No. 378 for a distance of 16,194.4 feet to a beacon on the western boundary of the Kikuyu Escarpment Forest Reserve,

thence generally southerly easterly, northerly, again easterly and generally southerly by a series of cut and beacons straight lines which form a part of the western and generally southern boundary of the aforesaid forest reserve (L.R. No. 4448) to its intersection with the northern boundary of the Limuru Naivasha main road reserve,

thence easterly by that road reserve boundary to its intersection with the western boundary of the Kenya and Uganda Railway Reserve.

thence southerly by that reserve boundary to its intersection with the northern boundary of Limuru Railway Station Reserve;

thence southerly by the generally western boundary of that station reserve to its intersection with the western boundary of the Kenya and Uganda Railway Reserve;

thence southerly by that railway reserve boundary to its intersection with the north-western boundary of L.R. No. 173/1;

thence southerly by the generally western boundary of L.R. No. 173/1, and south-easterly by the south-western boundary of L.R. No. 173/2 to the southernmost corner of the latter portion;

thence north-easterly by the south-eastern boundary of L.R. No. 174 to its intersection with the western boundary of the Kenya and Uganda Railway Reserve;

thence southerly by that railway reserve boundary to a point due west of the southernmost corner of L.R. No. 4713; thence due east to that southernmost corner,

thence by the south-eastern boundaries of L.R. Nos. 4713, 5831, and 4493 to the easternmost corner of the last portion,

thence south-easterly by the generally south-western boundaries of L.R. Nos. 5851, 5, 5851.9, and 164.3 to the northernmost corner of L.R. No. 170.1.2,

thence southerly by the western boundary of the last portion to its intersection with the Mutigutu River,

thence down-stream by that river to its intersection with the south-eastern boundary of L.R. No. 5878,

thence north-easterly by the south-eastern boundaries of L.R. Nos. 5878, 3564, 2950/1, 2950/5/2.3, 2950.3 R, 5916 and 152 to the easternmost corner of the last portion, (1)

thence south-easterly by the south-western boundaries of L.R. Nos. 132.1/1/2, 245/1, 245.2 R, part of 134.3 R, the whole of 134.6 and again part of 134.3 R to the south-eastern corner of the last portion,

thence north-easterly by the generally south-eastern boundaries of L.R. Nos. 134.3 R, 134.7, 134.4 R, 5876 R, 4640 and 126 to the intersection of the last with the Kamiti River,

thence up-stream by that river to its intersection with the eastern boundary of L.R. No. 3696. (4)

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thence northerly by the eastern boundaries of L.R. Nos. 3696 and 3698 to the north-eastern corner of the latter portion;

thence northerly by part of the eastern boundary of L.R. No. 3700 to the southernmost corner of the Kikuyu Escarpment Forest Reserve (south-eastern portion);

thence easterly, northerly and westerly by the generally eastern and northern boundaries of that forest reserve to the north-eastern corner of L.R. No. 241/3;

thence westerly by the northern boundary of L.R. No. 241/3 to the north-western corner of that portion;

thence by part of the eastern, the northern, generally western and southern boundaries of L.R. No. 3900 to the south-eastern corner of that portion;

thence by part of the western boundary of L.R. No. 241/3 for a distance of approximately 855 feet to its intersection with part of the northern boundary of the Kikuyu Escarpment Forest Reserve (south-western portion);

thence westerly by that forest reserve boundary to its intersection with the eastern boundary of L.R. No. 4768;

thence northerly by part of that boundary and westerly by the northern boundary to the northernmost corner of that portion. (5)

thence southerly by the western boundary of L.P. No. 4768 to its intersection with the northern boundary of the Kenya and Uganda Railway Reserve;

thence south-westerly by that railway reserve boundary for approximately 3,200 feet to its intersection with a cut and beaconed line which forms the boundary of the Kikuyu Escarpment Forest Reserve;

thence generally northerly by that cut and beaconed line for a distance of about 6,000 feet to its intersection with the eastern boundary of the Kenya and Uganda Railway Reserve;

thence by a straight line on a true bearing of 315° 45' 40" to a beacon on the western boundary of that railway reserve;

thence by a straight line on a true bearing of 266° 37' 30" for a distance of about 3,523 feet to a beacon;

thence by a straight line on a true bearing of 356° 37' 30" for a distance of about 3,537 feet to a beacon;

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thence by a straight line on a true bearing of 88° 48' 33" for a distance of about 886 feet to a beacon;

thence by a straight line on a true bearing of 89° 57' 25" for a distance of about 506 feet to a beacon;

thence by a straight line on a true bearing of 86° 31' 20" for a distance of about 2,181 feet to a beacon on the western boundary of the Kenya and Uganda Railway Reserve;

thence southerly by that reserve boundary for a distance of about 3,300 feet to a point on a true bearing of 315° 45' 40" from a beacon on the eastern boundary of the Kenya and Uganda Railway Reserve;

thence by a straight line to that beacon;

thence easterly, northerly, westerly, southerly and south-westerly by a cut and beaconed line, which forms part of the boundary of the Kikuyu Escarpment Forest Reserve, to its intersection with the north-eastern boundary of the Kenya and Uganda Railway Reserve;

thence north-westerly by that reserve boundary for a distance of about 700 feet to a beacon in the vicinity of Escarpment Station;

thence by a straight line on a true bearing of 133° 01' 00" for a distance of 133.6 feet to a beacon;

thence by a straight line on a true bearing of 22° 31' 14" for a distance of 990.5 feet to a beacon;

thence by a straight line on a true bearing of 266° 43' 25" for a distance of 2,725.5 feet to a beacon on the eastern boundary of the Kenya and Uganda Railway Reserve;

thence northerly by that reserve boundary for a distance of about 570 feet to a beacon;

thence by a straight line on a true bearing of 86° 39' 03" for a distance of about 403 feet to a beacon;

thence by a straight line on a true bearing of 356° 39' 03" for a distance of about 653 feet to a beacon;

thence by a straight line on a true bearing of 86° 39' 03" for a distance of about 2,384 feet to a beacon;

thence by a straight line on a true bearing of 37° 44' 20" for a distance of about 1,147 feet to a beacon;

thence northerly, north-easterly, north-westerly and south-westerly by a cut and beaconed line, which forms part of the boundary of the Kikuyu Escarpment Forest Reserve, to its intersection with the eastern boundary of the Kenya and Uganda Railway Reserve;

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thence northerly by that railway reserve boundary for a distance of approximately 8,000 feet to its intersection with the north-western boundary of L.R. No. 388/1; (6)

thence by the north-western and north-eastern boundaries of that portion to its easternmost corner;

thence by part of the south-eastern boundary of L.R. No. 388/1 for a distance of approximately 2,200 feet to a beacon;

thence generally south-easterly by part of the generally south-western boundary of the Kikuyu Escarpment Forest Reserve (northern portion) to its intersection with the Kimati River; (7)

thence northerly by the generally eastern boundary of the Kikuyu Escarpment Forest Reserve (northern portion) and the Aberdare Forest Reserve to the intersection of the western boundary of L.R. No. 5143 with the Muringato River; (8)

thence down-stream by that river to its intersection with the south-eastern boundary of L.R. No. 5152;

thence by a straight line on a true bearing of  $46^{\circ} 08' 10''$  for a distance of about 3,430 feet to a beacon;

thence by a straight line on a true bearing of  $114^{\circ} 58' 15''$  for a distance of 3,155.3 feet to a beacon;

thence by a straight line on a true bearing of  $118^{\circ} 51' 06''$  for a distance of 1,872.0 feet to a beacon;

thence by a straight line on a true bearing of  $73^{\circ} 25' 32''$  for a distance of 1,228.4 feet to a beacon on the western boundary of the portion known as Njengu Salt Lick;

thence by a straight line on a true bearing of  $350^{\circ} 07' 21''$  for a distance of 1,423.1 feet to a beacon on the generally western boundary of the Nyeri-Rumuruti Road Reserve;

thence generally south-easterly by that road reserve boundary to the north-western corner of L.R. No. 6948;

thence southerly by the western boundary of that portion for a distance of 764.1 feet to a beacon;

thence by a straight line on a true bearing of  $304^{\circ} 51' 17''$  for a distance of 2,932.5 feet to a beacon;

thence by a straight line on a true bearing of  $253^{\circ} 25' 32''$  for a distance of 1,258.5 feet to the north-eastern corner of L.R. No. 4166;

thence north-westerly and south-westerly by the north-eastern and the north-western boundaries of that portion to the intersection of the latter with the Muringato River;

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thence down-stream by that river to its junction with the Muraria River;

thence up-stream by that river to its intersection with the south-western boundary of L.R. No. 1105/2;

thence south-easterly by the generally south-western boundary of that portion and the generally western boundary of L.R. No. 1105/1 to the intersection of the latter with the Chania River;

thence down-stream by that river to its intersection with the western boundary of Nyeri Township (L.R. No. 1108);

thence by part of that boundary and by the southern and part of the eastern boundary of that township to the intersection of the last with the Chania River;

thence down-stream by that river to its intersection with the western boundary of L.R. No. 1119;

thence by that boundary and by the southern, and part of the eastern boundary of that portion to the intersection of the last with the Chania River;

thence down-stream by that river to its junction with the Muringato River; (9)

thence up-stream by that river to its junction with the Amboni River;

thence easterly by a cut and cleared line to the intersection of the eastern boundary of L.R. No. 3469 with the Nairobi River;

thence down-stream by that river to its junction with the Sagana River;

thence easterly and northerly by the generally southern and eastern boundaries of the Mount Kenya Forest Reserve to the intersection of the south-eastern boundary of L.R. No. 4634 with the Marama River; (10)

thence down-stream by that river till it joins (or becomes) the Ngare Siolo (Isiolo River);

thence down-stream by the latter river to its intersection by the Nyeri-Archer's Post Road in the vicinity of the K.A.R. Wagon Camp;

thence north-easterly by a straight line to the southern of the two principal summits of Shaba Hill;

thence still north-easterly by a straight line to a cairn on the northern spur of the Gwau Hills about five miles in a north-easterly direction from Mgonbe (Yombe) Crater; (11)

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thence in a south-easterly direction by a straight line to its intersection with the Kathima ya Magomo River at a point where that line produced would intersect a cairn on its left or eastern bank;

thence by that river down-stream till it becomes the Mackenzie River;

thence down-stream by that river to its junction with the Tana River;

thence up-stream by that river to its junction with the Maragua River;

thence up-stream by the latter river to its intersection with the north-western boundary of the Kenya and Uganda Railway Reserve;

thence generally south-westerly by that railway reserve boundary to its intersection with the western boundary of the Thika-Fort Hall Road Reserve;

thence southerly, south-westerly and again southerly by that road reserve boundary to a point due west of the south-western corner of L.R. No. 1959/2;

thence by a straight line to that south-western corner;

thence south-easterly and northerly by the south-western and the generally eastern boundaries of L.R. No. 1959/2 to the south-eastern corner of L.R. No. 325/7 (325/6/2);

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

12° 22' 03"	1,580.0 feet
2° 13' 19"	549.4 ..
331° 01' 11"	385.5 ..
17° 14' 39"	296.3 ..
350° 12' 34"	576.9 ..
329° 41' 58"	561.5 ..
36° 38' 27"	980.1 ..
25° 58' 26"	494.1 ..
0° 36' 00"	416.3 ..
348° 06' 55"	293.3 ..
342° 30' 52"	770.4 ..
70° 41' 47"	255.6 ..
57° 19' 11"	824.3 ..
96° 36' 59"	390.1 ..
124° 22' 07"	646.6 ..

to a beacon on the western boundary of L.R. No. 1965;

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thence southerly by a part of the western boundary of that portion to its intersection with the Thaba Thaba River;

thence down-stream by the Thaba Thaba River to its intersection with the western boundary of L.R. No. 6912.

thence southerly by that western boundary to the north-eastern corner of L.R. No. 3511;

thence by the north-eastern boundary of that portion to its intersection with the Thara River;

thence up-stream by that river to its intersection with the western boundary of that road reserve which forms the western boundary of L.R. No. 319/3;

thence generally southerly by that western boundary of that road reserve to its intersection with the Makindi River;

thence up-stream by that river to its junction with the Thugi River;

thence up-stream by the latter river to its intersection with the north-western boundary of L.R. No. 3557;

thence south-westerly by the north-western boundaries of L.R. Nos. 3557, 298/12 and 298/10 to the intersection of the last with the Thika River;

thence up-stream by that river to the northern corner of L.R. No. 2955 1/2/3.

thence generally south-westerly by the western boundary of L.R. No. 2955 1/2/3, the northern boundary of L.R. No. 2955 1/2/2 and the north-western boundary of L.R. No. 2955 1/1 to the intersection of the last with the Chania River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 295/3;

thence south-westerly by that boundary and onwards by the same straight line to its intersection with the Karimnu River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 295 1/R.

thence south-westerly by the north-western boundaries of L.R. Nos. 295/1/R, 295/2/R and 295/7 to the intersection of the last portion with the north-eastern boundary of L.R. No. 290/2/1.

thence north-westerly by part of that boundary and the whole of the north-eastern boundary of L.R. No. 290 1 to the northernmost corner of the latter portion.

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thence south-westerly by the north-western boundaries of L.R. Nos. 290/1, 4907 and 291/1 to the intersection of the last portion with the Thiritika River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 294/1/2/2;

thence south-westerly by that boundary to its intersection with the Theta River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 247/1. (16)

thence south-westerly by that boundary and the north-western boundary of L.R. No. 244 to the intersection of the latter with the Kamassi River which forms the north-eastern boundary of L.R. No. 115/3;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 115/3;

thence south-westerly by that boundary and the north-western boundary of L.R. No. 3678 to the intersection of the latter with the Ruru River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 114/2;

thence by that boundary and part of the northern and the whole of the north-western boundaries of L.R. No. 113/1 to the intersection of the last with the Mukuyu River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 6000;

thence south-westerly by that boundary and part of the north-western boundary of L.R. No. 6710 to the north-eastern corner of L.R. No. 6763;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 6763, 4924, part of 4888, and the whole of 98/1 to the north-western corner of the last portion;

thence north-easterly and north-westerly by part of the north-eastern boundaries of L.R. No. 4888 to the northernmost corner of that portion;

thence south-westerly by the north-western boundary of the latter portion and of L.R. No. 4889 and 4890/4 to the intersection of the last with the Kamiti River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 3728; (17)

thence south-westerly by the north-western boundaries of L.R. Nos. 3728, 3729/3 and 5858 to the intersection of the last with the Kiu River;

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thence down-stream by that river to its intersection with the northern boundary of the Kiambu-Fort Hall Road Reserve;

thence south-westerly by that road reserve boundary to its intersection with the Riara River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 81/3;

thence south-westerly by that boundary to its intersection with the Gatharaini River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 86/3;

thence north-westerly and south-westerly by the generally north-eastern and north-western boundaries of L.R. No. 86/1 to the north-western corner of L.R. No. 86/2;

thence south-easterly by the generally south-western boundaries of L.R. Nos. 86/2, 86/1 and part of 86/3 to the northernmost corner of L.R. No. 85/1;

thence by the north-western boundaries of L.R. Nos. 85/1 and 7268 to its intersection with the northern boundary of L.R. No. 23;

thence by the northern boundaries of L.R. Nos. 23 and 22 to the intersection of the latter with the Kashi River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 22;

thence south-westerly by that boundary to its intersection with the Rui Ruaka River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 21/1;

thence south-westerly by that boundary to its intersection with the Karura River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 18/1;

thence south-westerly by part of that boundary and the north-western boundary of L.R. No. 7008 to the easternmost corner of L.R. No. 3861;

thence by the north-eastern boundaries of L.R. Nos. 3861, 3862 and part of the north-western boundary of the latter portion to the easternmost corner of L.R. No. 2951/2;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 2951/1/2, 2951/1/3, 2951/1/4, 2951/1/5 and 2951/3 to the northernmost corner of the last portion.

thence south-westerly by the north-western boundary of the last portion to its intersection with the Gethathuru River; (18)  
thence up-stream by that river to its intersection with the western boundary of L.R. No. 189/R;

thence south-westerly by the generally north-western boundary of that portion and L.R. No. 4065 and again of 189/R to the north-western corner of L.R. No. 189/A/2/R (Government Farm Extension);

thence by the western, southern, and eastern boundaries of that portion and the eastern boundary of L.R. No. 4077 to the intersection of the last with the southern boundary of the Kenya and Uganda Railway Reserve;

thence easterly by that railway reserve boundary to a beacon on the western boundary of L.R. No. 4393/R;

thence south-westerly by a straight line to the north-western corner of L.R. No. 5;

thence southerly, south-easterly and south-westerly by the western and south-western boundaries of that portion to its intersection with the Nairobi River;

thence up-stream by that river to its intersection with the western boundary of L.R. No. 3734/R;

thence southerly by part of that boundary to the northern corner of L.R. No. 330; (19)

thence by part of the north-western and part of the south-western boundaries of the latter portion to the intersection of the latter with the Kerichwa Kubwa River;

thence by a straight line due south for a distance of approximately 302 feet to a beacon on the south-western boundary of the Dagoreti Road Reserve;

thence south-easterly by that road reserve boundary to its intersection with the northern boundary of the Ngong Road Reserve;

thence south-westerly by that road reserve for a distance of approximately 10,840 feet to its intersection with the eastern boundary of the Ngong Road Forest Reserve;

thence northerly, easterly, northerly, westerly, southerly, north-westerly and again southerly by the generally northern boundary of that forest reserve to the intersection of the last with the Mutoni River which forms the northern boundary of L.R. No. 191; (20)

thence up-stream by that river to the intersection with the north-western boundary of L.R. No. 195/R.

thence south-westerly by part of that boundary to the north-eastern corner of L.R. No. 196/7;

thence by the northern and part of the north-western boundary of that portion to the north-eastern corner of L.R. No. 197;

thence north-westerly by the north-eastern boundary of that portion to the north-eastern corner of L.R. No. 2377;

thence by the north-eastern, and north-western boundaries of L.R. No. 2377 to the intersection of the latter with the Mbagathi River;

thence up-stream by that river to the southernmost corner of L.R. No. 2256/7 (lower portion of the Dagoreti Forest Reserve);

thence by the south-eastern, eastern, northern, western and again northern and western boundaries of that forest reserve to its south-western corner;

thence north-westerly by a straight line to a beacon at the south-eastern corner of L.R. No. 369; (21)

thence by the eastern boundaries of L.R. Nos. 369, 370, 371 and 373 (now part of Masai native land) to the southern corner of L.R. No. 374;

thence by the south-eastern boundary of that portion and part of the south-western boundary of L.R. No. 378 to the point of commencement. (1)

The whole of the area described as follows, is excluded from this native land with the exception of the portions known as L.R. Nos. 178 and 1126 in the vicinity of Kikuyu Station;

Commencing at the easternmost corner of L.R. No. 183/R;

thence generally north-westerly by the north-eastern and northern boundaries of L.R. No. 183/R and the northern boundary of L.R. No. 1641 to the intersection of the last with the south-eastern boundary of the Kenya and Uganda Railway Reserve;

thence northerly by that railway reserve boundary to its intersection with the southern boundary of L.R. No. 233 (Railway Quarry Reserve);

thence by the southern, eastern and northern boundaries of that portion to the intersection of the last with the eastern boundary of the Kenya and Uganda Railway Reserve.



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thence by a straight line on a true bearing of 275° 33' 28" to its intersection with the western boundary of the Kenya and Uganda Railway Reserve;

thence south-westerly by that railway reserve boundary to its intersection with the north-western boundary of L.R. No. 231 (Kikuyu Trading Centre);

thence south-easterly by part of the northern boundary of that portion to the south-eastern corner of L.R. No. 487 1/9;

thence northerly by the generally eastern boundary of L.R. Nos. 487 1/9-16 and 4955/5-10 to the northernmost corner of the last portion;

thence by the north-eastern and north-western boundaries of L.R. No. 4870 to the intersection of the latter with the eastern boundary of the Kenya and Uganda Railway Reserve;

thence northerly by that railway reserve boundary to a point on the production of the northern boundary of L.R. No. 4885;

thence westerly by a straight line to the north-eastern corner of L.R. No. 4885 and onwards by part of the northern boundary of that portion, and the northern boundary of L.R. No. 4495 to the north-western corner of the latter portion;

thence westerly and southerly by part of the northern boundary and the western boundary of L.R. No. 4885 to the south-western corner of that portion which is on the eastern boundary of the Muguga Forest Reserve (L.R. No. 4447);

thence north-westerly and southerly by the generally north-eastern and generally western boundary of the Muguga Forest Reserve to the north-western corner of L.R. No. 4025;

thence south-easterly by the south-western boundary of that portion and of L.R. Nos. 4026, 4027 and 1057 to the south-western corner of the last portion;

thence southerly, south-easterly and northerly by a series of cut and beaconed lines (which form the boundary of the northern portion of the Dagoreti Forest Reserve L.R. No. 2256 6) to the intersection of the last with the southern boundary of L.R. No. 1057;

thence easterly by part of the southern boundary of L.R. No. 1057 and the southern boundaries of L.R. Nos. 182/2/1 and 182 2 2 to the south-eastern corner of the last portion;

thence north-easterly by the south-eastern boundary of L.R. No. 182 2 2 to its intersection with the Niongana River;

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thence down-stream by that river to its intersection with the western boundary of L.R. No. 7219;

thence by the western, southern, south-eastern and eastern boundaries of L.R. No. 7219 to the intersection of the last with the Niongana River;

thence down-stream by that river to its junction with an unnamed river which forms part of the north-eastern boundary of L.R. No. 7219;

thence up-stream by that unnamed river to its intersection with the south-eastern boundary of L.R. No. 1054;

thence north-easterly by part of that boundary and the south-eastern boundaries of L.R. Nos. 5945 and 183/R to the point of commencement.

*Excluding and excepting:—*

L.R. Nos. 187, 188/1, 188/2, 190, 226, 227, 228, 229, 230, in the vicinity of Fort Smith.

L.R. No. 1058, adjoining Dagoreti Township.

L.R. No. 1127, in the vicinity of Government Farm Extension, Kabete.

L.R. No. 232, in the vicinity of Kikuyu Station

L.R. No. 236, R.C. Mission west of Kiambu Township

L.R. Nos. 1064, 1065 and 1066, A.I. Mission, Kambui.

L.R. No. 1760, Water Works Reserve, due east of the Kikuyu Escarpment Forest Reserve (south-eastern portion).

L.R. No. 325/8 (325 6 3), Water Fall Reserve, in the vicinity of Fort Hall

That portion of L.R. No. 7167 which lies to the north of the Maragua River

## PART II

In the vicinity of Fort Hall.

Commencing at a beacon situated on the western boundary of L.R. No. 1965 at a distance of 1639.8 feet from its northernmost corner.

thence southerly by part of the western boundary of that portion for a distance of 6,130.9 feet to a beacon;

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thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

304° 22' 07"	555.0 feet
276° 36' 59"	462.6 "
237° 19' 11"	853.0 "
250° 41' 47"	237.8 "
342° 30' 32"	162.9 "
337° 38' 08"	117.9 "
314° 09' 59"	665.8 "
14° 54' 59"	495.7 "
342° 29' 29"	152.6 "
304° 32' 43"	500.0 "
313° 45' 50"	2,051.7 "
55° 34' 05"	685.5 "
16° 52' 15"	501.7 "
14° 30' 27"	471.8 "
14° 31' 17"	2,377.8 "
14° 29' 51"	376.7 "
97° 53' 14"	903.6 "
142° 00' 19"	587.9 "
131° 09' 58"	405.0 "

to a beacon at the point of commencement

## (2) BOUNDARIES OF THE MASAI NATIVE LAND UNIT

Commencing at the intersection of the Mbagathi River with the north-western boundary of L.R. No. 197, (1)

thence south-westerly by part of that boundary to the south-western corner of that portion;

thence south-easterly by the south-western boundaries of L.R. Nos. 197 and 5842 to the northernmost corner of L.R. No. 1161;

thence by the north-western and the south-western boundaries of that portion and the south-western and part of the south-eastern boundary of L.R. No. 192/1/2 to the westernmost corner of L.R. No. 193/3;

thence by the south-western and part of the south-eastern boundary of the last portion to the north-eastern corner of L.R. No. 4942;

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thence south-easterly and easterly by the western and southern boundaries of L.R. Nos. 4942, 4944, 5932, 5892, 5830/R. 6967 and 6939 to the intersection of the last with the Mbagathi River;

thence down-stream by that river till it becomes the Athi River and onwards to its intersection with the generally western boundary of L.R. No. 7274;

thence southerly by that generally western boundary to its intersection with the Kitengela River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 7263;

thence south-westerly and south-easterly by the north-western and south-western boundaries of that portion to the intersection of the latter with the north-western boundary of the Kenya and Uganda Railway Reserve; (2)

thence south-easterly by that railway reserve to its intersection with the western boundary of Konza Trading Centre;

thence by part of the western, the whole of the southern and part of the eastern boundaries of that trading centre to the intersection of the last with the southern boundary of that railway reserve;

thence generally southerly by that railway reserve boundary to its intersection with the western boundary of Sultan Hamud Trading Centre;

thence by part of the western, the whole of the southern and part of the eastern boundaries of that trading centre to the intersection of the last with the south-western boundary of the Kenya and Uganda Railway Reserve;

thence by that railway reserve to its intersection with the western boundary of Emali Trading Centre;

thence by part of the western, the whole of the southern and part of the eastern boundaries of that trading centre to the intersection of the last with the south-western boundary of the Kenya and Uganda Railway Reserve;

thence by that railway reserve to its intersection with the north-western boundary of Simba Station Reserve;

thence by part of the north-western, the whole of the south-western and part of the south-eastern boundaries of that station reserve to the intersection of the last with the south-western boundary of the Kenya and Uganda Railway Reserve;

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thence by that railway reserve to its intersection with the Kiboko River; (3)

thence up-stream by that river to its intersection with the straight line joining the Trigonometrical Beacons Emali and Chyulu;

thence south-easterly by a straight line to the Trigonometrical Beacon Chyulu;

thence south-easterly by the summits of the Chyulu Ngulia Range for a distance of approximately 12 miles to a beacon;

thence southerly by a straight line to a point due east of and one mile distant from the Eldalal Water-hole;

thence, still southerly, by a straight line passing through Magoine Camp to its intersection with the Rombo River; (4)

thence up-stream by that river to a point due north of a point situated due east of, and 23,000 feet distant from, the Trigonometrical Beacon Njugini;

thence due south by a straight line to its intersection with the Tsavo River;

thence up-stream by that river to its intersection with the eastern boundary of L.R. No. 7287;

thence northerly by a straight line to the Trigonometrical beacon Njugini;

thence westerly by a straight line to a beacon on the Kenya-Tanganyika Boundary;

thence north-westerly by the Kenya-Tanganyika boundary to Beacon No. 17; (5)

thence by a cut and beacons line on a true bearing of 346° 46' to the junction of the Kasumi and Gori Rivers;

thence down-stream by the latter river to its junction with the Koutwa River;

thence by a cut and beacons line on a true bearing of 333° 30' to its intersection with the Sari River;

thence up-stream to the beacons source of that river;

thence north-easterly by a cut and beacons line to the Trigonometrical Beacon Gelegele; (6)

thence south-easterly by a straight line to the Trigonometrical Beacon Abossi;

thence south-easterly by a straight line to the junction of the Nyangoris and Amala Rivers;

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thence up-stream by the latter river to a point on the production of a line on a true bearing 128° 11' 28" from the Trigonometrical Beacon Kibiosi;

thence north-westerly by a cut and beacons line to that trigonometrical beacon and onwards by a cut and beacons line to the Trigonometrical Beacon Kaboret;

thence by a cut and beacons line on a true bearing of 339° 05' 44" to its intersection with the Kipsonoi River; (7)

thence north-easterly by a straight line to the south-western corner of L.R. No. 4600;

thence by the generally south-eastern boundaries of L.R. No. 4600 and 4598 to the north-eastern corner of the latter portion;

thence by part of the generally south-eastern boundary of L.R. No. 4597 for a distance of approximately 2,800 feet to its intersection with a cut and beacons straight line;

thence south-easterly by that cut and beacons straight line which is on a true bearing of 100° 29' 29" for a distance of 12,354.2 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

12° 29' 29"	7,899 feet
23° 37' 13"	11,760.2 ..
60° 56' 43"	3,294.6 ..
74° 52' 34"	11,498.2 ..
126° 00' 55"	3,486.4 ..
199° 01' 32"	6,135.2 ..
117° 13' 37"	24,163.7 ..
145° 23' 35"	9,007.8 ..
112° 04' 02"	3,048.3 ..

to a beacon on the western boundary of L.R. No. 3990;

thence southerly and easterly by part of the western boundary and the whole of the southern boundary of the latter portion to its south-eastern corner;

thence generally southerly by the generally western boundary of L.R. No. 1316 to the southernmost corner of that portion;

thence north-easterly by part of the south-eastern boundary of the latter portion for a distance of 30,283.7 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

140° 38' 53"	1,016 feet
151° 04' 32"	500.9 ..
122° 16' 52"	534.8 ..
121° 01' 39"	760.95 ..
123° 56' 06"	736.4 ..
121° 34' 27"	841.95 ..
128° 45' 25"	392.9 ..
132° 05' 08"	350.1 ..
140° 34' 00"	632.54 ..
131° 33' 01"	378.73 ..
133° 15' 19"	763.3 ..
153° 19' 51"	462.85 ..
111° 15' 07"	644.04 ..
56° 55' 52"	12,829.1 ..
63° 26' 56"	16,082.5 ..

to a beacon at the north-western corner of L.R. No. 1771; (8)

thence by the western boundary of L.R. No. 1771 to the north-western corner of L.R. No. 7265.

thence by the south-western boundary of that portion to its intersection with the Marmonet River.

thence down-stream by that river to its intersection with the western boundary of L.R. No. 411;

thence by part of the western, the whole of the south-eastern and part of the eastern boundaries of that portion to the intersection of the last boundary with the Marmonet River.

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 410 2;

thence by the north-western and the south-western boundaries of that portion to the northernmost corner of L.R. No. 1381.

thence by the western boundary of that portion to the northernmost corner of L.R. No. 1380.

thence southerly by the generally western boundaries of L.R. No. 1380 to the southernmost corner of that portion.

thence generally southerly and easterly by the generally western and southern boundaries of L.R. No. 2662 to the south-eastern corner of that portion.

thence south-easterly by a cut and beacons straight line for a distance of approximately 54,758.3 feet to a beacon on the Kijabe-Narok Road; (9)

thence south-easterly by a straight line to the western-most corner of L.R. No. 375;

thence by the south-western boundaries of L.R. Nos. 375 and 373 to the southernmost corner of the latter portion;

thence southerly by the eastern boundaries of L.R. Nos. 371, 370 and 369 to the south-eastern corner of the last portion;

thence easterly by a straight line to the south-western corner of L.R. No. 2256/4, Dagorett Forest Reserve (lower portion);

thence easterly by the southern boundary of that forest reserve to its intersection with the Mbagathi River;

thence by that river down-stream to the point of commencement; (1)

Excluding and excepting—

(a) station and other railway reserves on the Mombasa-Nairobi main line whether specifically mentioned or not;

(b) the Lake Magadi (L.R. No. 1026) and the Lake Natron (L.R. No. 3867) concessions;

(c) L.R. No. 7092, south-west of Kajiado Station.

### (3) BOUNDARIES OF THE KAMBA NATIVE LAND UNIT

This land unit consists of the following two areas and is connected by a corridor 450 feet wide through L.R. No. 914; which corridor shall not be deemed to be included within the native land unit.

#### PART I

Commencing at the southernmost corner of L.R. No. 3596 (Koma Rock); (1)

thence north-easterly by the south-eastern boundaries of L.R. Nos. 3596, 3595 and 2360 to the north-eastern corner of the last portion;

thence by a straight line across the road reserve to the south-eastern corner of L.R. No. 2709;

thence north-easterly by the south-eastern boundaries of that portion and of L.R. No. 1530 to the south-western corner of L.R. No. 1846/2;

thence south-easterly by the south-western boundary of L.R. No. 1846/2 to its intersection with the Mutuyoni River;

thence down-stream by that river to its junction with the Kalala River;

thence down-stream by the latter river to its junction with the Athi River;

thence down-stream by that river to its intersection with the northern boundary of the old Machakos-Kitui track;

thence north-easterly by that boundary to its intersection with the Tiva River; (2)

thence by that river up-stream for a distance of about 4 miles;

thence by a straight line to a cairn on its right bank;

thence generally north-westerly by a line defined by a series of cairns to the Trigonometrical Beacon Mwakisi;

thence generally north-easterly by a line defined by a series of cairns to its intersection with the straight line joining the Trigonometrical Beacons Thatha and Ndala;

thence south-easterly by that straight line to the Ngomolo River;

thence up-stream by that river to its junction with the Kithioko River;

thence down-stream by that river to its junction with the Kilaluma or Tana River; (3)

thence down-stream by the latter river to its intersection with the straight line having a true bearing of 340° from the summit of Ukazzi Hill;

thence south-easterly by that straight line to the summit of Ukazzi Hill; (4)

thence still south-easterly by a straight line to the summit of Maditha Hill;

thence south-westerly by straight lines to the summit of Makambani Hill and onward to the summit of Karkindu Hill (Trigonometrical Beacon Kimathena); (5)

thence south-westerly by a straight line to a point on the Athi River immediately below the Ikutha-Kibwezi Ford;

thence down-stream by that river to its intersection with the northern boundary of L.R. No. 914;

thence westerly by the northern boundary of that portion to its intersection with the north-eastern boundary of the Kenya and Uganda Railway Reserve; (6)

thence north-westerly by that railway reserve boundary to its intersection with the south-eastern boundary of Makindu Trading Centre;

thence by part of the south-eastern, the whole of the north-eastern and part of the north-western boundaries of that trading centre to the intersection of the last boundary with the north-eastern boundary of the Kenya and Uganda Railway Reserve;

thence north-westerly by that railway reserve boundary to its intersection with a cut and beacons line on a true bearing of 257° 42' 31" from the Trigonometrical Beacon Twanda;

thence by that cut and beacons line to that trigonometrical beacon and onwards to its intersection with the Mbioni River;

thence down-stream by that river to its junction with the Kikuuni or Kiangini River;

thence by that river up-stream to its junction with the Pungu River;

thence by that river up-stream to its source;

thence by a straight line to a beacon on Ithumba Hill;

thence by a cut and beacons line on a true bearing of 187° 02' 33" to its intersection with the northern boundary of the Kenya and Uganda Railway Reserve;

thence north-westerly by that railway reserve boundary to its intersection with the south-eastern boundary of Email Trading Centre;

thence by part of the south-eastern, the whole of the south-western and part of the north-western boundaries of that trading centre to the intersection of the last boundary with the northern boundary of the Kenya and Uganda Railway Reserve;

thence north-westerly by that railway reserve boundary for a distance of 2,639.9 feet to a beacon;

thence northerly by a straight line on a true bearing of 21° 26' 09" for a distance of 9,421 feet to its intersection with the Mwani River; (7)

thence up-stream by that river to its intersection with the eastern boundary of L.R. No. 1758/2;

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thence generally north-westerly by the generally north-eastern boundary of that portion to the north-eastern corner of L.R. No. 1757;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 1757, 1756, 1755, 1754 and 1751 to the northernmost corner of the last portion;

thence northerly by the generally eastern boundaries of L.R. Nos. 1743, 1696/2, 1696/1, 1742, 1741 and 5933 to the northernmost corner of the last portion;

thence northerly by the eastern boundaries of L.R. Nos. 7225/2, 7225/1 and 7226 to the north-eastern corner of the last portion;

thence westerly by part of the northern boundary of that portion to its intersection with the Kamutwa River;

thence down-stream by that river, which forms the south-eastern boundary of L.R. No. 4937, to the intersection with the eastern boundary of that portion;

thence northerly by that eastern boundary and the generally eastern boundary of L.R. No. 1491 (south-western portion of Machakos Township) to the north-eastern corner of that portion;

thence westerly by the northern boundary of L.R. No. 1491 to its intersection with the Murongoni River;

thence up-stream by that river to its intersection with the southernmost corner of L.R. No. 4932;

thence northerly by the eastern boundaries of L.R. Nos. 4932, 1420/1, 1423/2, 5942, 361/1, 361/2, again 361/1, 3605, 3607, 3608, 3602 and 2365 to the point of commencement;

*Excluding and excepting*

L.R. No. 1425 in the vicinity of Makindu Station;

L.R. No. 4969 north of Machakos Township

## PART II

Commencing at a beacon on the north-eastern boundary of the Kerio and Uanda Railway Reserve at a point of intersection with a straight line on a true bearing of 99° 50' 00" to the Trigonometrical Beacon on Muthanzau Hill;

thence by that straight line to that beacon;

thence by a straight line on a true bearing of 97° 11' 20" for a distance of 13,964.5 feet to the Trigonometrical Beacon on Mnyuni Hill;

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thence by a straight line on a true bearing of 128° 31' 44" for a distance of 27,714.3 feet to the Trigonometrical Beacon on Ngoruwani Hill;

thence by a cut and beacons line on a true bearing of 190° 44' 10" for a distance of 7,750 feet to its intersection with the Kibwezi River;

thence by that river up-stream to its junction with an unnamed stream which flows through Lake Kikoo;

thence onwards by the Kibwezi River to its intersection with a line parallel to and 15 feet from that unnamed stream;

thence by that parallel line which follows the left bank of that unnamed stream (except where it passes Lake Kikoo and another small lake where the line is 15 feet from the edge of the lakes) to a point due north of a beacon near the source of that unnamed stream;

thence due south to that beacon;

thence by a straight line on a true bearing of 252° 41' 20" for a distance of 749.4 feet to a beacon;

thence by a straight line on a true bearing of 48° 11' 00" for a distance of 410.0 feet to a beacon;

thence by a straight line on a true bearing of 336° 15' 00" for a distance of 521.0 feet to a beacon;

thence by a straight line on a true bearing of 272° 22' 02" for a distance of 27,658.4 feet to a beacon on the north-eastern boundary of the Kenya and Uganda Railway Reserve;

thence up-line by that boundary to the point of commencement.

## (4) BOUNDARIES OF THE KERIO NATIVE LAND UNIT

Commencing at the intersection of the northern boundary of L.R. No. 4140/2/R with the Suam (or Swam) River;

thence down-stream by that river till it becomes the River Turkwel;

thence continuing down-stream by that river to where it emerges from the Turkwel Gorge at Lokwien; thence south-easterly by a straight line to the ford Nainuk on the River Wewe;

thence easterly by that line to the River Wewe;

thence up-stream by that river to its junction with the dry river-bed leading from the water-hole in Lotonok;

thence up-stream by that dry river-bed to that water-hole;

thence by the Ngabotok-Kolosia track to the river Kerjo at the latter place (but so that Kolosia be included);

thence south-easterly by a straight line to the summit of the hill Múgor; (2)

thence south-easterly by a straight line to Karpeddo Post (but so that the whole of this Post shall be included);

thence south-easterly by a straight line to the summit of Mount Sillali;

thence south-easterly by a straight line to the summit of Ol Doinyo Lengere (Alengerr);

thence in a generally southerly direction—by a series of straight lines—through the heights shown 4241, 4263, 4291, 4320, 4070 and 4141 on the Topographical Sheet North A.37/S to a beacon on a small hill about one mile east of Old Baringo Boma; (3)

thence by a straight line on a true bearing of  $166^{\circ} 46' 05''$  for a distance of 19,104.2 feet to a beacon;

thence by a straight line south-westerly to the summit of the hill Morillo;

thence by a straight line still south-westerly to the height on the Laikipia Escarpment shown 4457 on the aforementioned sheet (latitude  $0^{\circ} 24' 50''$  north, longitude  $36^{\circ} 07' 30''$  east approximately);

thence by a straight line south-easterly to the northern corner of L.R. No. 2689 R.

thence westerly by the northern boundary of that portion to its intersection with the Ghusha Lugerri (En Diloi) River;

thence up-stream by that river to its intersection with the northern boundary of L.R. No. 2687;

thence westerly by part of the northern boundary of L.R. No. 2687 and the northern boundary of L.R. No. 2682 to the north-western corner of the latter portion;

thence southerly by the western boundaries of that portion and of L.R. No. 3630 to the south-western corner of the latter portion;

thence by the western boundaries of L.R. Nos. 2680 and 1168 to the south-western corner of the latter portion;

thence westerly by part of the northern boundary of L.R. No. 1650 to the north-western corner of that portion;

thence south-westerly, westerly and southerly by the generally northern boundary and the western boundary of L.R. No. 5259/2 to the Trigonometrical Beacon Legisianan;

thence by a straight line to the north-eastern corner of L.R. No. 5260;

thence by the generally northern boundary of that portion to the north-eastern corner of L.R. No. 3843;

thence westerly by part of the northern boundary of L.R. No. 3843 to the south-eastern corner of L.R. No. 3844; (4)

thence by the eastern and the northern boundaries of the latter portion and the northern boundaries of L.R. Nos. 3732/R and 5672 to the intersection of the last with the Molo River;

thence down-stream by that river to its intersection with the north-eastern boundary of L.R. No. 662;

thence by the north-eastern and north-western boundaries of that portion to the western corner;

thence by a straight line on a true bearing of  $138^{\circ} 00' 18''$  for a distance of 2,201.3 feet to a beacon;

thence by a straight line on a true bearing of  $210^{\circ} 32' 11''$  for a distance of 8,746.4 feet to a beacon;

thence by a straight line on a true bearing of  $318^{\circ} 27' 00''$  for a distance of 2,381.7 feet to a beacon;

thence by a straight line on a true bearing of  $226^{\circ} 03' 57''$  for a distance of 6,613.6 feet to the eastern corner of L.R. No. 488;

thence north-westerly by the north-eastern boundary of that portion to its intersection with the Esageri River;

thence down-stream by that river to its junction with the Enarosura River;

thence by that river up-stream to its intersection with the north-eastern boundary of L.R. No. 497/3/3;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 497/3/3 and 497/4 to the northernmost corner of the latter portion;

thence by a straight line to the eastern corner of L.R. No. 497/3/1 and onwards by the north-eastern boundary of that portion to its intersection with the Tiggeri River;

thence up-stream by that river to its intersection with the eastern boundary of L.R. No. 503 (Lembus Forest Reserve);

thence northerly by part of the eastern boundary of that reserve to its north-eastern corner;

thence westerly by the northern boundary of that reserve to the south-eastern corner of L.R. No. 5690/R;

thence northerly by the eastern boundary of that portion for a distance of about 624 feet to its intersection with Kinoinoi River;

thence down-stream by that river to its intersection with the north-eastern boundary of L.R. No. 5690/R;

thence north-westerly by part of the north-eastern boundary to the southernmost corner of L.R. No. 7210; (5)

thence northerly and south-westerly by the eastern and north-western boundaries of the latter portion to the north-eastern corner of L.R. No. 5687;

thence westerly by the northern boundary of the latter portion to the southernmost corner of L.R. No. 6445;

thence north-easterly by the south-eastern boundaries of L.R. Nos. 6445 and 6446 to the eastern corner of the latter portion;

thence by part of the north-eastern boundary of the latter portion for a distance of 561.4 feet to a beacon;

thence by a straight line on a true bearing of 33° 01' 17" for a distance of 2,847.2 feet to a beacon;

thence by a straight line on a true bearing of 57° 23' 37" for a distance of 1,776.1 feet to a beacon;

thence by a straight line on a true bearing of 104° 32' 54" for a distance of 7,436.7 feet to a beacon;

thence by a straight line on a true bearing of 60° 08' 36" for a distance of 5,890 feet to its intersection with the Kinoinoi River;

thence down-stream by that river for a distance of approximately 4,300 feet to a point on a bearing of 84° 26' 17" from a beacon on its left bank;

thence by a straight line on a true bearing of 274° 26' 17" for a distance of 3,456 feet to a beacon;

thence by a straight line on a true bearing of 258° 18' 33" for a distance of 8,029.9 feet to its intersection with the northern boundary of the Kenya and Uganda Railway Reserve;

thence generally westerly by that railway reserve boundary for a distance of approximately 3,000 feet to a point on a bearing of 80° 39' 41" from a beacon at the south-eastern corner of L.R. No. 6453;

thence by a straight line to that beacon;

thence northerly by the eastern boundary of L.R. No. 6453 for a distance of approximately 6,416 feet to a beacon at the south-western corner of L.R. No. 908/R (South Elgeyo Forest Reserve);

thence by a straight line on a true bearing of 90° 01' 27" for a distance of 2,178.6 feet to a beacon;

thence by a straight line on a true bearing of 188° 12' 52" for a distance of 3,731.8 feet to a beacon;

thence by a straight line on a true bearing of 65° 48' 10" for a distance of 9,002.7 feet to a beacon;

thence by a straight line on a true bearing of 90° 01' 27" for a distance of 3,345.7 feet to a beacon at the south-eastern corner of L.R. No. 908/R (South Elgeyo Forest Reserve);

thence northerly by part of the eastern boundary of that forest reserve for a distance of approximately 32,600 feet to its intersection with the Mindarila River;

thence down-stream by that river to its intersection with the eastern boundary of L.R. No. 6,664;

thence northerly by part of that boundary and the eastern boundary of L.R. No. 1727 to the north-eastern corner of the latter portion;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

53° 56' 28"	9,965.2 feet
53° 57' 36"	8,529.6 "
346° 01' 39"	3,990.8 "
310° 49' 25"	2,716.7 "
13° 00' 46"	3,448.6 "
303° 54' 03"	15,672.2 "

to a beacon on the north-eastern boundary of L.R. No. 907/R (South Elgeyo Forest Reserve);

thence north-westerly and westerly by part of the north-eastern and the northern boundary of that forest reserve to its intersection with the eastern boundary of L.R. No. 902/R;



thence northerly by part of that eastern boundary and the eastern boundary of L.R. No. 1561 to the north-eastern corner of the latter portion;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 3975 and 4473 to the north-eastern corner of the latter portion;

thence by a straight line on a true bearing of 325° 02' 22" for a distance of 18,588.4 feet to a beacon;

thence by a straight line on a true bearing of 323° 15' 15" for a distance of 12,623.6 feet to a beacon on the eastern shore of Lake Seronoi;

thence due west by a straight line to its intersection with the low water mark of that lake;

thence northerly by that low water mark and the eastern bank of the Arobobutch River to its intersection with the southern boundary of L.R. No. 876;

thence easterly by the southern boundaries of that portion and of L.R. Nos. 874 and 875/1 to the intersection of the last with the Kipkitoi River;

thence down-stream by that river which forms the eastern boundary of L.R. Nos. 875/1 and 875/2 to its intersection with the eastern boundary of L.R. No. 873/2;

thence northerly by the eastern boundaries of L.R. Nos. 873/2 and 873/3 to the north-eastern corner of the latter portion;

thence westerly by part of the northern boundary of L.R. No. 873/3 for a distance of 2,321.2 feet to a beacon;

thence by a straight line on a true bearing of 351° 18' 24" for a distance of 848.32 feet to a beacon;

thence by a straight line on a true bearing of 59° 06' 16" for a distance of 1,425.0 feet to a beacon;

thence by a straight line on a true bearing of 132° 24' 22" for a distance of 1,326.6 feet to a beacon on the eastern boundary of L.R. No. 5755;

thence northerly by part of the eastern boundary of that portion to the south-western corner of L.R. No. 4592;

thence by the southern, generally eastern and northern boundaries of that portion to the intersection of the last with the eastern boundary of L.R. No. 3771;

thence northerly by that eastern boundary for a distance of about 17,375 feet to a beacon.

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

230° 44' 47"	5745.5 feet
262° 13' 13"	634.6 ..
342° 17' 52"	659.9 ..
305° 52' 36"	839.8 ..
17° 45' 28"	420.7 ..

to a beacon at the north-eastern corner of L.R. No. 5347;

thence westerly by the northern boundary of that portion to its intersection with the Moyben River;

thence up-stream by that river to its intersection with the northern boundary of L.R. No. 4635;

thence westerly by that boundary to the south-eastern corner of L.R. No. 3046;

thence by the eastern and northern boundaries of that portion to the intersection of the latter with the Charangai River;

thence up stream by that river to its intersection with the northern boundary of L.R. No. 2227;

thence westerly by that boundary to its intersection with the eastern boundary of L.R. No. 2226;

thence northerly by part of that eastern boundary and the eastern boundaries of L.R. Nos. 3047 and 2210 to the north-eastern corner of the last portion;

thence westerly by the northern boundary of L.R. No. 2210 to its intersection with a river which forms the north-western boundary of that portion;

thence down-stream by that river to its intersection with the north-eastern boundary of L.R. No. 2225;

thence by that north-eastern boundary to the north-eastern corner of L.R. No. 2222;

thence by part of the northern boundary of that portion for a distance of 5,851.8 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

347° 26' 43"	5,745.5 feet
60° 41' 49"	2,601.1 ..
279° 19' 13"	3,362.8 ..
22° 16' 18"	2,038.8 ..
65° 21' 24"	5,191.8 ..

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thence by a straight line on a true bearing of  $338^{\circ} 11' 30''$  to a beacon at the westernmost corner of L.R. No. 2980;

thence easterly and northerly by the generally southern and eastern boundaries of L.R. No. 2980 to the northernmost corner of that portion;

thence northerly by the eastern boundary of L.R. No. 3020/1/R to the north-eastern corner of that portion;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 3020/1/R, 2173/2, 3017 and 2167/R to the northernmost corner of the last portion (Cherangani). (7)

thence north-westerly by the north-eastern boundaries of L.R. Nos. 5595, 5559, 6904, 2160, 2158, 2156/3 and 5783 to the northernmost corner of the last portion;

thence westerly by the generally northern boundaries of L.R. Nos. 5783, 6684 and 2130/1 to the north-western corner of the last portion;

thence southerly by the western boundary of L.R. No. 2130/1 to its intersection with the Kabega River;

thence up-stream by that river to its junction with an unnamed river;

thence by that unnamed river which forms part of the north-eastern boundary of L.R. No. 5771 to its intersection with the south-eastern boundary of L.R. No. 5789;

thence by part of the south-eastern and the north-eastern boundary of L.R. No. 5789 and the north-eastern boundaries of L.R. Nos. 5788, 5529 and 2167/1 to the northernmost corner of the last portion;

thence southerly by the western boundary of L.R. No. 2167/1 to the north-eastern corner of L.R. No. 2037;

thence westerly by the generally northern boundaries of L.R. Nos. 2037, 2035 and 2033 R to the north-western corner of the last portion;

thence northerly by part of the eastern boundary of L.R. No. 4140 2 R to the north-eastern corner of that portion;

thence south-westerly by part of the north-western boundary of L.R. No. 4140 2 R to its intersection with the road reserve across the road reserve and onwards to its intersection with the Swam River; the point of commencement. (1)

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## Excluding and excepting

the following farms in the vicinity of Eldama Ravine:  
L.R. Nos. 488, 489, 490, 5249, 5276, 6262, 5641 and 493.

## (5) BOUNDARIES OF THE NANDI NATIVE LAND UNIT

Commencing at the Trigonometrical Beacon Bwanga (Moeny) at the south-western corner of L.R. No. 4130; (1)

thence easterly by the southern boundaries of L.R. Nos. 4130, 4126, 5598, 4285 and 4289 to the south-western corner of L.R. No. 755/1;

thence south-easterly by the south-western boundaries of L.R. Nos. 755 1, 755 2 1, 755 2/2, 5323, 755 4/R to the south-eastern corner of the last portion (Eldalat);

thence by the generally western boundaries of L.R. Nos. 5731, 766/1, 766/2, 766 3, 749, 748, 747, 6467, 6609, 6608, 6478, 693/1, 689, 3063, 4137, 4281 and 686 to the southern corner of the last portion (Olessos); (2)

thence by the north-western boundary of L.R. No. 6457 R and onwards across a road reserve to the northernmost corner of L.R. No. 1484;

thence by the north-western boundaries of L.R. Nos. 1484, 6775, 1481 R and part of 1478A to its intersection with the Kapsumbeyua River;

thence down-stream by that river to its junction with the Choimim River;

thence down-stream by the latter river to its intersection with the northern boundary of L.R. No. 1371;

thence by the northern boundary of the latter portion to its north-western corner;

thence by the western boundary of L.R. No. 1371 to its intersection with the Kamarya River;

thence down-stream by that river to its junction with the Kapchure River;

thence down-stream by that river to the northern corner of L.R. No. 6008;

thence south-westerly by the north-western boundary of that portion to its western corner;

thence south-westerly by a straight line to the western corner of L.R. No. 1608/1;

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thence south-easterly by part of the south-western boundary of that portion to its intersection with the Kapchure River;

thence by that river down-stream to its intersection with the north-eastern boundary of L.R. No. 1587/R;

thence north-westerly by part of the north-eastern boundary of that portion to the south-eastern corner of L.R. No. 1587/1 (Kiboin Salt Lick);

thence by the south-eastern, south-western and north-western boundaries of that portion to its northern corner;

thence north-westerly by a straight line to the north-eastern corner of L.R. No. 1605; (3)

thence westerly by the northern boundaries of L.R. Nos. 1605, 1604 and 1603 to the north-western corner of the last portion;

thence north-westerly by the north-eastern boundary of L.R. No. 1602/5 to its northern corner;

thence by a part of the western boundary of that portion for a distance of 1,764.0 feet to a beacon at the north-eastern corner of L.R. No. 4399/R;

thence generally westerly by a part of the northern boundary of that portion to the south-eastern corner of L.R. No. 6038;

thence by the north-eastern northern and western boundaries of that portion to its south-western corner on the northern boundary of L.R. No. 4399 R.

thence generally westerly by a part of the northern boundary of that portion to the southern corner of L.R. No. 2724;

thence by the eastern and northern boundaries of that portion and by part of the northern boundary of L.R. No. 5446 to the north-western corner of the latter portion;

thence westerly by the northern boundaries of L.R. Nos. 1494 and 652/2/R to the north-western corner of the latter portion;

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thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:

285° 57' 07"	2,393.4 feet
287° 17' 16"	2,129.1 ..
287° 14' 46"	2,136.7 ..
287° 53' 16"	480.2 ..
293° 01' 43"	619.1 ..
338° 56' 53"	1,707.9 ..

to a beacon on the eastern boundary of L.R. No. 654/18;

thence generally northerly by the generally eastern boundary of that portion to its intersection with the Kibos River; (4)

thence northerly by a straight line to the summit of Siruma Hill and onwards by a straight line to the summit of Kapserton Hill;

thence by a straight line north-westerly to the summit of Cheptori Hill;

thence in a generally north-easterly direction by cairns and cleared line to the Trigonometrical Beacon Kapware;

thence northerly by a straight line to the south-west corner of L.R. No. 1890;

thence by the western boundaries of L.R. Nos. 1890 and 1891 to the intersection of the latter with the eastern boundary of the Kisumu-Kapsabet Road Reserve;

thence northerly by that road reserve boundary to its intersection with the Mchomekek River;

thence down-stream by that river to its intersection with the western boundary of L.R. No. 1762.

thence by the western boundary of L.R. No. 1762 and the western and northern boundaries of L.R. No. 1900;

thence by the western and northern boundaries of L.R. No. 1906 and the northern boundary of L.R. No. 1905 to the Trigonometrical Beacon Chapkaigat at the north-east corner of the last portion; (5)

thence in a generally northerly direction by the top edge of the lower Nandi Escarpment to the Trigonometrical Beacon Bwanga (Moeny), the point of commencement (1)

60 BOUNDARIES OF THE KAVIRONDO NATIVE LAND UNIT

The Kavirondo native land unit consists of two areas.

PART I

Commencing at the westernmost corner of L.R. No. 6439: (1)  
thence by the south-western boundary of that portion to its intersection with the Kamakoiwa River;

thence down-stream by that river to its junction with the Kimilli (Kabis) River;

thence down-stream by that river to its junction with the Nzola River;

thence down-stream by that river to its intersection with the south-western boundary of L.R. No. 4099;

thence by the latter boundary to the westernmost corner of L.R. No. 4121;

thence by the south-western boundaries of L.R. Nos. 4121 and 4122 to the southernmost corner of the latter portion (Senya Hill);

thence by the north-western boundaries of L.R. Nos. 6176 and 4130 to the south-western corner of the latter portion (Bwanga): (2)

thence southerly by the top edge of the lower Nandi Escarpment to the Trigonometrical Beacon Chapkaigat at the north-east corner of L.R. No. 1905;

thence by the northern boundaries of that portion and of L.R. No. 1906 to the north-west corner of the latter portion at the Trigonometrical Beacon Kapsugur: (3)

thence southerly by the western boundary of L.R. No. 1906 to the north-eastern corner of L.R. No. 1900;

thence by the northern and western boundaries of that portion and the western boundary of L.R. No. 1762 to its intersection with the Mchomekek River;

thence up-stream by that river to the intersection with the eastern boundary of the Kisumu-Kapsabet Road Reserve;

thence south-westerly by that road reserve boundary to its intersection with the western boundary of L.R. No. 1891;

thence southerly by the latter boundary and the western boundary of L.R. No. 1890 to the south-western corner of the latter portion.

thence southerly by a straight line to the Trigonometrical Beacon Kapwareni;

thence generally south-westerly by cairns and a cleared line to the top of Chepkori Hill;

thence south-westerly by a straight line to the top of Kapserton Hill;

thence southerly by a straight line to the summit of Siruma Hill;

thence south-westerly by a straight line to the northernmost corner of L.R. No. 654/18 on the Kibos River;

thence down-stream by that river to its intersection with the northern boundary of L.R. No. 655;

thence by the northern, western and southern boundaries of that portion to its south-east corner on the Kibos River;

thence up-stream by that river to its intersection with the southern boundary of the Kenya and Uganda Railway Reserve;

thence easterly by that railway reserve boundary to its intersection with the western boundary of Kibigori Township Reserve;

thence by the western, southern and eastern boundaries of that township reserve to the intersection of the last with the south-western boundary of the Kenya and Uganda Railway Reserve;

thence south-easterly by that railway reserve boundary to the western boundary of L.R. No. 3102: (4)

(Provided that the township of Kisumu and all railway station and other railway areas along the Kenya and Uganda Railway from the north-west corner of L.R. No. 3102 to Kisumu, together with the 100-foot northern and southern railway reserves, are excluded from this land.)

thence by the western boundary of that portion (L.R. No. 3102) to its intersection with the Nyando River;

thence down-stream by that river to a point due north of a beacon on its left bank near Bora Hill and about six miles west of Muhoroni Station;

thence by a straight line to that beacon and thence by a line of beacons south-westerly across Bora Hill, the Kable-tachi River and Kamnyangor Hill to the Nyeta River;

thence in a generally westerly direction by the line of beacons across that river and Kaptebenwar Hill to Kaptevin-wet River;

thence southerly by the line of beacons across that river, Lalbuch Hill, Nyndablublime River, Kamounga Hill, the Toliter River, Kumbini Hill and across the Leguini River and Kabhanat Hill to a beacon on the right bank of the Jujuliet River;

thence due south by a straight line to the centre of that river and by that river up-stream for about 900 feet to a point due north of a beacon on its left bank;

thence due south by a straight line to that beacon and south-westerly by a line of beacons between Kibugat and Tulwotkapkonak Hills to a beacon on the right bank of the Kamugelwar (MarraBoti) River;

thence due west by a straight line to the centre of the Kamugelwar River and up-stream by that river for about 2½ miles to a point due north of a beacon on its right bank;

thence due south by a straight line to that beacon and southerly by a line of beacons to a beacon on the right bank of the Sondo (Miriu) River at about the most northerly point of its course round Byobbyob Hill;

thence due south by a straight line to the centre of the Sondo River, and up-stream by the centre of that river to the junction of the Yurith with the Kipsonoi River;

thence up-stream by the latter river to its intersection with a straight line forming the northern boundary of L.R. No. 940;

thence westerly and southerly by the northern and western boundaries of L.R. No. 940 to the north-western corner of L.R. No. 941/6;

thence southerly by the western boundary of that portion and the western boundaries of L.R. Nos. 941/2/2, 941/R, 941/5, 941/4, 942 and 7091 to the south-western corner of the last portion;

thence by the western boundary of L.R. No. 7090 for a distance of 8,846.1 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

270° 00' 00"	9,132.2 feet
199° 59' 27"	2,741.7 ..
181° 27' 37"	2,652.7 ..
141° 25' 32"	2,867.9 ..
116° 12' 40"	3,388.4 ..
172° 53' 58"	2,453.6 ..
144° 31' 20"	3,312.2 ..
214° 55' 29"	2,748.1 ..
164° 37' 42"	3,156.0 ..
205° 41' 02"	3,018.8 ..
188° 44' 22"	5,639.0 ..
206° 51' 37"	1,545.5 ..
262° 38' 18"	2,044.8 ..
209° 38' 47"	4,349.4 ..
234° 20' 24"	3,050.7 ..
209° 27' 51"	3,530.5 ..

to the north-western corner of L.R. No. 4400/R;

thence by the generally western boundaries of L.R. Nos. 4400 R and 54/3/3 to the northernmost corner of L.R. No. 5471;

thence by the north-western and south-western boundaries of that portion and the south-western boundaries of L.R. Nos. 5472, 7126, 5448/2, 3644/6 and 3644/7 to the southernmost corner of the last portion (Gelegele); (5)

thence south-westerly by a cut and beaconed line to the beaconed source of the Sari River;

thence down-stream by that river for a distance of about 7½ miles to its intersection with a cut and beaconed line;

thence by that cut and beaconed line on a true bearing of 173° 30' to the junction of the Gori and Koitwa Rivers;

thence up-stream by the Gori River to its intersection with a cut and beaconed line at the junction of the Gori and Kasumi Rivers;

thence by that cut and beaconed line on a true bearing of 166° 46' to beacon No. 17 on the Kenya and Tanganyika Boundary; (6)

thence north-westerly by that boundary to its intersection with the shore of Mohuru Bay on Victoria Nyanza;

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thence in a generally northerly direction by the shore of Victoria Nyanza to the Kavirondo Gulf;

thence in a generally easterly, northerly and westerly direction by the shore of the Kavirondo Gulf to Victoria Nyanza;

thence again generally north-westerly by the shore of Victoria Nyanza to the mouth of the Sio River; (7)

thence up-stream by that river to its junction with the Sango River;

thence up-stream by that river to its source marked by a cairn;

thence onwards by a straight line north-easterly to a cairn on the abandoned road (now a footpath) from Busia to Mumeri's (Lukoli's);

thence by the south-eastern boundary of that road to its intersection with the Alupe River;

thence down-stream by that river to its junction with the Kame River;

thence down-stream by the latter river to its intersection with the eastern boundary of the Mjanji-Busia-Mbale Road, such boundary being 100 feet distant from, and parallel to, the centre line of the said road;

thence northerly by that eastern boundary to its intersection with the Malawa or Malaba River otherwise known as the Lwagaga (Lwakaka) River;

thence up-stream by that river to its intersection with a cut and beaoned line which forms the generally southern boundary of Mount Elgon Forest Reserve;

thence generally easterly by that cut and beaoned line to the point of commencement. (1)

Included within this land are the islands Sumba, Mageta, Ndue, Rusinga and Mfanganu and all other islands on Victoria Nyanza and the Kavirondo Gulf that lie within the districts of Central and South Kavirondo as defined in Proclamation No. 54 dated 25th February, 1924.

## PART II

Commencing at the source of the Lwagaga (Lwakaka) or Malawa (Malaba) River,

thence easterly by a straight line to the summit of Sudek Peak (Elgon H) on Mount Elgon,

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thence northerly by a straight line to the point where the Siam River, which forms the Kenya-Uganda Boundary, emerges from the crater of Mount Elgon;

thence south-easterly by a straight line to the source of the Kimotho River which is situated immediately to the south or south-west of Kaitobbo's Peak (Mount Elgon);

thence down-stream by that river to its intersection with a cut and beaoned line which forms the generally north-western boundary of Mount Elgon Forest Reserve;

thence generally south-westerly by that cut and beaoned line to its intersection with the Lwagaga (Lwakaka) or Malawa (Malaba) River;

thence up-stream by that river to the point of commencement.

## (7) BOUNDARIES OF THE LUMBWA NATIVE LAND UNIT

Commencing at the intersection of the north-western boundary of L.R. No. 3102 with the Nyando River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 3970;

thence by that north-western boundary to its south-western corner;

thence by the southern boundaries of L.R. Nos. 3979 and 3978/2 to the south-eastern corner of the latter portion;

thence by part of the eastern boundary of L.R. No. 3978/2 for a distance of 5,751.54 feet to the Chemutum Salt Lick;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

296° 26' 20"	4,154.0 feet
206° 26' 20"	600.0 "
296° 26' 20"	900.0 "
26° 26' 20"	900.0 "
116° 26' 20"	5,045.3 "

to a beacon on the south-eastern boundary of L.R. No. 3978/2;

thence north-easterly by part of the south-eastern boundary of L.R. No. 3978/2 and the whole of L.R. No. 3977 to the south-western corner of L.R. No. 643/1;

thence easterly by part of the southern boundary of L.R. No. 643/1 to its intersection with the Nyando River;

north  
of

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thence up-stream by that river to its junction with the Tugenon River;

thence up-stream by that river to its intersection with the western boundary of L.R. No. 6071;

thence southerly by the western boundary of that portion to the north-western corner of L.R. No. 6033;

thence south-westerly by the north-western boundaries of L.R. Nos. 6042/R, 604/1, 610, 611/2, 6067/1, 612/1/R, 7282, 2977, 2334 (Crown Land) 625, 627, 628, to the intersection with the north-eastern boundary of Kericho Township (L.R. No. 631);

thence north-westerly, south-westerly and south-easterly, by part of the north-eastern, the north-western and part of the south-western boundaries of that township to the intersection of the last with the Kimugu River;

thence down-stream by that river to its junction with the Kitho (or Jamji) River;

thence down-stream by that river to its junction with the Chepkosi (Kiptiget) River;

thence by that river up-stream to its intersection with the southern boundary of L.R. No. 5436;

thence easterly by that boundary to the south-eastern corner of the latter portion;

thence northerly by the eastern boundary of that portion to its intersection with the southern boundary of L.R. No. 6001/1;

thence easterly by the latter boundary to its intersection with the Koruma River;

thence up-stream by that river to its intersection with the eastern side of the Sotik Kericho main track 25-foot reservation;

thence southerly by a cut and beacons straight line to its intersection with the Chepkosi (Kiptiget) River which forms the northern boundary of L.R. No. 6020;

thence down-stream, by that river to its junction with the Dare (Itare) River;

thence up-stream by the latter river to its intersection with the straight line joining the Trigonometrical Beacon Posta with the south-western corner of L.R. No. 553;

thence south-westerly by a straight line to the Trigonometrical Beacon Posta;

thence by a cut and beacons line on a true bearing of  $159^{\circ} 05' 44''$  to the beacon Kabroret;

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thence by a cut and beacons line on a true bearing of  $128^{\circ} 11' 28''$  to the beacon Kibiosi and onwards on the same bearing to its intersection with the Amala River;

thence down-stream by that river to its junction with the Nyangoris River;

thence north-westerly by a cut and beacons line to the Trigonometrical Beacon Abossi;

thence by a straight line towards the southernmost corner of L.R. No. 3644/7 (Gelelele) for a distance of about 7,660 feet to a beacon;

thence by a straight line on a true bearing of  $6^{\circ} 11' 03''$  for a distance of about 9,299 feet to a beacon;

thence by a straight line on a true bearing of  $42^{\circ} 50' 17''$  for a distance of about 6,442 feet to a beacon;

thence by a straight line on a true bearing of  $11^{\circ} 19' 22''$  for a distance of about 3,181 feet to a beacon;

thence by a straight line on a true bearing of  $27^{\circ} 23' 40''$  for a distance of about 8,577 feet to a beacon;

thence by a straight line on a true bearing of  $31^{\circ} 32' 33''$  for a distance of about 6,398 feet to a beacon;

thence by a straight line on a true bearing of  $17^{\circ} 47' 33''$  for a distance of about 3,583 feet to a beacon at the southernmost corner of L.R. No. 948;

thence by the south-eastern boundary of that portion and the south-eastern boundary of L.R. No. 3677 to the intersection of the latter with the Sisi River;

thence up-stream by that river to its intersection with the south-western boundary of L.R. No. 955;

thence south-easterly by the south-western boundaries of L.R. Nos. 955 and 958 to the intersection of the latter with the Nyangoris River;

thence up-stream by that river to its intersection with the north-eastern boundary of L.R. No. 957;

thence by the north-eastern boundary of that portion to its northernmost corner;

thence by part of the south-eastern boundary and the whole of the north-eastern boundary of L.R. No. 3668 to the intersection of the latter with the Leldayet River;

thence down-stream by that river to its intersection with the eastern boundary of L.R. No. 4783/2;

thence northerly by that boundary to its intersection with the Kipsonoi River;

thence down-stream by that river to its intersection with the south-western boundary of Chemegel Township (L.R. No. 7288);

thence south-easterly, north-easterly and generally westerly by the south-western, south-eastern and northern boundary of that township to the intersection of the last with the Kipsonoi River;

thence down-stream by that river to its junction with the Yurith River, whence it becomes the Sondo River;

thence down-stream by the Sondo River to a point due south of a beacon on its right bank at about the most northerly point of its course round Byobbyb Hill;

thence due north by a straight line to that beacon and thence northward following the line of beacons to a beacon on the right bank of the Kamugelwar (or Marraboi) River, and thence due north by a straight line to the centre of that river;

thence down-stream by that river for about 2½ miles to a point due west of a beacon on its right bank and thence due east by a straight line to that beacon;

thence north-easterly by a line of beacons between Tulwotkapkonak and Kibugat Hills to a beacon on the left bank of the Jujuliet River;

thence due north by a straight line to the centre of that river, and by it down-stream for about 900 feet to a point due south of a beacon on its right bank;

thence by a straight line to that beacon and thence in a northerly direction following the line of beacons over Kabliana Hill to the Leguini River;

thence by the line of beacons across that river, over Kibimbiri Hill, Tolitet River and Kamoungu Hill to the Nyandablublilime River, and thence across that river and over Lalibuch Hill to the Kaptevinwet River;

thence in a generally easterly direction by the line of beacons over Kaptebenwar Hill to the Nyeta River;

thence across that river in a north-easterly direction across Kamnyangor Hill, the Kabletach River and Bora Hill to a beacon on the left bank of the Nyando River, about six miles west of Muhoroni Station;

thence due north by a straight line to the Nyando River;

thence up-stream by that river to its intersection with the western boundary of L.R. No. 3102, the point of commencement.

(8) BOUNDARIES OF THE NORTH POKOMO  
NATIVE LAND UNIT

Commencing at a point on the Tana River two miles below Kashe;

thence bounded by a straight line due north-east to its intersection with the line bounding the zone that contains all points on the left bank of the river distant one mile from low-water mark in that river and the River Galana Be (i.e., the present main course of the river);

thence south-easterly by that bounding line to a point due north-east of a point on the river just above Sankuri and about two miles below Bara;

thence by a straight line to the latter point, extended across the river to its intersection with the line bounding a zone that contains all points on the right bank of the Tana River (following the old course south of the Galana Be) distant one mile from low-water mark thereof;

thence north-westerly by that bounding line to a point due south-west of the point of commencement;

thence by a straight line thereto.

The foregoing boundaries are delineated on Sheet No. 44 of the before-mentioned deposited plan.

(9) BOUNDARIES OF THE COAST NATIVE LAND  
UNIT

This land unit consists of thirty areas the boundaries of which are as follows:—

SECTION I—PUNGU FUEL AREA (L.R. No. 4383)

Commencing at the south-west corner of Section V, Mombasa Mainland South, thence bounded by the southern boundary of that section to high-water mark on the Indian Ocean;

thence southerly by that high-water mark to its intersection with the north-eastern boundary of L.R. No. 4654 extended;

thence by a straight line to the eastern corner of L.R. No. 4654 and onwards by part of the north-eastern boundary of that portion to its intersection with the south-eastern boundary of L.R. No. 4646 extended across the 25 foot road reserve;

thence by a straight line across that road reserve to the southern corner of L.R. No. 4646;



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thence by the south-eastern boundaries of that portion and of L.R. No. 4645 to the point of commencement.

## SECTION II—KAYA PUNGU (L.R. No. 4367)

This is a small area, of about 11½ acres extent, lying about one mile to the west of the north-west corner of Section I, and within the boundaries of L.R. No. 4645, as particularly delineated on Sheet 48 of the aforesaid deposited plan.

## SECTION III—PUNGU-MIDZICHENDA (INCLUDING BOMBO AND KITEJI)

Commencing on the eastern boundary of the Mtongwe-Kiteji 25 foot road reserve, at the point where the western boundary of L.R. No. 4649 leaves that road reserve;

thence bounded by part of the western boundary of that portion south-westerly to its south-west corner;

thence by the south-western and southern boundary of the Likoni Commilage (L.R. No. 5016) to its south-east corner;

thence southerly by part of the western boundary of L.R. No. 4646 to its western corner;

thence by a straight line across a 25 foot road reserve to the northern corner of L.R. No. 4654;

thence by the western boundary of that portion and the north-western or northern boundary of L.R. No. 4655 to its north-western corner on the eastern boundary of the Likoni-Gasi Road Reserve.

thence by a straight line across that road reserve to the eastern corner of L.R. No. 4660;

thence by part of the generally north-eastern and northern boundaries of that portion to its intersection with the southern boundary of the 25 foot road reserve which gives access to Kaya Bombo (No. V);

thence by a straight line across that road reserve to the south-east corner of L.R. No. 4653;

thence by the eastern boundary of that portion to its northern corner;

thence by a straight line across the 25 foot road reserve to the south-east corner of L.R. No. 4652;

thence by the eastern and part of the north-eastern boundary of that portion to the southern corner of L.R. No. 4651

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thence by the southern boundary of that portion to its south-east corner on the 25 foot road reserve of the road to Mtongwe;

thence by a straight line across that road reserve to the point of commencement.

The areas within the foregoing boundaries known as Mombasa Mainland South, Section VII, Subdivisions 1, 2, 3, and 4, are not part of the native land and are excluded therefrom.

The foregoing boundaries are more particularly delineated on Sheets 48 and 51 of the aforesaid deposited plan.

## SECTION IV—KAYA KITEJI (L.R. No. 4392)

This is an area of about one acre within the boundaries of L.R. No. 4652 and situated near the mouth of Bombo Creek on its eastern side, as delineated on Sheet 48 of the aforesaid deposited plan.

## SECTION V—KAYA BOMBO (L.R. No. 4384)

This is an area of about 81 acres, of which the northern and eastern boundaries abut on L.R. No. 4653 and the south-western boundary on L.R. No. 4661; as delineated on Sheets 47 and 48 of the aforesaid deposited plan.

## SECTION VI—BOGONI (L.R. No. 4385)

This is an area of about 67 acres situated about one mile south of Mteza Creek, within the boundaries of L.R. No. 3855; as delineated on Sheet 47 of the aforesaid deposited plan.

## SECTION VII—PEMBA (L.R. No. 4412)

This is an area of about 72½ acres within the boundaries of the Shimba Forest Reserve (L.R. No. 5008), its northern corner lying about one mile and a half west by south of the south-western corner of Kwale Township; as delineated on Sheet 49 of the aforesaid deposited plan.

## SECTION VIII—WAA MIDZICHENDA (INCLUDING WAA, MATUGA, KIGATHU, MAGOMANI, MIVUMONI AND TIWI)

Commencing at the south-west corner of L.R. No. 4657, the boundary of this area follows in a generally south-westerly and south-easterly direction the generally north-western and south-western boundaries of a part of L.R. No. 3855, to its southern corner on the 100 foot foreshore reserve, and continues by the last boundary extended to high-water mark on the Indian Ocean;

thence bounded by that high-water mark southerly to the Mwachema River;

thence up-stream by that river to its intersection with the eastern boundary of L.R. No. 4752;

thence northerly by part of that boundary to the eastern boundary of the Gasi Road Reserve;

thence northerly by that road-reserve boundary to its intersection with the north-eastern boundary of L.R. No. 4752 extended;

thence by a straight line across the road reserve to the north-eastern boundary of that portion; and onwards by that boundary to the northern corner of the same;

thence in a generally north-westerly and then north-easterly direction by the eastern boundary of a part of L.R. No. 3855 to the south-west corner of L.R. No. 4659;

thence by the southern boundary of the latter portion to its south-east corner;

thence by a straight line across the Gasi Road Reserve to the north-west corner of L.R. No. 4657;

thence by the western boundary of that portion to the point of commencement.

The areas within the foregoing boundaries known as Mombasa Mainland South, Section VIII, Subdivision 1 (Waa), and Section VI, Subdivisions 1 to 16, inclusive (Tiwi), are not native lands and are excluded therefrom.

The foregoing boundaries are more particularly delineated on Sheets 50, 51, 53 and 54 of the aforesaid deposited plan.

#### SECTION IX—KAYA WAA (L.R. No. 4376)

An area of about 80 acres, bounded as follows:—

Commencing at the southern corner of L.R. No. 4658, thence bounded by the south-eastern boundary of that portion to its south-east corner and extended to high-water mark on the Indian Ocean;

thence southerly by that high-water mark to its intersection with the north-eastern boundary of a part of L.R. No. 3855 extended thereto;

thence by that extended boundary north-westerly up to the point of commencement.

The foregoing boundary is more particularly delineated on Sheet 51 of the aforesaid deposited plan.

#### SECTION X—MUHAKA (INCLUDING DIANI, UKUNDA, NZOLE, MLOLA, MBAVU AND MSULWA)

Commencing at the mouth of the River Mwachema at high-water mark of the Indian Ocean;

thence bounded by that high-water mark southerly to its intersection with the northern boundary of L.R. No. 5004 extended thereto;

thence by a straight line to the north-east corner of that portion;

thence by its northern boundary to its north-west corner on the eastern boundary of the Gasi 60-foot road reserve;

thence first in a generally south-westerly and afterwards in a generally north-westerly direction by the generally north-western boundary of L.R. No. 5004 to a corner thereof on the Mtawe River, where the latter intersects the eastern boundary of a 50-foot road reserve;

thence north-easterly by a straight line for about 15 feet to a beacon on the left bank of the Mtawe River;

thence bearing  $309^{\circ} 5' 30''$  for about 3,991 feet to a beacon;

thence bearing  $359^{\circ} 5' 35''$  for about 2,170 feet to a beacon;

thence bearing  $288^{\circ} 46' 29''$  for about 10,649 feet to a beacon (Nzole);

thence bearing  $14^{\circ} 24' 42''$  for about 3,638 feet to a beacon;

thence bearing  $8^{\circ} 52' 34''$  for about 17,029 feet to the Trigonometrical Beacon "A";

thence bearing  $62^{\circ} 17' 40''$  for about 5,480 feet to the Trigonometrical Beacon Paka Paka;

thence south-easterly by a straight line to the Trigonometrical Beacon Kabila;

thence by the south-western, southern and south-eastern boundaries of L.R. No. 3855 to the southern boundary of the 25-foot road reserve, which forms part of the southern boundary of L.R. No. 4752;

thence south-easterly by that road reserve boundary to its intersection with the western boundary of the Gasi 60-foot road reserve;

thence by a straight line across the latter road reserve to a beacon on its eastern boundary;

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thence northerly by the eastern boundary of the Gasi Road Reserve to its intersection with the River Mwachema; thence by that river down-stream to the point of commencement.

The areas within the foregoing boundaries known as L.R. Nos. 3243 and 3245 are not part of the native land and are excluded therefrom.

The foregoing boundaries are more particularly delineated on Sheets 52, 53, 54, 56 and 57 of the aforesaid deposited plan.

## SECTION XI—KINONDO (INCLUDING GADU) L.R. No. 4274

This area of about 2,650 acres is bounded on the east by high-water mark of the Indian Ocean; on the north, west and south-west by L.R. No. 5004, the boundaries of the latter being extended across the 100 foot foreshore reserve to high-water mark; which boundaries are delineated on Sheets 53 and 57 of the aforesaid deposited plan.

## SECTION XII—MATOFYA (L.R. No. 4458)

This is an area of about 148 acres, lying on both sides of Mwale-Gasi Road and to the north of the Kidogo Weni River; east of the said road its northern and south-eastern boundaries abut on L.R. No. 5004, and west thereof its south-eastern, south-western and western boundaries abut on L.R. No. 4821, as delineated on Sheet 56 of the aforesaid deposited plan.

## SECTION XIII—MAUMBA (L.R. No. 4474)

This is an area of about 112 acres, lying about three-quarters of a mile west of the northern corner of the Gogoni Forest Reserve, and entirely surrounded by L.R. No. 5004, as delineated on Sheet 56 of the aforesaid deposited plan.

## SECTION XIV—MSAMBWENI-GWIRANI (INCLUDING MABATINI)

Commencing on the Mkurumuji River at the point where the north-eastern boundary of L.R. No. 4243 (Government Reserve) would intersect;

thence bounded by a straight line to the northern corner of that portion;

thence by the north-western and south-western boundaries of the same portion to high-water mark on the Indian Ocean;

thence southerly by that high-water mark to the mouth of the Milalani River;

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thence up-stream by that river to its intersection with a straight line bearing 310° 44' 10" forming part of the generally eastern boundary of L.R. No. 5004,

thence north-westerly, south-westerly, again north-westerly and finally north-easterly by that boundary of L.R. No. 5004 to the Mkurumuji River;

thence down-stream by that river to the point of commencement.

The foregoing boundary is more particularly delineated on Sheets 60 and 61 of the aforesaid deposited plan.

## SECTION XV—SHIRAZI (INCLUDING BODO)

Commencing at the southern end of the 100 foot foreshore reserve, which forms part of the south-eastern boundary of L.R. No. 5009, on a creek;

thence bounded by that creek down to its mouth;

thence northerly, southerly and then in a generally south-westerly direction by high-water mark of the Indian Ocean to its intersection with the south-eastern boundary of L.R. No. 5009, extended thereto;

thence by that extended boundary, and part of that south-eastern boundary to the point of commencement.

The foregoing boundaries are more particularly delineated on Sheets 60 and 63 of the aforesaid deposited plan.

## SECTION XVI—FUNZI ISLAND

The whole of Funzi Island (together with adjacent islets) which lies to the south of Msambweni-Gwirani (Area XIV) and to the south-east of Shirazi (Area XV), down to high-water mark of the Indian Ocean, as delineated on Sheet 63 of the aforesaid deposited plan, is native land.

## SECTION XVII—SOUTH NYIKA SECTION

Commencing at the south-west corner of the MacKinnon Road Station Reserve; (1)

thence generally south-easterly by the southern boundary of the Kenya and Uganda Railway Reserve to its intersection with the north-west boundary of L.R. No. 1031/1;

thence south-westerly, southerly and north-easterly by the north-western, south-western and south-eastern boundaries of that portion to the western corner of L.R. No. 1016/1;

thence south-easterly and north-easterly by the south-western and south-eastern boundaries of L.R. No. 1016/1 to the intersection of the last with the south-eastern boundary of L.R. No. 1031/1;

thence north-easterly by the latter boundary to its intersection with the south-western boundary of the Kenya and Uganda Railway Reserves;

thence generally southerly by that railway reserve boundary to its intersection with the northern boundary of L.R. No. 1032/2;

thence westerly, northerly and north-westerly by part of the generally north-eastern boundary of L.R. No. 1032/2 and the north-eastern boundary of L.R. No. 1017 to the northernmost corner of the latter portion;

thence southerly by the western boundary of L.R. No. 1017 to its intersection with the Mwachi River;

thence up-stream by that river to its intersection with the south-western boundary of L.R. No. 1028;

thence south-easterly by that south-western boundary to its intersection with the north-western boundary of L.R. No. 1029;

thence south westerly, south-easterly and north-easterly by part of the north-western, the south-western and the south-eastern boundaries of that portion to the intersection of the last with the generally southern boundary of L.R. No. 1035/1;

thence easterly by that generally southerly boundary to its intersection with the south-western boundary of the Kenya and Uganda Railway Reserve;

thence generally southerly by that railway reserve boundary to its intersection with the northern boundary of Plot 885, Section VI, Mainland North;

thence generally north-westerly by the northern boundary of Plot 885, Section VI, Mainland North, and the generally north-eastern boundary of L.R. No. 1037/2 to the northernmost corner of the latter portion;

thence westerly by the northern boundary of that portion to its intersection with the Mwachi River;

thence by that river down-stream to its intersection with the north-western boundary of L.R. No. 1038;

thence south-westerly by the north-western boundary and south-easterly by the south-western boundary of that portion to its southernmost corner;

thence north-easterly by the south-eastern boundary of that portion to its intersection with the Mwachi River;

thence southerly and westerly by the Mwachi River down-stream to its intersection with the straight-line portion of the western boundary of L.R. No. 1037/2;

thence by that straight-line portion to the south-west corner of L.R. No. 1037/2;

thence generally easterly by the southern boundary of that portion to its intersection with a stream or watercourse at a point approximately 3,500 feet west of the Triangometrical Beacon Maungu;

thence down-stream by that stream or watercourse to its confluence with the Mwachi River, and down-stream by that river to its confluence with the Duruma River at the head of a creek of Port Reitz;

thence generally south-easterly by the high-water mark of the southern bank of that creek to its intersection with the western boundary of L.R. No. 1041;

thence by the western southern and eastern boundaries of that portion to high-water mark in Port Reitz;

thence southerly by that high-water mark to its intersection with the northern boundary of L.R. No. 4382;

thence by the northern and part of the western boundary of that portion to high-water mark in Mteza Creek;

thence south-westerly by that high-water mark to its intersection with part of the generally western boundary of L.R. No. 3855 at its north-west corner extended across the 100 foot foreshore reserve and the creek;

thence by a straight line to that north-west corner and onward southerly by the generally western boundary of L.R. No. 3855 to the eastern corner of L.R. No. 1081;

thence by the north-eastern, north-western, south-western and south-eastern boundaries of that portion to the same eastern corner;

thence continuing southerly by the generally western boundary of L.R. No. 3855 to the south-east corner of L.R. No. 4389;

thence north-westerly by the south-western boundary of that portion to its north-west corner;

thence north-westerly by a straight line to the south-east corner of L.R. No. 4410;

thence in a generally north-westerly direction by part of the southern boundary of that portion to its intersection with the northern boundary of the Kwale 50 foot road reserve;

thence westerly by that road reserve boundary to its intersection with the southern boundary of Kwale Township;

thence still westerly by the northern boundary of that road reserve to its intersection with the southern boundary of L.R. No. 3743;

thence easterly by a straight line to the southernmost corner of L.R. No. 3744;

thence by the southern boundary of that portion to its south-eastern corner on the eastern boundary of Kwale Township (as shown on Plan No. 11242/3-5/149);

thence north-easterly by that township boundary to its north-east corner;

thence easterly by part of the southern boundary of L.R. No. 5003 to its south-east corner;

thence by the south-eastern, northern and western boundaries of that portion to its south-west corner;

thence westerly by the northern boundaries of Kwale Township to the Trigonometrical Beacon Shimba, its westernmost corner;

thence westerly and southerly by part of the northern and by the western boundaries of Shimba Forest Reserve (L.R. No. 5008/R) to its southern corner at the Trigonometrical Beacon Mwele;

thence westerly by a straight line to the Trigonometrical Beacon Mkongani West;

thence southerly by a straight line to the Trigonometrical Beacon Mangawani;

thence by a straight line on a true bearing of  $32^{\circ} 15' 44''$  for about 10,194 feet to a beacon (W1) which bears  $289^{\circ} 31' 1''$ , at a distance of about 1,072 feet, from the Trigonometrical Beacon Nyakundi;

thence by a straight line on a true bearing of  $61^{\circ} 59' 17''$  for about 17,481 feet to a Trigonometrical Beacon Kichaka Simba;

thence south-easterly by the straight line to the Trigonometrical Beacon Kidiani;

thence southerly and south-easterly by part of L.R. No. 5004 to the northern corner of the Buda Forest Reserve (L.R. No. 5006);

thence westerly by the northern boundary of that forest reserve to its north-west corner;

thence by the western, southern and south-eastern boundaries of that forest reserve to its north-east corner;

thence in a generally southerly direction by part of the western boundary of L.R. No. 3004 to its intersection with the northern boundary of the Mombasa-Vanga Road Reserve;

thence south-westerly by that road reserve boundary to its intersection with the north-eastern boundary of a part of L.R. No. 5009 giving access to the Ramisi River;

thence north-westerly and south-westerly by that boundary of L.R. No. 5009 to the said river;

thence up-stream by the Ramisi River to its intersection with the southern boundary of L.R. No. 3246;

thence westerly by that southern boundary bearing approximately  $269^{\circ} 05'$  for a distance of about 120 feet from the centre line of that river to a beacon;

thence south-westerly by a beaconed line bearing approximately  $255^{\circ} 54'$  for about 17,530 feet to a beacon on the east boundary of L.R. No. 4668;

thence southerly by a straight line to the south-east corner of L.R. No. 4668;

thence by the southern and western boundaries of that portion to its north-west corner;

thence north-westerly by a straight line to the Trigonometrical Beacon Kiruku;

thence south-westerly by a straight line to the north-east corner of L.R. No. 4666;

thence by the eastern and southern boundaries of that portion to its south-west corner;

thence by a straight line on a true bearing  $201^{\circ} 7' 58''$  for about 6,199 feet to a beacon;

thence by a straight line on a true bearing  $89^{\circ} 41' 42''$  for about 3,032 feet;

thence by a straight line on a true bearing  $90^{\circ} 3' 20''$  for about 918 feet;

thence southerly by a straight line bearing  $180^{\circ} 17'$  for 736 feet to a beacon;

thence southerly by a straight line bearing  $180^{\circ} 20'$  for 2,582 feet to a beacon;

thence westerly by a straight line bearing  $258^{\circ} 58'$  for 4,749 feet to a beacon;

thence generally south-westerly beacon to beacon by successive straight lines of the following bearings and lengths:—

180° 58'	420 feet
200° 39'	2,485 ..
211° 22'	3,459 ..
232° 34'	6,871 ..
185° 17'	3,530 ..

From the southern terminal beacon of the last straight line above by its extension southwards across the Mwena River to its intersection with high-water mark on the right south bank of the estuary of that river;

thence generally southerly by high-water mark of the Indian Ocean to its intersection with the north boundary of Vanga Township;

thence generally south-westerly by the north and west boundaries of that township as demarcated with cement blocks by the District Commissioner to its intersection with the Kenya-Tanganyika Boundary;

thence north-westerly by the latter boundary to its intersection with the Uмба River; (5)

thence northerly by a straight line to the summit of Kilibasi Hill;

thence northerly by a straight line to the point of commencement. (1)

The area within the foregoing boundaries known as L.R. No. 7512 (Mailuaga Forest Reserve) is not part of this native land and is excluded therefrom.

The area external to the foregoing boundaries known as L.R. No. 1283 is part of this native land and is included therein.

#### SECTION XVIII—NORTH NYIKA SECTION

Commencing at the north-west corner of the MacKinnon Road Station Reserve; (1)

thence north-easterly by a straight line to the intersection of a straight line between the summits of the hills Maungu and Loga with the Galana (or Sabaki) River;

thence down-stream by that river to a point due south of a beacon on its left or northern bank on the western outskirts of Dodosa Village. (2)

thence by a straight line to that beacon and onwards by a straight line north-easterly to the trigonometrical beacon on Koyeni Hill;

thence by a straight line more easterly to the hill marked 407 on the Topographical Sheet S.A. 37/V & W;

thence by a straight line bearing true north-north-east to its intersection with the Wakalla River;

thence down-stream by that river to its intersection with the track from Marafa through Mwambiri Village (about one mile above the junction of that river with the Koroni River);

thence easterly by that track to the western outskirts of Mwambiri Village;

thence by the northern outskirts of that village to the same track;

thence easterly by that track to a point due south of a beacon to the north-west of the cultivated area known as Mombasa, at Marafa;

thence due north to that beacon;

thence easterly for about two miles to a beacon on the north-eastern limits of that cultivated area;

thence south-easterly by a straight line to the north east corner of Plot Mambrui No. 281;

thence by the northern, western, southern and south-eastern boundaries of that plot to its eastern corner;

thence south-easterly by a straight line to the northern corner of Plot Mambrui No. 275;

thence by the western boundary of that plot and part of its south-eastern boundary to its intersection with the western boundary of L.R. No. 4390 (Pumwani Settlement);

thence southerly by part of that boundary to its south-west corner;

thence southerly by a straight line to a beacon on the north bank of the Sabaki River on the western outskirts of Mbaoni Village; (3)

thence up-stream by that river to a point due south of the village Kwa Aliteti;

thence in a southerly direction across the Madungoni Plains by a demarcated line to Gaji Hill (shown as an intersected point, elevation 383, on the aforesaid topographical sheet).

thence south-westerly by a straight line to the north-east corner of the Arabuko-Sekoki Forest Reserve (L.R. No. 4453);

thence by the generally northern and western boundaries of that forest reserve to its south-west corner;

thence southerly by a straight line to the Trigonometrical Beacon Sokoke South;

thence southerly by a straight line to the northern corner of I.R. No. 1427;

thence by the north-western boundary of that portion to its western corner;

thence by a straight line to the northern corner of Plot 7, Group VII (Mtanganiko) Mainland North. (4)

thence by the north-western and south-western boundaries of that plot to its southern corner;

thence by a straight line to the north west corner of plot 4 of the same group;

thence by the western and part of the southern boundary of that plot to the north-west corner of Plot 10 of the same group;

thence by parts of the western and southern boundaries of that plot to the north-west corner of Plot 8 of the same group.

thence by the western and southern boundaries of the latter to its south-east corner;

thence southerly by part of the western boundary of Plot 10 of the same group, to its south-west corner;

thence by a straight line southerly to the western corner of Plot 15, Group III (Majajani) Mainland North;

thence by the south-western boundary of that plot to its south-west corner;

thence south-westerly by a straight line to the western corner of Plot 20 of the same group;

thence by the south-western boundary of that plot to its south-west corner;

thence southerly by a straight line to the northern corner of Plot 14, Group II (Mavuoni) Mainland North;

thence by the western and south-western boundaries of that plot to its southern corner;

thence south-westerly by a straight line to the northern corner of Plot 15 of the same group;

thence by the north-western boundary of that plot to its western corner;

thence south-easterly by a straight line to the northern corner of Subdivision 99 of Section IV, Mombasa Mainland North;

thence by the western and south-western boundary of that subdivision extended beyond its southern corner to the stream in its vicinity;

thence up that stream to its intersection with the north-eastern boundary of Subdivision 112 of the same section;

thence north-westerly by part of the north-eastern boundary of that subdivision to its northern corner;

thence by the generally western boundary of the same subdivision to its southern corner;

thence southerly by part of the western boundary of Subdivision 96 of the same section to its south-west corner;

thence south-westerly by a straight line to the most north-west corner of Subdivision 81 of the same section;

thence southerly by the generally western boundary of Section IV, Mombasa Mainland North, consisting of parts of the boundaries of Subdivisions 81, 79, 82, 83, 79, 77, 72 and 71 to the western corner of the last;

thence north-westerly by part of the north-eastern boundary of Subdivision 29 to the southern corner of Subdivision 62; (5)

thence by the eastern and northern boundaries of the latter and the northern and western boundaries of Subdivision 63 to its most western corner;

thence by the north-western boundary of Subdivision 61 to its north-west corner;

thence south-westerly by a straight line to the northern corner of Subdivision 51;

thence by part of the north-western boundary of that subdivision to the eastern corner of Subdivision 52;

thence by the north-eastern boundary of the latter to its northern corner;

thence south-westerly by a straight line to the north-east corner of Subdivision 58;

thence by the north-eastern boundary of that subdivision to its northern corner;

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thence southerly by the generally western boundary of the said Section IV, consisting of part of the boundaries of Subdivisions 58, 49, 43, 124, 123, 126, 65, 67 and 141 to the most westerly corner of the last;

thence south-westerly by a straight line to the northernmost corner of Subdivision 500 of Section II, Mombasa Mainland North;

thence westerly by a straight line to the northernmost corner of Subdivision No. 506 of Section II, Mombasa Mainland North;

thence generally westerly by the northern boundaries of Subdivisions Nos. 506 and 620 to the north-west corner of Subdivision No. 506;

thence southerly by a straight line to the northernmost corner of Subdivision No. 498 of the same section;

thence generally southerly by the north-western and south-western boundaries of Sub-division No. 498 to the south-eastern corner of that Subdivision;

thence north-easterly by part of the eastern boundary of the same Subdivision to the south-west corner of Subdivision No. 504;

thence easterly by the southern boundaries of Subdivisions Nos. 504, 669 and 497 to the south-east corner of No. 497;

thence southerly by part of the western boundary of Subdivision No. 496 to its south-west corner;

thence westerly by part of the northern boundary of Subdivision No. 490 to its north-west corner;

thence southerly by the western boundaries of Subdivisions Nos. 490, 489 and 488, all of Section II, Mombasa Mainland North, to the intersection of the western boundary of No. 488 extended with the centre line of the Mleji River;

thence generally south-easterly down-stream by the centre line of the Mleji River to its intersection with the extended north-west boundary of Subdivision No. 479 of Section II, Mombasa Mainland North;

thence south-westerly by that north-west boundary of Subdivision No. 479 to its westernmost corner;

thence generally westerly by the northern boundaries of Subdivision No. 541 to its north-west corner;

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thence southerly and easterly by the western and southern boundaries of Subdivision No. 541 to its south-east corner;

thence generally south-easterly by the south-western and southern boundaries of Subdivision No. 478 to its south-east corner;

thence north-easterly by the south-east boundaries of that Subdivision to its intersection with the south-west boundary of Subdivision No. 477 on the right or west bank of the Mleji River;

thence southerly by part of the western boundary of the latter Subdivision to its south-west corner;

thence by the south-western boundary of Subdivision No. 477 extended to its intersection with the centre line of the Mleji River;

thence generally southerly by the centre line of that river down-stream to its intersection with the extended eastern boundary of that portion of Subdivision No. 436 of Section II, Mombasa Mainland North which lies on the right or west bank of the Mleji River;

thence north-westerly by that boundary to the northernmost corner of that portion;

thence generally southerly by the north-western boundaries of that portion to its westernmost corner;

thence south-easterly by the south-west boundary of that portion extended to its intersection with the centre line of the Mleji River;

thence southerly down-stream by the centre line of the Mleji River to its intersection with the north-west boundary of Subdivision No. 435 of the same Section extended;

thence generally southerly by the north-west and south-west boundaries of that Subdivision to its south-west corner;

thence easterly by the southern boundary of the same Subdivision to its intersection with the western boundary of Subdivision No. 453;

thence southerly by the western boundary of that Subdivision to its intersection with the north-east boundary of Subdivision No. 426;

thence by this latter boundary to the northernmost corner of that Subdivision;



thence generally south-westerly by the western boundaries of Subdivisions Nos. 426 and 672 to the westernmost corner of the latter;

thence south-easterly by the straight line portion of the southern boundary of Subdivision No. 672 extended to its intersection with high-water mark on the right bank of the Mbeji River;

thence due south by a straight line to its intersection with the centre line of the Mbeji River;

thence generally southerly down-stream by that centre line to its intersection with the centre line of the waters of that branch of Mwakirungi Creek which bounds on the north Subdivision No. 555 of Section II, Mombasa Mainland North;

thence generally westerly by the centre line of the waters of that branch of the creek, to a point due east of the intersection of the northern boundary of Subdivision No. 546 of the same section with high-water mark;

thence by a straight line due west to that point of intersection;

thence westerly by the generally northern boundaries of Subdivision No. 546 to its intersection with the eastern boundary of Subdivision No. 642 of Section II, Mombasa Mainland North;

thence northerly by that boundary to the north-east corner of Subdivision No. 642;

thence generally north-westerly by the northern boundaries of the latter and of Subdivision No. 607 of the same Section to the northernmost corner of the latter Subdivision;

thence north-westerly by a straight line in the direction of the point at the head of the northern arm of Jomvu Creek at which the Rabai-Mwanguja road crosses the River Kombeni up to the intersection of that straight line with high-water mark of Jomvu Creek;

thence generally north-westerly by high-water mark to the point at which the above road crosses the River Kombeni; provided that if the above straight line does not intersect high-water mark that straight line shall be the boundary of the Native Land;

thence south-westerly by high-water mark to its intersection with the north-west boundary of Subdivision No. 378 of Section V, Mombasa Mainland North;

thence south-westerly by that boundary to the northernmost corner of Subdivision No. 312 of the same Section;

thence south-westerly by a straight line to the south-east corner of Mazaras Trading Centre (L.R. No. 1043);

thence north-westerly by the north-eastern boundary of that trading centre to its north-east corner;

thence south-westerly by its north-western boundary to its intersection with the north-eastern boundary of the Kenya and Uganda Railway Reserve;

thence north-westerly (up-line) by that railway reserve boundary to its intersection with the south-east boundary of L.R. No. 1279;

thence generally north-easterly by the south-eastern and north-eastern boundaries of that portion to its northernmost corner;

thence south-westerly by its north-western boundary to its intersection with the north-eastern boundary of the Kenya and Uganda Railway Reserve;

thence north-westerly (up-line) by the generally northern boundary of that railway reserve, which includes special Quarry Reserves on the north side of the railway line opposite L.R. Nos. 4330 and 1031/1, to the point of commencement (1)

## SECTION XIX—MWINA

Commencing at a beacon on the right (or generally western) bank of the Tana River, near the apex of a sharp north-westerly bend of that river above Mwina Camp;

thence bounded by a straight line to a beacon approximately one mile west;

thence by a straight line in a south-south-easterly direction through a beacon on the right bank of the river near the apex of a large westerly bend, about half a mile above Akadi) to low-water mark on that bank;

thence by that low-water mark up-stream to a point due south-west of a beacon on the left bank, near the apex of the large easterly bend below Mwina Mission;

thence by a straight line across the river to that beacon and onwards by a straight line north-north-westerly to a beacon on the left bank of the river near the apex of the easterly bend of the river next above the point of commencement;

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thence by a straight line due west to its intersection with low-water mark.

thence by that low-water mark down-stream to a point due south of the beacon at the point of commencement, and onwards by a straight line across the river thereto.

## SECTION XX—BENDERANI

Commencing at a beacon approximately one mile west of Benderani Village;

thence bounded by a straight line north-easterly to a beacon on the right bank of the Tana River, near the apex of the north-westerly bend of the river next below Akadi;

thence due east by a straight line across the river to its intersection with low-water mark on its left bank;

thence up-stream by that low-water mark to a point due west of a beacon on the same bank (opposite Akadi) and onwards south-south-easterly by a straight line for about two miles to a beacon;

thence westerly by a straight line for approximately one mile to a beacon on the left bank of the river near the apex of the south-westerly bend immediately below Huyasu;

thence due north-west by a straight line across the river to its intersection with low-water mark on its right bank;

thence down-stream by that low-water mark to a point due west of a beacon near Marembo Village;

thence by a straight line to that beacon and onwards north-westerly to the point of commencement.

## SECTION XXI—KULESA

Commencing at a beacon about one mile west of the apex of a sharp north-westerly bend of the Tana River immediately above the hamlet of Tanga (or Voi);

thence bounded by a straight line easterly to a beacon on the right bank of the river at that apex;

thence due south-east by a straight line across the river to its intersection with low-water mark on the left bank of the river;

thence up-stream by that low-water mark to a point due west of a beacon near the apex of a sharp easterly bend next below Gongoni;

thence by a straight line to that beacon and onwards to a beacon approximately one mile east of the former;

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thence south-westerly by a straight line to a beacon on the left bank of the river near the apex of a sharp easterly bend about one mile south of Kulesa;

thence due west by a straight line to its intersection with low-water mark on the left bank of the river, and onwards by that low-water mark up-stream, to a point due north-west of a beacon on the right bank near the apex of the south-easterly bend next above that last mentioned;

thence by a straight line to that beacon and onwards westerly to a beacon approximately due south of the point of commencement, and onwards by a straight line northerly thereto.

## SECTION XXII—CHUNONI

Commencing at a beacon on the right bank of the Tana River, near the apex of the westerly bend next above Chunoni;

thence bounded by a straight line to a beacon approximately one mile west;

thence south-easterly by a straight line through a beacon on the right bank of the river about one furlong below the village of Garden, to low-water mark on that bank of the river;

thence up-stream by that low-water mark to a point due west of a beacon on the left bank near the apex of an easterly bend about midway between Garden and Mnazini;

thence by a straight line across the river to that beacon and onwards by a straight line north-easterly to a beacon about one mile east of Mnazini;

thence north-westerly by a straight line through a beacon on the left bank of the river, near the apex of an easterly bend next above the point of commencement, to low-water mark on that bank of the river;

thence down-stream by that low-water mark to a point due east of the point of commencement;

thence by a straight line across the river thereto.

## SECTION XXIII—YUNDA AND KIBUSU

Commencing at a beacon on the right bank of the Tana River, near the apex of a southerly bend about one mile below Merifano;

thence bounded by a straight line in a southerly direction through a beacon on the right bank of the river near the apex of the first sharp westerly bend below Kibusu to its intersection with low-water mark on the opposite side of the river;

thence down-stream by that low-water mark to a point due south-east of a beacon on the left bank of the river in Malkachalo Hamlet;

thence by a straight line to that beacon;

thence north-westerly by a straight line between that beacon and another on the right bank of the river in Kibusu Village to its intersection with low-water mark on that bank;

thence up-stream by that low-water mark to a point due north of the beacon at the point of commencement;

thence by a straight line thereto.

#### SECTION XXIV--NGAO AND GOLBANTI

Commencing at a beacon on the left bank of the Tana River opposite the Nyika Settlement at Migeni;

thence bounded by a straight line north-easterly to a beacon near the western extremity of Lake Somiti or Shungwaya;

thence by a straight line through that lake to a beacon on its south-eastern shore near its north-eastern extremity;

thence south-easterly by a straight line to a beacon at the north-east corner of the Ngao Communal Shamba;

thence by the eastern boundary of that shamba southerly to its south-eastern corner marked by a beacon;

thence south-westerly by a straight line through a beacon on the left bank of the Tana River (at a point nearly due west of the Ngao Mission House) across the river to its intersection with low-water mark on its right bank;

thence by that low-water mark down-stream to a point due east of a beacon about one furlong below Golbanti;

thence westerly by a straight line for approximately one mile to a beacon;

thence northerly by a straight line to a beacon on the southern edge of the Shakababo Swamp;

thence northerly by a straight line still across that swamp to the western bank of the irrigation canal for Bunta) which connects it with the Tana River.

thence by that bank of the canal to its intersection with low-water mark on the right bank of that river;

thence up-stream by that low-water mark to a point due south of the point of commencement;

thence by a straight line thereto.

#### SECTION XXV--ODA AND MUYE MKUU

Commencing at a beacon on the right bank of the Tana River at the eastern end of the village of Oda;

thence bounded by a straight line for approximately one mile southwards to a beacon;

thence north-easterly by a straight line to a beacon on the right bank of the Tana River at the apex of a westerly bend just below the village of Hemani;

thence due east by a straight line to low-water mark on the same bank of the river, and onwards up-stream by that low-water mark to a point due north-east of the beacon at the point of commencement;

thence by a straight line thereto.

The foregoing boundaries are delineated on Sheet 70 of the before-mentioned deposited plan.

#### SECTION XXVI--MALALULU, ZUBAKI, NDURA AND TANGA

Commencing at low-water mark on the right bank of the Tana River at a point due east of a beacon at the north-east corner of Massabubu Government Camp;

thence due west by a straight line to its intersection with the line bounding the zone that includes all points on the right bank of the Tana River, distant one mile from low-water mark thereof;

thence in a generally southerly direction by that bounding line to a point due west of a beacon on the same bank of the river just below Mambosasa;

thence by a straight line through that beacon to its intersection with low-water mark on the opposite (left) bank of the river;

thence down-stream by that low-water mark to a point due west of a beacon near the apex of the easterly bend of the river next below Mambosasa;

thence by a straight line through that beacon to its intersection with the line bounding the zone that includes all points on the left bank of the river distant one mile from low-water mark thereof.

thence in a generally northerly direction by that bounding line to a point due east of the point of commencement; thence by a straight line due west thereto.

## SECTION XXVII—NDERA

Commencing at a beacon on the right bank of the Tana River, to the north of Kongolani;

thence bounded by a straight line due west to its intersection with the line bounding the zone that includes all points on the right bank of the river distant one mile from low-water mark thereof;

thence southerly by that bounding line to a point due west of a beacon on the right bank of the river near the apex of a sharp southern bend about a mile below Kiniacu;

thence due north by a straight line to its intersection with low-water mark on the opposite (left) bank of the river;

thence down-stream by that low-water mark to a point due south of a beacon on the same bank of the river, near the apex of the northerly bend next below the southerly bend above mentioned;

thence by a straight line to that beacon;

thence due east by a straight line to its intersection with the line bounding the zone that includes all points on the left bank of the river distant one mile from low-water mark thereof;

thence northerly by that bounding line to a point due east of the point of commencement;

thence by a straight line thereto.

The foregoing boundaries are delineated on Sheet No. 71 of the before-mentioned deposited plan.

## SECTION XXVIII—TAVETA

Commencing at the easternmost corner of L.R. No. 5865, thence proceeding by straight lines each terminating at a beacon on the following bearings and for the following distances successively:

181° 48' 48"	10,094.2 feet
217° 35' 45"	5,998.0 ..
175° 38' 35"	7,883.6 ..
175° 16' 20"	7,989.6 ..
242° 54' 40"	5,101.4 ..
241° 13' 38"	2,902.3 ..

and onward from the last beacon to the intersection with the Lumi River.

thence down-stream by that river for about 5,000 feet to the intersection with a straight line on a true bearing of 242° 27' 56" from a beacon on the left bank;

thence by that straight line for a distance of about 45 feet to that beacon;

thence by a straight line on a true bearing of 62° 27' 56" for a distance of 3,489.7 feet to a beacon;

thence by straight lines each terminating at a beacon on the following approximate bearings and for the following approximate distances successively:

218° 04'	3,604 feet
164° 12'	2,888 ..
126° 26'	3,592 ..
100° 58'	2,037 ..
150° 11'	2,527 ..
159° 39'	2,358 ..
180° 57'	2,873 ..

thence by a straight line bearing 254° 30' for 1,079 feet to a beacon near the edge of Lake Jipe;

thence by the same straight line extended to its intersection with the edge of that lake;

thence northerly and westerly by the lake edge to its intersection with the Kenya-Tanganyika Territory boundary at the mouth of the Rufu River;

thence generally westerly and northerly by part of that territorial boundary to the westernmost corner of L.R. No. 5865 on Lemrika Hill;

thence easterly by part of the southern boundary of that portion to the northernmost corner of L.R. No. 6732;

thence southerly, easterly and northerly by the western, southern and eastern boundaries of L.R. No. 6732 to the north-eastern corner of that portion.

thence northerly by the eastern boundary of L.R. No. 5827 and by part of the generally eastern boundary of L.R. No. 5865 to the south-east corner of L.R. No. 4118 (Taveta Trading Centre);

thence easterly by the southern boundary of L.R. No. 7251 to its south-east corner;

thence northerly and north-westerly by the eastern and north-eastern boundaries of that portion to its northernmost corner;

thence south-westerly by the north-western boundary of the same portion to its intersection with the eastern boundary of L.R. No. 4118 (Taveta Trading Centre);

thence north-westerly by the north-eastern boundary of the latter portion to its intersection with the generally northern boundary of the Railway Reserve of the Voi-Moshi branch of the Kenya and Uganda Railway; which also forms part of the generally eastern boundary of L.R. No. 5865;

thence north-easterly by part of the generally eastern boundary of L.R. No. 5865 to its intersection with the Lumi River;

thence easterly by the same boundary to the point of commencement.

*Excluding and excepting —*

The areas within the foregoing boundaries known as L.R. Nos. 1188, 1192 and 7267 are not part of the Native Land and are excluded therefrom.

SECTION XXIX DABIDA AND SAGALLA

Commencing at the northernmost corner of L.R. No. 5881.

thence south-westerly by the north-western boundary of that portion to its intersection with the northern boundary of the Railway Reserve of the Voi-Moshi branch of the Kenya and Uganda Railway;

thence north-westerly by that railway reserve boundary to its intersection with a straight line bearing true north through a point 7,500 feet due west of the northernmost corner of L.R. No. 6925;

thence due north by that straight line for five miles;

thence north-easterly by a straight line to the south-west corner of L.R. No. 4718;

thence easterly by the southern boundary of that portion to its south-east corner;

thence north-easterly by part of the eastern boundary of the same portion to its intersection with the south-western boundary of L.R. No. 5951;

thence south-easterly, easterly and north-westerly by the south-western, southern and eastern boundaries of the latter portion to its north-east corner;

thence due east by a straight line to its intersection with the western boundary of the railway reserve of the main line of the Kenya and Uganda Railway;

thence south-easterly by that railway reserve boundary to its intersection with the north-east boundary of L.R. No. 6866;

thence north-westerly by the north-east boundary of that portion to its northernmost corner;

thence south-westerly by the western, and south-easterly by the southern boundary of the same portion to the intersection of the latter boundary with the western boundary of the main line railway reserve;

thence south-easterly by that railway reserve boundary to its intersection with the northern boundary of L.R. No. 4957;

thence westerly by that boundary to the Trigonometrical Beacon Redcliff, the north-west corner of L.R. No. 4957;

thence south-easterly by the western boundary of L.R. No. 4957 to its intersection with the northern boundary of the Railway Reserve of the Voi-Moshi branch of the Kenya and Uganda Railway;

thence by a straight line bearing 154° 38' 32" for 686.6 feet to a beacon.

thence by a straight line bearing 101° 01' 52" for 10,616 feet to a beacon;

thence generally north-easterly by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

14° 54' 20"	1,295.0 feet
87° 59' 14"	3,021.1 ..
29° 50' 16"	1,857.3 ..
354° 50' 10"	3,055.4 ..
45° 15' 42"	464.6 ..
10° 58' 39"	777.2 ..
04° 13' 32"	2,361.4 ..
68° 32' 13"	962.5 ..
28° 45' 00"	727.3 ..
71° 55' 14"	1,621.5 ..

to a point on the right bank of the Voi River;

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thence northerly by a straight line bearing  $04^{\circ} 31' 03''$  to its intersection with the southern boundary of Voi Township on the right bank of the Voi River;

thence easterly and north-easterly by the Township Boundary to its intersection with the generally western boundary of L.R. No. 6937;

thence generally south-easterly by the latter boundary to the southernmost corner of L.R. No. 6937;

thence due south by a straight line for 36,960 feet to a beacon;

thence due west by a straight line for 21,130 feet to a beacon;

thence north-westerly by a straight line bearing  $329^{\circ} 38' 30''$  for 67,240 feet to a beacon on the south or right bank of the Voi River;

thence by that straight line extended to its intersection with the Voi River;

thence westerly by the Voi River upstream to its intersection with the northern boundary of the Railway Reserve of the Voi-Moshi branch of the Kenya and Uganda Railway near the Voi River railway bridge;

thence south-westerly by that railway reserve boundary to its intersection with the north-eastern boundary of L.R. No. 3380/2;

thence north-westerly and northerly by part of the north-eastern boundary of that portion to its intersection with the Voi River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 3880/2;

thence south-westerly by that boundary to its intersection with the Mwatati River;

thence southerly by that river down-stream for a distance of about two miles to its intersection with a straight line on a bearing of  $88^{\circ} 27' 00''$  from a beacon on its right bank;

thence westerly by that straight line to that beacon and onwards by a straight line bearing  $268^{\circ} 27' 00''$  for a distance of 6,188.5 feet to a boundary beacon of the same portion;

thence westerly by a straight line bearing  $91^{\circ} 17' 04''$  for 30,329.3 feet to a beacon on the north-eastern boundary of L.R. No. 3881.

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thence north-westerly by that boundary to the point of commencement.

*Excluding and excepting—*

The areas within the foregoing boundaries known as L.R. Nos. 925, 1046, 1077, 1078, 1194, 1195, 1196, 1197, 1199, 1200, 1201, 2338, 3894, 5059, 6945, 6946R and 7053 are not part of the Native Land and are excluded therefrom.

The following areas are not part of the Coast native land and are specifically excluded therefrom:—

- (a) The Kenya and Uganda Railway with all Station and other Railway Reserves.
- (b) Mambui Plots Nos. 273, 279 and 280; Mombasa Mainland North Group XIII (Sokoki) Plots Nos. 2 and 3; Mombasa Mainland North Section II. Plots Nos. 646 to 650 inclusive.
- (c) Plots 9-14 Group VI, Mitauganyiko.
- (d) All land in private ownership, and all land which has become or may in future become the subject of a Certificate of Title issued under the Land Titles Ordinance, 1908.

## SECTION XXX—KASIGAU NATIVE LAND

Commencing at a beacon situated on a true bearing of  $321^{\circ} 43' 21''$  and at a distance of 14,340.3 feet from the Trigonometrical Beacon "Kasigau".

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

$07^{\circ} 18' 54''$	9,119.2 feet
$95^{\circ} 18' 45''$	23,947.2 ..
$184^{\circ} 36' 12''$	21,823.9 ..
$225^{\circ} 20' 12''$	17,233.5 ..
$289^{\circ} 50' 16''$	10,671.9 ..
$311^{\circ} 23' 22''$	16,218.2 ..
$41^{\circ} 26' 34''$	16,935.7 ..

to the point of commencement.

SECOND SCHEDULE  
NATIVE LAND UNITS

- (1) The Kikuyu.
- (2) The Masai.
- (3) The Kamba.
- (4) The Kerio.
- (5) The Nandi.
- (6) The Kavirondo.
- (7) The Lumbwa.
- (8) The North Pokomo.
- (9) The Coast Land.

Passed in the Legislative Council the nineteenth day of December, in the year of Our Lord one thousand nine hundred and thirty-eight.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council and is presented for authentication and assent as a true and correct copy of the said Bill.

*Acting Clerk to the Legislative Council.*

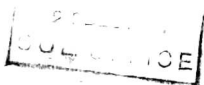


16  
110  
THE SECRETARIAT,  
NAIROBI,  
KENYA.

WHEN REPLYING  
PLEASE QUOTE  
NO. S. D./Leg. Co. 26/3/8/76  
AND DATE

NO. S. D./Leg. Co. 26/3/8/76

December, 1938



The Chief Secretary of the Colony  
and Protectorate of Kenya presents  
his compliments to the Under  
Secretary of State for the Colonies,  
and has the honour to forward  
twelve copies each of the  
undermentioned publications:

Amendments to the Native Lands Trust Bill  
moved in the Legislative Council

Clauses 49, 53 and 70 of the Native Lands  
Trust Bill after amendment



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AMENDMENTS OF THE NATIVE LANDS TRUST BILL  
TO BE MOVED IN COMMITTEE OF LEGISLATIVE COUNCIL.

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That the Native Lands Trust Bill be amended in the following respects:-

1. That sub-clause (1) of clause 43 be amended by deleting the words "before the date of the coming into operation of this Ordinance" which occur at the end of the second proviso thereto.
2. That sub-clause (1) of Clause 53 be amended -
  - (a) by deleting the word "or" which occurs in the fourth line thereof; and
  - (b) by inserting the word "or" immediately after the word "and" which occurs in the fifth line thereof.
3. That sub-clause (1) of Clause 70 be amended -
  - (a) by deleting the full stop which occurs at the end of paragraph (d) thereof and by substituting a colon therefor; and
  - (b) by adding immediately after such colon the following further proviso -

"Provided further that nothing contained in this section and/or in section 49 of this Ordinance shall be deemed to restrict the enjoyment of such rights as have been extinguished under the provisions of this section in respect of the land on which any native resides until such native has been ordered by the Governor under the provisions of section 49 of this Ordinance to remove himself from such land."

112

CLAUSES 49, 50 AND 70 OF THE NATIVE LANDS  
TRUST BILL AS THEY WILL BE AFTER AMENDMENT.

Governor  
may order  
native to  
remove.

49.(1) The Governor may, by writing under his hand, order any native, who at the commencement of this Ordinance is not residing in the native lands, the native reserves, the temporary native reserves, or the native leasehold areas and whose rights have, under the provisions of section 70 of this Ordinance, been extinguished, forthwith to remove himself, his family and his property (if any) from the land on which he is residing:

Provided that no such order shall be made unless the Governor is satisfied that sufficient suitable land for the accommodation of the native and his family is available and that provision for compensation for disturbance has been made:

Provided further that a private right-holder shall not be required to remove himself until he shall have harvested any annual crops which may (A)  
have been planted:

No. 2 of 1937.

And provided further that, notwithstanding the provisions of section 12 of the Native Authority Ordinance, 1937, no native, whose rights in respect of the land upon which he, or his family, is, or he, residing, have been extinguished under the provisions of section 70 of this Ordinance, shall be compelled to remove himself from such land except by order of the Governor made in accordance with the provisions of this section; but the provisions of this section and of this proviso shall not apply to a native who, having been ordered by the Governor to remove in accordance with the provisions of this section, either removes himself or is removed under the provisions of this section,

subsequently cultivates or occupies land outside the boundaries of the native lands, the native reserves, the temporary native reserves or the native leasehold areas, as the case may be.

(2) Any native who disobeys or fails to comply with any order made under this section shall be guilty of an offence against this Ordinance.

(3) Where any native is convicted of an offence under the provisions of this section, the Court may, in addition to any penalty which it may impose under this Ordinance, authorise any administrative officer or police officer to cause such native, together with his family and property, if any, to be removed from the land on which he is residing in contravention of an order made under the provisions of sub-section (1) of this section.

NOTE.(A) - Here the words "before the date of the coming into operation of this Ordinance" have been deleted.

Indemnity.

53.(1) No action shall lie against the Government of the Colony or against any officer thereof or against any person authorised by any such officer, for any act done in good faith and without negligence under the provisions of this Ordinance or for the purpose of carrying into effect any such provisions.

Compensation.

(2) No compensation shall be payable to any person for any act done under the provisions of this Ordinance in good faith and without negligence, save where express provision is made in

this Ordinance for the payment of compensation.

NOTE (B) - The word "or", which appeared immediately after the word "negligence" has been deleted.

NOTE (C) - The word "and" has been inserted immediately after the word "Ordinance".

Extinguishment of native rights.

70.(1) With effect from the commencement of this Ordinance, all native rights existing at the commencement of this Ordinance in any land in the Colony situate outside the boundaries of the native lands, the native reserves, the temporary native reserves and the native leasehold areas, irrespective of whether such rights relate to tribal, group, family or individual holdings, are hereby declared to be extinguished; and the provisions of sections 30 and 31 of the Crown Lands Ordinance, 1902, and of section 80 of the Crown Lands Ordinance shall no longer have effect in respect of land alienated under such Ordinances respectively:

Cap.140.  
No.21 of 1902.

Provided that nothing in this section contained shall be deemed to apply to -

- (a) rights enjoyed by individual natives under any specific title granted to them;
- (b) rights of resident labourers secured by contract under the provisions of the Resident Native Labourers Ordinance, 1925, until the termination of the contract;
- (c) existing rights in any areas in respect of which forest concessions have been granted by the Government of the Colony;

No. 5 of 1925.

(d) native rights in the Protectorate of Kenya:

Provided further that nothing contained in this section and/or in section 49 of this Ordinance shall be deemed to restrict the enjoyment of such rights as have been extinguished under the provisions of this section in respect of the land on which any native resides until such native has been ordered by the Governor under the provisions of section 49 of this Ordinance to remove himself from such land.

NOTE (D) - The whole of this proviso is new.

(2) Nothing in this section contained shall be construed as affecting any native tribes or communities, for whom no specific native land unit is provided by this Ordinance, in regard to any right which such tribes or communities may have to occupy areas of unalienated Crown land, other than land situate in the Highlands, in which they are resident at the date of the coming into operation of this Ordinance.

38005/38.

55

C. O.

*Codes & Sent  
7 m  
to 2/1 389  
②*

Mr. Paskin. 3/1/12

Mr. Freeston. 2 *at*

Important.

Mr. Dale 2. 1. 59

Mr. A. J. Drake.

Sir H. Moore.

Sir G. Gardiner.

Sir J. Shackleton.

Perm. U.S. of S.

Partly U.S. of S.

Secretary of State.

C
R 3
D

DRAFT. Tel.

GOVERNOR.

NAIROBI.

No. 1 Confidential.

Your telegram No. 216.

Further examination of text of draft

Orders in Council has revealed following

points requiring consideration.

(1) Native Areas Order. Clause 4(2)

~~MAX~~ prescribes that Land Units shall be held in trust for the native tribes specified in Second Schedule to the Ordinance but this Schedule mentions only names of ~~Land~~ Units and does not specify the tribes to which they are allocated. Ordinance also (e.g. Section 6 and 70 (2)) presupposes allocation of Land Units to specific tribes. The provisions of Section 68 do not seem sufficient. The question whether

FURTHER ACTION:

2 spare copies for Mr. Paskin.

*Rec'd to Mr. Paskin*

whether the Ordinance should be amended will

require consideration later but in order to

avoid delay in the issue of the Orders in

Council I suggest for your consideration that

Clause 4 (2) of the Order should be amended as

follows to fill gap in Ordinance:-

"The Native Lands are hereby divided into

the nine Native Land Units mentioned in the Second

<sup>Lands Trust</sup>  
Schedule to the ~~Native~~ Ordinance, 1938, the boundaries

of which are set out in the ~~said~~ First Schedule, <sup>to the Ordinance</sup>

and the Trust Board shall hold the areas comprised

in each Native Land Unit in Trust for the native

tribes ordinarily resident in those areas at the

coming into operation of this Order".

*Words underlined will require careful consideration*

(2) Clause 8. words "and by Section 52 G of the

Crown Lands Ordinance" were inserted as result of

suggestion in memorandum enclosed in your Confidential

despatch No. 83 of the 30th April, but these words

do not appear in Section 70 (1) of Native Lands

Trust Ordinance and in view of Section 70 (2) they

<sup>in the Order</sup>  
seem unnecessary. Do you agree?

(3)

C. O.

Mr.

Mr.

Mr.

Mr. A. J. Dawe.

Sir H. Moore.

Sir G. Tomlinson.

Sir J. Shuckburgh.

Permt. U.S. of S.

Parly U.S. of S.

Secretary of State.

(3) ~~Apply~~ Highlands Order.

In view of creation of appointment

of Commissioner for Lands and

Settlement it is proposed to omit

definition of that appointment.

*Please tel. your divn. I assume  
that both Ordinances have  
received your consent*

*SEER.*

**DRAFT.**

FURTHER ACTION.

C. O.

38005/38

Mr. Peaslee 22/12

Mr. Leason 22

Mr. Dawne 22.12

Sir H. Moore.

Sir G. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh

Parlt. U.S. of S.

Parlt. U.S. of S.

Secretary of State.

DRAFT.

Kang a

No. 784

Gov.

29 A. 21/11  
(No 4 on P.A. file)

FURTHER ACTION.

Sir,

With ref to recent correspondence in regard to the arrangements for the transfer of certain natives from the Highlands I have on the 21<sup>st</sup> of Dec. written you ~~concerning~~ <sup>a question</sup> ~~with~~ <sup>on this subject</sup> ~~regarding~~ <sup>who was called in the House of Commons by Mr. Crest Jones on the 21<sup>st</sup> of Dec.</sup> and of my reply thereto.

As regards ~~that~~ <sup>my</sup> statement ~~that~~ <sup>no removal</sup> order will be made until both you & the Land Trust Board are satisfied that the ~~land~~ <sup>land</sup> to wh. these natives



are removed constitutes a fair  
Exchange for the land on  
wh. they are now living, you  
are aware of my view that,  
~~having regard to~~ <sup>the desirability of</sup>  
proceeding with these transfers  
with the minimum of delay, it  
will not be necessary to await  
the formal constitution of the Board,  
wh. cannot take place until the  
Native Land Trust Bill & the  
proposed Native Lands Order in  
Council have entered into force.  
For the purpose of the arrangements  
described in my reply to Mr. Green  
Jones, it will <sup>in the meantime</sup> be sufficient for  
you to refer any case, in wh.  
objections are raised by the natives  
concerned, to a Body set up ad hoc  
but constituted as is proposed for  
the Trust Board.

You will, I am sure  
appreciate the importance of

furnishing the Board with as  
full & precise instructions  
as possible of the principles  
by which they are to be guided  
in considering such cases as  
you may have occasion  
to refer to them.

C. O.

Mr. Paskin. 2/1/48  
Mr. Frost 2/1/48  
Mr.  
Mr. A. J. Dave.  
Sir H. Moore  
Sir G. Tomkinson  
Sir J. Shackburgh  
Permt U.S. of S  
Partly U.S. of S  
Secretary of State.

23/48

DRAFT.

W. HOSKING,  
West Marden Farm,  
N. Chichester  
Sussex

Sir A. Wade 7/12 in original.  
(Cred - 48)  
Gen Tel. 214 (49)  
216 (50)

FURTHER ACTION.

Downing Street.

Downing Street.

December, 1948.

Dear Hosking,

(48)

Very many thanks for your

letter of the 17th December, and for  
giving me an opportunity to see Wade's  
letter, which I return herewith.

I have not kept a copy for our files.

As you say, it is a pity that  
the people in Kenya do not appear to  
have appreciated the point of the  
Secretary of State's anxiety ~~some~~ <sup>that</sup>  
~~was~~ <sup>she be adopted</sup> a procedure which will at  
any rate go some way towards spiking  
the guns of the critics of the former  
Carter policy. But, whatever the  
important thing is that they have now  
agreed to do so.

C. O.

Mr.  
Mr.  
Mr.

Mr. J. Dore.  
Sir R. ...  
Sir G. Tomkinson  
Sir J. Shuckburgh  
Permt. U.S. of S.  
Parly. U.S. of S.  
Secretary of State.

**DKAFT.**

**FURTHER ACTION.**

feel that some comment is called for in  
the suggestion (which Wade attributes  
to you) that the Colonial Office ought to  
"have thought of all this before.....  
and got us to pass an approved Bill."  
There is an element of justification in  
this remark, in that it is true that  
when we saw Phillips' report of the  
numbers involved, we did point out in  
a despatch that it would be necessary to  
increase the £2,000 recommended by the  
Commission by way of cash compensation.  
We ought, I suppose, to have gone on to  
say that the question whether the amount  
of land which was being added to the  
Reserve would now be adequate for its  
purpose, <sup>also</sup> ought to be considered. Against  
this, we can plead that the Commission  
(para 1466)  
had said that the areas which they  
recommended should be added to the  
Reserves would be "sufficient for

examined

Your letter was, of course,  
written before you had learned from the  
Governor's telegram of the 12<sup>th</sup> of December  
that they have, after all, come to the  
conclusion that it would be better to amend  
Clause 70 of the Bill. Having decided to do  
this, there <sup>was</sup> of course no reason whatever why,  
if they so <sup>wished</sup> desire, they should <sup>not</sup> also put in a  
provision to cover reference to the Trust Board in  
cases where the natives who are moved object to  
the land which they are offered in exchange; but,  
in spite of <sup>what was</sup> all that is said in Wade's letter,  
~~they have not done so.~~  
~~the Governor's telegram gives no indication that~~  
~~they are proposing to do so.~~ As you know, we  
here see no necessity whatever for such an  
amendment, <sup>and</sup> so we have not suggested it. I  
personally can see nothing "hole and corner" about  
an arrangement under which the Governor will  
openly refer a case to the Trust Board for  
consideration before issuing an order.

*we have now had  
two further tele. of  
wh. I enclose  
copies, from wh.  
you will see that  
the Bill has now  
been amended.*

The only other point on which I  
reel

occurred over the natural increase of the

at least one or two generations. ~~Statement~~ It is true that this statement appeared in a para. wh. was dealing mainly with the "C" areas; but in para 1472 they said that their "recommendations under classes A & B cover the present and immediate future needs of the population living in the reserves." If this were the case, there ought not to have been

any very great difficulty in accommodating a paltry extra 5,000. In any case, ~~it was not until my first conversation with you that I~~

realised that the accommodation of these rightholders in the Reserve, on the only basis which the Secretary of State could regard as adequate, involved something like an attempt to squeeze a quart into a pint pot. If we had realised this before, (and, of course, I might justly observe that the Government of Kenya is in a better position than the Colonial Office to envisage this situation) we should certainly have taken it up at an earlier date.

However, I hope that all is plain sailing now, and that we shall not again have to entrench on your well-earned leave.

With best wishes for Christmas  
Yours sincerely  
John Curle

C. O.

38005/38.

Mr. Paskin. 21/21

Mr. Heston 21

Mr.

For signature by Secretary of State.

X Mr. A. J. Dawe. 22

Sir H. Moore.

Sir G. Tomlinson

Sir J. Shuckburgh

Downing Street.

December, 1968.

X Perms. U.S. of S 22.12.68

Parly. U.S. of S

X Secretary of State. 23.12.68

2 of 5

DRAFT. conson.

AIR CHIEF MARSHAL

SIR ROBERT BROOKE-POPHAM, G.C.V.O.,  
K.G.B., O.M.G., D.S.O., A.P.C.

(42)

As your letter of the 25th

arrived just as I was settling the terms of

November ~~passed~~ my telegram of the

(58)

5<sup>th</sup> Dec. about the

Land Legislation, I thought it best

to defer sending a reply until we had

settled  
~~come to an agreement about the~~

procedure to be adopted, and I should

again now like to say ~~unreservedly~~ that I am very

grateful to you for your response to my

suggestions. I am sorry to have had to

press you so hard at this late stage in

the

FURTHER ACTION.

Accie. by  
M. Paskin

the proceedings, but you will have seen  
from Creech-Jones' letters the sort of case  
which I should have had to answer in Parliament.  
As things have turned out, I have had to do no  
more than to answer two or three questions,  
but we narrowly missed the matter being raised  
~~as~~ a motion for the adjournment of the House.  
*if it came to a debate,*  
I was very much afraid that ~~no part~~ of the House  
would be satisfied with the position, as it  
stood, and I was ~~most~~ anxious to avoid ~~the~~ a  
situation in which I might have had to request  
you to introduce amendments to the Bill as a  
result of ~~the~~ views expressed publicly in the  
House. ~~It seemed to me to be very much better~~  
*get*  
~~to attempt to persuade you to adopt a procedure~~  
*laid down*  
which I should be able to defend with some  
prospect of success - a situation which I am  
glad to think we have now reached.

You may perhaps feel that the Colonial  
Office ought to have thought of all this at an  
earlier stage instead of at the eleventh hour,  
but the plain fact is that ~~it had never occurred~~  
the ~~to~~

C. O.

- Mr.
- Mr.
- Mr.
- Mr. A. J. Dawe.
- Sir H. Moore.
- Sir G. Tomlinson.
- Sir J. Shuckburgh.
- Permt. U.S. of S.
- Parly. U.S. of S.
- Secretary of State.

DRAFT.

(There is no harm in  
saying this, as Mr. Hoaking  
has made no record of  
his views, in his letter  
to Langya)

FURTHER ACTION.

the Colonial Office was not in a  
position to know that the accommodation  
of the right-holders in the area added  
to the Kikuyu Reserve, on the only  
basis that any Secretary of State could  
approve, would be something like trying  
to squeeze a quart into a pint pot.  
*perhaps*  
In this connection I think I  
ought to make it quite clear that none  
of my suggestions emanated from Hoaking.  
I had pretty well made up my mind as to  
what was required, from the Parliamentary  
point of view, before I saw Hoaking, but  
I see no reason to disguise from you  
that, on the question of the Trust Board  
procedure, he fully agreed with my views.  
In fact, he said that if, as Chief  
Native Commissioner, he was called upon  
to advise you as to the fairness of any  
proposed exchange of land, he would feel  
much happier to have the support of the  
Trust Board, rather than to have to  
assume sole responsibility for his advice.

C. O.

- Mr.
- Mr.
- Mr.
- Mr. A. J. Dawe.
- Sir H. Moore.
- Sir G. Tomlinson.
- Sir J. Chubbburgh.
- Permt. U.S. of S.
- Privy. U.S. of S.
- Secretary of State.

DRAFT.

(No. 9 on 38179/8/38)

FURTHER ACTION.

*alive to the*  
 increasingly *conscious of its own*  
 the Colonel E. nature  
 responsibilities in regard to the  
~~Government of the Colonial Empire.~~  
 I am quite sure that if you or I did  
 anything which could be represented as  
 an attempt to prevent any aggrieved  
 persons in the Colonies from having  
 direct access to Members of Parliament,  
 there would be a most unholy row about  
 it. You will recall that I said  
 something to this effect in my Transport  
 despatch No. 41 of the 6th of July.  
 I hope that we shall  
 As regards the last paragraph  
 now be able to bring this  
 of your letter, I think I may say that  
 particular ship into harbor  
 I was already fully conscious of your  
 without further trouble after  
 feeling of personal responsibility for  
 its long and stormy  
 any action which devolves upon you as  
 course. I know how terrible  
 Governor of Kenya, or for any  
 hard you are working for  
 recommendations which you might have to  
 Kenya and the welfare of  
 submit to me for approval, though I  
 its people and I hate  
 did not perhaps realize the extent of  
 to have to add to your  
 the physical strain which this sense

~~I have had two long talks with Hosking on  
this subject and I found him most helpful.~~

~~As regards your observations~~  
 in the first paragraph of your letter,  
 about the growing habit of individuals or  
 bodies in the Colony telegraphing direct  
 to Members of Parliament. I fully  
 realise how annoying this must be to the  
 people on the spot who are grappling with  
 these troublesome problems, and I should be  
 only too glad if their representations to  
 me were restricted to the orthodox channel  
 so that I could have the benefit of your  
 advice at the same time when I receive the  
 representations. I am, however, afraid that  
 we should be only piling up trouble for  
 ourselves if we were to attempt to stand  
 in the way of this direct communication  
 with Members of Parliament. However  
 inconvenient the practice may be, the  
 fact remains that I am responsible to  
 Parliament, which is becoming

increasingly

burdens. But I am sure  
that if we had not done  
what we have worse might

~~of responsibility imposes upon you. I can~~  
have befallen. As it is, I  
~~only say that I hope that you will not~~  
wish I could have the  
~~overdo it to the extent of undermining~~  
last paragraph of your  
your health.

letter blazoned in letters

of gold across the

Westminster firmament!

With all good wishes  
for Christmas and the New  
Year,

I had the pleasure of  
a talk with your  
wife a <sup>year</sup> ~~few weeks~~ ago,  
and was delighted with  
her enthusiastic account  
of Kenya. I can assure  
you that she is doing  
the colony a lot of  
good over here.



R308  
19/2

COPY FOR REGISTRATION

28005/58

49

125

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

Dated 19th December, 1938

Received 8.55am 19th December, 1938.

19 DEC 1938

IMPORTANT.

No 214 Confidential.

C. O. [unclear]

45. Your telegram No 231 of 15th December on Native Land Legislation. Assurance may be given that movement of natives will be regulated in the manner suggested by you.

Chichester, Dec 17th 1938

Dear Paskin

Would you care to peruse and return this letter of Wades ? Treat it carefully as it is confidential and admits things which we would never admit openly.

Again I think he misses the point: the obvious thing would be to amend the Bill and it is to avoid this that we are asking the Governor to consent to follow a procedure that will ~~inspire~~ <sup>inspire</sup> confidence. Surely he should be glad to know that before he exercises his most drastic powers he has behind him the approval of a Board whose duty it is to protect native rights and interests.

He does not say whether he is prepared to face the alternative; to summon Leg Co and to put the Bill back to it with, possibly, other amendments which will bring the White Highlanders out in full force against him.

I have done my best in what I consider are the best interests of Kenya as a whole, if I was back in Nairobi I know I could make my point but I appear to be weak on paper.

A quiet and peaceful Christmas to you,

Yours sincerely

*W. H. Paskin*

AN AFRICAN SURVEY.

LORD HAILEY.

-----

Extract from Page 754.

Chapter XII. Section I.

"Kenya. Carter Commission. General Recommendations.

-----

The British Government have accepted these recommendations in principle, save that regarding the establishment of the Native Lands Trust Board in London, which they considered to be unworkable in practice <sup>1</sup>; but the Order in Council giving effect to their decisions had not been issued by the end of 1937.

1. Kenya Land Commission Report: Summary of Conclusions reached by His Majesty's Government, Cmd. 4580, 1934.

C. O.

38005/58.

Mr. Paskin. 13/11

Mr. Freeston 13

Mr.

Mr. A. J. Dawson 13.12

Sir H. Moore.

Sir G. Tomkinson.

Sir J. Stauchburg.

Parly U.S. of S. 13.12.58

Parly U.S. of S.

Secretary of State. 14/12/58 15/12

For Secretary of State's signature.

Downing Street.

13<sup>th</sup> December, 1958.

**DRAFT.** conson.

A. CREECH JONES, Esq., M.P.

(40)

In my letter of the 5<sup>th</sup> December ~~January~~, I said that, in my view, the removal of natives from the Highlands of Kenya would not be justified unless it could be shown that they are being given a fair deal as regards the land with which they are being provided in exchange; and, as you are aware, I have been in correspondence with the Governor with a view to devising some machinery which would ensure that no orders for such removals should be issued until it can be shown, to the satisfaction of impartial opinion, that this condition

will

20/11

Copy to Paskin (5)

FURTHER ACTION.

2 of one paper for Mr. Paskin

will be fulfilled.

The procedure which we have now agreed upon is as follows:-

When the Provincial Commissioner has drawn up his proposals for the accommodation of any particular group of natives, these proposals will be referred to the Land Trust Board, which, as I pointed out in paragraph 10 of my letter of the 5th December, is now constituted that it can be ~~referred to the Provincial Commissioner for his opinion on the proposals, from the point of view of the natives concerned.~~ When, but not until, the Land Trust Board is satisfied that the exchange of land proposed is a fair one, taking into account all the relevant considerations (e.g. the quality, area and situation of the land at present occupied, and the land to which it is proposed to move <sup>the natives,</sup> them, and the extent of their rights in the land on which they are now living), and when the natives have reaped

C. O.

Mr.

Mr.

Mr.

Mr. A. J. Dawe.

Sir H. Moore.

Sir G. Tomlinson.

Sir J. Shackburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

**DRAFT.**

**FURTHER ACTION.**

reaped any annual crops growing on

their present land, the Governor will

issue his order for their transfer

under ~~Section~~ ~~49~~ of the Ordinance.

In view of the fact that the numbers of these private right-holders were seriously underestimated by the Land Commission, it is now unlikely that it will be possible to accommodate them all (on the basis indicated) in the area which has been added to the Reserve for this purpose, but the Governor is satisfied that it will be possible to purchase sufficient good land elsewhere on which to accommodate any of these natives who cannot be provided with enough good land in that area. This will mean that, in a certain number of cases, some time will necessarily elapse before arrangements can be made for their transfer. To cover these cases,

Clause 70 of the Bill will be amended to provide that, in the meantime, the natives who are not immediately removed will continue in the enjoyment of the rights which they possess in the land on which they are at present living.

Clause 49(1) will also be amended to ensure that the natives will be permitted to reap any crops which they may have planted in the meantime.

Allowing for ~~our differences of view~~ <sup>all divergencies</sup> of view on the question of policy involved, I trust that you will agree that in making these arrangements we have done all in our power to ensure ~~as far as possible~~ that these natives will be fairly treated, and that their transfer will be conducted with as little hardship as possible.

If you care to put down another question for next Wednesday, I shall be happy to inform the House of those arrangements.

(Sgd.) MALCOLM MACDONALD

G. O.

Mr. Paskin 13/XII  
Mr. Dale 13.12  
Mr. Beaton 13  
Mr. Dawson 13.12  
Sir H. Moore.

Sir G. Tomlinson.

Sir C. Bottomley

Sir J. Shuckbur.

X Perm. U.S. of S. 13.12.38

Parly. U.S. of S.

X Secretary of State. 14.12.38

**DRAFT.**

Tel (Code).

Important  
Governor,

Nairobi.

in order to protect native who has remained on land and planted crops after commencement of ordinance

(v. M. Dale's  
minute of 11/11).

should be amended by deleting "or" in line 4 and inserting "or" after "Ordinance" in line 5

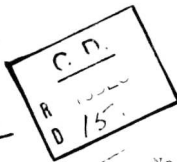
2 dfts.

**FURTHER ACTION.**

2 spec copies for  
Mr. Paskin

38005/38.

Coded 4 pm  
15.12.38  
JK



No. 231 Confidential.

Your telegram No. 209.

I am much gratified by  
must appreciate

your response to my  
suggestions.

2. I agree with proposed proviso to Clause 70 but Clause

49(1) should also clearly be amended by omission of words

"before.....Ordinance" at end of second proviso. also clause 53(1)

3. I agree to your assuring Elected Members that if Bill is so amended the draft Orders will be submitted to H.M. in Council at the earliest opportunity and that all this legislation will be brought into force as soon as possible thereafter. For the information of your Executive Council but not for publication there will probably not

*another*

be a meeting of Privy Council at which draft

Orders could be submitted until February, ~~1936~~

~~U.M. will be at Sandringham during January~~

4. I agree to your assenting to bills, after amendment, but your assent should be deferred until after Wednesday 21st December in order to afford prior opportunity for parliamentary question on that day when I should announce procedure now agreed. I presume that I may also say that no movement of natives whether private right holders or others will be ordered at such a time or in such circumstances as would involve their missing planting season both on the land now occupied and on new land. In this connection see (a) admirable arrangements for natives of Tigoni mentioned in para 7 of your predecessor's despatch No. 489 of 18th September 1936, and (b) allegations in letter sent with my despatch Confidential (3) of 9th December. ~~I regard avoidance of hardship as of greater importance than expedition of transfer.~~

(No. 14 on  
38005/17/36).

(No. 33 on  
38005/11/36).

*Y*

70005/33  
44.  
131  
COPY FOR REGISTRATION

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

Dated 12th December, 1938

Received 4.5pm 12th December, 1938.

No 209 Confidential.

(38) Your telegram No 218. In view of your representations I agree to administrative procedure of consultation with the Trust Board before issuing orders for removal in cases in which right holders are dissatisfied with land offered in exchange. I fear that this procedure may result in considerable delay in individual cases which would be unsettling both for the natives and Europeans concerned without improving safeguards.

2. It is certainly the intention that any native whose rights are extinguished but who is not removed immediately pending the provision of new land should continue in full enjoyment of his existing rights of user pending his removal but I appreciate the point that the first and third provisos to clause 49/1 which were transposed with little alteration from clause 70 confer legal rights of residence only and I agree that an amendment is desirable in order to preserve rights of user.

3. European Elected Members are most anxious that the Native Land Trust Bill together with the other sister Bills should be brought into operation as soon as possible, and in order to expedite the making of the necessary amendments I would be prepared to exercise my powers under the Standing Rules and Orders by returning the Native Land Trust Bill to the Legislative Council at present sitting provided I could give Members the assurance that all pending legislation will be brought into force at the earliest opportunity.



4. I am advised that the following proviso to Clause 70 of the Native Land Trust Bill would make the necessary provisions for the enjoyment of existing rights:- "provided further that nothing contained in this Section and/or in Section 49 of this Ordinance shall be deemed to restrict the enjoyment of such rights as have been extinguished under the provisions of this Section in respect of land on which any native has been ordered by the Governor under the provisions of Section 49 of this Ordinance to remove himself from such land"

5. It should be noted that under Article 23 of the Royal Instructions I must assent to the Bill before the end of the year but would not issue a Proclamation bringing the Ordinance into force until I received your instruction

6. If you agree to the proposal and the amendments in paragraphs 3 and 4 of this telegram should be prepared for immediate reply so as to ensure amendments being made at the present session of the Legislative Council.

From  
A. CREECH JONES, M.P.

33  
TRANSPORT HOUSE,  
SMITH SQUARE,  
LONDON, S.W.1.

Phone: VIC. 6611

9th December, 1938

Rt. Hon. Malcolm MacDonald, M.P.,  
Colonial Office,  
Downing Street, S.W.1.

Dear Malcolm MacDonald,

I am very grateful to you for your long and considered reply to my letters on the subject of eviction of natives from the European Highlands in Kenya. I am glad to have the information in your letter, although I am not in agreement with you on the fundamental question.

I will give very careful consideration to all the points raised in your letter and will probably write you again. Meantime, I thank you for the trouble you have taken in explaining the lines of Government policy.

Yours sincerely,  
*Richard Jones*

Put up reply 42  
M:W  
134

GOVERNMENT HOUSE,  
NAIROBI,  
KENYA.

25th November, 1938.

Dear MacDonald,

About land legislation and the private right-holders. I am of opinion that it would be definitely wrong for the Governor to hand over responsibility to a body like the Trust Board. I am quite ready to consult them or anyone else, but I feel that it is very important to maintain the belief in this country that the Governor is impartial and can be trusted to make a fair and just decision. His authority is already somewhat impaired by the habit that is growing up of individuals or bodies telegraphing direct to individual Members of Parliament. It is one of the consequences of rapid communication which the world has not yet learnt to utilise properly, and I am certain that it ought to be checked. One of the evils of it is the increased correspondence that is necessitated, not only ~~with~~<sup>for</sup> my Secretariat but also ~~with~~ Provincial and District Commissioners, and it is one of the contributory causes of their having to stick in their offices instead of getting round the country and seeing things for themselves. It would be an exaggeration to say that this habit is going to break down the machinery, but I do get very worried at times at the amount of work that is thrown on to the shoulders of some individuals out here. We nearly had a collapse in the Medical Department.....

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GOVERNMENT HOUSE,  
NAIROBI,  
KENYA.

Department some months ago, due almost entirely to overwork, and Hoskin, when he left this country, was quite worn out and could certainly not have carried on for more than a few weeks longer.

A ~~The~~ <sup>further</sup> trouble is that the keen man is apt to work when he gets back to England and not get the thorough rest he should: Daubney, for instance, has not come back as fit as he ought to be and has actually already spent some days in a nursing home.

2. To come back to this particular question of right-holders. According to the Native Lands Trust Bill, paragraph 49, the Governor is personally responsible that sufficient suitable land is available, and I would like you to know that I do not take such responsibility lightly. For instance, in my address to the Legislative Council of the 20th October of this year, referring to the Resident Native Labourers' Ordinance I said it was still in abeyance because "in the first place.....I am not yet in a position to give the necessary assurances to the secretary of State that sufficient suitable land is available for resident labourers in the event of termination of their contracts". Then, I am making a personal inspection of selected areas as I get the opportunity. For instance, take this month: practically every day up to Friday the 16th was occupied by Legislative or Executive Council; .....

GOVERNMENT HOUSE,  
NAIROBI,  
KENYA.

Council; on Monday the 21st I left here at 6.30 a.m. and spent the whole morning inspecting an area at Bagoretti; Tuesday I left the house soon after 9 o'clock, went to Myeri, inspected other areas, and got back to the hotel <sup>there</sup> about 7.30 p.m.; Wednesday I was off a.m. at 9 a.m., did more inspection including a walk of some ten miles and wading through a river up to my knees, and got back to Nairobi some time about 7 o'clock. Yesterday, the 24th, I started off by air about 11 o'clock and carried out an air inspection of a distant bit of land intended for the returning Resident Native Labourers. You might just like to have this information to quote to anybody who thinks that a Governor lolls about in an armchair all day; and I may say that the reason for carrying out these inspections had nothing whatever to do with telegrams that I received from the Colonial Office, but was simply in accordance with what I have been intending to do for some time past.

Yours sincerely,

RB Brooke-Popham

THE RIGHT HONOURABLE MALCOLM MacDONALD, P.C., M.P.,  
COLONIAL OFFICE,  
DOWNING STREET,  
LONDON, S.W.1.

(7541-100) Wt 12117 04 25-00 7 1/2 L.S. 695  
(75-70-150) Wt 26501 2 22,000 10 1/2 L.S. 695

C. O.

Mr. Pasani 2/12

Mr.

Mr.

Mr. A. J. Dawe. 2.12.

Sir B. Moore.

Sir G. Tomlinson

Sir J. Sheehyburgh

X Permi. U.S. of S 5.12.38

Permy U.S. of S

X Secretary of State.

Semi-official for signature by Secretary of State.

5 Dec. 1938.

**DRAFT.**

A. CREECH JONES, ESQ., M.P.

I am still in telegraphic correspondence with the Governor of Kenya as to the arrangements for ensuring that the natives who are being removed from the Highlands are provided with adequate accommodation elsewhere, and I hope to be in a position to let you know the result in the course of a few days. In the meantime however there are a number of questions raised in your letter to which I am unable to reply.

In the first place, you have raised the fundamental question of the justice of evicting natives from land on which they and their forefathers have lived for many years, and <sup>where</sup> ~~in which~~ they have rights which have been recognised by law.

Memo.

(copy to w.)

Copy to Kenya (41)

**FURTHER ACTION.**

Copy to be placed on 38005/11/38.

Copy to Gov. ref. No. 33

Two spare copies for Mr. Pasani

I entirely agree

~~by I am, of course, in complete agreement~~

with you that this is a very drastic proceeding and one that can only be justified if it can be shown not only that it is in the general public interest but also that the natives in question are being given a fair deal as regards the land with which they are being provided in exchange. ~~It is true that the policy was decided upon before I came to the Colonial Office, but I can assure you that it is sufficiently on record that not only my predecessors in this office but also the present Governor of Kenya and his predecessor were fully alive to these aspects of the question.~~

3. As regards the general justification for this proceeding, you are of course aware that the Morris Carter Commission was appointed "in view of the nervousness among the native population <sup>regards the land question</sup>", to which attention was drawn in paragraph 105 of the report of the Joint Select Committee on Elgar which was issued in October 1911. The land problems of Kenya had for many years had a

disturbing

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- Mr. A. J. Dore.
- Sir H. Moore
- Sir G. Tomlinson
- Sir J. Shackburgh
- Perm. U. S. S. S.
- Pres. U. S. S. S.
- Secretary of State

DRAFT.

disturbing effect on the development of the country and on the relations between the Europeans and natives, and it was the hope and intention that, after considering all the factors - legal, <sup>and</sup> equitable ~~or~~ historical - the Commission would be able to recommend a settlement of these problems which would not only be just but would be final, and would thereby remove this disturbing hindrance to the orderly development of the country.

4. One of the most complicated of these problems was that of the so-called "private rights and claims" of natives in land which had, from time to time, but principally many years ago, been alienated to Europeans, and not the least of these complications was the extreme uncertainty as to the nature and extent of the rights held by the natives in this land before the advent

FURTHER ACTION.

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Secretary of State.

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*I am assured by the Gov. that, in so far as, in the area added to the Reserve, this may not be sufficient really suitable land for the purpose, the balance of the natives concerned will be accommodated in good land elsewhere.*

FURTHER ACTION.

of all native private rights outside the reserve except.....".

5. So much for the justification on the ground of public policy. As regards the other criterion mentioned in paragraph 2 above, I must ask you, for the time being, to accept my assurance that I (and <sup>we</sup> ~~in this I am happy to be able to say that~~ I speak also for the Governor) <sup>are doing</sup> ~~are doing our best~~ <sup>we</sup> all I can to ensure that these natives are provided with land which, taking all the various factors into consideration, will be a fair exchange for what they are being asked to give up ~~and~~ I may mention, in this connection, that full account is being taken of the fact that the number of these "private right holders" was seriously underestimated by the Land Commission. I am afraid that it is too much to hope that they themselves will be fully satisfied with the exchange - at

any

of the Europeans. The problem was discussed at great length in Chapters VII to IX of Part I of the Commission's report (Cmd. 4556). I clearly cannot traverse the whole of that ground, but I should perhaps refer you to paragraphs 355 and 366 of the report in which, after reviewing the extremely unsatisfactory position created by the co-existence over the same pieces of land of rights granted to Europeans and rights (which however were largely indeterminate) claimed by natives, the Commission recorded its considered opinion, as affecting the Europeans and natives respectively. I will quote the following sentence from the paragraph 366:-

"We consider it essential to the peace and well being of the tribe that the areas over which its land rights or the rights of its members extend should be consolidated and that the addition to the reserve of the grant of land which we shall recommend should be accompanied by the extinction

of



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- Secretary of State

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the Governor is invested with powers to order them to go, but this does not in any way detract from the fact that, after careful examination, the elders of the tribe expressed themselves as satisfied with the land which was eventually provided for them, and in the selection of which they had been consulted.

7. In your letter of the 21st of October, you mentioned two sections of the Dorobo tribe. As regards the Kijabe Dorobo, the Governor reports that arrangements for their removal have not yet been made. He mentions that they were allowed to squat in a forest area within recent years on the express understanding that they would move when required to do so. Land has been set aside for their accommodation in a forest area elsewhere where clay deposits are believed to exist.

8. As regards the "Tinet Dorobo it

FURTHER ACTION:
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any rate at first. They quite naturally, and for reasons with which I have every sympathy, do not wish to move at all. But I hope that eventually, even they will come to recognise the advantages of living on land <sup>in respect of</sup> which the nature and extent of their rights will be clearly recognised instead of, as at present, being subject to conflicting rights held by peoples of another race.

6. Before I turn to some of the more general points raised in your letter of the 18th of October, I will deal with the proposed transfer of other groups of natives - apart from the "private right holders"; and at the <sup>same time</sup> I would like to say that I consider <sup>the principles which I have</sup> ~~the principles which I have~~ <sup>enunciated</sup> ~~enunciated~~ in paragraph 2 <sup>will</sup> ~~will~~ to apply to the cases also. As an example of their application, I would remind you of the <sup>cases</sup> ~~cases~~ <sup>taken</sup> ~~taken~~ by the Government of Kenya to find land which represented a fair exchange for the land at <sup>Kenya</sup> ~~Kenya~~ of course <sup>was</sup> ~~was~~ that a majority of the natives in <sup>Kenya</sup> ~~Kenya~~ had <sup>been</sup> ~~been~~ <sup>allowed</sup> ~~allowed~~ to move until

was proposed to move them into <sup>the</sup> Lumbwa Reserve.

The Dorobo have an affinity with the Lumbwa who welcomed the move and were prepared to absorb the Dorobo into the tribe. Arrangements were being made for the sale of their susceptible stock and replacement by immune stock, and for this purpose £850 was to be made available in addition to the amount realised by the sale. On the eve of the movement however the Dorobo made strong objections and asked to be allowed to remain in the Wasin Waku Masai.

The move was immediately cancelled, and the governor reports that the possibility of meeting the Dorobo wishes is now being investigated. I mention this as showing not only that every endeavour is being made by the government of Kenya to avoid the infliction of hardships in the removal of natives, but also that whenever practicable, efforts are made to meet their wishes as regards the area to which they are moved.

I turn now to your letter of the more general nature received in your letter of the 11th of October.

Please advise whether Parliament will have an

opportunity

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Sir H. Moore

Sir G. Tomkinson

Sir J. Shackbrough

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Secretary of State

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FURTHER ACTION

opportunity of studying the draft of the Order-in-Council. <sup>It is in conformity to</sup> ~~I am afraid however~~ <sup>accepted practice</sup> (as has already been stated in Parliament, and this applies to both the proposed Highlands Order and the Native Lands Order) that <sup>the draft of</sup> ~~the Orders should be laid~~ <sup>and</sup> ~~kind are in the nature of "provisional Orders", and that it would be contrary to accepted practice for them to be laid in draft.~~ <sup>In order however to meet the convenience of Members who are interested in this matter, I have had a memorandum prepared summarising the proposed provisions of these Orders, and I have had a copy placed in the Library of the House. I enclose a spare copy for your use. ~~I am afraid that I have no spare copies of the two local Bills, which (as passed by the Legislative Council) differ slightly from the Bills as~~</sup>

Continued

published, so I am afraid I can only refer you to the copies attached to the memorandum in the Library.

13. You say that you will be unhappy about *any* action taken by the Governor, with the advice and consent of the Trust Board, unless the natives are directly represented on the Board by people of their own race. Here again I have every sympathy with your point of view, but I am afraid that, as in the case of the Legislative Council, it will be a considerable time before it will be possible to meet this aspiration. However, a good deal of thought has been given to the composition of the Board (which is set out in paragraph 5 of the memorandum), and I hope you will agree that, with the Chief Native Commissioner in the Chair, and the two members of Legislative Council who are nominated to represent native interests as members, those interests will be adequately safeguarded. I am afraid I cannot say who will be nominated by the Governor as the fourth member, but it can be assumed that it will be someone who is wholly

(Probably a missionary.  
J.P.P.)

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Mr. A. J. Dawe.

Sir H. Moore.

Sir G. Tomkinson

Sir J. Shuckburgh

Perm. U.S. of S.

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Secretary of State.

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FURTHER ACTION.

wholly sympathetic to native interests.

11. ~~As~~ As regards the Local Land Boards, you will see from Clause 4(1) of the Bill that these Boards are to consist of the District Commissioner as Chairman, ~~and~~ four members of the Local Native Council, with two additional co-opted members. The four members of the Local Native Council <sup>will</sup> ~~shall~~ all be natives so that in any case there will be a substantial native majority on each Local Board, even if the two additional co-opted members are not natives, though I should imagine that (they would generally) be natives. As, in nearly all cases where <sup>particular</sup> ~~these~~ native interests are concerned, e.g. the granting of leases, alterations of boundaries, etc., the Bill prescribes that the local Boards shall be consulted, you will see that the composition of these Boards ensures that the natives concerned will have full opportunities of expressing their views.

(S.P.) R. Hardmond.