

1923

KENYA

C O  
38811

FROM  
ARTHUR, REVD J. W.

DATE  
1ST AUGUST 1923

REC  
RE 3 AUG 23

FOR CIRCULATION:-

Mr. *Bottanley*

Mr.

Mr.

Asst. U.S. of S.

*+ Smith*  
*9/12/23*

Pres. U.S. of S.

V. Pres. U.S. of S.

Secretary of State.

SUBJECT

POSITION OF INDIANS

NATIVE POLICY

Expresses appreciation of general terms of po-  
policy. Believes that Indians will do everything  
to get power to run the country. (Outside)  
before any further alienation of land takes place  
question of... for Indians

Previous Paper

10 & 40  
38811

MINUTES

? as acc. receipt officially -  
... that Sir J. is glad to  
learn that in Mr. Arthur's  
opinion the general policy  
etc. Hereby, have now laid  
down for the address of  
Kenya will meet with  
such ~~wholehearted~~ cordial  
appreciation from the  
Missiary Association  
working in the Colony -  
... the opportunity  
of thanking Mr. Arthur  
for coming with the  
Delegation from Kenya -  
... in the ...  
taken in the discussion

*Copy - Mrs. Sir R. Congdon 20 - 8 Aug '23*

*400 1120 4 Aug 23*  
*30 Aug 23*  
*23/16*  
*22/16*  
*22 JAN 1924*

Subsequent Paper

*M. 2*  
*29/1/23*

## MINUTES.

other as to land say that  
 they have already been  
 arranged ~~with~~ with  
~~the~~ the (U. Govt.  
 as to the restriction of  
 alienation of land from  
 the native reserves or  
 confining such alienation  
 to cases in which the  
 natives will be benefited.  
 I think we might  
 refer to our resolution  
 paras 1, 2, 3 or 4 of  
 both memoranda with the  
 say that we have  
 on observing the policy  
 definitely laid down in  
 the bill & not being  
 followed - as to  
 land outside the reserves,  
 say that the  $\frac{1}{2}$  of a  
 survey on 10/2/1923  
 on 10/2/1923 (1774/1923)  
 is being brought into  
 notice for the Govt., but  
 that ~~the~~ the Govt. will not  
 feel justified in  
 directing that alienation  
 of all land outside  
 the existing reserves  
 should be further suspended  
 until such a survey  
 is completed. (4.  
 reply on 1774/1923).

MINUTES NOT TO BE WRITTEN  
ON THIS SIDE.

say that the area to be set  
 aside in the District for 45  
 Indian agricultural develop-  
 ment, observe that  
 finally must fulfil the  
 underlying spirit in the  
 memorandum, but point  
 out that it is definitely  
 laid down that the area  
 must be selected without  
 infringing on native  
 reserves without con-  
 flicting with national  
 requirements - & on the  
 question of legal tenure  
 to be given to the natives  
 for the land which is  
 not set apart as native  
 reserves, say that the  
 Govt. is not prepared yet to  
 offer any opinion -  
 but that its action may be  
 governed that it is the  
 determination of the Govt. to secure  
 that the land reserved to the  
 natives is not alienated  
 even temporarily unless  
 it is quite clear that  
 this is to the advantage  
 of the natives & that they

will derive <sup>the</sup> profit  
from such alienation.

(2) send copy of the  
consp. to the Registrar  
for the C.O. - saying that  
copy is being sent  
officially to you.

(3) send copy to you  
accordingly - with  
ref to the M. S. <sup>copy sent</sup> for  
3774721 and to  
considered views of  
the appraiser's return in  
the survey question.

[I] gather that you propose  
to suspend enquiry as  
to 'legislation' up to  
answer in HQ of 3774721  
until you return from  
leave in September when  
we may have had Gov's  
views on the Land Revenue  
Commission Report. I believe  
but maybe you will be back  
in the C.O. I heard  
4/11/53

I am hoping to  
replace the  
Gov.

X I have a very complete searching  
of the position which I could not  
contemplate before the 1/1/53 which  
I did not then wish to discuss  
or put in writing. I have been hoping  
that we may be able to reach the  
ground (if so) before 1/1/53.

waiting for the Ministry's return.

46

be led to believe in all the  
country is only to be written  
after. While waiting to copy,  
but it will be a long time  
before we have any news.

Gov. 4.8.28.  
SFC: <sup>copy</sup>  
at once  
to you  
G. 15

C 5  
38811  
REC  
187  
5 AUG 23

Edinburgh House,  
2 Eaton Gate, Sloane Square,  
LONDON, S.W.1. 1st August, 1923.

The Rt. Hon,  
The Duke of Devonshire, K.G., G.C.M.G.,  
Colonial Secretary,  
Whitehall,  
LONDON.

Your Grace,

It has not been possible for me to obtain till to-day a copy of the White Paper entitled "Indians in Kenya", and hence the delay in writing to you this letter.

I consider it would be ungracious of me if I refrained at this time from expressing to the Imperial Government, on behalf of the Missionaries and of the African Natives of Kenya, my very great appreciation of the terms of the general policy which has been laid down by His Majesty's Government for dealing with the points at issue in the Kenya controversy.

The opinion recorded that "the interests of the African Natives must be paramount, and that if, and when, those interests and the interests of the immigrant races should conflict, the former should prevail" must be looked upon by those with the welfare of the Africans at heart, as a pronouncement worthy of the best British Colonial traditions, and one that will go down to history in Kenya as a Charter of African Native rights.

2.

The Alliance of Protestant Missionary Societies in 1918 definitely asked the Government that a Missionary be appointed to represent unofficially native interests on the Legislative Council. They did so, believing that it would strengthen rather than otherwise the hands of the Government officials who particularly represented those interests. Last year the question of a Missionary being on the Executive Council was also mooted. That His Majesty's Government has now agreed to the suggestion that a Missionary be nominated on both Councils, and that the European Settlers have expressed themselves as in agreement with the idea, must be a matter of gratification to the Missionary bodies. I can assure Your Grace, that the Protestant, and I believe, also the Roman Catholic Missionaries will welcome this opportunity of assisting the Government in their great task of trusteeship for the African natives, and that they will help by every means in their power to make the present settlement one that will allay racial feeling and that will encourage racial co-operation.

Before I left Africa, there was grave anxiety felt amongst the tribes of Kenya as to the insecurity of their lands; this had resulted from the alienation of territories occupied by them for the purposes of European Settlement.

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Before I left Africa, there was grave anxiety felt amongst the tribes of Kenya as to the insecurity of their lands; this had resulted from the alienation of territories occupied by them for the purposes of European Settlement.

5.

This feeling of insecurity was not altogether allayed by the assurance of your predecessor in Office, the Rt. Hon. Mr. Winston Churchill, to the effect that their interests in the matter of land were being safeguarded by him. I believe that they have no desire to go back on what has been done in the past, but they would like some form of legal tenure to be given to their tribal representatives, to be held in trust for them. I am sure the pronouncement of His Majesty's Government as to a general policy, will do much to allay the feeling of insecurity that they have had, but if Your Grace would enable them to obtain some form of legal tenure to secure to them their lands in perpetuity, I am sure the native tribes would welcome it as a first real expression of the trusteeship of the Imperial Government.

Although, naturally, this matter is not dealt with in the Memorandum, it does arise incidentally in reference to the proposed grant of land to Indians in the Lowlands. I should be wrong did I not put forward the view on behalf of the natives, that the sufficiency of land for the African natives, both as to present and future needs, should be gone into before any further alienation of land takes place. I believe from what the Indians have said

4.

that they themselves would be prepared to acknowledge the first claims of the Africans in this matter.

Finally, may I thank Your Grace and those connected with you for your courtesy to me personally, in the position I was invited by His Excellency the Governor to fill, and for the opportunities afforded to me of expressing my views on matters which I considered affected native interests.

Believe me to be,

Your Grace's most humble servant,

*John W. Denton*



of 38811 Kenya



cancel  
40843

5

DRAFT.

Rev. S. J. W. Arthur

8 August 1923

MINUTE.

Sir,

I am in touch with the rec. of  
your letter of the 7th of August  
relative to the Commercial  
Paper No 1922 entitled  
"Indians in Kenya."

- Mr. Parkin 6/8/23
- Mr. B. M. 7.8.23
- Mr. Davis
- Mr. G. Grindle

- + Sir H. Read 7/8/23
- Sir J. Masterjohn Smith
- Mr. Ormsby-Gore
- Duke of Devonshire

Copied to Sir C. Compton 8 Aug 23  
Jan 11.20.9 Aug 23

(1) Sir Grace is glad to  
learn that in your opinion  
the general policy laid  
down by Govt. for the  
administration of Kenya  
will meet with ~~such~~  
cordial approbation from  
the Missionary Organisation  
working in the Colony;  
and he desires to thank  
this opportunity of

for  
25 Aug 1924  
(pages 2, 3 & 4)  
30505723

(copy 5/8)  
I have seen Aug 10/8  
(in after action)  
A.S.P.

...making you for coming to  
Engford with the delegation  
from Kenya for the next  
wh. you have taken in the  
discussions leading up to  
the decision of Govt.

On  
(3) ~~the~~ the question of land  
~~raised in the~~  
in the native reserves,  
~~Kenya~~ to which you refer,  
I am to inf. you that  
the allocation of land  
included in the reserves  
& the restriction of such  
allocation to cases in  
wh. the natives will  
derive benefit thereby  
have ~~been~~ <sup>already touched</sup> the subject  
of consp. with the  
Col. Gen. ~~to~~ <sup>the</sup> ~~Government~~  
Directions  
in the matter were conveyed  
to the then Gov. of Kenya  
in a Dip. sent by Mr. Churchill  
on the 25<sup>th</sup> of August 1921,  
& these are still being

followed. The relevant  
extract from that Dip. 52  
is enclosed.

(4) As to the ~~sufficiency~~ adequacy  
of the native reserves,  
I am to invite your attention  
to a question asked by  
Mr. E. S. Wood in the  
House of Commons on the  
30<sup>th</sup> of July, in wh. he  
enquired in the matter  
early steps would be  
taken for a survey of  
the existing reserves to  
be made with a view  
to determining their  
adequacy for the  
future growing & for the  
cultivation of economic  
products for export.  
The U.S. of Africa Com.  
replied on this point  
that he had no reason  
to doubt that the reserves  
were large enough for the  
present requirements &

DRAFT.

(copy 3774623)  
MINUTE.

Mr.  
Mr.  
Mr.  
Mr. Davis  
Sir G. Grindle.  
Sir H. Read.  
Sir J. Masterton Smith  
Mr. Ormsby-Gore.  
Duke of Devonshire

(Page 5650)

probable future expansion of the  
tribes, the importance to bring  
the suggestion of a survey to  
the notice of the Governor.

This is being done: but the  
Sgt. does not feel that he  
wld. be justified in directing  
that alienation of all land  
outside the existing reserves  
shd. be further suspended  
until such a survey is  
completed

- (5) As to the area which it is  
proposed to <sup>reserve temporarily</sup> ~~set aside~~ in the lowlands  
~~provisionally~~ for the Indian  
agricultural development, you  
will, of course, appreciate  
the necessity of ~~the~~ <sup>the</sup> ~~decision~~ <sup>decision</sup> ~~being given~~ to the decision of  
the Comd., as set out in the  
last subparagraph of  
paragraph 8 of Part II of  
the Memorandum in the  
Command Paper. ~~being~~  
~~fulfilled~~ It should however  
be observed that it is there  
definitely stated that  
the area selected ~~will~~  
not

probable future expansion of the  
tribes, the importance of being  
the suggestion of a survey to  
the notice of the Governor.

This is being done: but the  
Sgt. does not feel that he  
w'd be justified in directing  
that alienation of all land  
outside the existing reserves  
sh'd be further suspended  
until such a survey is  
completed

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proposed to ~~set aside~~ <sup>reserve temporarily</sup> in the Lowlands  
~~provisionally~~ for the Indian  
agricultural development, you  
will, of course, appreciate  
the necessity of ~~the~~ ~~decision~~ ~~being~~ ~~given~~ ~~to~~ ~~the~~ ~~decision~~ ~~of~~  
the Govt., as set out in the  
last subparagraph of  
paragraph 8 of Part II of  
the Memorandum in the  
Command Paper. ~~being~~  
~~fulfilled~~ It should however  
be observed that it is there  
definitely stated that  
the area selected ~~will~~  
not

not in force on native reserves  
 or compare with native  
 requirements; & in  
 considering any proposals  
 submitted by the C. E. Govt.  
 in regard to this special  
 area for Indian  
 development, the Spt.  
 will, ~~request~~  
 satisfy himself that these  
 conditions are complied  
 with.

DRAFT.

MINUTE.

- Mr.
- Mr.
- Mr.
- Mr. Davis.
- Sir G. Grindle.
- Sir H. Read.
- Sir J. Masterton Smith.
- Mr. Ormsby-Gore.
- Duke of Devonshire.

(6) On the question of  
 legal tenure for the  
 land in native reserves  
 being given to tribal  
 representatives, the  
 Spt. is not yet  
 prepared to offer an  
 opinion; but you  
 may <sup>rest</sup> assured that

it is his determination to  
secure that no part of  
the land reserved to the  
natives is alienated  
even temporarily unless  
it is quite clear that  
such alienation is to the  
advantage of the natives  
~~and that the natives will~~  
benefit ~~thereby~~

that the people according  
to the Govt. from such  
alienation will be  
enjoyed by the natives.

(Signed) H. J. READ

*Handwritten initials*  
**DRAFT.**

*Handwritten initials*  
to Mr. [unclear] [unclear]

*Handwritten initials*  
to Mr. [unclear] [unclear]

8 Aug 23

**MINUTE.**

Mr. [unclear] [unclear]  
Mr. [unclear] 7.8.23  
Mr. [unclear]  
Mr. Davis.  
Sir G. Grindle.  
Sir H. Read.  
Sir J. Masterton Smith.  
Mr. Ormaby-Gore.  
Duke of Devonshire.

*Handwritten signature*  
to Mr. [unclear] [unclear]  
to Mr. [unclear] [unclear]

Dear Mr. [unclear].

I enclose a copy of  
corresp. with Mr. [unclear] [unclear]  
about the Command  
Paper - Indian in  
Kangra - wh. you  
may like to see.

We are sending  
a copy of this  
to Mr. Charles  
Browning.

Yours truly  
[unclear]

of some kind

DRAFT.

1120 5/2  
K...  
aag.

9 Aug 1923.

MINUTE.

Mr.

Parliamentary

Mr.

Bottomley 7.8.23

Mr.

Mr. Davis.

Sir G. Grindle.

Sir H. Read.

Sir J. Masterton Smith.

Mr. Ormsby-Gore.

Duke of Devonshire.

~~Mr. ...~~

~~Mr. ...~~

20 August

hi.  
I have the ...  
you, for you ...  
of enclosed copy of  
concerned with the  
Rev. Dr. J. W. ...  
arriving ...  
the ...  
Paper No. 6922 -  
history in ...  
(2) I am

38811/23

56

Kemp

22 January 1924

Ind.

83

O. D.  
R 19 JAN  
D 10

55843

In continuation of my despatch of the 17<sup>th</sup> of December in which I brought to your notice certain questions on the subject of the alienation of native lands I have to remind you that <sup>so far</sup> I have ~~not~~ received no expression of your views on the <sup>subject</sup> ~~question~~ of a survey of the Native reserves, <sup>which was</sup> ~~was~~ suggested in a question <sup>asked</sup> in the H. of C., a copy of which was enclosed in my despatch of the 9<sup>th</sup> of Aug. 1923.

DRAFT. for comment

(Kemp)

Comp. (2)

Per. Cayndra

MINUTE.

Mr. Whiteaker

Mr. Allen 18.1

Mr. Bottrill 18.1.24 f

Sir C. Davis.

Sir G. Grindle.

Sir H. Read.

Sir J. Maesterton Smith.

Mr. Ormsby-Gore.

Duke of Devonshire.

38811/23

2. In view of the fact that ~~the~~ <sup>any</sup> ~~session~~ <sup>session</sup> of Parliament is now in session ~~has begun~~ & that further questions on this point may be asked, ~~in the House~~, I



Should be glad to hear from  
your views on the subject at  
the earliest possible date.

~~I have it.~~  
3. I trust that you will also  
find it possible to furnish me with  
your views on other matters relating  
to native affairs which are now  
understanding.

Eg.  
[Land Tenure Report  
Native Prohibitions to the  
"Native" Settlements]

2

Signed DEVONSHIRE