

DESPATCH

EAST AFR. PROT.

N^o 110451

16 MAY 08

8 MAY 08

Conf 38

(Subject)

1908

Native Reserves

16 Sept.

at previous Paper.

16123

in Kumbura Bavel and Sobik
Sends further report from Council of Lands
Considers that Land Board is not competent
to deal with question of Native Reserves

(Minutes) See also 15123.

Mr. Antedens

(These pp. were kept by Mr. Lobb who was hoping to deal more
preliminarily with native questions
in the t.A.P. but has been unable to
do so owing to the detachment of
Mr. Protherby & Mr. Reed for other
duties & the illness of himself &
Mr. Dudley)

The boundaries of the reserves
have already been generally
agreed subject to a proposal
to the inclusion of allowing
some of the settlers farms
crossing through the B...

71202 and this proposal has now
been dropped. I think therefore
we the P.C. may appear if the
proposal reserves in the understanding
that the Land which the P.C. is
for that office considered should be
added to the Police reserve
(second of last and revised)
actually so added which is not
clear from the despatch.

2) We should endorse the view of the
Gov. that the Land Board which
coordinates contains a majority
of unoffical natives is not
required to advise on questions
of its extent or boundaries of
Native Reserves.

(3) I think the P.C. should say with
the verbatim enclosed in
16451 that he is glad to note
that Messrs Powell, Wright &
Macdonald (offical members of
the Land Board) declare the
proposal attached to be in the
native question attached to be
under a misapprehension as
Mr. Hollis

430
I think it odd to add that the
P.C. will be glad to see that
Mr. Hutchins the Commr. for Forests
states the language attributed
to him is "Natives did
irreparable damage to the forests
and that the natives themselves
could always be replaced, with
time it was different for it cost
much money to plant a forest
as such language if used by
an office of the Gov. would denote
his severe displeasure.

4. The impression which I derive
from reading the pt. is that
Mr. Hollis & Mr. Montgomery are
the only 2 officers concerned who are
really sound on this native question
and it occurs to me that it
is desirable so far as possible to
remove thoughts of natives in
their reserves against the danger
of charge of payment in the
P.C. document.

This would be by list of the
Imperial Part. It should ask
the Gov. consider what other
lands require to be set apart
& delineated, as the Reserve
(the Williams Native Reserve
mentioned in 22013)

adding that when the work
has been completed the Crown
Adviser should prepare a draft of
a Bill to be introduced in Parliament
for the purpose of such confirming
the assignment of these lands. The
Bill should provide for the adjust-
ment or alteration of small
portions of the Reserve within
well defined limits & on strict
conditions.

W. G. G.

W. G. G. July 29

Col. Kelly
C. G. G. W. G. G.

I agree the point
raised in the
case of
C. G. G.

Governor's Office,

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Nairobi,

8 MAY 08

EAST AFRICA PROTECTORATE.

13th 1908.

CONFIDENTIAL (US)

(Incl. 1)

My Lord,

9/12/08

Commr. of Lands
No. 31.

With reference to paragraph 4 of my despatch No. 140 of the 2nd instant on the subject of Native Reserves in the Lumwa, Buret and Sotik countries, I have the honour to submit a further letter, with enclosures from the Commissioner of Lands.

2. The misunderstanding referred to in this correspondence is to be regretted; it is fully explained by Colonel Montgomery and Mr. Hollis, and under the circumstances Mr. Hollis is quite right in withdrawing the remarks to which exception has been taken by three official members of the Land Board.

3. This, however, in no way alters the opinion I have already expressed that the Land Board is purely an advisory Board to the Commissioner of Lands, and

H.M. PRINCIPAL SECRETARY OF STATE

FOR THE COLONIES,

DOWNING STREET,

LONDON, S.W.

that the question of Native Reserves, which is really an important question and one which I do not think it competent for the Settlers, who are largely represented on the Board, to deal, is outside the province of its functions.

I am taking steps to define more clearly the scope and duties of the Board as directed in paragraph 7 of Your Lordship's despatch No. 134 of the 19th ultimo.

I have the honour to be,
With the highest respect,

My Lord,
Your Lordship's most obedient,
humble servant,

John Bull

Office of the Commissioner of Lands,
Nairobi,

14th April, 1908

C O
16451
MAY 08

Your Excellency,

In my No. 14 of 21st. January, I had the honour to furnish a final report on the delimitation of the Lumbwa, Buret, and Sotik Reserves. I alluded to a promise made in an answer to a question asked in the Legislative Council, and stated that in accordance with this promise the papers had been sent to the Land Board for opinion; and I forwarded a copy of the resolution of the Board recommending that no native reserves should be gazetted for the present.

2. I had been told that a long discussion took place on the subject, and I asked the Secretary for Native Affairs to be good enough to give me a note on the proceedings.

Mr. Hollis furnished the desired note which was placed in the file, and I then wrote the report above referred to. The note was not a confidential document, but I regret I omitted to send it

TO YOUR EXCELLENCY

THE GOVERNOR,

B. E. A. PROTECTORATE,

NAIROBI.

His Excellency-2.

to the Government for his verification or correction. Had I done so some misunderstanding would have been avoided.

3. The Official Members of the Board are five in number. Three of them (the Director of Agriculture, the Director of Survey, and the Land Officer) when they saw the note a few days ago, objected to it as not conveying an accurate description of what really occurred.

After a discussion in my office with Mr. Hollis they put in a note stating their objections, and Mr. Hollis has written a reply.

The relevant documents are herewith forwarded for Your Excellency's information:

- (a) Mr. Hollis' note of 11-1-08.
- (b) Official Members' protest of 10-4-08.
- (c) Mr. Hollis' reply dated 10-4-08.

Reference is also requested to Mr. Hollis' note dated 24-1-08 which will be found in the Secretariat file.

3. I am sure Mr. Hollis may be absolved from any wish to intentional misrepresentation. His note was written a few days after the discussion and I believe it to have been an expression of his genuine recollection of the proceedings. But as the objecting members have categorically denied that they have made some of the statements attributed to them, Mr. Hollis has withdrawn his note unconditionally. And I must likewise modify some of

His Excellency. 3.

the expressions used in para. 4 of the letter to Your Excellency.

4. The best plan will be to consider the resolution only, and disregard anything that may have been said in the course of the discussion. It runs as follows:-

"The Board recommends that no native reserves be framed until more knowledge of the natives has been accumulated and a more definite idea arrived at as to the requirements of both natives and non natives; that no native reserves be gazetted, but that the land be simply held as a Government Reserve and beacons off to allow of the land adjoining being taken up by settlers. The Board also recommends that a Committee be appointed to enquire into the question of such Government Reserves; such concession should include the Secretary for Native Affairs, the Director of Agriculture, the Director of Survey, the Provincial Commissioner, a Forest Officer, and a farmer of experience."

It will be remembered that our recommendations for marking off the reserves were made after a full discussion with the native chiefs; that we had some information (though necessarily very rough) of the numbers of the tribes, and that we had already begun to mark off farms for settlers outside the proposed boundaries.

Again it seems to me that the Board is wrong in desiring a more definite idea of the requirements of non-natives as well as of natives. Surely the main thing to consider is the wants of the natives who are

His Excellency 4.

already in possession, and have very real rights in the land. What we have to do is to satisfy their wants, and after that we can give out the balance to settlers. I am not in favour of reserves marked off on a lavish scale. Indeed I made this clear in the note with which I forwarded the papers to the Land Board.

I need only repeat that I consider that the proposed reserves are fair to the natives and not on too lavish a scale.

6. There is one more argument which may be brought forward. The Chiefs have acquiesced in the proposed Reserves, and they see white settlers coming in and taking up farms near them. Would it not raise a natural suspicion and cause some unrest among the tribes, if we delayed in telling them that the Government has definitely decided to make their lands over to them to keep?

7. I am still of opinion that the question of Native Reserves does not properly come within the consideration of the Land Board, which has been constituted to advise the Commissioner of Lands mainly on questions connected with white settlement. On all such questions its opinions are most valuable. The marking off of Native Reserves is a matter rather for the Administration to decide with the help of the officers best qualified to give an opinion.

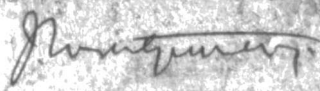
8. I regret that the misunderstanding that has arisen as a consequence of Mr. Hall's note,

and

His Excellency, S.

and in consequence I have been the means of creat-
ing a wrong impression as a consequence of that
note, I beg to withdraw my previous expressions
in the same way that Mr. Hollis has done.

I have the honour to be
Your Excellency's
most obedient servant.



Commissioner of Lands.

The Honourable the Commissioner of Lands,

I desire to withdraw the whole of my note of January 11th. I feel that as a member of the Land Board I have put myself out of court by writing a note of this nature without the knowledge of the President of the Board and I regret very much that when I complied with your request I did not ask you to forward it to Mr. McDonald in order to obtain his views or the views of other members as well as mine of what took place. Whilst withdrawing the note, which was written from memory some days after the proceedings (it was commenced on Saturday January 11th and completed on Monday January 13th); I wish to state that what I wrote I believed to be an absolutely true statement of what occurred. I had no wish to convey a wrong impression, and when I forwarded the note to you I thought that at least one member of the Board, Mr. Barton Wright, would in the ordinary course of office work see it and if necessary check it. My feelings throughout the proceedings were that I was not supported by any of the members; the debate at times was heated especially between Mr. Hutchins and myself; and the opinion that I formed was that the resolution was framed with a view to cutting down the proposed reserves. As I now find that I had misjudged the members of the Board, I am glad to take this opportunity of expressing my regret.

With regard to paragraph 2 of note of January 11th, the statement that I made "that nearly all the members of the Board which sat on January 9th gave as their opinion that only some of the land as the nature of the soil had under cultivation should be reserved for them in order that

this

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(2)

this land becomes exhausted, the occupiers should be forced to "share the white man", I can only say that remarks of a similar nature were made by members of the Board and were applauded. I honestly believed that this was the view held by many of the members of the Board, but in view of the fact that Messrs. MacDonald and Barton Wright and Major Smith disagree with the expressions contained in this sentence, as applied to members of the Land Board, I am willing to withdraw it.

I should be glad if you would inform His Excellency the Governor accordingly.

Sd/- A.C. HOLLIS.

Secretary for Native Affairs.

Nairobi,

April 10th 1908.

April 10th 1908.

Sir,

In accordance of our interview this morning on the subject of certain statements made in Mr.Hollis' Minute of 9th January 1908 to which we took exception, we now wish to place before you the specific points to which we object to enable you as arranged to place the letter before Mr.Hollis, with a view to giving him the opportunity of modifying or withdrawing his statements.

(1) The Conservator of Forests under cultivation and no more. "The latter remark was endorsed by most of those present" The sentence in inverted commas is the statement objected to.

(2) Mr.Macdonald and Major Smith wish to record their opinion that the remark quoted as having been made by Mr.Swift did not convey the same forcible impression as that implied in Mr.Hollis' note and ask that this remark should be accordingly deleted.

(3) Regarding Mr.Macdonald's opinion quoted: "Mr.Macdonald on being asked his opinion as to the amount of land required by natives stated that he considered that for agricultural tribes 1 1/2 acres per head might be taken as the amount of land necessary for each person and for pastoral tribes 5 acres for each cow. The only question to be considered with regard to the latter was how many cows each man might be allowed to keep"

Mr. Macdonald

The Honourable
The Commissioner of
Wairarapa

Mr. Macdonald now quotes from memory what actually occurred. The query asked was: "What area of land under cultivation would produce sufficient food for the support of one native for one year". The reply was "that one acre of land might reasonably be expected to produce 1,000 lbs of mealies, and allowing a consumption of 21 lbs. per head per diem we arrive at the result that one acre would support approximately 48 natives; this was mentioned as a basis for calculation, but I expressed no opinion as to what area should be reserved per head, for the reason that so much depended on the fertility of land for continuous cropping.

(4) Regarding Mr. Macdonald's further remarks regarding requirements of pastoral tribes we quote the only question to be considered with regard to the latter was how many cows each man "might be allowed to keep" the words in inverted commas should read "might require to keep".

(5) "I felt that it was little use arguing with the members of the Board who seemed fairly unanimous in considering that the land was for the white man and that the native was only tolerated". We feel that this is an unfair summary of the views of the Board. The opinion expressed by the Honourable Commissioner of Lands in his Minute, submitted to Land Board, dated the 28th of October 1907: "The best policy is to mark off what is most sufficient for present needs. If the natives increase their numbers they will have to improve their system of cultivation, or to seek for employment outside. Both are desirable results to aim at" and which was before

(3)

which we read before the Board had the general support of all members. Under these circumstances we feel that Mr. Hollis has no grounds for making such a statement and we therefore consider that he should be called upon to withdraw it. Further in a second memorandum by Mr. Hollis, dated the 24th January 1909, paragraph 8, which we quote: "The views regarding the Native land of the principal settlers in the country and by some Government officials are not worthy of consideration. Nearly all the members of the Board which sat on January 9th gave as their opinion that only so much land as the natives actually had under cultivation should be reserved for them in order that when this land becomes exhausted the occupiers should be forced to work for the white man".

We wish to record our disagreement with the expressions therein contained as applied to members of the Land Board, and would ask Mr. Hollis to withdraw this paragraph.

As a result of the above statements to which we have called attention your despatch of the 21st January 1909 to His Excellency was written. In paragraph 4 of this despatch you state: "Mr. Hollis, the Secretary for Native Affairs, ^{who} was present when the Board passed the resolution of the 9th January, tells me that he was alone in advocating a liberal treatment of the Native tribes. The general feeling was that we must leave them as little land as possible, so that the more may be available for white settlers".

It is to be noted that in this despatch you inform us that you printed a statement by the latter portion of paragraph 4 that the Board is not qualified to deal with questions

questions of Native Reserves, was the result of a proposal of Mr. Holt's. Accordingly in the light of the fuller knowledge which you now possess of the proceedings and views of the Board we would request that you reconsider your recorded opinion, and we urge this the more as your opinion has been endorsed by His Excellency and forms the subject of a despatch to the Secretary of State dated 2nd April 1906.

We have &c.

Sd/- G.S. SMITH,
 R.B. WRIGHT,
 A.C. MACDONALD.

Notes on the resolution passed at the
Land Board Meeting of January 9th. 1908
Native Reserves.

The minute of the Honorable the Commission of Lands of the Lumbwa, Buret, and Sotik Native Reserves was read by the Secretary to the Land Board who added the following paragraph:

"As nearly as can be judged the population (total) of the Lumbwa Reserve as proposed is 45,000; its extent is 511,000 square miles (511,000 acres), giving 11 acres per native. The population of Buret Reserve is 30,000; the extent roughly 300 square miles (1,500,000 acres), giving 6 1/2 acres per head of population, and the Sotik Reserve is 300 square miles with a population of 15,000, giving 13 acres per head of population."

The Director of Surveys remarked that the areas were wrongly shown and were in reality about half the size stated. He asked how the statistics regarding population had been arrived at.

I informed him that the figures were approximate only and were based on the hut-tax collections. The returns for Lumbwa and Buret might be considered fairly correct, those for Sotik were probably underestimated. I said I thought the Lumbwa and Buret had been fairly treated but as I had heard that most of the rich grazing grounds of the Sotik had not been included in their reserve, which was for the most part mountainous and barren, I considered that an adjustment of the boundaries might be found necessary at a later date.

The Conservator of Forests asked if any forest was included in the Native Reserves.

I replied that there was some forest in the Sotik Reserve but none worth mentioning in the other two reserves. This was corroborated by Major Smith and Mr. B. Hill.

The latter stated that he had seen much lumber and that as large blocks in the portion marked off for the Native Reserve were unpopulated. He considered the areas excessive.

I informed him that these areas would be required for the Natives now living outside the reserve and would have to leave their present holdings and move into the reserve or enter into agreements with the owners to whom their land outside the reserve would be leased.

The Conservator of Forests was strongly opposed to the gazettement of Native Reserves until he or one of his officers had visited them. Natives, he said, did irretrievable damage to the forest and whilst the natives themselves could always be replaced, with trees it was different for it cost much money to plant a forest. He also took exception to the large areas set aside for the natives who in his opinion ought to be allowed to occupy the land they had actually under cultivation and no more.

This latter remark was endorsed by most of those present.

Mr. Swift even remarked that as we were protecting the natives and preventing them from being raided they should be made to work for the white man.

Mr. Flenner said that all native reserves should be considered inviolable and that until such time as we knew what land was actually required for the natives nothing should be given them although certain areas might be set apart for their provisional use.

Mr. Mason in being asked his opinion as to the amount of land required by natives stated that he considered that for agricultural tribes in areas peopled with them the amount of land required for each person and for pastoral tribes the same should be considered with regard to the number of such persons.

He stated that there was little to be done with the matter of the Board was needed fairly. In considering the land was for the native was only tolerated, so I contented myself with making a few general remarks only.

only. In the first place I read Mr. [redacted] [redacted] reply to Mr. Mason regarding Native Reserves (Enclosure to C.O.No.469). I then pointed out that the native was the greatest asset of the Protectorate and was of greater value than [redacted]. I said he must be fairly dealt with and that it was impossible to lay down a hard and fast rule as to the number of acres required by each person and each cow alone had to reckon with the quality of the soil.

I gave as my opinion that at least three times the amount of land actually under cultivation was a fair allowance for agricultural tribes as this enabled the natives to let their land lie fallow for a time and also allowed for some expansion, whilst pastoral tribes required anything up to 6 acres per cow. (The remark about letting land lie fallow was strongly objected to by the Conservator of Forests and others who thought the natives ought to manure their land). I informed the Board that the question of these three reserves had been carefully considered and that the sanction of the Secretary of State had been received for their demarcation. I agreed to the boundaries being declared provisional ones only as had been done in the case of the [redacted] Reserve, but I said I thought the time had now arrived when this might safely be done. I further informed the Board that until the important question of reserves for the natives had been settled I should be forced to oppose the leasing of land to non-natives.

Mr. Smith called attention to the fact that at a [redacted] meeting of the Land Board the non-official members had placed particular stress on the fact that native reserves should be deeded off without delay. This however made no reference to the Board and a resolution was [redacted] and seconded recommending that no native reserves should be deeded until full knowledge of the natives had been collected and that no native reserves should be deeded, but the land should be held as a Government reserve and deeded off to allow the land adjoining being taken up by settlers.

It was also recommended that a Commission should be appointed which would include the Directors of Agriculture, Survey and Forests, the Provincial Commissioner of the Province concerned, a farmer and myself to inquire into the question of such Government reserves.

I alone recorded my disapproval of the motion and moved an amendment that the three native reserves under consideration be gazetted, the boundaries being regarded as provisional. No body seconded my amendment and the resolution was carried.

Nairobi,

January 11th 1908.

Sd/ A.G. Hollis.
Secretary for Native Affairs.

For SAT
161251

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11

Aug 508

Sir, I have the honor to

DRAFT

E.A.P. Coiff.
For Sir J. Sadler

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2000

receipt of your letter of the 6th inst. and to state that I am glad to see that

MINUTE.

- Mr. Davis 3 Aug
- Mr. Mead 5
- Mr. Just
- Mr. Antrobus
- Mr. Cox
- Sir C. Lucas
- Sir F. Herwood
- Col. Seely
- The Earl of Crewe

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best - Swift, bright and broadminded discern the simpler attitude towards the native question attributed to

Hollis in his letter of the 11.5.1908 (last) I observe that Mr. Hollis has now written that the bill of 4 contains a passage which I feel bound even to tell you that your attention. I refer

to Mead
Please see
minutes
of the
drafting
15723
22016 below

statement said that we
make the custom of trade
the effect that "Natives
irretrievable damage the trees
of child to natives themselves
cannot always be stopped, with
less it was different, for it
cost much money to plant a
tree" - but language of
word I suppose of the fact
would be more by severe
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had to learn that the
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hesitation