

1934

23034

KENYA

C0533/442

1934

23034

CLOSED  
UNTIL

Land Commission.

Surveys necessary to implement recommendations

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23034

1. Gov' De ...

27th Sept.

C.T.

Surveys.  
Land Commission.

( States the position regarding the demarcation of the native reserve boundary. Considers that the engagement of two additional surveyors will be necessary in order to carry out survey work required to implement the recommendations of the Land Commission and recommends that the cost of this work should be charged against the Imperial Government's grant of 250,000. Requests tel. reply.

In the first instance it is necessary to consider whether the two additional Surveyors now asked for will actually be necessary. The Land Commission said in paragraph 2041 of their Report "An incidental cost not included in the estimate is the cost of surveying the boundaries of additions to the Reserves and of C. areas, but in our opinion a rough demarcation by Administrative Officers should generally be all that is necessary, except possibly in parts of Kikuyu".

The Governor doubts whether Administrative Officers would have either the time or the qualifications to do such work on a large scale in a manner that would be of any value for permanent record. He points out that it is also the case that for the issue of titles for a longer period than one year under the Registration of Titles Ordinance, surveys must be rigorous, and that proper survey and demarcation will be essential in respect of a large number of the Commission's recommendations. <sup>Presumably</sup> ~~we~~ must be guided by the Governor on this point.

The

The next point for decision is whether the sum of 24,500 required to meet the cost of engaging two Surveyors for two years can fairly be made a charge against the grant of 250,000, or whether provision should be made in the Colony Estimates in the ordinary way.

Acceptance of the view that the additional Surveyors will be necessary to implement the recommendations of the Commission would <sup>perhaps</sup> justify the allocation of the expenditure to the 250,000 grant from His Majesty's Government, but until we know whether Parliament will attach any special conditions to the spending of the grant it is not possible to say definitely what expenditure may rightly be allocated to the grant.

? The expenditure of 24,500 may be authorised as arising from the recommendations of the Land Commission and the Governor requested to charge the amount to the suspense account.

(A telegraphic reply is required)

C. H. Gossett  
15. 10. 11

I shall take into view of the further exchange of telegrams on 23034/34 regarding the availability of the £10,000 grant. A copy of the T. G. S.'s private personal telegram to Governor of 19<sup>th</sup> October is annexed.)

C. H. Gossett

It is curious that in this despatch Mr. Wade says that the Land Report recommendations should be implemented "as soon as possible"; & that in his letter of Oct. 15<sup>th</sup> the Governor remarks that there is no pressing urgency about implementing the Report, and 6 months' delay won't matter!

Since this despatch was sent, the telegram on 23034 has passed, & the Governor will now know more clearly where he stands as regards the £50,000 grant. We, on our side, know that the amount will not be nearly big enough to meet all the claims upon it; and if certain claims are to be eliminated, it seems only reasonable to start with eliminating those - such as the present - which are not in strict accord with the Commission's recommendations.

? As in draft

W. Hunter  
22/10

W. H. Hunter

56  
# on 23034

accept this estimate, but, like Mr. Freeston, I feel the gravest doubts whether it would be justifiable to allocate any portion of the cost to the future £50,000. Kenya appears to have got into the habit of regarding this grant as a sort of bottomless purse on which they can draw, and they will have to face the fact that the money will be used and that it will be nearly enough to do it every time that has to be done. The money is not meant to be used for anything else.

What is the amount of any...  
...considerable time...  
...Native...  
...well go ahead...  
...it becomes...  
...and get...  
...think that

1104nd

23.10.34.

The budget and the staff should be...  
...I only want to the...  
...of Kenya, for economy purposes,  
...used its Survey Dept. while...  
...has done, it can reasonably be...  
...expended to meet special needs...  
...this was certain to come up...  
...over a later - only its own...  
...revenue.

J. A. P. H. H.

24/10

PM  
26/10

2 Tel to Gov Kenya No 260 Cont - 26<sup>th</sup> Oct., 1934

Handwritten initials

3. General Bygone Tel 249 \_\_\_\_\_ 6<sup>th</sup> November 1934

States that inclusion of addl. programme for survey staff will be impracticable & requests that this view that inclusion on the survey would form a further charge against grant may be reconsidered. States also if this is agreed to be prepared to proceed with selection of candidates so that appls. can be made shortly after payment of grant

The favour was returned to the charge? We may find a way as in draft herewith.

C. P. Rossinild  
7.11.34

As an alternative, we might point out to report the unwisdom of piecemeal spending from the £50,000, and suggest that they should prepare a submitt for Soff's approval, an estimate of how the money is to be allocated over the various

potential objects. If, when such an estimate has been approved, it should not include the cost of the surveys, provision must be made by a Supplementary Appropriation during 1935.

S. P. M. 7/11

Mr. Bottomley.

I understand that you want to see the paper and to send it on. I think that what the Government has in view is the distribution of the £50,000 on the various recommendations of the Carter Commission. It will be found that in many instances the Commission has made small exclusions from the £50,000 for the Native Reserves and in fact to do so hereafter it will be necessary to be careful of those transactions to be carefully worked on the actual ground. I do not think that the question of the coast and titles is involved in this because in that case they would need a great deal more than the survey work and much more time than two years and in any event they have a special committee sitting to tackle that problem which has not reported yet so far as I know.

I agree with the Governor entirely that it is of great importance to get finality and that in order to reach finality boundaries must be based on a rigorous survey. All the same I can hardly agree or advise agreement with his view that expenditure on survey work could properly be roped in for "development".

However,

5

However, it is the case that the White Paper issued on the Carter report did not say anything about development. The Commission recommended that the Government should pay for a lot of the expense involved in carrying out the recommendations and should further pay up the £50,000 for the work of the Government. The White Paper says that the Government will ask Parliament for a grant of £50,000 to be devoted to carrying out the recommendations of the Commission. It might, therefore, be argued that the Government will allow the £50,000 to be spent on anything connected with the Commission's report but we do not know whether any conditions will be attached to it and in any case I think it is sailing near the wind to charge the staff and charge it to this day.

I am inclined to agree with the Governor that it would be a good thing to have a committee (they need by in some way to be able to allocate the £50,000 to the various objects which they have in view. I think that is what is present there seems to be an idea of a committee which can be charged to the Government's grant. I should like a rather long draft telegram.

Kenya has already shown a tendency to exploit the £50,000 by different means. In fact they want to use it to pay out the wages of the staff. This has been agreed to. When they have the £500 on the expenses of the staff they will be able to advise upon the question of the staff. This we have referred to before. Now there is this one where they want to pay the salaries of two surveyors to the grant. As I have said above, it is sailing pretty near the wind to charge the salaries of two surveyors

surveyors to the £50,000 but I think it could be defended, and as Kenya is so hard up, and the salaries in question will make all the difference between a balanced and an unbalanced budget, I think we can allow it, but with misgiving and follow up the telegram with a despatch saying that it is only allowed with the gravest misgiving and that they must consider and submit an estimate of how they propose to allocate the £50,000 grant.

J. W. Hood  
8 11

Mr. J. Roffey.

My reason for saying that "I think it is seen from this paper was as to the cost (and) titles. (See Sections 133-134 of the Commission's report). I was afraid last there might be some question of paying for this work out of the £50,000 which is to be "devoted to carrying out the recommendations of the Commission" simply because the Commission had referred to a long outstanding arrears. That could not possibly be done, but it is clear from No. 1 (paragraph 4) that it is not intended.

Apart from that, the work of survey is certainly necessary to carry out the recommendations of the Commission, and (unless Parliament attaches conditions) it is not for a moment to the purposes for which the £50,000 was provided. <sup>And</sup> There is ~~possibly~~ a grave danger lest the £50,000 may be found

inadequate

inadequate for all purposes, but I think we preferred its allocation to have been committed and determined in advance of expenditure on the mere machinery of survey.

I agree to the draft, but I think that it is essential that we should send a despatch in the terms indicated at the end of Mr. Hood's minute.

B.C.S.

2.11.34.

I agree to the paper. But I do not like the draft telegram. I do not know what C.O. provision is, but the amount is awarded. It does not give to them a "suit and pleasure" "old full grant" "an adequate provision" "if in terms to give guidance" "in the so in the despatch" "what is proposed to me".

I refer to the committee's draft

John  
1/11

I agree. But we must certainly state to the Commission for his provisional plans for spending the £50,000. The H.C. will want to know when they



8. Governor Byrnes Tel to Staff 12 Jun 35  
Ref NO 1 state that there is no objection but  
draws attention to para 8 of 6 regarding salary.

see fms. minute on P. 424.

57/1/35

G. V. Ashton 30845EA. Asst. Staff Surveyor -

see No 57 on 30845EA

BM

## VACANCY FORM.

Mr. Flood 24/12

REFERENCE

23046/9/34

(1) PROMOTIONS BRANCH.

1) M. G. Barron and 2)

(2) PRIVATE SECRETARY (APPOINTMENTS).

2)

COLONY.

Kenya

VACANCY.

Staff Surveyor (Temporary)

2 Vacancies

CAUSE OF VACANCY.

EMOLUMENTS.

including any special notes as to

(a) Terms of appointment.

(b) Allowances.

(c) Quarters.

(d) Passages.

See paragraphs 2 & 3 of the previous  
Confidential despatch No 75: 2 December 1934

(N.B. Permanent quarters will be  
provided or a home allowance  
(15% of minimum salary) in lieu.

Home Allowance is not payable when a  
Surveyor is in the field for long  
periods & does not maintain a home  
at his station)

Free First Class passage will be  
provided

REMARKS.

including any special notes as to

(a) Married Candidates.

(b) Duties.

(c) Qualifications required.

Candidates should be under 28  
years of age and preferably  
single

The Survey & demarcation of the boundaries  
of Native Reserves to carry  
out the recommendations of the  
Kenya Land Commission

Candidates must be licensed to  
practice as a Surveyor in one  
of the self governing provinces



COPY FOR REGISTRATION

REC.  
E. I. O. A.  
C. O. REGI

Telegram from the Governor of Kenya to the Secretary of State  
for the Colonies

Dated the 12th January, 1935 Received 11.25 a.m. 12th Jany.

No. 5 Confidential

Your telegram No. 3 Confidential

Surveyors No objection but see paragraph 3 of despatch  
under reference regarding salary

18 on 10827 2a.  
No. 7  
insured



can be

a surveyor from a Dominion

I propose unless you see objection  
to select two of them for these posts.

~~Vancouver, I propose to~~

~~appoint two more from candidates~~

These matters of selection should also

be done in filling the vacancies

Please telegraph reply

AIR MAIL

KENYA  
No. 775



GOVERNMENT HOUSE  
NAIROBI  
KENYA

~~CONFIDENTIAL~~

RECEIVED  
21 DEC 1934  
O. O. REQ

12<sup>th</sup> December, 1934.

NoH

EXH.

Sir,

With reference to correspondence terminating with your Confidential telegram No. 270 of the 12th of November, I have the honour to transmit the usual Form of Particulars of the office of Staff Surveyor and I should be glad if two officers could be selected and sent to this Colony as soon as possible in order to carry out the work required to implement the recommendations of the Land Commission.

not  
16093/30

No 2  
160256/31

It is requested that these officers should be selected from New Zealand (see Lord Passfield's despatch Confidential (2) of the 8th April, 1934) or from South Africa (see Lord Passfield's despatch Confidential (3) of the 8th July, 1931).

2. It is estimated that this work would cover a period of two years but it is possible that at the end of two years the officers concerned could be absorbed into the Survey Division of the Local Government, Lands and Settlement Department as Staff Surveyors.

3. This information might be given to the Selection Boards and in the circumstances it may be considered most convenient to offer ad hoc employment on a two year basis in the first instance on a salary of £200 (subject to a levy at present of 5%) plus quarters, or an allowance in lieu, and camp equipment and

travelling

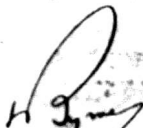
THE RIGHT HONOURABLE  
MAJOR SIR PHILIP CURLISS-LOWERS, F.C., C.B.E., M.C., M.P.,  
SECRETARY OF STATE FOR THE COLONIES,  
SPEARS STREET, LONDON, E.C. 4.

travelling allowance at the rate of Shs.3/- per day  
during absence from headquarters.

I have the honour to be,

Sir,

Your most obedient, humble servant.



BRIGADIER-GENERAL.  
GOVERNOR.

Particulars of the Office of Staff Surveyor vacant.  
in the Colony and Protectorate of Kenya.

1. Duties of Office and qualifications required for their performance.

Duties.

The survey and demarcation of the boundaries of Native Reserves to carry out the recommendations of the Kenya Land Commission.

Qualifications.

Under 28 years of age and preferably unmarried. Licensed to practise as a surveyor in one of the Self Governing Dominions.

2. Salary of Office

£480 x £98 to £900 x £50 to £720 per annum.

(There is at present a levy on salaries amounting to 5% on the first £800 and 7% on any sum above).

3. Allowance, quarters, and other circumstances affecting the value of the Office

Government Quarters or House Allowance (15% of minimum of salary) in lieu

Surveyor is in the field for long periods and does not maintain a house at his Station. Travelling Allowance. At present Sh.

House allowance is not payable when the rates laid down from time to time. 5/- per day.

Nature, number and amount of securities required

Nil.

5. Whether free passage is provided for person selected and his family

First Class passage for officer with usual family allowance.

6. General particulars regarding accommodation, furniture, &c., for information of candidate

Camp equipment provided by Government.

18th November, 1954

NAIROBI.

*W. Gilbert*  
SURVEYOR GENERAL

For Head of Department

C. O.

23034/9/34 KENYA.

Mr. Grossmith.

Mr.

Mr.

Mr. Parkinson

Sir G. Tomlinson

✓ Sir C. Bottomley 22/11/34

Sir J. Shuckburgh

✓ Permt. U.S. of S. 12/11 TS

Party U.S. of S.

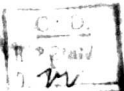
Secretary of State.

DOWNING STREET.

23 November, 1934.

AIRMAIL

DRAFT.



Sir,

I have, etc. to confirm my

KENYA

CONFIDENTIAL.

GOV.

(4)

Confidential telegram No 270 of the 12th of November, in which I agreed that a sum of £4,500 to provide for the cost of engaging two Surveyors for two years should be charged against the grant of £50,000 from H.M. Government towards expenditure arising from the recommendations of the Kenya Land Commission report.

2. As you are aware, the grant cannot be issued without the authority of Parliament, which I propose to seek in February next, and it will be necessary for me, on that occasion, to

FURTHER ACTION.

*Sir J. Shuckburgh  
to see V. ...  
note on Nov 4.*

can be

if necessary, to indicate the objects on which the money will be spent.  
program of expenditure.

I must, therefore, ask you to be good enough to furnish me, as soon as possible, with your provisional plans for spending

the sum of £50,000, among the various objects calling for expenditure of public funds which are envisaged in the Royal Commission's Report and the considerations mentioned

in my telegram No. 270

I have, Etc.

(Sgd) P. CUNLIFFE-LISTER

23034/9/24

154

C. O.

Mr. Roswell 7/4/34  
Mr. F. A. (J. ...)

Mr. Ford  
Mr. Parkinson.

Sir G. Tomlinson.  
Sir C. Bottomley.

Sir J. Shuckburgh.

Perm. U.S. of S. 11/61

Parly. U.S. of S.

Secretary of State.

Code Red  
7P  
12/1/34

No. 270

Confidential

In telegram No 249  
Confidential in  
all the circumstances  
I accept your  
view

DRAFT.

Del.  
A. ...  
Nairobi.

FURTHER ACTION.  
Consult Mr K  
L. V. ... and  
...



COPY FOR REGISTRATION

6-NOV

C. O.

3  
b

TELEGRAM from the Governor of Kenya to the Secretary of State for the Colonies.

Dated 6 November 1934. Received 3.45 p.m. 6 November 1934.

No. 249. Confidential. Your telegram No. 260 Confidential.

Have only managed to balance the Budget with extreme difficulty and inclusion of additional provision for survey staff will be impracticable. I fully appreciate inability to anticipate/ of payment grant but would ask you to re consider acceptance of my view that expenditure on survey would form proper charge against grant if made because if finality is to be obtained to which I attach great importance boundary must be indefeasible and based on rigorous survey. If you are able to agree in this view I am prepared to proceed with selection of suitable candidates so that appointments can be made at an early date after payment of grant.

C. O.

217

Mr. Jackson 22/10

23021/9

Mr. Hood 23

Kenya

Mr.

Costa Rica

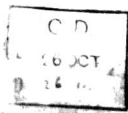
Mr. Parkinson

and

36

Sir G. Tomlinson

X Sir C. Bottomley 24



26/10/37

Sir J. Shackleton

→ P. U.S. of S. 24

Party, U.S. of S

Secretary of State.

**DRAFT.** Fed.

N<sup>o</sup>. 260 Conf. for dep 143 Conf.

Gen. Nauri

for an new amount from my tel 242 of my view on anticipatory payments from Parliamentary grant, and in your tel 225 you have reminded me that grant will be not suffice to meet all claims upon it. In the crisis I am reluctant to agree to allocation suggested in your despatch particularly as its object is not strictly in

(55 - 23021)

(55 - 23021)

Room 297.

FURTHER ACTION.

accordance with recommendation

of Commission

SECRET

AIR MAIL

KENYA  
No. 143

RECEIVED

20 OCT 1934

C. O. REE



GOVERNMENT HOUSE  
NAIROBI  
KENYA

CONFIDENTIAL.

RECEIVED  
20 OCT 1934  
C. O. REE

27th SEPTEMBER, 1934.

Sir,

No 1 3107/34

I have the honour to refer to my confidential despatch no. 43 of the 10th April, 1933 where it was stated that the further demarcation of the native reserve boundaries had been postponed pending the report of the Kenya Land Commission.

2. At the present time the position is that some 647 miles of native reserve boundary remain to be demarcated but the completion of this work is of comparatively small importance. The principal items in this total are:-

- |                       | <u>miles.</u> |  |
|-----------------------|---------------|--|
| (a) Masai Reserve ... | 276           | including the Mile Zone and Chyulu Triangle. |
| (b) North Nyika ...   | 100           |  |
| (c) South Nyika ...   | 132           |  |
| (d) Digo ...          | 86            |  |

The North and South Nyika reserves are bounded on the west by long straight lines running through bush and across country in which there are no boundary problems while the Digo surveys are not matters of great urgency.

Apart from the survey of the Chyulu Triangle and the Mile Zone boundary of the Masai Reserve the remainder of the surveys in this Reserve are not of immediate importance. It does not appear that an increase in the survey staff is required in order to complete these surveys.

3. However

THE RIGHT HONOURABLE  
MAJOR SIR PHILIP QUELLEN LISTER, F.C., D.S.O., M.C., M.B.E.  
SECRETARY OF STATE FOR THE COLONIES.

Answer by No 2

3. However apart from these surveys a large amount of other survey work will be required in order to implement the recommendations of the Land Commission. It is true that the Commission expressed the view in sections 1634, 1919 and 2041 that for some of this rough work, demarcation by Administrative officers should be all that was necessary. It appears doubtful, however, whether administrative officers would have either the time or the qualifications to do such work on a large scale in a manner that would be of any value for permanent record. It is also the case that for the issue of titles for a longer period than one year under the registration of titles Ordinance, surveys must be rigorous and it appears that proper survey and demarcation will be essential in respect of a large number of the Commission's recommendations.

4. The Surveyor General estimates that the full time or two qualified surveyors would be occupied on this work. This will be in addition to any extra staff which may be required if the office of Recorder of Titles is recreated, as recommended in section 1341 of the report. The present staff of the Survey Department is barely sufficient to carry out the ordinary routine survey work of the Department, and the engagement of two additional surveyors will therefore be necessary to undertake this special work.

230 54/6/54

5. It is estimated that a sum of £4,500 will be required to meet the cost of engaging two surveyors for two years. The estimate includes provision for their travelling and transport and the amount is considerably lower than would be the cost of having the work done by locally engaged licensed surveyors.

6. The Commission's estimates of the cost of carrying out these recommendations do not include provision

for ...

for this service, and it is difficult to see how provision can be made for such a comparatively large sum in the Colony's Estimates for 1930. It is considered, however, that the cost of these surveys would be a fair charge against the Imperial Government, and that £250,000 and it is hoped that you may find yourself able to agree to the allocation of £4,000 for this purpose from the grant.

7. I am advised that it will be necessary to turn to Australia, New Zealand, and the Air Force and persons with the qualifications requisite to undertake this work satisfactorily. The Imperial Government being in a position to implement the report as soon as possible after the various recommendations have been approved is apparent, and since a considerable time must elapse before the staff can be engaged from the other Dominions, I shall be glad if your decision on this matter may be communicated by telegram.

I have the honour to be,

Sir,

Your most obedient,

Humble servant,

*A. D. M. D. E.*

GOVERNOR'S DEPUTY.