

1921-22

KENYA

GVERNOR
GENERAL

1652

DATE

24TH NOVEMBER 1921

2733

15

SUBJECT

PROSPECTING LICENSES

Reports issue of two sole licenses covering Simumare Reserve to MRR. GETHIN & CO., LTD. MAXWELL in Mara District, Masai Reserve.

Lambert

Brad

Fassington Smith.

and

carthall

Previous Paper

MINUTES

Pattie

Subsequent Paper

in back b.

3403
122
(notarized)

It may be well in the first instance to summarise briefly the history of this matter.

The case arose out of the invasion of the Kisi District by the Germans in Sept. 1914. The station was captured, and when it was recaptured it was found that a considerable amount of looting had been done by the natives, losses being inflicted by Govt. officials, missionaries, & private traders.

The natives, who had committed the looting were punished by a fine, & a Commission of Enquiry was appointed to consider the question of compensation.

The question of granting compensation has been decided in principle, & an arrangement reached with the W.O. as to the allocation of cost, i.e. the actual indemnification. The Commission is engaged in individual cases have not actually been examined and appraised. The S.G.S., although it appears that the local Govt. have already paid out claims on the basis of the

MINUTES.

MINUTES NOT TO BE WRITTEN
ON THIS SIDE.

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It may be well in the first instance to summarise briefly the history of this matter.

The case arises out of the invasion of the Kibit District by the Germans in Sept. 1914. The station was evacuated, the station was occupied & it was found that a considerable amount of looting had been done by the natives, losses being estimated by Govt. officials, missionaries & private traders.

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The question of granting compensation has been decided in principle, & an arrangement reached with the W.O. as to the allocation of cost, & the actual administration. The Commission in regard to individual cases have not as yet been examined and appraised in the S.G.S., although it appears that the local Govt. have already paid out claims on the basis of the

infosec
0/32838/9

commission's report.

objection against the acceptance as it stands of this report have been received on behalf of the Indian traders concerning the amount claimed by them. The Commission has agreed to cut down the Indians' claim to 15 or 20 per cent of the original amount, ^{now being} on the grounds that

(1) no evidence produced in most cases in support of the claim;

(2) claims obviously exaggerated,

+ some (items not specified);

(3) losses could not actually have been great as most traders returned in a few days + resumed business.

The protests against these findings which, as is understood to date as supported by the European section of the local Chamber of Commerce and the Governor's Office are as follows:

I attach hereto what it is
a copy of the
local Indian
in which I
mention

(1) The chief ~~protest~~^{objection} is that, while Europeans' claims have been paid, for all practical purposes, in full, the Indians' claims have been ~~recklessly~~^{arbitrarily} cut down to a small percentage of the original amounts.

This of course is based on the Commission's report already mentioned, & the Governor sees no reason to consider otherwise than that the claimants have, in the circumstances, been generously treated.

(2) The constitution of the Committee was at fault. It consisted merely of two Govt. officers + there was no unofficer member.

The Governor explains how it would be impossible to appoint a numerous commission at the time, + further he says that the Govt. simply, while not recognising any obligation to pay compensation, sent two of its staff to enquire into the alleged losses.

(3) That sufficient proof was forthcoming of the value of the

majority of the stocks, & while no doubt various percentages of reduction could be specified on individual claims owing to lack of proof, a large & wholesale

reduction could not be justified.
None of the larger companies
were asked.

Q. The procedure adopted by the Publicado
was that they would not pay out
any money until

A. We say very clearly
in their statement what
they expect in their
payments.

Q. The Publicado were
not given the right of going
to a hearing with

A. They were not
because the out-of-pocket were
a temporary measure & it did not

necessary that they should correspond in amount with the value of the damage done.

In conclusion, the law takes the view still there was no legal obligation to pay out, but there are many, many other grounds upon which
and the Court found that they were
not at the ~~unlawfulness~~ of trying
off & I wish to make the findings
of the commission of inquiry which
was in 1915.

I do not think that on a general basis the corises there can
be any doubt that substantial
sums of money, some of the Commissions
being very large, were paid; & there is no
doubt it is difficult to reconstruct
the exact amount of what the findings
of the Commission of Inquiry
examined or the
amount paid after the event.
But of course the findings, in
that they drew a wide distinction
between Indians & Indians, are
sound

majority of the stocks, & while no doubt various percentages of reduction could be justified on individual claims on

in back of mouth - a large & hollow

B. Linn.

100-1500000

1000

10. *Leucosia* sp. (Diptera: Syrphidae) was collected from the same area as the *Chrysanthemum* plants.

This horizontal strip is a portion of a larger Japanese ink painting. It depicts a landscape scene with several stylized trees, possibly pines or maples, in the foreground. A thin, winding path or stream bed cuts through the center of the composition. The background is rendered with soft, hazy washes of ink, creating a sense of depth and atmosphere typical of traditional East Asian landscape art.

The 13th of March 1862

Cherry 1971

10. *Leucostoma* *luteum* (L.) Pers. *Lamprospilus* *luteus* L.

W. G. B. & Co.

in front of his first-flush which

The two newspapers are their best.

try to make the best

Heteroclinus

5 The Govt. of India

... after four hours, the water had

2. saying and doing

760-2, -3, -4

is beside the point. The ~~fact~~ was
that he had been told by his
wife that she had been ill.

necessary that they should correspond in amount with the value of the damage done.

In conclusion, the Gov. takes
the responsibility there will be progress.

back to the old days there are
no more people with the modern

and the ~~difficulty~~ of trying

years to revise the findings
now give a resume which

1945.

I do not think that on
a road of the corss there can

He didn't think important
to judge, but some of the Commission
and others did. There is no
mention of it.

and to the difficulty of recording
and analysing the findings.

examination of the
material.

But of course the findings, in
that they draw a wide distinction
between Europeans & Indians are
sound

bound, if upheld, to be a further
source of grievance to the Indians,
and will render the action as due to
the Government.

The documents are available and may be
examined by you. I have no objection
to your doing so.

But I trust, in spite of the
possible trouble on this account,
we are bound to accept the Govt's
views on this case, & in all the
circumstances I think we should inform
him that the whole question has
been carefully considered, & that
in view of

the practical impossibility
of re-opening the matter at this
stage

(1) the fact that no grounds
have been substantiated for supposing
that the Commissioner's report was
other than fair to the various
claimants

(2) the fact that there are
no gratid payments & not a
legal

Yes, but I think
we have reached
a stage where
this document no
longer serves any
useful purpose.

The documents are available
and may be examined
by you.

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it to us.

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legal liability;

the S. Ct. agrees that the
payment of compensation should
follow the lines of the Commissioner's
report

I. O. shall be informed of
the decision (with copy of 2789th
rep.), but I do not think it
is necessary to say anything to
Mr. Saarli (40046/21) or to Mr.
Geevargis (43653/21), or to the
Dadar Chamber of Commerce (37739/21).

C. S. 9 22 22

Intially, 21st

21st

I respond to X in the spirit of what
I do not think that R. is often justified
reason for refusing a claim (not being able
to satisfy her claim proved), we in the
case it is impossible to refuse to decline
the very important task of the Commissioner
and imply to withdraw the timely
compensation as a sufficient basis to

be useless.

by only general till the
coming winter, is not then
leading the attention to prove
this case, far no better than
the last - e.g. Kawan Shijo. (pp 4-5 of Report)
presented both spoken and written
memor, but account on that
account previous to my that be
made in big case.

Suppose support in this matter
does not necessary mean decrease
of property - the members of the
class - of commoners, by reason
of their trade connection with
the foreign traders (the latter,
now in debt) are not
under control

v. pp 14 of Report

in particular

6. 6. 22

Gen. What is the use of
establishing a commission,
if we are to receive the
findings, here ?
I am 33

I am

No. 62

At once

S. J. M.



GOVERNMENT HOUSE.

NAIROBI.

KENYA.

24th November, 1921.

2739

Sir,

18 11/22

With reference to your despatch No. 1408 of the 16th September, 1921, enclosing protests against the adjudication on claims of Indian merchants of the South Kavirondo District for losses owing to the German invasion of that District in September, 1914, I have the honour to report that the recommendations conveyed in my despatch No. 697 of the 23rd July, 1919, were based on those submitted by the Commission of Enquiry appointed in 1915 to investigate these and other claims, a copy of whose report was enclosed in the despatch referred to.

2. The objection that no non-official was appointed to the Commission appears to me unreasonable. Government recognized no obligation to pay any compensation but sent two of its staff to examine into and record the alleged losses: the area was in a state of disturbance which rendered it unfit for a numerous commission to sit: nor, at a time when every European was engaged to his utmost either in repelling the enemy or in maintaining the existing development, could the personnel of such a commission have been found.

3. I would invite reference to Box 1 of that report, pages 3 to 5, where it is clearly shown that

RIGHT HONORABLE

WINSTON CHURCHILL, P. C., V. D.

the

SECRETARY OF STATE FOR THE COLONIES,

BONDING STREET, LONDON, S.W.,

the Commission carefully investigated the Indian merchants' claims, and, in view of the fact that they were obviously grossly exaggerated and not substantiated by books or invoices, came to the conclusion that "an amount of 15 to 20 per cent on such claims would amply meet the case."

(a) The argument that there was sufficient proof of the value of the majority of the stocks lost therefore fails on the ground extreme exaggeration of many claims was patent and cases are quoted by the Commissioners to that effect.

(b) That Government recovered in fines more than it has awarded to the traders as an ex gratia payment is beside the point.

4. The Commissioners further suggested that "any compensation be regarded merely as a compassionate grant which, apparently, there is no legal objection to pay." This view, in my opinion, is perfectly correct.

5. There is no truth in the statement that these bazaars were evacuated under Government orders; had these Indians remained in their shops they would have been in complete security.

6. I see no reason, after the lapse of nearly seven years, for attempting to revise the findings arrived at by the Commission of Enquiry after careful investigation on the spot; nor have I grounds to consider otherwise than that the claimants have been generously treated by these ex gratia awards.

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

E. Lucy d'Albigny

G O V E R N O R

THE KISH CLAIMS.

Injustice to Indians.

ASSOCIATED CHAMBERS VIEW

Some basic white back we refused to the Indians, Indian deity per by the Government appointed to apportion the Kish claims. This Committee considered that the claims of Europeans were fully and the bulk of them have been met. In some instances there had been a slight delay. The Indian claims were considered to be reasonable and fair, and the Committee recommended that the claims for the Indians be met in full.

The Committee's report was

most disgraceful.

Now, at the meeting of the Chamber of Commerce, the following is said:

"The Committee's report

is apparently a failure.

The next effort

will be to meet the

claims of the Indians.

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A. W. C. has a great deal of knowledge of the Kish claims. He has been earning his living in Kenya since 1905 and has children and wife there. He says that he is going to see why we should have an Indian as Governor, Indian Magistrate, Indian fifth and ministerial posts, and so on. He has sent deputations to South Africa and to the Colonial Office for help against the Colonial Office, and he says that we are all on tenterhooks. No one knows what will happen. Constitutional methods of resistance are apparently a failure. We are all ready and organised for unconstitutional ones for the next effort. If they are well carried out, we may like a result to follow. Now, if we is going to meet the new of work in the Kenya District, we must be settled at once. The next effort will be to meet the claims of the Indians.

ference will probably prove abortive, and then the Town Council will exclaim with the words 'Well, if so, you cannot have no correspondence with those Indians. The Government may realize the position, and in case they do not, here is the plain fact. The Town Council does not believe in having any Indian representation, and will not take any steps to secure that the Indian Government has no control.'

The situation is now this. The Indian representatives of the town is one of the mandated territories. They have due authority to represent the interests of the Town Council and the Indian community. A voice has always been a terror to peddlers, while that of Government comes from the outside. Therefore Sir, in the following month, the Indian section of the railway road is worse still and almost half had been made unusable by the carelessness of the P.W.D. The roadway for wheeled traffic has been completely lost in starting off, and the signs have been removed. Peddlers, however, did not complain in any way. We used to frequent the Victoria Hotel, which has now been filled in, but after a rain, the P.W.D. have left a replica of it opposite the National Bank of India. At such times too, the important statements of Messrs. M. R. de Souza and Co. are unapproachable except on stilts. All that is the P.W.D.

With a view of avoiding some of the difficulties of peddlers, the Town Council has hit upon the cheap and nasty plan of issuing a notice which no-one will read, so nothing will head. No penalty for non-compliance are mentioned and it is very likely that the police will either their needs about such things. All the energies of our European police are centred on chasing unfortunate debtors, and they really have no time to worry about persons who ride or drive on the other side of an imaginary line dividing side-walks from roads.

OVERSEAS MAIIS.

We are indebted to the Postmaster for the following details of mails arriving and departing.

ARRIVALS: Dec. 9th from Aden by s.s. Daphne, Dec. 14th from Europe via Aden to Zanzibar; Manxman Castle, Dec. 1st from Madagascar by s.s. Africa.

DEPARTURES: Mail goes at 1 p.m. on Saturday, Dec. 14th for Europe via Aden to Zanzibar; Europe via Aden to Zanzibar by Manxman Castle.

The mail from Europe via Madagascar was due at Mombasa yesterday and the men are due at Dar es Salaam today.

A FORTHCOMING FUNCTION

In connection with the opening ceremony of the new Indian Institute Khoja Kamathchana (Institute of Prayer), which will take place on Jan. 14th, 1922 at 4.15 p.m. invitations are being issued by Messrs. Suleiman Virjee & Sons. The ceremony will be performed by His Excellency the Governor, and on behalf of H.H. The Aga Khan, G.C.S.I., G.C.I.E., L.L.D., Spiritual Head of Ismaili Khojas, a representative of the Supreme Council of Zanzibar, will be present.

TANGA RAILWAY REGULATIONS

GENERAL REGULATIONS FOR TRADE

Businessmen in Tanga, the capital of the mandated territory, have recently been given a new set of regulations. These regulations, which came into force on November 1st, 1921, are aimed at the protection of the Indian population. The Indian population, which is the largest in the town, has always been a terror to peddlers, while that of Government comes from the outside. Therefore Sir, in the following month, the Indian section of the railway road is worse still and almost half had been made unusable by the carelessness of the P.W.D. The roadway for wheeled traffic has been completely lost in starting off, and the signs have been removed. Peddlers, however, did not complain in any way. We used to frequent the Victoria Hotel, which has now been filled in, but after a rain, the P.W.D. have left a replica of it opposite the National Bank of India. At such times too, the important statements of Messrs. M. R. de Souza and Co. are unapproachable except on stilts. All that is the P.W.D.

On Friday in last week, Mr. Esmatjee Jeejeebhoy, of Zanzibar was also refused first class ticket.

Our correspondent encloses copies of correspondence which has passed between his employer and the officials, and we shall deal with these later, as also with the attitude of the Tanganyika railway authorities towards Indians in a mandated territory. Pending further action with regard to the particular incidents, we reserve comment.

Indians are permitted to travel first-class on the Uganda Railway and to use the first class refreshment rooms.

SIR APOLLO KAGWA'S SON MARRIED

Last Saturday afternoon was the occasion of a grand wedding at St. Paul's Cathedral, Nairobi, between Louis Mihirab E. Kagwa, son of Mr. Apollo Kagwa, Kikuyu, K.C.M.G., M.B.E. and Dorothy Catherine Margaret A. Mukasa, Sakitoto of Kisii. The Right Rev. J. J. Willis D.D., Bishop of Nairobi officiated assisted by a native minister.

The bridegroom was dressed in the uniform honorary constable whilst the bride wore a lovely white silk robe draping together with a veil of muslin, wreath of orange blossom, and carried a bouquet of roses. The two little bridesmaids attendant were dressed in white relieved with blue sash, and white sashes. There were a large number of natives and thirty Europeans in the cathedral.

After the ceremony the guests adjourned to Bishop's House where tea was served.

The happy couple were the recipients of many presents.

It is interesting to note that Hon. Lieutenant Kaggwa has many friends in Nairobi, and at one time occupied a position of trust with a well known local firm

IS IT PAX?

How the Europeans treat the Compt.

BREAKING PAX

BY EUROPEAN OBSERVER

Some time since the two sections of the Indian population directly concerned in what has become known as the Indian Question (problem known as the Indian-European Question) were asked to propose measures to "integrate" the two communities. It was proposed that the two communities should be considered as entirely equal and co-existent.

Now the point I wish to put before the readers of this journal is the way that both parties have treated that compact. For instance it was, both parties agreeing to treat His Excellency's proposal as they were presented.

The Indian Association have loyally adhered to their part of the contract and nothing was published publicly by the Association, or its members privately. Certain papers, it is understood, found their way into Indian hands, but with such a vast number of people to deal with, such a thing could only be expected to occur, the acting from headquarters the whole thing was treated as originally requested by His Excellency.

What does one find on the other side of the picture? First and foremost, one of the daily papers (*The Leader*) put out some particulars, same correct and some not, came out with what may probably be termed a scathing speech. That paper stated that both things had been sent to His Excellency. As a matter of fact it is well known fact that the European reply was handed to His Excellency until a day or two ago, and whilst your contemporary may have sight in some details, others it was not so.

It was well known that both newspaper editorial knew that the terms were out and what they were also knew about the Governor's wish and yet a respectable paper broke the pact first. Not only a breach of faith but "Yellowism" at its best and no harm fortunately, and it could not be good.

Then daily, the *E.A. Standard* remained mute for the few occasions that they call forth.

Those who like to see honesty and fairplay can soon see the machinations of that wonderful League Committee of the Convention of 1920. This Committee supposedly score points in whose members are known to nearly starved their native methods in subterfuges and corruption. Various wonderful documents District As, are not setting forth outer limits and incidentally asking for funds respectively. At various meetings, the members Mr. Bennett, Archer and Capt. with their oligarchs were put to do as much in terms of reference as possible and some have undoubtedly seen not in the nature of the above places of the platform speeches, which were to be stunned. Not proved and everything fine by economic pressure from the country. Who's

Who could exert to the best advantage pressure. I do not wonder that the Europeans Go anywhere and might say and where is the Indian subject to the

say anything?

Since since a cartoon - Squaring the London in a contemporary showing the British as the but suppose retaliation took place who would know! There is no one knows a nearly perfect producer showing to help out here

the only people who could and are willing to come to their financial assistance are cut off, on what basis? colour prejudice. Had the Indians been Jews they would have been welcomed. But are not the nearly believed chosen race Arians? They may be a mixture in these days but where do they come from? The more one reads and reads about this matter the more dangerous does it become, and I feel it is my bounden duty to warn the Europeans of Kenya not to sacrifice their personal interests and opportunity for such a worse than they may have been.

The European Community are not bright this moment and have sold money for their rights, but bound by loyalty to the Empire through the King. What they are to be allowed to do is the business of the country they have helped to build up shall be wisely spent in the government of the country and they ask also that they should have the right of government to which their work and brains in these past have entitled them. They are out to out the Europeans, but working together to further the interests of both communities and yet this generally accepted idea of fair play is not accepted and the word of god given to the representative of His Excellency is floated. What next maybe expected to emanate from such a source?

The insult levelled at one of our most respected leaders a Britisher, Professor C. F. Andrews, is nothing to those which have been levelled at His Excellency, the Governor.

In conclusion it is well to note that even a worm will turn at the last extremity and I do ask my compatriots to wait and see before they violate their pledges or raise unnecessary fire where it is not needed.

"Let him who lights the flame be sure he can put it out."

While we are in agreement with most of the arguments put forward by "European Observer" his attitude against the *Leader* is somewhat unfair. It was the wish of the Governor or the Secretary of State in the negotiations on the proposals, as well as the opponents themselves should a copy be shown to H.E. The Governor that such a copy was useless. In this matter fact the proposals were divided into a great number people and practically written on air. When it was found that the whole business was in the English and India papers the reader had a problem but to go to the readers also. A newspaper signed here is known as who is a master of the situation. In our opinion the best service we can do to India and the world is to have a copy of the *Standard* and the *Leader*.

AN SHE IS WHRTE

A BRITISH woman, Mrs. Mary Macmillan, has been found dead in her room at a hotel in Nairobi, Kenya. She was found hanging from a balcony railing. Her body was discovered by a maid who was cleaning the room. She had apparently been dead for some time. The cause of death was not known.

INDIAN EDUCATION

It is proposed to set up a commission to inquire into the Indian educational system in Kenya. We are told that the commission will consist of three members. There will be a representative of the Indian community and the other two will be appointed by the Government. The commission will be charged with the task of investigating the educational system in Kenya and making recommendations for its improvement. The commission will be appointed by the Government.

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o 1632.



131
GOVERNMENT HOUSE,
NAIROBI,
KENYA

24th November, 1921.

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Sir,

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38105/27*
With reference to Lieutenant Colonel Notley's despatch No. 1349 of 29th September, and in accordance with the instructions conveyed in your despatch No. 1208 of 3rd August, I have the honour to inform you that I have approved the issue of two sole prospecting licences, each covering five square miles, to Mr. R. Gethin and Mr. J. Maxwell respectively, near Mount Lolgorigen in the Mara District of the Masai Reserve. The native authorities were consulted before the licences were approved.

I have the honour to be,

Sir,

Your humble, obedient servant,

F. Thwaites Nithie

SECRETARY TO THE GOVERNOR

THE RIGHT HONOURABLE

WINSTON CHURCHILL, M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWLING STREET, LONDON, S.W.

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