

1923

KENYA

36310

REC'D
REV 21 JUL 1923 683

FROM
M'S DEPUTY
COTE

CONF
378

DATE
27TH JUNE 1923

FOR CIRCULATION:-

SUBJECT

UNITED METHODIST FREE CHURCH MISSION
CLAIMS AT GOLBANTI

Mr.
Mr.
Mr.
Asst. U.S. of S.
Perm. U.S. of S.
Parl. U.S. of S.
Secretary of State.

Summarises events leading up to present position. Submits proposals for settlement.

Previous Paper

M.G.
13148
7 Aug. 1923
25. Comp 20/7/23
12 June 23
14
Ames - conf
14
17/6/23

MINUTES

*Two Resolutions
Sir H. Regd.*

I was not aware when I saw Dr. Steadford in April that the matter had been fully considered here in 1910-11. The conclusion of the Govt. at that time was that the matter required the title, & I saw no fresh arguments in things reported to shake that conclusion.

The O.A.G. requires that the Collier title to convey the land can only be perfected, & his implication that registration does not amount to acquisition of the transfer does not appeal to me, though in law I am sure that registration conveys no more than a standing in the courts. But

Subsequent Paper

M.G.
53192

But I confess that I
should like some
arrangement suggested
in para. 14 established &
although I think we would
a big to stand on in words
? Concerning the substance
of that para. to be - ?

G.C.S.
29 7 23

Yes. I think it is not an
unreasonable suggestion.
They get, as consideration, a
clear first title.

A/B.
31/7
at once.
* J.R.
31/VII/23

Send to adv. for inf
copy of letter to him in
re: on + mission's
reply. Adv.
11. P. 23
alone

~~Row 3~~

KENYA:

NO. 378.

CONFIDENTIAL.



GOVERNMENT HOUSE,

NAIROBI,

KENYA.

27th June, 1923.

C O
36310
REC
REC 2 JUL 1923

631

M. J.
13146

My Lord Duke,

I have the honour to refer to Your Grace's Confidential despatch of the 22nd March on the subject of the United Methodist Free Church Mission's claims at Golbanti on the Tana River.

2. The position has now been considered by my Executive Council who have advised that the Chief Native Commissioner should endeavour to effect a compromise with the Mission authorities and that an interim despatch be sent to Your Grace summarizing the events leading up to the present position.

3. It will be within Your Grace's knowledge that the progressive desiccation of Northern Africa has occasioned a steady continuous pressure of migration of successive races southward between the mountains of Abyssinia and the Coast. These peoples are forced by the very nature of the climate and country to lead a pastoral and nomadic existence in search of water, concentrating every dry season on some permanent stream of water such as the Juba or the Tana Rivers.

4. At the time when the interest of Europe began to be focused on Africa the vanguard of these pastoralists consisted of the Galla who according to native report crossed the Tana River about 1840

probably

FACE
DUKE OF DEVONSHIRE, K.G., P.C., G.C.M.G., G.C.V.O.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON, S.W.

probably under pressure from Somali (crossing the Juba River). During the years which saw what is usually known as the partition of Africa they appear in the accounts of travellers as occupying all the pasture land along both banks of the Tana River with outposts further south indicated by Galla place names to this day. The agricultural land immediately on the banks of the River was occupied by the WaPokomo, peaceful and unwarlike cultivators and canoeemen, who apparently offered no resistance and were allowed to remain in their settlements.

5. In Mrs. Wakefield's story of her husband's travels as a missionary, she speaks of the Galla country in 1867 as beginning just outside Mambrui on the Sabaki River. Mr. Fitzgerald who visited Golbanti in 1891-3 ("Travels in British East Africa Zanzibar and Pemba") describes it as a small Galla settlement consisting of a few conical huts, and draws a picture of the WaPokomo cultivating patches of swamp and other lands not required by the Galla for pasturing their herds.

6. In 1889 between these two dates, the United Methodist Free Church Mission, represented by Mr. During completed a project formed in 1861 of establishing a mission among the Galla. They completed negotiations for the acquisition of some 6000 acres of riparian land at Golbanti. One of the signatories to this is Dadi Aba Daada, who on August 17th, 1889, as "King of the Gallas Golbanti", signed a treaty with the Imperial British East Africa Company which was subsequently confirmed by

the British Government.

7. This transaction they registered in 1885 with the British Consul General at Zanzibar, and later in 1907 with the District Commissioner at Lamu. It would appear that they regard this registration of documents as Government recognition.

8. Occupation was apparently effective from the outset, and Mr. Fitzgerald speaks of "a good stone house double storied and iron roofed, a chapel, the windows of which are strongly barred, and the place surrounded by a wooden palisade. This state of defence was due to the fact that the Masai some few years back had raided as far down as this place and killed the resident missionary and his wife."

9. Of the effective nature of the Galla occupation, of the universal recognition by Arabs and Natives of the Coast and Hinterland of the country between the Sabaki and the Juba Rivers as Gallaland, and of the practical serfdom of the WaPokomo there can be no doubt in the minds of anybody who has read the above mentioned narratives. There is, therefore, no reason to doubt the bona fides of either the purchaser or vendor.

10. Prior occupation and ownership of the land by the WaPokomo must be admitted but to maintain it against Galla claims would be a reversal of the usual Government policy which has always been to confirm the status quo in 1895, when the Crown assumed control, and to refuse to recognise any claims based on earlier possession during the ebb and flow of tribal warfare.

11. Like the Galla the Europeans left the

WaPokomo

WaPokomo unmolested and indeed the Mission settlement must have interfered very little with existing occupation of the land, since to this day there are both Galla herds and Pokomo cultivation in the area. I am advised that it would be very difficult to prove that such occupation was in any way adverse or could be held to constitute a ground for disputing the title of the Mission.

12. From the foregoing Your Grace will observe that there was never any grant of land to the Mission by the Crown. The position appears to be very much where it was at the time of Sir Percy Girouard's despatch No. 395 of July 14th, 1911. Their claim is based on purchase from the Galla, whose right to sell has been disputed by the WaPokomo and they have never taken any steps to acquire a clear title recognised by Government.

13. As a compromise between these native claims various attempts have been made (by my predecessors) to induce the Mission to accept a clear title to a smaller area but hitherto without success. On July 7th, 1922, on the matter being again brought forward Executive Council decided that the land formerly occupied by the United Methodist Free Church Mission should be included in the areas to be gazetted as Pokomo and Galla Reserves. Under date September 27th, 1922, a protest was received from the Mission, and on reconsideration and in the light of other facts only then apparent Executive Council on May 21st, 1923, passed the Resolution quoted in paragraph 2 of this despatch.

14. Sir Charles Bowring now proposes to approach them with an offer of title to the whole area provided they will exchange their freehold for a 999 years leasehold with a limited user stipulating that they will allow the WaPokomo to remain in occupation without rent and will use the land only for Mission purposes. To this end the Chief Native Commissioner has been instructed to get into touch with the Mission's local representative with a view to arriving at a compromise: no further action will be taken which has not the full agreement of the Mission unless Your Grace has been previously advised. It would probably assist negotiations materially if the Mission authorities in England could be induced to instruct their local representatives to apply for legal advice and obtain a clear and properly registered title to their land.

I have the honour to be,

My Lord Duke,

Your Grace's most devoted
and most obedient servant,

J. K. S. Kerthester
GOVERNOR'S DEPUTY.

C. D.
R - 2 AUG.
D

Handwritten notes: "D. Wood 5/3/22" and "X C"

30 7 August 1925

Sir

With refer. to your interview at this office in April 1925 etc. to inform you that the respondents from the Acting Governor of Kenya have

put forward the following proposals regarding the claim of the Mission to the Gollan Estate.

2. He suggests that your committee be approached with an offer to make an offer to the Mission an offer of a title to the whole area, provided that the Mission are willing to exchange their freehold for a 999 years leasehold with a limited user stipulating that they will allow the Wa Pokomo to remain in occupation without rent, and will

DRAFT.

Foreign Mission Secretary
Methodist
the United Free Church

MINUTE.

- Mr. Whitaker
- Mr. Bush
- Mr. Bottomley 2/8
- Mr. Davis
- Sir G. G. ...
- Sir H. ...
- Sir J. Macdonald Smith
- Mr. Ormsby-Gore
- Duke of Devonshire

Handwritten vertical note: "Mr. ..."

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for Mission purposes.

2. To this end the Chief
Native Commissioner has already
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obtain a clear and properly
registered title to the land.

I am etc.

(Signed) H. J. READ