

1932

Kenya

1

No. 18324

SUBJECT

C0533/427

Grant of Leases under the Mining Ordinance

Previous

17319/31

Subsequent

3006/33

4 sub-files

1. Governor Byrne, 215 Tel. _____ 22 Nov. 32

State that is satisfied that provision for compensation is adequate; gives reason as to necessity for addition to draft states what action has been taken to make known provisions of Bill to Reserves.

4 fine maff.
Shackley
1000

The former telegram throws fresh light on the reasons for the addition proposed in his telegram at

16 u 17 31/9/31 Under section 36

of the Mining Ordinance 1921 the holder of a claim shall have the right to enter upon the land the subject of the claim and to exercise right to prospect or mine thereon etc. and it is not possible in practice to refuse a lease even if the local native claims object. It is proposed who has been granted the right to prospect on the land. It is also proposed who has possession of the claim.

The question whether a local native claimant should be consulted or not is in the cases described above seems to have been decided the former view should be accepted and although the action proposed is in doubt for most of the reasons in this country a copy telegram approving the suggestion in the draft Bill enclosed with

9 u 17 31/9/31 of the addition proposed 16 u 17 31/9/31

a telegram has been sent back for a copy of the pamphlet, the issue of which appears to need the points mentioned in the 3/5/32

atives have no food a show as possible.

15.05

25 Nov. 1932

925

28/11/32

[Faint handwritten notes, possibly describing a list or inventory]

[Faint handwritten notes, possibly describing a list or inventory]

Old 2.11.32

- 2 Tel 14201 to Mrs. Lya (no answer) } - 2 Dec 1932
- 3 Tel 14201 to Mrs. Lya (no answer) }

Dr. Allen

This might go independently of action on the file. P.O.'s are almost certain, and the pamphlet may be very useful.

J.A. Hunter
23/11

Dr. Allen

23/11

at all

To Governor Feb 250 - cons - 23 Nov 32
DESTROYED UNDER STATUTE

5 Governor Byrne 566 Am ofal - 26 Nov 32
Trans: 3 copies of pamphlet & other document mentioned therein has been increased to £25.

6 To Major J. C. Ward % (See under 6 Nos) - 9 Dec 32

4. Extract from News of the World dated Dec 32

8. Copies of 'Notes on Prospecting' by E.A.T. 10

9. Major J. C. Ward % - 9 Dec 32
Each. copies of 'Notes on the Makindu Goldfields' by Mr. J. Hardy.

Dr. Allen

This may be put by

J.A. Hunter
16/12

Dr. Allen
16/12 at all

Private Notice Question by Sir R Hamilton

No. 1 on P. Q. file

Parliamentary Question by Mr. Allen

No. 2 on P. Q. file

10. To Governor Feb. 278. Part 1 } 20 Dec 52
10A } II }

Mr. Allen

In accordance with S. 67's undertaking to the H/Comms, copies of the original Ordinance, the amending Ordinance and the N.A.D. pamphlet are to be made available in the library of the House.

The usual channel of communication is from Librarian, C.O. to Librarian, H.C.

Librarian may send two copies of the documents appended hereto (I have inserted the necessary correction in para. 7 of the pamphlet)

W. Denton
21/12

W. Denton

21/12

Mr. Trevelyan

at the

I have sent the documents

to Mr. Librarian - see letter attached

W. Denton

Press Extracts are contained 22/11/52
in file 3006/4/33 Kenya

10/12/52
10A
11.

11
The Library.

Colonial Office.

Downing Street, S.W.1.

February, 1932.

Dear Sir,

In accordance with the undertaking given by Sir P. Cunliffe-Lister during the discussion on the Kenya Native Land Trust amendment Ordinance in the House of Commons on the 20th instant, I enclose herewith to be placed in the Library of the House, two copies of each of the undermentioned documents:-

Kenya Native Lands Trust Ordinance, 1930
and Rules thereunder.

Draft Bill to amend the Native Lands
Trust Ordinance.

Memoandum for circulation to natives
explaining the process of prospecting
licences and the safeguarding of native
interests.

Yours faithfully,

W. H. ...
Assistant Librarian.

A 6B

8
(Note:-)

Printed copies of the Bill
as introduced to the House
& the Senate have not yet been
received. This draft will be
replaced by a copy of the
Ordinance as passed as
soon as prints are
received available.)

MEMORANDUM FOR TRANSLATION AND
CIRCULATION TO NATIVES IN THE
HYANKA PROVINCE.

MINING.

1. Gold is found in the mountains and in the valleys.

There appears to be much gold in the mountains and in the valleys. The natives observe that gold is found in the mountains and in the valleys and they are going to use their land.

2. Gold is found in the mountains and in the valleys. There are many cases are necessary for the daily needs of the natives but they are rare. Therefore the government should give licenses and to the natives to recover the gold in the mountains. It gives them the power for their use and enjoyment but does not give them the right to sell the gold underground. The government should give licenses to the natives of the mountains as it does to the natives of the valleys. In this matter there is no difference in the treatment of the natives and other people.

3. In the mountains and in some other places, gold is one of the most valuable of all metals has been found and the government therefore cannot allow the gold to remain hidden and idle but must allow the natives to look for it and take it out when they find it.

4. Gold is found either in the mountains or in the valleys. If it is found in river beds it is obtained by washing and when all that can be found has been taken out of the river the miner goes away and leaves the

7

river as it was before and no one is any the worse. This does not take very long; usually not more than a few months.

6. Digging for gold in rocks however is a different matter. This takes much longer, probably a number of years.

11. WHY DO PEOPLE PUT PEGS IN ?

6. Many people when they see Europeans putting in pegs in among their shambas and near their huts are afraid because they think that these pegs mean that the Europeans are going to claim the land marked out by these pegs. This is not so. Pegs do not mean a claim to any land; they only show the area in which a man may dig for gold.

7. What happens is that a man who wants to look for gold buys a permit from the Government to do so. Before he is granted a permit the District Commissioner asks that he understands the provisions of the law. He has to deposit Shgs. 200/-^x with the Provincial Commissioner as a guarantee that he will pay the natives all wages, all money due on any account and compensation for any damage that he does. When he has obtained his permit he is then allowed to look for gold. When he thinks that he has found gold he then has to mark out his claim by putting in pegs and digging trenches at each corner so that all may know exactly how far his claim extends.

8. He then has to pay a fee to have his claim registered. This does not mean that he has bought land. All that it means is that he has bought

permission

^x Since increased to Shgs. 500/-

8
permission to dig for gold. He is however allowed to pitch a tent or put up a temporary house to live in while he is digging for gold.

9. He has to pay to the native occupier a fee for staying on the land and he has to pay also compensation for any land spoilt by digging pits or trenches, and also for any valuable trees that he cuts or for any crops that he destroys. If the miner finds only a little gold he will soon give up his claim and go away. If, however, he finds much gold he will want to stay on the land to work it. He will probably want to sink deep shafts and put up machinery, and build more permanent buildings. In such a case he will apply to Government for a lease of the claim or claims which he has already marked out by his pegs.

III. LEASES.

10. If a European is granted a lease Government will allow an area to be surveyed and marked out for him only large enough to allow him to live on it and to put up his machinery and necessary buildings. This may mean of course that some huts may have to be moved off the area leased and some shambas may have to be spoilt, but in this case the owners of the huts and of the shambas will be paid full compensation. All that they will have to do will be to move and build new huts and make new shambas among their neighbours, and Government will take care that neither they nor their neighbours will suffer any loss.

11. The European will, also, have to pay the full value of the land required for his mining lease and this

sum will be paid to the Local Native Council.

12. When a European has finished his work and the lease comes to an end he will go away and the land will go back to the natives.

13. It will be seen then that pigs do not mean that the European has any rights at all over native land except to live on it in a tent or temporary building.

It is only when he obtains a lease that he has any rights to land and then he only has the right to the small area necessary for his work, and when he has finished working the land goes back to the natives.

IV. CONCLUSION.

14. There are many advantages in having mines in Native Reserves not only in full compensation paid for any disturbance but the young men will be able to find work near their homes and will get good wages without having to go far away. Others will be able to get good prices for such things as meat, chickens, eggs, milk and firewood without having to take such things to some distant market.

15. It is not every native that is literate so that many will not be able to read these words. Those who can read therefore should explain these words to the old men and others who have not learnt to read.

A. de V. MADE.

CHIEF NATIVE COMMISSIONER.

17th October, 1922.

10

C. O.

Mr. ~~Frederick~~ 29/12

Mr. ~~Cliff~~ 29/12 *atru*

*Coded & sent
Thompson
29/12/32*

- Mr. Parkison
- Mr. Tomlinson
- Sir C. Baskin
- Sir J. Sturges
- First U.S. of S.
- Secy U.S. of S.
- Secretary of State

07
25DEC
D'23

No. 175 Part II. In reply to

DRAFT TEL.

IMPORTANT

GOVERNOR

MINISTERS

supplementary to the ... stated
 in effect ... gold has been
 discovered on a tract of land in
 a native reserve. That gold is vested
 in the Crown. It is going to be
 worked. It is in the interest of
 the natives and not least of the natives
 that it should be worked, and I should
 be guilty of the greatest dereliction
 of duty if on a technical point I
 held up a development which is
 primarily in the interests of the
 natives.

All minerals belong to the
 Crown: therefore it will be for the
 Crown to grant the leases and to

secure in such leases proper terms of
remuneration for the ^{same} as any other landlord would.

The Governor has explained matters
to the natives personally, and the Chief
Native Commissioner has issued a memorandum
which is really simplicity itself. I
never saw a better document setting out the
whole ^{position} thing.

I am quite certain that nothing
more ^{could} be done by the Government - not
to let the natives know but to safeguard
their interests.

Certainly wherever land is available
the natives will be settled on other land.
If there should be cases where it is not
possible to find the land for them, they will
get full compensation, and the compensation
will be at least as good as would be paid to
any white settler if his land were taken.

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Certainly, wherever land is available the natives will be settled on other land. If there should be cases where it is not possible to find the land for them, they will get full compensation, and the compensation will be at least as good as would be paid to any white settler if his land were taken.

1832/32

G. O.

1832/32 Coded 20/12

H/ 20/12

H.B.

Mr. Allen 20/12

Mr.

Mr.

Mr.

Mr. Perkins

Mr. Lamm

SD C. H. 20 12 32

Su 1 Signature 20/12/32

Form 1.5 2/3

Form 1.5 2/3

Secretary of State

unless
(Not to go forward
Statement made in
the House)

C.B.
R 21 DEC
D

20 Dec

to Mr. Confidential my

DRAFT. Canon

Important

Governor

March

(Question in part below)

In reply to Prof. [unclear]

Why [unclear] [unclear] [unclear]

from [unclear] [unclear]

Can be [unclear] [unclear]

I have given [unclear]

Answer

Prof. [unclear] in reply

to question in [unclear]

Why I have stated that

Prof. [unclear] has

gone to [unclear] in

understanding that it is

being upon a measure

of [unclear] [unclear]

Professors of [unclear]

Sec

begin - (has [unclear] [unclear])

End Part B [unclear]

Sec

24/3

PRIVATE NOTICE QUESTION FOR YUKON RAY SOUTH DISTRICT

SIR ROBERT HAMILTON to ask the Secretary of the Yukon Territory Colonies whether a Bill has been introduced into the Legislative Council of Yukon Territory for a second reading on a Monday, 17th October, 1931, it is proposed to amend the native land laws so that (1) land leased for mineral development should temporarily be excluded from a Reserve for mining leases, (2) the requirement of notice to the local Native Council concerned is repealed, whether these proposals are in line with the approval of the Secretary of State, and whether the question of amendment of the existing laws must necessarily have been considered by the Native Council Commission.

In reply to Sir Robert Hamilton, Sir Philip Gaultier writes:

In the Yukon Territory Bill 1931, the provisions relating to the Native Land Act 1928 are amended only with reference to the surface rights. The amendments which have been introduced with reference to the Native Land Act 1928 are intended to give the Native Councils a right to operate towards the development of valuable minerals, the proceeds of which are vested in the Crown. The provisions of the Bill have been agreed to both by the Native Councils and by the Central Yukon Trust Board and it is felt that the amendments for compensation and compensation provide a fair basis for the interests of the native occupants of the lands in question.

Two amendments proposed to the original Bill provide: The first provides that land may be temporarily excluded from a Reserve for mining leases, and that compensation for such temporary exclusions may be paid in money instead of in the form of an addition of land. Under the second amendment

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It will not be necessary for the Central Lands Trust Board to bring a proposed temporary exclusion to the notice of the Local Native Council or the natives concerned; but each particular exclusion will have to be considered by the Local Board, on which the natives of the location or section concerned must be represented.

Moreover the Chief Native Commissioner has already circulated to natives in the Province a Memorandum explaining in clear and simple language the process of prospecting licences and mining leases and how the interests of the natives will be safeguarded; and the Governor has himself met the natives and explained matters to them. I think it will be agreed that no more effective measures could have been taken to bring the whole policy to the notice of the natives concerned.

reserve, and the owner were transferring such land to the Governor in sole ownership.

Notwithstanding anything to the contrary contained in subsection (1) of this section where land is excluded from a Native Reserve under this subsection, it shall not be necessary for the Central Board to bring the proposed exclusion to the notice of the Local Native Council or of the natives concerned.

917

TELEGRAMS AND TELEPHONE
CABLES TRANSITORS
POST OFFICE



TRADE & INFORMATION OFFICE
GRAND BUILDING
TRAFALGAR SQUARE,
LONDON, W.C.2

9th Dec: 1932

Dear Treasurer

I am sending
renewed two copies of
Notes on the Karpis
Gold Hoard which
I recently had a
copy filed - you will
see that the fee of £25
for a permit to enter
the Reserve has been
inserted.

Yours sincerely
Cecil Wood

NOTICE OF THE EASTERN GOLDFIELD

KENYA COLONY

The district of Kisumu lies in Northern
Nairobi to the north-east of Lake Victoria and the
goldfield covers an area of approximately 200 square miles
ranging in altitude from about 4,000 ft. to 6,000 ft.
above sea-level. The rainfall is between 70 and 80 inches
a year, most of it falling between March and November.

Kisumu is reached either via Eldoret to
or Kisumu (36 miles) which are both on the main line of
the Kenya & Uganda Railway, 577 miles and 307 miles from
Nairobi respectively.

Nairobi to Eldoret: 1st Class 4/- 2nd Class 3/-
Eldoret to Kisumu: 1st Class 4/- 2nd Class 3/-

There are Hotels and boarding houses, banking
facilities etc. at both places and a regular motor
service has been started from Eldoret to the goldfields
(fare 1/- single, 2/- return).

Kisumu is a Native Reserve and all persons
visiting it as to the goldfield must first obtain a permit
from the Government Office in charge of the district and
must deposit a sum of £100 as security before the permit
is issued.

From England to Kenya the railway route is the
shortest, the voyage to Nairobi taking from 10 to 12 days.

Nairobi - 1st Class 4/- 2nd Class 3/-
Nairobi - 1st Class 4/- 2nd Class 3/-
Nairobi - 1st Class 4/- 2nd Class 3/-

All prospectors must be in possession of a valid passport,
and a deposit of £500 is required from all persons entering
the Colony who are not going to definite employment under
a proper legal agreement, and this deposit is retained until
the prospector satisfies himself to the satisfaction of the
Immigration authorities that he is ready to begin work
on the goldfield.

Prospectors must also be in possession of a valid passport,
giving the name of the person to whom they are going to
at present, and a deposit of £500 is required from all persons
entering the Colony who are not going to definite employment
under a proper legal agreement, and this deposit is retained
until the prospector satisfies himself to the satisfaction of the
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under a proper legal agreement, and this deposit is retained
until the prospector satisfies himself to the satisfaction of the
Immigration authorities that he is ready to begin work
on the goldfield.

in Kenya in addition to the Kikuyu, who are the largest
there is a large African population from which a number
of posts in clerical, artisan and training posts are being filled

Practically no appointments are being made at present from the African population in posts
getting in touch with the Government of Kenya
and by means of direct appointments in posts of a
character of a high level.

It is expected that the number of appointments from the African population will increase in the future.

The number of appointments from the African population in posts of a high level is expected to increase in the future.

1728

KENYA COLONY
MINING
NOTES ON PROSPECTING

The Commissioner of Mines or other prescribed Officer may issue to any person a prospecting right upon payment of the prescribed fee; provided that a prospecting right shall not be granted -

- (a) to a person who is under 18 years of age
(b) to any person who is unable to read or to any person who is incapable of understanding any person who is incapable of understanding the Mining Ordinance in such a way as to form a reasonable guide to the provisions of the Ordinance.

2. A prospecting right may be granted to an individual as agent for another individual.
3. A prospecting right shall not be granted to a Company or partnership, as such, but may be granted to an individual as agent of the Company or partnership.
4. A prospecting right shall not be transferable and shall be in force for a period of one year from the date of issue and may be renewed for another year on payment of the prescribed fee.
5. The fee for a prospecting right is ~~...~~
6. Certain lands are excluded from prospecting, e.g. Land dedicated for public purposes, Township lands, Land covered by exclusive prospecting rights, land reserved for Railway purposes etc., land within a Native Reserve, except with the consent of the Native Land Trust Board etc.
7. The holder of a prospecting right may, subject to the provisions of any law as to forests or as to the regulation of natural water supply, prospect for any mineral on any land in the Colony with the exception mentioned in 6, but in the case of private land, should justify the occupier and, if required by him, shall give security for the payment of compensation for the disturbance of surface rights and for any damage done to lands, trees or crops.
8. The holder of a prospecting right may apply for an exclusive prospecting licence, and in such case the applicant must satisfy the Governor that he has sufficient capital to ensure the proper prospecting of the area in respect of which the application is made, and the payment of any compensation that may be payable to the occupier.
9. An exclusive prospecting licence shall, as well as for one year subject to renewal at the discretion of the Governor for further terms of one year each up to a maximum of three years in the case of an alluvial deposit, and of six years in the case of a lode deposit.
10. For every exclusive prospecting licence there shall be paid a registration fee of ten shillings and a conveying fee of seven guineas, ten shillings.

11. Exclusive prospecting licences are not transferable without the consent of the Governor, but the Commissioner of Mines may permit the amalgamation of any number of duly registered adjoining exclusive prospecting licence areas.

12. When the holder of a prospecting right pegs out a claim of land, he is required to apply for registration within 30 days.

13. Claims are granted for one year from the date of pegging and may be renewed for further terms of one year each.

14. No person may hold more than one alluvial claim for precious metals or stones.

15. The above is a brief summary in regard to prospecting. Further information can be obtained from the Commissioner of Mines, Nairobi. Copies of the Mining Laws and Regulations will shortly be available at the Crown Agents for the Colonies, 4, Millbank, Westminster, S.W.1. (price 7/6d.).

H.M. EASTERN AFRICAN DEPENDENCIES
TRADE & INFORMATION OFFICE
TRADE BUILDINGS,
TRAVELERS SQUARE,
LONDON, W.C.2.

10th November, 1952.

KENYA PREPARING FOR GOLD RUSH.

How the New Eldorado Will be Regulated.

("News of the World" Special.)

Kenya's gold fields, which the late Lord Delamater discovered, but the precise location of which he declined to reveal, are now being explored by Sir Albert Kitson, the veteran explorer set out by the Colonial Office to investigate the alleged gold deposits.

Lord Delamater's story of a gold mine in Kenya was published in the London Standard in 1925, and it is stated that he had discovered a gold mine in the mountains of the East African Empire.

These gold fields are supposed to be one of the richest in the world, and it is estimated that they will produce a million tons of gold in the next few years.

The discovery of these gold fields has caused a great deal of excitement in Kenya, and it is expected that a large number of people will flock to the mines in the next few years.

NATIVES BARRED.

It is expected that the gold fields will be worked by Europeans, and that the natives will be barred from the mines.

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This has the appearance, as it were, of a gold mine, and it is expected that a large number of people will flock to the mines in the next few years.

WOOD GREEN MAN'S LUCK.

They may repeat the triumph of a Wood Green man named John Cade, who discovered a fortune in the prospect of a gold mine in the mountains of the East African Empire.

The discovery of these gold fields has caused a great deal of excitement in Kenya, and it is expected that a large number of people will flock to the mines in the next few years.

It is expected that the gold fields will be worked by Europeans, and that the natives will be barred from the mines.

see No 8 for diary

6

C. O.

L 297

10 311

Mr. ~~Walter~~ ~~Stephens~~

4 to file in
TOP

Mr. Perkins

Mr. Tomlinson

Mr. C. H. Wood

Mr. J. Shanks

Pres. U.S. of S.

Pres. U.S. of S.

Secretary of State

DEC 1932

Dear Collet Ward

I enclose as

DRAFT.

Mrs. J. Collet Ward OBE

(EAT 1110)

Paraphrase (in my
copy amount) 5)

forwarded by telephone a
copy of the pamphlet used
by the Kenya Govt for
distribution among natives
In the dispatch forwarded
copy (dated 26th Nov.) the
Governor writes the
deficit of £20 referred to
in para 7 has recently
been increased to £25.

24

5



GOVERNMENT HOUSE,
NAIROBI,
KENYA.

KENYA
NO. 566

Air Mail

26 November, 1952.

COLONIAL OFFICE

Sir,

NOT

In compliance with your telegram No. 250 of the 23rd November I have the honour to enclose three copies of the pamphlet therein referred to.

2. The deposit of £10 (Ten Pounds) referred to in paragraph 7 of the pamphlet has recently been released by order of the Central Lands Trust Board to £25 (Twenty-five pounds), and the pamphlet is being amended accordingly.

3. The pamphlet before circulation was shown to and approved by the Carter Commission.

I have the honour to be,

Sir,

Your most obedient,

W. B. Lister,
Assistant Secretary,

SECRETARY GENERAL,
COLONIAL OFFICE.

Copy sent to Ag. I.C. Ward. Dec. 52

THE RIGHT HONOURABLE
MAJOR SIR PHILIP CURLIFF-LISTER, B.C., G.B.E., M.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W. 1.

10/11/32

24

5



KENYA

GOVERNMENT HOUSE

NAIROBI

KENYA

NO. 566

Air Mail

20 November, 1932.

G.O. 10/11/32

Sir,

In compliance with your telegram No. 230

NO 4 of the 23rd November I have the honour to enclose three copies of the pamphlet therein referred to.

The deposit of £10 (Ten Pounds) referred to in paragraph 7 of the pamphlet has recently been increased by order of the Central Lands Trust Board to £25 (Twenty-five pounds), and the pamphlet is being amended accordingly.

The pamphlet before circulation was shown to and approved by the Censor Commission.

I have the honour to be,

Sir,

Your most obedient,

Hubert Bervant,

SECRETARY GENERAL,
GOVERNMENT.

Chy's and 6/11/32 J.C. Ward. 9 Dec 1932

THE RIGHT HONOURABLE
MAJOR SIR PHILIP CURLIFFE-LISTER, P.C., G.C.B., M.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOCKING STREET,
LONDON, S.W. 1.

MEMORANDUM FOR TRANSLATION AND
CIRCULATION TO NATIVES IN THE
NYANZA PROVINCE.

MINING.

WHY IS MINING ALLOWED IN NATIVE RESERVES?

There appears to be much needless alarm among natives in whose Reserves Europeans are looking for and digging for gold, and some think that because of this they are going to lose their land.

1. Metals are not only valuable and in many cases are necessary for the daily needs of people but also they are rare. Therefore when Government sells or leases land to Europeans, or reserves land for Native tribes, it gives them the ground for their use and enjoyment but does not give them the metals that may be found underground. This applies just as much to the estates of Europeans as it does to Native Reserves. In this matter there is no difference in the treatment of natives and other people.

2. In Kakamega and in some other places gold which is one of the most valuable of all metals has been found and the Government therefore cannot allow this gold to remain hidden and idle, but must allow people to look for it and take it out when they find it.

3. Gold is found either in river beds or in rocks. If it is found in river beds it is obtained by washing, and when all that can be found has been taken out of the river the river goes away and leaves the river as it was before and no one is any the worse. This does not take very long; usually not more than a few months.

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7. What happens is this: a man who wants to look for gold buys a permit from the Government to do so. Before he is granted a permit the District Commissioner asks that he understands the provisions of the law. He has to deposit Rs. 200/- with the Provincial Commissioner as a guarantee that he will observe all laws. All money due on any account and compensation for any damage that he does. When he has obtained his permit he is then allowed to look for gold. When he thinks that he has found gold he then has to mark out his claim by putting in pegs and digging trenches at each corner so that all may know exactly how far his claim extends.

8. He then has to pay a fee to have his claim registered. This does not mean that he has bought any land. All that it means is that he has bought permission to dig for gold. He is however allowed to pitch a tent or put up a temporary house to live in while he is digging for gold.

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to land and then he only has the right to the small area necessary for his work, and when he has finished working the land goes back to the natives.

IV. CONCLUSION.

14. There are many advantages in having mines in Native Reserves not only is full compensation paid for any disturbance but the young men will be able to find work near their homes and will get wages without having to go far away. Others will be able to get good prices for such things as meat, chickens, eggs, milk and firewood without having to take such things to some distant market.

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A. de V. WADE.

CHIEF NATIVE COMMISSIONER.
17th October, 1932.

Adv. V/GFR.

considered by the local Board
on which the natives of the
location or section concerned

must be represented and will be
reviewed by the Central Board;

and (d) that it is to be made
clear that the Bill is a purely
interim measure which will in
no way prejudice consideration
of Carter Commission Report.

I agree with you that

safeguards are adequate particularly
as the whole policy is based on

the principle that where a temporary
excision is made either ^{land} shall be

added as ^{provision} ~~inserted~~ in section 15(2)

of the Ordinance or where this is
impracticable adequate compensation

shall be paid in money. I appreciate

also the necessity in the case of a
financially embarrassed Colony of

securing the development of valuable
economic

considered by the local Board
on which the natives of the
location or section concerned

must be represented and will be
reviewed by the Central Board;

and (d) that it is to be made
clear that the Bill is a purely
interim measure which will in
no way preclude consideration
of Carter Commission Report.

I agree with you that

safeguards are adequate particularly

as the whole policy is based on

the principle that where a temporary

decision is made either ^{land} shall be

either as ^{provided} ~~provided~~ in section 15(2)

of the Ordinance or where this is

impracticable adequate compensation

shall be paid in money. I appreciate

also the necessity ~~of the~~ of a

~~financially~~ ~~substantial~~ colony of

securing the development of valuable
economic

economic resources with
reasonable expedition, and in all
the circumstances known to the
addition proposed in your telegram

No. 207.

C. O.

H. T. Allen

Sir G. Bottomley 25/11/32

Mr.

Mr.

Mr. Parkinson.

Mr. Tomlinson.

Sir G. Bottomley

Sir J. Shackburgh 28/11/32

Perms. U.S. of S.

Perms. U.S. of S.

Secretary of State.

I want to discuss this with you at all keep to record

DRAFT

Tel. *in action*

Governor, Nairobi.

No. _____ Telegram No.

218. I state that the above

application proposed to be a telegram

No. 202. Owing to rapidity of

events, action of Government is

open to discussion and large

numbers of prospectors have been

advised to enter the district

prospectors & their
land rights

land rights prospectors under native

land rights prospectors, and in view

of necessary delay in issuing

licenses after consideration of

native rights prospectors have been

debarred contrary to provisions

of 1914, and in order to remove the

gold which they have found.

It is to be

It is to be noted that these interests

have occurred does not justify

There is no possibility that
the fact that they have

any further informality, but rather
in my view emphasizes the importance
of observing strictly the procedure
laid down in the Native Lands Trust
Ordinance.

There is the further con-
sideration that if agreement of

Commission is quoted as justifying

the proposed ~~criticism~~ ^{addition of} the
which is
(will be reinforced)
likely to follow/may seriously in-

*(as well as the
likely to follow)*

pair the ~~work~~ of the Commission's
Report on general operations.

In the circumstances, hope
that you will not press proposed addi-
tion. Are any steps being taken

to restrict the issue of new pros-
pecting licenses, applications for
which are likely to increase as the
prospects of gold rise to fortune
prospectors.

17-10-1911

any further informality, but rather, in my view emphasizes the importance of observing strictly the procedure laid down in the Native Lands Trust Ordinance.

There is the further con-

sideration that if agreement of

Commission is quoted as justifying

the proposed addition, the criticism which is

likely to follow *will be reinforced and* seriously im-

pair the usefulness of the Commission's

Report on general questions.

In the circumstances, I hope

that you will not press proposed addi-

tion. Are any steps being taken

to restrict the issue of new pro-

ducing licenses, applications for

which are likely to increase as the

effect of the Ordinance is fortunate

representative.

*(as with no amendment
already approved)*

10/10/40

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

Dated 22nd November Received 5.5pm, 22nd November, 1932.

.....

Ref. No. 215. Your telegram No. 237. In addition to compensation
to individuals under subsection (3) (1) (a) and (b) it is
provided by new subsection that the full value of land leased
must be paid to local native council. I am satisfied that
provision is adequate. Local native council will compensate
right holder of the land on which dispossessed natives are
settled or will compensate dispossessed natives moved to
another part of the same holding as may be necessary.

Amendments suggested in your second paragraph
have been incorporated in the Bill.

Reason for the proposed addition arises from
the fact that owing to their attitude to land natives concerned
and local native council are likely to object to every exclusion
on principle and not on merits. Discussion with them would
therefore be mere formality inasmuch as under the Mining
Ordinance a claim holder has practically a right to a lease.
Their point of view can however be fully stated by location
representative of Cooptada to the local Board whose advice
in regard to the actual area to be leased will be valuable
to and will be considered by the Central Board before exclusion
are agreed to. I consider this adequate safeguard. To adopt
elaborate procedure of consulting natives concerned and local
native council knowing their objections must for the reason
given eventually be overruled would merely cause additional
irritation.

Recd. at 2/12/32

11

The Central Land Trust Board was consulted as
to the new draft and agreed with the above views. I have already
caused to be circulated amongst native population a pamphlet
explaining the prospects and mining probeture and necessity
for

RECEIVED
NOV 22 1932

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

Dated 22nd November Received 5.5pm, 22nd November, 1932.

.....

11/14/32
Nact. No. 215. Your telegram No. 237. In addition to compensation
to individuals under subsection (3) (ii) (a) and (c) it is
provided by new subsection that the full value of land leased
must be paid to local native council. I am satisfied that
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right holder of the land on which dispossessed natives are
settled or will compensate dispossessed natives moved to
another part of the same holding as may be necessary.

Amendments suggested in your second paragraph
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Reason for the proposed provision arises from
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and local native council are likely to object to every exclusion
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Ordinance a claim holder has practically a right to a lease).
Their point of view can however be fully stated by local
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The Central Land Trust Board was consulted as
to the new draft and agreed with the above views. I have already
caused to be circulated amongst natives population a pamphlet
explaining the prospects and mining procedure and necessity
for

12/2/32
D. R. M.

11

for leasing and ~~and~~ all concerned of the probable developments. I have also explained this personally at Harass.

When the Bill is introduced into the Council it will be explained that it is not an interim measure which will in no way prejudice consideration of the Carter Commission report.