



EAST AFR. PROT
6787

6787
REC
REG
15

Gov
Coursing 26

Enteric Fever

1916

11 Jan

Reports 23 cases, of which 5 were fatal, among Europeans in 1914. Figures for 1912 and 1913 were probably overestimated; and Annual Return, which it is hoped will ensure greater accuracy, will be furnished in future.

Last previous Paper.

for
65984
15

W. Fiddell.

65984 15.2.16

Mr. Bottomley

The present is a peculiarly unsuitable time for introducing new annual returns, but it is not impossible that the new return is about. If it was a return of cases of enteric, I should think it worthwhile of military value. Moreover I should be disposed to quote the date of 15 Dec. 1915 50665/14 N.S.P. as point for T.M.S. & Co.

Port Croy

Para 3 refers to of the return was 50665/14 N.S.P. as point for T.M.S. & Co. figures as to which are quite unnecessary.

AT
66246
65984 16.2.16

Next subsequent Paper.

62108
16

Print as proposed

3. On the second point,
as I understand the
matter, the land
granted to the appellants
of West Africa by statute
did not cover any part
of the forest area over
which the Sans Soucis
undertaking had actually
acquired rights and on
which they had incurred
the capital expenditure
referred to in McDonald's
letter of the 18th of August
last. The question of
the terms on which the
Appellants' expenditure was
allowed to be treated as
the land granted to them
for other purposes cannot,
in my opinion, affect
the conditions of the
grant under discussion
granted to the appellants
and those conditions
will be

4. As regards the matter of
the form of the inquiry, I am
satisfied that the usual
157
of the Bureau of Agriculture was
sufficient for administrative
purposes. It would appear
to be doubtful whether they
had been employed in the
development of the farm
and whether the duties performed
were actually within the
farm boundaries.
5. I shall be glad if the
will cause the substance
of the foregoing to be
communicated to Mr.
McDonald, who should
at the same time be informed
that no objection will be
placed in the way of his
obtaining labour under
proper conditions of
superintendence and in co-operation
with the administrative
authorities.

1875
PAPER
M

28 February 1916

Sir,

I have the honor to acknowledge

the recd. of your despatch

no: 11 of the 11th of January

on the subject of W. G. M.
McDonnell's ^{rehabilitating} ~~complaint~~

with regard to the refusal
of the Post to Court to issue

a surveyor's leave to him,
St. Limerick Steam

Sawhill's Commission, and

the burning of letters on his
wife's fire at the residence.

I am sure with your
views that W. McDonnell
should be required to
pass the necessary

qualifying examination

before a surveyor's

leave is granted to him

DRAFT

S. A. Post. no: 132

Gov

Belfield

MINUTE

Mr. Bowney 23/2/16

Mr. Read *mt*

Mr.

Mr.

Sir G. Fiddes

Sir H. Just

Sir J. Anderson *mt*

Mr. Steel-Maitland

Mr. Bonar Law

for comm

their effects whom I had found there in the morning and who had no particular employment. This he did and on my orders destroyed Nutbinji's village. Mr. Izard had no instructions from me to burn any other huts and I am not aware that he did so.

I have the honour to be,

Sir,

Your obedient servant,

Ed. L. J. Lightbody.

DISTRICT COMMISSIONER.

District Commissioner's Office,

Machakos,

29th December, 1915.

Sir,

Burning of huts on Mr. MacDonell's farm at Makindu.

With reference to your letter No. 1469/9/6/15 of 23rd instant, enclosing copy of Secretariat No. 13163/8 of 22nd instant, I have the honour to inform you that the village that was destroyed was that of M'kamba Muthinji who had been ordered to return to the Reserve by the Assistant District Commissioner in January the first time the settlement was visited. This man left on this occasion but was back there again in April when I visited the settlement and was living (so far as could be ascertained) just outside Mr. MacDonell's boundary.

On the morning of 13th April last, I went along the river from Makindu and made a census of all the natives found there. In the afternoon of the same day I instructed Mr. Isard, Assistant District Commissioner, who was with me to go out there and bring before me certain natives with

The Provincial Commissioner,
Nairobi.

13163/8

Nairobi,
December 22nd, 1915.

The Provincial Commissioner,

Nairobi.

Representations by Mr. G. M. McDonell re
burning of huts on his wife's farm
at Makindu.

Your 1469/9/4/15 of December 20th.

Would you kindly refer the following point to the District Commissioner, Machakos, and ask him to explain the apparent inconsistency.

- (a) In his letter to Mr. McDonell of April 22nd, 1915 he states " I have no knowledge of any huts having been burnt".
- (b) In his letter of July 26th 1915 to Messrs. Stevens and Kendall he states " I gave no authority for the burning of the huts on Mr. McDonell's land there".
- (c) In his letter to you of December 14th 1915 he states "....I should destroy his village which I did".

Sd. W. J. Lawson

For CHIEF SECRETARY.

Some months later the matter was again brought to my notice by the Intelligence Officer, at Kibwezi, and I visited the settlement myself in April. The condition of affairs there I found to be most unsatisfactory. Two Akamba villages had been built in one of which ex-convict Muthinji (referred to in Mr. Tate's letter quoted above) was residing whilst Wachaga, Wanyamwezi, and Masai were occupying huts along the river bank. I also noticed two wood and iron sheds in a state of disrepair.

Native Hamis bin Makarani informed me that he had been given permission by Mr. MacDonell to reside there and he produced a letter to that effect from which I gathered that Mr. MacDonell was the owner of part of this land although it was also under native cultivation and I could not ascertain the boundaries. I informed him that Akamba were forbidden to build outside their reserve and that in as much as Muthinji had repeatedly disobeyed the orders given him to return that I should destroy his village which I did.

The other residents were then brought before me and upon five of them satisfying me that they were living there with the landowner's consent, I made out a list of their names and handed it to the Headman instructing him that he would hold responsible for their future good conduct. The remainder were evicted, employment being found for them elsewhere where they could be under proper surveillance.

I have the honour to be,

Sir,

Your obedient servant,

Ed. S. M. Silvester

Asst. District Commissioner.
(Draft by D. O.)

District Commissioner's Office,

Machakos,

14th December, 1915.

Sir,

Burning of huts on Mrs. MacDonnell's Farm
at Makindu.

With reference to your letter No. 1469/9/21/15 of 7th instant as above I have the honour to inform you that the Assistant to the Provincial Commissioner in his letter No. 621/1/27/14 of 19th December 1914 drew attention to the fact that there existed an extensive native settlement on the Makindu River, immediately North of the town which place had apparently become the resort of a great many undesirable characters some of whom were Akamba who had been ordered by my predecessor and myself to return to the Native Reserve and who had disobeyed those instructions.

On receipt of this information I gave orders for an Assistant District Commissioner to visit the settlement in January with the result that it was ascertained that some 20 persons were residing there among whom were Wanyawesi, Wachaga and Wakamba and that the current years taxes which were long overdue had not been paid. Moreover the river was found to have been almost completely dammed up cutting off the supply of water to the natives in the adjacent Reserve. Distraint was levied upon the huts and effects of those who were unable to pay the taxes and the Akamba were sent into the neighbouring reserve.

Provincial Commissioner,

M a i r o b i.

Please report to me in due course.

.....
.....
.....
.....

Egd. H. R. Tate.
for PROVINCIAL COMMISSIONER.

Offices of the Provincial Administration,

Nairobi,

19th December, 1914.

The District Commissioner,

Machakos.

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

4. Several Akamba said to have been ordered back to their Native Reserve are reported to be still living within the Township. (Makindu).

5. Whether by permission of the owner or not (or whether the land has lapsed to the Crown owing to non-fulfilment of conditions, I could not ascertain,) a large area of land has been recently cultivated by natives living in Makindu down the stream about 2 miles N. of the Line. My guide was Muli, Game Scout in the employ of Mr. Woodman. Among Akamba settled here are said to be Mithenji wa Mutula (an ex-convict expelled from the Machakos township) Zila wa Kabita and Zika wa Kabita, Nauta wa Tupa and some wa Nyamwezi and Chaga. This settlement should be visited by you, all the inmates called on to pay their current taxes, the Akamba returned to their Reserve, and if the land is a Crown area the remainder sent to the right about.

Please

A copy of this note to be sent to the Director of Surveys, and another to the Chief Conservator of Forests. It is important that the matters be borne in mind:-

- a. No land must be given the Uplands of East Africa Syndicate to the south of the railway beyond the mile zone.
- b. As far as possible the wishes of the Forest Department must be considered in the marking off, so that as much as possible the wood that the Limona Steam Saw Mills Company were to have been allowed to cut may be excluded from the grant.

When the area has been definitely fixed up I should like a report with a map, which should also show where the Steam Saw Mills actually have their real concession.

Ed. J. Montgomery..
Commissioner of Lands..

14. 2. 1908.

PROPERTY BY THE LISORU STEAM SAW MILLS.EXTRACT.

This Company obtained a few years ago a forest concession over a square mile near Lisoru.

At that time the mile zone was not under the Forest Department. Therefore the concession given by the Conservator of Forests must have been outside this mile zone.

In marking off the area to be given to the Uplands of East Africa Syndicate I was careful to put down that such area must not go outside the mile zone, and so far as I am aware it does not do so.

So long as the Uplands of East Africa Syndicate's land is entirely inside the mile zone to the South of the Railway the Lisoru Steam Saw Mills Company have no legitimate ground of complaint.

It is not necessary to deal with all the arguments used in the latter which has been received. The Steam Saw Mills Company have never asked for nor obtained any rights in land, only in trees growing in a Government Forest as marked by the Forest Department.

The Uplands of East Africa Syndicate have been allotted a definite area of land for their Bacon Factory and pig grazing. It is true that some forest has necessarily come inside this grant in order to make up the total 5000 acres sanctioned for them by the Colonial Office, and it should be stated that the forest which the Saw Mills hoped to be allowed to cut is a very small area.

(3)

institutes of surveyors throughout the whole of our self-governing colonies with perhaps the exception of Canada, thus whilst Mr MacDonnell could cut the rates the qualified licensed surveyors for other Colonies cannot. He is bound by the rules and regulations of his particular institute.

We have not received any of Mr MacDonnell's work for check, but it is safe to say that much of his work would require amending if checked in this Office owing to departure from the established rules in regard to the conduct of surveys, whether of freehold subdivisions, original surveys, or re-establishment of boundaries.

The onus for the accuracy of his surveys would rest with this department.

I am of opinion that much as the present ordinance will seriously affect Mr MacDonnell, that a license to survey should not be granted until he passes the examination and is tested on the several types of surveys as enumerated above.

Sd/- A. E. Townsend.

6. 8. 15.

(2)

doubt it. Moreover there are numbers of men who have practised in the Colony who would naturally apply for a license and with more right to it, in my opinion, than Mr MacDonnell, for instance these men who have served as assistants to Licensed Surveyors effecting surveys of leasehold lands for the Government. Is it proposed to issue licenses to all these men. Major Knox R.E. late Director of Surveys instituted the present examination and this is in accordance with the recommendations of the Colonial Survey Committee and is I believe the examination that Survey Candidates are supposed to pass before appointment to a position in any Colony excepting B. E. A.

Mr MacDonnell may obtain his license if he successfully passes such examination.

I may however point out that most of our official surveyors have not a diploma or license & beyond the knowledge which has been imparted to them in this country and they have picked up by reading & in conversation with the other and older surveyors, they are in much the same position as Mr MacDonnell, with however this difference; they have had the advantage of being under strict supervision both in field and in office and if unsatisfactory through incompetence or other causes may be discharged.

If however a license is granted to Mr MacDonnell the Charge will need to be a grave one indeed before we can recommend the Cancellation of his license.

The qualified licensed surveyors would also look on his appointment with trepidation, as it is only natural to infer that Mr MacDonnell is a possible competitor who would go in for rate cutting in order to obtain a good practice, this is a practice which is not tolerated in the various Institutes of

1518.

Director of Surveys.

Ref: your minute on Secretariat No.
S.12454/4 of the 31st July
1916.

Mr. G. M. McDonnell's application for
permission to practice as a Surveyor.

I have read through Mr McDonnell's letter and his remarks re two men being admitted as licensed surveyors without qualifications which are now demanded is correct.

Mr. A J F Frew was appointed by the Chief Surveyor and Land Officer about 1904-05.

Mr. F. Lind was appointed by Major Smith, Director of Surveys, in 1910.

Both men are likely to have their licenses suspended if not cancelled not because they are incompetent, but because they will not do honest and fair work.

It is also true that Mr MacDonnell cannot undertake any land surveys where such land is the subject of transfer and registration by the Principal Registrar of Documents or other officer appointed by him.

This will be a great hardship on Mr MacDonnell as he has done a considerable amount of work prior to the framing & passing of this new Land Ordinance.

As to Mr McDonnell's qualifications as a surveyor I cannot speak, but considering that he has "picked up" his knowledge and has not been trained, I cannot imagine that he is particularly qualified for the license to practice.

He however may be a genius but I doubt

(2)

portion of the examination should suffice. 143A

I may here state that the examination is of both a theoretical and practical nature as it would be impossible to thoroughly test a candidate's knowledge by means of trial surveys in less than a year owing to the many and totally different methods which he might be called upon to employ, and even then it would be necessary for a Government Surveyor to be present continuously on the ground. The practice now in vogue is to apply a short practical test in the handling of instruments and recording of observations etc, and to submit written papers to test knowledge of methods.

I have the honour to be,

Sir,

Your obedient servant,

L. R. ...

Captain, R.E.

Director of Surveys.

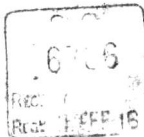
In Dep. No. 25 of Jan. 11, 1916

10th August

5.

The Hon'ble the Chief Secretary,
N A I R O B I.

Sir,



Re: Mr. G. M. McDonell's application
for permission to practice as a sur-
veyor.

Your J. 12454/4 of the 31st July 1915.

I have the honour to forward a copy of a
minute from the Deputy Director of Cadastral Branch
on the above subject, which, I consider, treats the case
very fairly.

If Mr McDonell were granted a license
forthwith, I am of opinion that a very dangerous
precedent would be created, especially in view of
the number of un-licensed surveyors who are now
employed as assistants to fully qualified men, and
who would undoubtedly endeavour to obtain licenses
on similar terms.

As a body the Licensed Surveyors cause
considerably more work in the Computing Office than
do the Surveyors of the Department, owing to
unconventional methods and subservance of rules
generally, and if unqualified men be granted
licenses, this trouble is likely to be aggravated
to an even greater extent.

I pointed out to Mr. McDonell that he was at
liberty to present himself for the usual examination,
and he replied that this procedure did not commend
itself to him, and suggested that the practical
portion of the

as the one in question are not unknown & are etc in the Protectorate and are as a general rule frequented by persons whose character or mode of living render it unsafe for them to reside elsewhere. Any genuine effort at development by means of natives who are permitted to live on a farm would be the subject of no active opposition from the Government, but in this instance I am not convinced that any such attempt is being made.

9. I am not prepared to admit that Mr. McDonnell's complaints are in any way justified by the facts. It is open to him to obtain a Surveyor's licence by complying with the regulations, it is also open to him to obtain a licence to fell timber under certain moderate conditions, and he can also obtain labour for the development of his farm if he will exercise proper supervision over it and assist instead of retarding the administrative authorities in the exercise of their duties. I regard such complaints as he has made as frivolous in the extreme and productive of considerable waste of time and labour.

10. I have caused Mr. McDonnell to be informed in the sense of paragraph 2 of your despatch.

I have the honour to be,

Sir,

Your humble, obedient servant,

J. G. G. G.
 Draft approved by
 GOVERNOR

and had disobeyed these instructions. These people had paid no taxes for the year, and had dammed the river with the result that the supply of water to the natives in the adjacent reserve was almost completely cut off. The settlement was visited in January by the Assistant District Commissioner of the District, distraint was levied on the huts and effects of those who were unable to pay the taxes and the Akamba were sent into the reserve.

7. The settlement was again visited in April by the District Commissioner who reports the condition of affairs to have been most unsatisfactory. Two Akamba villages had been built, in one of which an ex-convict by name Muthingi - formerly expelled from the township of Machakos - was residing, although he had been repeatedly ordered not to leave the reserve. His village was accordingly burnt, while permission to remain was given to such of the other residents as were able to prove that they were living there with the consent of the land-owner, who appeared from the letter produced by Hamis bin Makrani to be E. J. O'Shannon. As far as could be ascertained, the village burnt lay outside the boundaries of the farm.

8. I am not aware that any great extent of cultivated land is to be found on this farm other than that tilled by this settlement of natives, but I should offer the strongest objection to any claim that a landowner should be permitted to offer an asylum to a gang of undisciplined or dissatisfied natives under the pretext of development of his lands. Such settlements

3. With regard to the second point I enclose a copy of a memorandum by Colonel Montgomery, late Commissioner of Lands in reply to the protest submitted by Mr. McDonell in his letter headed "Limuru, 1908". The actual date was the 10th of April.

4. The Limuru-Siaya Saw Mills Company sold their property to the British East Africa Saw Mills Company in September 1907 and I also understood that they have parted with the special timber licence granted them to cut timber near Londiani. No forest concessions are now granted, but licences to fell timber can be obtained by any person who is capable of paying the royalties and willing to work the timber in a proper manner.

5. I am unable to understand on what grounds Mr. McDonell bases his claim to preferential treatment as regards this case. Not only was the grant of land to the Uplands Syndicate of no disadvantage to the Sawmills, but the latter was enabled to obtain a large quantity of timber at very favourable rates instead of paying the Government royalties.

6. With regard to the third case, I enclose copies of correspondence from the Provincial Commissioner Ukamba and the District Commissioner, Machakos which I trust will explain the matter. Shortly summarised, the facts are that an extensive native settlement had grown up on the Makindu river, which had become the resort of a number of undesirable characters, some of whom had been ordered to return to the Akamba Reserve

6726
REC.
REG. FEB 14 1916

EAST AFRICA PROTECTORATE

GOVERNMENT HOUSE,
NAIROBI,
BRITISH EAST AFRICA.

January 11th, 1916.

Sir,

I have the honour to acknowledge the receipt of your despatch No. 761 of the 16th of October enclosing copies of correspondence from Mr. G. M. McDonnell relating to the refusal of the Protectorate Government to issue a surveyor's licence to him, the Limoru Steam Saw Mills Concession, and the burning of huts on his wife's farm at Makindu.

Handwritten: 1/15/16

on D. of S;
O. S. 15
in enclosure

memorandum
4. 2. 1908

on P. C. Ukenba
by C. Machakos
V. 12. 14

on D. G. Machakos
P. C. Ukenba
V. 12. 15

P. C. Ukenba
27. 12. 15

on D. G. Machakos
O. S. 15
29. 12. 15

2. With regard to the first point, I transmit herewith copies of letters from the Director and Deputy Director of Surveys, on which I caused the reply from the Chief Secretary, quoted in paragraph 3 of your despatch, to be despatched. I entirely agree with the remarks made by Major King and Mr. Tompkins, and I am not prepared to consider any application for a surveyor's licence unless the Director of Surveys can certify that the applicant has successfully passed the qualifying examination.

3.

THE RIGHT HONOURABLE
ANDREW BONAR LAW, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W.

(c) The Govt. is advised that the removal
 of the persons in question is essential
 for political & administrative reasons, &
 that it would appear that they
 has not been employed in the
 development of the farm or whether
 the units meant are actually on
 the farm. We must also check
 up that there are other labour for
 the farm under present conditions
 of supervision & co-operation with
 the administrative authorities.

para: 2 of
 Govt. order

WLB. 222.16

J.K. : [unclear]
 at [unclear]
 23/7/16

definite as it might be. If any of the
 points raised, viz (a) not endorsed &
 (b) not a ~~fixed~~ ^{fixed} form, the
 boundaries of which could not be ascertained
 it would have been better to have gone
 with the matter till he had well. Some
 now the Gov. is hardly ~~not~~ ^{not} contented
 that the Gov. is making an attempt
 to develop by means of natives. And
 it is unfortunate that we cannot say
 definitely that the land has been
 not in the form

I don't want to say that he had should
 be told that

- (a) the S. N. Council in the Gov. view that
 he should be required to pass the
 necessary qualifications before
 he can be granted a survey licence
- (b) as the S. N. understands the matter
 the land granted to the Uplands
 Syndicate did not cover any part
 of the forest area over which the Lumsden
 Saw Mills undertaking had actually
 acquired rights and on which they
 incurred the capital expenditure
 referred to in 454000 and that the
 question of the terms on which the
 Uplands Syndicate was allowed to
 use timber on the land should be
 then for other purposes should
 affect the conditions of the licence

with the result that the Govt would
have to accept the work, not of Mr.
McDonnell only, but of a large number
of other large landowners.

The conclusion that the Govt should make
an effort to grant a concession to Mr. McDonnell.

Timber rights. As I understood the
matter, Mr. McDonnell & those associated
with him obtained a timber cutting
concession over land which must have
been & outside the railway zone. They
were in treaty with the Govt for a similar
concession inside the zone when the
Paceo Factory here was granted to
another syndicate, viz. 2000 acres
within the zone which could only be
made up by cutting into the forest
and which Mr. McDonnell's friends
were to have been but had not yet
been granted. It seems clear from
45954/15 that it was on the fact
that they had spent their
capital, so that there is really no
grievance, though the despatch seems
to go too far in saying that the
grant of land to the Highland Syndicate
was of no disadvantage to the Sawmills.
If it had not been for that grant
the Sawmills would obviously have
received a decidedly larger grant.
Malinda Farm. This is not quite a