

substance of paragraphs 3-6 of this
prop: saying that the Gov: has expressed
his willingness, subject to the
satisfactory settlement of these points, to
allow the Mission to assume work in
Kenya and ask that the Mission may be
informed accordingly.

C. Cliffe -

5/11/20

+
The amendment which I have made in
pencil to items 9-12 of the schedule
appears to be necessary in view of para
9/14 (a), text.

As regards para. 3 generally,
we should refer to the last
para. of 574537/22 (bottom bundle)
- say that we shall await their
proposals regarding a Trust deed

Approved 6.3.20.

H/15
+ I should prefer to read
the schedule as it stands & 9/14
to point out the discrepancy in the latter.

I find that the Treaty does not - any
more than the Kenya Ord.,^{cc} in 21353/14 -
contemplate that, if a German mission is
allowed to return, it should be allowed for
the Trust condition. We should therefore
proceed as proposed - it is for that purpose
to suggest that should be done about a
Trust.

C. Cliffe, 12/3/20

12/3/20



KENYA.

No. 7

CONFIDENTIAL.

RECEIVED
30 JAN 1926
COL. OFFICE

X. 1296
3 FEB 1926

GOVERNMENT HOUSE,
NAIROBI,
KENYA.

7th January, 1925.

Sir,

Schedule.

32-14/25
Genl.
55541/25
Genl.

I have the honour to refer to your despatches, Miscellaneous, of the 20th of August last and 5th December relating to the Neukirchen Mission, and to paragraph 2 of Mr. Denham's despatch No. 1393 of November 10th which deals with the question of the re-entry of the individual members of the Mission.

with
K. A. D. v. S.
3/2

2. A schedule is annexed in which are set forth the various holdings of the Neukirchen Mission on the Tana River previous to the outbreak of war and the terms on which they were held. It will be seen that of the 19 properties -

- A. 1 is held under a lease of 99 years.
- B. 4 are held under Land Certificates for 99 years.
- C. 7 under Temporary Occupation Licences.
- D. 1 under no title.
- E. 2 freehold
- F. 4 freehold on purchase from natives.

3. It would appear that all properties held by the Mission before the war under A, B, and E, with the exception of item 14 in the Schedule, will, by virtue of Section 3 of the German Missions Ordinance 1924, vest in

such/

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21354

HONOURABLE
COL. L. S. M. S. AMERY, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
LONDON, S.W.1

such Trustees as you may appoint subject to the provisions and conditions contained in any document of title.

4. With regard to properties under C, it will be noted that for two areas no licences were actually issued and I am informed that active Mission work is still conducted by Native Missionaries connected with the Neukirchen Mission at 10 other places to which the Mission appears to have no title. I am advised that no rent has been paid on any of these properties and therefore it is reasonable that the Mission should apply de novo for grants.

5. The property under D includes a house. The difficulties which in 1916 precluded the issue of a lease no longer operate and I should be prepared to consider the grant of a lease of this plot to the Mission provided they can show that they require and will use it for Mission purposes.

6. The properties under F are held by alleged gift and purchase from natives. This Government is not prepared to recognise such titles and I propose for your approval that these properties be recovered by the Crown for re-inclusion in the Native Reserves. This action will follow that taken under your sanction in connection with the United Methodist Mission claims at Golbanti in this Province - see Kenya despatch No.102, Confidential, of 26th April, 1924, and your reply, Confidential, of 8th July.

I have the honour to be,

Sir,

Your most obedient, humble servant,

Edward Gigg.

G O V E R N O R.

SCHEDULE.Grants from the Crown.

<u>Place</u>	<u>Acres</u>	<u>Terms under which held.</u>
Ngao	29.699	99 years lease as from 4th November, 1898.
Kulesa	16	Land Certificate for 99 years as from 2nd of November, 1898.
Inunoni	2	Land Certificate for 99 years as from 4th November, 1898. The certificate was never registered and was surrendered in consideration of Government agreeing to grant leases in exchange when a survey could be effected. A Temporary Occupation Licence only was therefore issued.
Makeke <i>Makeke</i>	16	Land Certificate for 99 years as from 4th of November, 1898. The certificate was never registered and was surrendered as (3) was; but a Temporary Occupation Permit was not completed on account of war.
Marumbuni " known as Mola)	30	- Do. -
Wenye	20	Temporary Occupation Permit issued.
Memikore	1	" " " not issued on account of war.
Inunoni	1	" " " not issued on account of war.
Mudsimika	1	" " " <i>not issued</i>
Oda	1	" " " <i>not issued</i>
Mivina	1	" " " <i>not issued</i>
Mbulu	1	" " " <i>not issued</i>
Kipini	7	Grant not cancelled but Mission holds no legal title.

Private Land.

Mwanathamba	1	Freehold property of the United Free Church Mission; but Neukirchen Mission have a school built on it.
Lamu	?	Private freehold property bought from a citizen of Lamu in 1891. No certificate of ownership has been issued.
Meli	32 sq. yards	Given by a native in 1895. No certificate of ownership has issued.

SCHEDULE (Contd.)

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	<u>Place</u>	<u>Acreage</u>	<u>Terms under which held.</u>
17	Mbeleseni	?	Purchased from a native in 1911. No certificate of ownership has issued.
18	Avidi	?	Purchased from a native in 1911. No certificate of ownership has issued.
19	Mbeleseni	?	Purchased from a native in 1911. A certificate of ownership has been issued in the name of the Neukirchen Mission.

Cliffe 15.3.26.

Jeffries 17/3

Bottanley 18/3/26

J. Harding,

Machey,

Mackburgh,

Mulle,

Moo,

Mooon,

Mooore,

Mooonion.

Gov. X. 1296/26.

Kenya



DOWNING STREET,

19 March, 1926.

Sir, 3

I am directed by Mr. Secretary

Amery to refer to your letter

33546/25.

of the 22nd of July 1925, regarding

DRAFT.

the proposal that the Neukirchen

Secretary,

Mission should resume work in Kenya,

Conference of Missionary

and to inform you that the Governor of

Societies

of Great Britain and Ireland.

Kenya has intimated that there will

schedule (Encl. to X1296).

be no objection to the persons men-

tioned in your letter entering the

Colony, and to the Mission resuming

its work there, subject to the satis-

factory settlement of certain

questions connected with the lands

held by the Mission prior to the

outbreak of war.

2. The Governor has forwarded

a schedule, of which a copy is enclosed herewith, detailing the various holdings of the Mission and the terms on which they were respectively held. With regard to items 6 to 12 on the schedule, it is stated in the Governor's despatch that only in the case of two areas were no licences actually issued, and it would therefore appear that ^{items 6} 9/12 ^{inclosed} are intended to come under the heading "Temporary Occupation Permit issued."

3. It will be seen that of the 19 properties enumerated:-

A. 1 is held under a lease of 99 years;

B. 4 are held under Land Certificates for 99 years;

C. 7 are held under Temporary Occupation Licences;

D. 1 is held under no title;

E. 2 are freehold;

F. 4 are freehold ^{have been acquired} on purchase

from

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- D. 1 is held under no title;
- E. 2 are freehold;
- F. 4 are freehold ^{have been acquired} on purchase

from

from natives.

4. All the properties held by the Mission under headings A, B and E above; with the exception of item 14 in the Schedule, will, by virtue of section 3 of the Kenya German Missions Ordinance, No. 5 of 1922, which was enacted in pursuance of Article 438 of the Treaty of Versailles, vest in such Trustees as the Secretary of State may appoint, subject to the provisions and conditions contained in any document of title. In this connexion, I am to invite your attention to the last paragraph of your letter of the 2nd of November, 1922, regarding the Leipzig Evangelical Mission, and to say that Mr. Amery ^{still} ~~will~~ await your proposals regarding the execution of a Trust Deed in respect of the Neukirchen Mission.

54537/22

5. As stated in paragraph 2 above, no occupation permits have been issued in respect of two of the properties under heading C, and the Governor observes that active work is still conducted by Native Missionaries connected with the Neukirchen Mission at ten other places to which the Mission appears to have no title. It is understood that no rent has been paid on any of these properties, and the Governor therefore considers it proper that the Mission should apply de novo for grants in respect of these holdings, including those in respect of which temporary occupation permits were issued.

6. The property referred to under heading D includes a house, and the Governor would now be prepared to consider the grant of a lease of this plot

to

to the Mission, provided that they can show that they require and will use it for Mission purposes.

7. The properties under heading F are held by alleged gift and purchase from natives. The Governor is not prepared to recognise such titles, and it is proposed that these properties should be recovered by the Crown for re-inclusion in the Native Reserves.

8. I am to request that you will communicate the particulars given in this letter to the authorities of the Neukirchen Mission

I am, etc.

(Signed) J. W. BOTTOMLEY.

*This is implied but
not clearly stated
in para 4 of draft*

DOWLING STREET,

L. 1294/26.

7, March, 1926.

Sir,

I am directed by Mr. Secretary Amery to refer to your letter of the 22nd of July 1925, regarding the proposal that the Newkirkham Mission should resume work in Kenya, and to inform you that the Governor of Kenya has intimated that there will be no objection to the persons mentioned in your letter entering the Colony and to the Mission resuming its work there, subject to the satisfactory settlement of certain questions connected with the lands held by the Mission prior to the outbreak of war.

2. The Governor has forwarded a schedule, of which a copy is enclosed herewith, detailing the various holdings of the Mission and the terms on which they were respectively held. With regard to items 6 to 14 on the schedule, it is stated in the Governor's despatch

that

SECRETARY,

CONFERENCE OF MISSIONARY SOCIETIES
IN GREAT BRITAIN AND IRELAND.

only in the case of two areas were no licences
issued, and it would therefore appear that
to 12 inclusive are intended to come under
reading "Temporary Occupation Permit issued."

It will be seen that of the 19 properties
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for 99 years;
- C. 7 are held under Temporary Occupation
Licences;
- D. 1 is held under no title;
- E. 2 are freehold;
- F. 4 have been acquired from natives.

All the properties held by the Mission under
A, B and E above, with the exception of item 14
Schedule, will, by virtue of Section 3 of the
German Mission Ordinance, No. 5 of 1904, which was
in pursuance of Article 428 of the Treaty of
Mexico, vest in such Trustees as the Secretary of
War appoints, subject to the provisions and
conditions contained in any document of title. - In
Mexico, I am to invite your attention to the

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All the properties held by the Mission under
A, B and E above, with the exception of item 14
schedule, will, by virtue of section 3 of the
German Missions Ordinance, No. 5 of 1904, which was
in pursuance of Article 433 of the Treaty of
1863, vest in such Trustees as the Secretary of
State may appoint, subject to the provisions and
conditions contained in any document of title. In
Mexico, I wish to invite your attention to the

last paragraph of your letter of the 2nd of November, 1922, regarding the Leipzig Evangelical Mission, and to say that Mr. Amory still awaits your proposals regarding the execution of a Trust Deed in respect of the Neukirchov Mission.

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6. The property referred to under heading D includes a house, and the Governor would now be prepared to consider the grant of a lease of this plot to the Mission, provided that they can show that they require and will use it for Mission purposes.

7. The properties under head E are held by alleged gift and purchase from natives. The Governor is not prepared to recognize such titles, and it is proposed that these properties should be recovered by
the

known for its inclusion in the Native Reserves.

I am to request that you will communicate
particulars given in this letter to the authorities
of the Sukirong Mission.

I am, Sir,

Your obedient Servant,

FRANCIS TOMLEY.