

The report, if it causes these questions
of reserves - Native Land Reserve
will certainly be interesting especially
controversial.

3. As regards the actual amount of the
Representative Council of the Alliance
of Missionary Societies in B. E. A. -
There is really nothing new or startling
in this view & on the whole grounds of
the representation has already been
covered.

1. Commonwealth P.S.

Whether the powers given to the
Council by the 2nd may be, the exercise
of those powers has been, would be
most properly controlled by the
Council also for a special responsibility
regard 3. Native reserves & rights.
The most recent statement of policy
is that in 1911 of 1919.

Was it not a native reserve
should be seen as to allow for
any reserves, a sale of a land reserve
with the number of the tribe, a full
power that the general policy
should be to encourage the
tribe to settle down to a more
civilized mode of living.

It is a reasonable proposal
to be made, that a
representative to adopt
any general principle that a
reserve should be in all cases
be extended to meet the

"natural increase of its population"

There is ^{no} reason for the extension of Reserves to meet the natural increase of the

as regards the alienation of land in 59

the Native Reserves, to such an extent

as possibly to reduce the area below

what is necessary for the support

of the tribe, & the Crown Land

may, & has power to alienate, but

practice there is no chance whatever

of this being done without the fullest

consent & absolute assurance

that the area alienated is that

required for the tribe (or alternative

reservation elsewhere)

in 1897

wrote to the Governor

"In any case I have not prepared

to accept any proposal, such as

that contained in para 49(b) of

the Report [i.e. Native Labour

Commission Report], which

involves a reduction in the existing

area of the Reserve

The proposal in question was that

of the Reserves already demarcated

are found to contain land in

excess of that required for the

present population, then

consideration be given to the

with the principle in 1897

Sup. No. 479
of 20.5.10

which suggested reserves adequate for
the present population which
was not accepted as a principle
by the I.G.

(11) Yarnal says that native tribes be
given title deeds for their respectively
demarcated reserves.

The demarcation of reserves, as far
as present roughly defined
boundaries permit, has
already been taken up with
Gov. was authorized on 10.2.7/10

to settle the reserves

In 1905, the I.G. was authorized
to inform that Gov. agreed that
the other demarcation of native

reserves with a guarantee against
encroachment on the part

of European settlers, & the
grant of a communal title

to the tribes in whose such
reserves should be effected
as soon as possible.

(12) Comal says that the eventual
form should be individual land
titles.

Ref. Department
of 1910

In 1910/10. Last facet concerned in
the I.G.'s views on this question. 69

"I suggest that it is a mistaken
policy to attempt to lock up these
large areas of land for communal
occupation for ever. The time

must come when in the interest
of the natives themselves, a more
individual system will have to be
introduced. As a first step

it is proposed that a record of
rights should be prepared in the
various reserves as a preliminary
to opening them to individual

title to these lands. It is desirable
in the first period to the members
of the tribe only; but the time for

such a forward step is the grant
of individual title to the reserves
has not yet arrived. It does
not seem to me to be a consideration
at present.

In the hand, the minutes of 9.6.10
p. 107 of the report (p. 107)

Ref. 10/10. The I.G. says that
the reserves are mostly transitional (at
present during the title in Trust (Gov.)
although the minutes state that

disjoint picture. The reserves with no
doubt disappear in favour of
individual holdings or collections

Finally, in 1909/10 the Dept. concerned
in referring concern of the question of
individual tenure by natives - i.e.
until long possession & substantial
improvement of areas of the communal
property, the concern of question
whether the claims of individuals
shd be preferred to the customary
rights of the tribe.

To sum up, the Government view as to
the desirable evolution of a native
land tenure system is accepted,
but it is of a practical (especially),
that it is of no immediate concern.

all receipts & requests as to the
receipt of their revenue - with which
Commission is to be approached which
will consider with a view to the
revenue of the natives - but say that
none of the aspects of the matter
referred to in the minutes have been
referred in past correspondence with
subject of native reserves & native

Drift no

479 of 1917

land revenue - & refer to the following:-

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- 12092/14 (a) Reduction of reserves - Dip. 479 of 20.5.14
- 17504/15 (b) Increase of reserves - Dip. 525 of 16.6.14
- 6381/13 (c) Generation of reserves - Dip. 307 of 25.4.14
- 10217/12 (d) Gaazeting of reserves - Tel. (Cepha) 13.2.14
- 656/113 (e) Communal title - Dip. 307 of 23.11.13
- 22526/10 (f) Individual revenue - (Dip. 507 of 16.12.10)
- 12092/14 (g) " " " " (Dip. 479 of 20.5.14)

[Content & wd be well to recall these
ref. to call attention of Govt. of
what has been done especially in the
various parts as apparently the
Govt. did not wish to make the
trouble of going into the matter, when
the Govt. was another] - I say that
I have assumed that the matters ~~have been~~

covered in an regard ~~to~~ the
policy of native reserves (a) & (b) above?

~~_____~~
~~_____~~
I should not stay in the Govt. of
some matters to the Commission to
be worked out.
I shall be able to do so in the future

Individual Reserve is now over. The
Reserve after being divided among
the holders - but not equal in value
from recovery.

At the time of the Crown Lands
Act 1915 there was a good deal of
fuss about the Reserve being made
Crown lands. The intention was to
preserve & safeguard them.

As proposed?

Oct. 16. 7. 20

Draft copy

S 47. 7. 10

at the

EAST AFRICA PROTECTORATE
No. 475

30701
GOVERNMENT HOUSE
NAIROBI
REC 28 JUN 20

// May, 1920.

My Lord,

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At the request of the Secretary to the
Alliance of Protestant Missionary Societies I have
the honour to transmit for Your Lordship's
consideration a copy of a minute passed by his
Representative Council on the subject of land
tenure in the Native Reserves.

2. I may inform Your Lordship that the
Commissioner of Lands is proposing a motion at the
present session of the Legislative Council
recommending the nomination of a Commission to
inquire into the amendments which may be made
profitably to the Crown Lands Ordinance 1915. I
anticipate if this resolution is adopted, that the
status, extent, nature of tenure etc. of Native
Reserves will be fully investigated.

3. In the circumstances I feel that it
would be better to defer consideration of the
question before the result of such an inquiry has
been submitted.

I have the honour to be,
Your Lordship's
humble, obedient servant

C. Brown
ACTING GOVERNOR.

THE RIGHT HONOURABLE
VISCOUNT MILNER, P.C. G.C.B., G.C.M.G., &c., &c.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S. W.

Minute of Representative Council

RESOLUTION

on

1920

NATIVE RESERVES

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Part VI of Crown Lands Ordinance, 1915:— Reservation of
land for the Use of Native Tribes.

4 The Governor-in-Council shall, either by general or particular description and whether the same has been surveyed or not, reserve from sale, lease or other disposal under this Ordinance, any Crown Land which in his opinion is required for the use or support of the members of the native tribes of the Protectorate. Such reservation shall not confer on any tribe or member of any tribe any right to alienate the land so reserved or any part thereof.

55 Notice of every such reservation shall be published in the "Gazette". Save as hereinafter provided land so reserved shall not be sold, leased or otherwise disposed of under this Ordinance.

The Governor-in-Council may, at any time by notice in the "Gazette", if satisfied that the whole or any part of any land so reserved is not required for the use and support of the members of the native tribe for which it has been reserved, cancel such reservation as regards the whole or a part of such land and thereupon the land the reservation of which has been so cancelled may be sold, leased or otherwise disposed of under this Ordinance, provided that such notice shall not be published unless the approval of the Secretary of State shall have been first obtained.

57 The Governor-in-Council may at any time by Proclamation in the "Gazette" exclude from lands reserved under section 54 any land which maybe required for any of the following purposes:—

- (1) For public roads.
- (2) For public reservoirs, aqueducts, canals or watercourses.
- (3) For quays, wharves or landing places.
- (4) For railways or tramways, and buildings and works in connection therewith.
- (5) For public buildings.
- (6) For trading centres.
- (7) For any other public purpose that he may think fit, whether similar to any of those mentioned above or not;

without paying compensation except for buildings and crops destroyed or damaged.

provided that if it shall appear to the Governor-in-Council that the exercise of any power given under this section to exclude land from lands reserved under section 54 has reduced the area of such reserved land below the area required for the use and support of the members of the tribe for whom it has been reserved then the Governor-in-

Governor-in-Council shall from contiguous unalienated and unreserved Crown Land, if any, add to such reserved land an area equivalent to the area of the land excluded.

58 The Governor may make rules enforceable by penalties not exceeding three hundred rupees for the management and control of any land reserved for the use of the members of a native tribe.

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The Representative Council note from the above that the native has no legal right whatever to own land, tribal or individual; that the Ordinance contemplates alienation from the native reserves to such an extent as to possibly reduce the area below what is necessary for the support of the tribe; that the section protecting the native is that he is to be compensated with other land, "if any"; and that no provision is made for the natural increase of the tribe.

The Representative Council that the reason for alienation of such Reserve Land to European occupation is that Europeans may be given valuable land and the natives compensated with land inferior in value.

The Representative Council urge on the Government that for the sake of the well being of the tribes of British East Africa, of the country as a whole and of the interests of the Empire, the native tribes of British East Africa be given title deeds for their definitely demarcated reserves, with a view of securing them in their land as a tribe to-day with the eventual object of individual land tenure, as time permits.

only 50701 Cal 22

DRAFT

East Corp.

Mr. J. M. [unclear]

MINUTE.

28 July 1910

Mr.
Mr.
Mr.

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by Monthly 197

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~~Mr. [unclear]~~
Mr. H. Lambert.

Mr. H. [unclear] 20/7/10

Mr. A. [unclear] 24/7/10

Mr. [unclear]

Mr. [unclear]

Mr. [unclear]

copy 30700 vol 27

DRAFT

East Coast

Mr. J. M. Murray

MINUTE.

28 July 1920

- Mr. A. C. C. 1920
- Mr. J. M. Murray 1920
- Mr. [unclear]

Mr. [unclear]

Mr. H. Lambert

Mr. H. [unclear]

Mr. G. [unclear]

Mr. [unclear]

Mr. [unclear]

Mr. [unclear]

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 that I have received [unclear]

20/7/20
 22/7/20
 [Large handwritten signature]

