

38005/  
12

C0533/462  
KENYA

38005/  
12

Land Commission

Chepalungu Area & establishment of a township at  
Chemagel

Previous

Subsequent

297 7/7

Mr. Grossmills 13/8

Mr. Huskin 15/8

Mr. Flood 27

Sir C. Bollenby 27

Sir J. Shackleton 27/10/36

S. of S. 31/8

S.A. Dept. 1.7

R 999 14/9

R 997

Gov. 298  
9-6-36  
Submits a modified scheme regarding  
the Chepalungu area with establishment  
of a township at Chemagel asks that  
approval may be notified at an early date

Section 1165  
Report  
1168  
176

The Land Commission felt that a strong case exists for an extension to the Lumbwa Native Reserve on grounds of right, in compensation for the land formerly occupied by them which they have lost. They recommended that the land known as Chepalungu, comprising 164 square miles of which 71 are partially forest covered, should be gazetted as Lumbwa Native Reserve Class A, less 10,000 acres which would be available for alienation to Europeans, to be selected by the administrative authorities in consultation with the local European community. Government to take such steps as it may consider necessary for the protection of valuable timber in Chepalungu.

With the addition of Chepalungu to the Reserve any rights of occupation which the Lumbwa may have had to the Sotik farms, the land now alienated or available for alienation, shall be held to have come to an end.

The Sotik farmers want a township at Chemagel. In paragraph 1183 of their Report the Commission recommended that a township be provided and that 1,200 acres or approximately 2 square miles would be ample for the purpose, the land to be administered as an integral part of the Native Reserve, the local Native Council receiving any net profits remaining after working expenses have been paid.

It was agreed that if the Chemagel township was established there would be no longer any need for a township at Sotik Post, and that the land already set apart for this purpose should be available for alienation.

9.6.36

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of a township at Chemagel asks that  
approval may be notified at an early date.

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The Sotik farmers want a township at Chemagel. In paragraph 1183 of their Report the Commission recommended that a township be provided and that 1,200 acres or approximately 2 square miles would be ample for the purpose, the land to be administered as an integral part of the Native Reserve, the local Native Council receiving any net profits remaining after working expenses have been paid.

It was agreed that if the Chemagel township was established there would be no longer any need for a township at Sotik Pass, and that the land already set apart for this purpose should be available for alienation.

Section 1165  
Report

See Section  
1165

176

It has not been easy to give effect to the Commission's proposals in view of the native opposition to the proposal to set apart the area for the township at Chemagel, and the modifications now proposed have been approved by the members of the Land Commission now resident in Kenya, the Central Native Land Trust Board, the Executive Council and the European members of the Legislative Council representing the Highlands. But, on principle, the local Native Council and the members of the local Land Board are opposed to it.

On balance the modification gives the natives 1,200 acres more than was recommended by the Commission. The modification may be approved.

*C. S. P. with*

13.8.36.

*J. J. P. 1178*

The objection appears to be to the creation of the township and is put on the ground "what we have is there and we don't agree to alienate any of it". That attitude would of course, if persisted in, destroy any chance of a final settlement which must involve some give and take. In this case the proposal is

- 1) To cut the area of the township down to 1 square mile leaving the rest in the reserve
- 2) To add 5000 acres - 1 sq. mile - to the reserve
- 3) To add another 1200 acres (inland) of leaving it open for Europeans. (There are apparently none in the area)

Everyone agrees except the 'principle' people.

I think we can approve but in so doing it might be as well to refer to the Dorobo (Report para 972-982) who may be put in the area and say that in spite of the Commission's recommendation regarding them they will not be left out of course.

J. L. K. 27.8.

*Sri J. Shiferbough*

*Copy received*

All variations from the terms of the Land Commission Report have importance, but in this case commercial - rather than advantage - are on the side of the variation.

If the Isambwa were known to the public eye here, we should expect their objections to be taken up by Societies etc., but if they were not so obscure they might not be so destructive.

I approve adding to the flood proposal.

*W. L. S.* 29.8.36.

*J. J. P. 1178/36*

*W. L. S. 31.8.36*

2 To Kenya, 716 (1 answer) 12 SEP 1936

C. O.

38005/12/36.

Mr. Flood. 3.9

Mr.

Mr.

Sir C. Parbinson.

Sir G. Temlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

DOWNING STREET.

12 September, 1936.

S.D.  
4 SEP  
10

Sir,

**DRAFT.**

KENYA.

NO. 716

Governor.

I have the honour to refer to your despatch No. 296 of the 9th of June on the subject of the proposed settlement of the Chepalungu Area, and to inform you that I approve the modifications which you propose in the recommendations made by the Land Commission in regard to that area and the establishment of a township at Chemagel.

2. In paragraphs 1174 and 1176 of the report, the Commission referred to the Doroob and to their previous recommendations contained in paragraphs 972 to 985, <sup>as to</sup> regarding the Mau and Tanet sections whom it is proposed to move

into

**FURTHER ACTION.**

to this area. I presume that effect  
will now be given to the Commission's  
proposals in this regard.

from the progress  
report forwarded in your  
dep. No. 405 of the 27<sup>th</sup>  
of August.

I have, etc.

(Signed) W. ORMSBY GORE.

into this area. I presume that effect  
will now be given to the Commission's  
proposals in this regard.

I have, etc.

(Signed) W. ORMSBY GORE.

from the progress  
report forwarded in your  
desp. No 485 of the 7<sup>th</sup>  
of August.

Mr. Flood

I said on as I must confess  
that I do not see the  
point of your proposed  
reference to the Deeds.

It seems quite clear  
from your "7/20" note that  
their requirements were  
taken fully into account by the  
Committee when considering  
the work of the Deeds  
and that the Deeds are  
a success.

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
I said they are  
perfectly agreed to in  
their form and do not  
see how there can be  
any danger of their being  
reverted.

M.C.  
19



C. O.

38005/12/36.

September, 1956

Mr. Evans 31.8.

Mr. Paskin 1.9.

Mr. Glend

Sir C. Parkinson

Sir G. Tomlinson

Sir C. Bottomley

Sir J. Shuckburgh

Permt. U.S. of S.

Party. U.S. of S.

Secretary of State.

Sir

I have the honour

DRAFT. *conson.*

Kenya.

No ....

Enclosure,

Brig. Gen.

Sir Joseph A. Bygones,

S.C. P.C., K.B.E., C.B.

(1)

to refer to your despatch  
 No 298 of the 9th of June  
 and to inform you  
 that I approve the proposed  
 modifications <sup>of the recommendations</sup> ~~proposals~~  
 of the Land Commission <sup>in</sup>  
 regard to the Chepalungu  
 Area and the establish-  
 ment of a township at  
 Chemapel.

I assume that

the recommendations  
 made in paragraphs  
 972 to 982 of the  
 Land Commission's report

FURTHER ACTION.

m: Flood

I said on as I must confess  
that I do not see the  
point of your proposed  
reference to the Dorels.

It seems quite clear  
from pages 174 & 176 that  
their requirements were  
taken fully into ac- by the  
Commission when considering  
the merits of the challenges  
and shd. be added to  
the record;

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
I said they are  
specifically referred to in  
the pages I do not  
see how there can be  
any danger of their being  
overlooked.

J.A.  
1/9

38005/12/26.

September, 1956

C. O.

Mr. Evans 31-8.

Mr. Paskin 1-9.

Mr. Flood

Sir C. Parkinson

Sir G. Tomlinson

Sir C. Bottomley.

Sir J. Shuckburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

Sir.

I have the honour

DRAFT. conon.

Kenya.

No . . . .

Evans,

Brig. Gen.

Sir Joseph A. Agge,

S.C. P.S., K.B.E., C.B.

(1)

to refer to your despatch

No 298 of the 9th of June

and to inform you

that I approve the proposals  
in modification of the recommendation  
of the Land Commission  
regard to the Chepalung  
Area and the establish-  
ment of a township at  
Chemapel.

I assume that

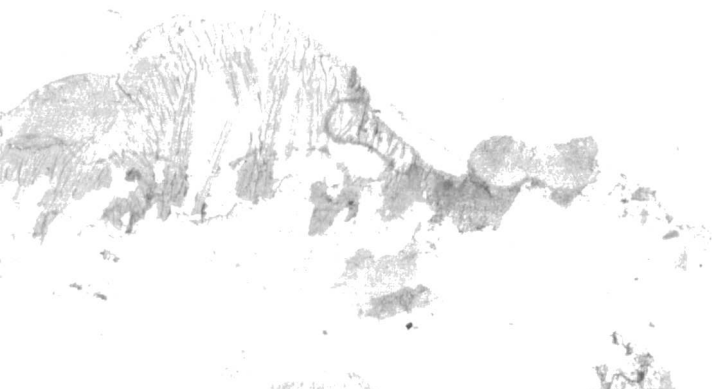
the recommendations  
made in paragraphs  
972 to 982 of the  
Land Commission's report

FURTHER ACTION

in regard to the settlement  
of the ~~Dorob~~ certain of the  
Dorob in the Chapalungu  
forest area will not be  
borne in mind when  
~~area~~ effect is given to  
these proposals.

Thave etc

S.P.S



KENYA.

No. 298



RECEIVED  
6 11 36  
GOVERNMENT HOUSE,  
NAIROBI,  
KENYA.

9 June, 1936.

Sir,

I have the honour to refer to the recommendations of the Kenya Land Commission on the subject of the Chepalungu Area and the establishment of a township at Chemagel.

These recommendations were as follows :-

- (a) Section 1183. That two square miles should be set apart for a township at Chemagel.
- (b) Section 1185. That Sotik Post should become available for alienation as a farm, being no longer required for township purposes.
- (c) Section 1176. That 10,000 acres should be surveyed out of Chepalungu for alienation to Europeans.

2. Considerable native opposition was manifest to the proposal to set apart two square miles of Native Reserve land for Chemagel township. Endeavours were, therefore, made to find a basis of agreement between all the parties concerned on the following lines :-

- (i) 640 acres at Chemagel to be excluded from the Reserve and to become a township. The geographical position of this area is such that it would not be an island within Native Reserve.
- (ii) 640 acres (Sotik Post) to be added to the Reserve partly in lieu thereof.
- (iii) 1200 acres from Chepalungu to be added to the Reserve out of the European area of 10,000 acres, also partly in lieu of the township exclusion.

3. The ---

THE RIGHT HONOURABLE  
W.G.A. ORMSBY-GORE, P.C., M.P.  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET,  
LONDON....S.W.1.

3. The Commissioner for Local Government, Lands and Settlement in August last met a representative body of the local European Community who unanimously expressed their agreement with these modified proposals. The natives residing at Chemagel have also approved of them. The Local Native Council and the Native Members of the Local Land Board, however, on the principle that they are not empowered to agree to the alienation of any part of their ancestral lands, have expressed opposition to the proposals even although, if they are adopted, the net result will be an increase of 1200 acres in the area of their Reserve.

4. Mr. R. W. Hemsted and Captain F.O'B. Wilson (the Members of the Land Commission now resident in Kenya) have expressed their approval of the revised proposals. The Central Native Lands Trust Board has also expressed its approval and considers that the alternative proposals now submitted are fair and reasonable in regard to native interests.

5. After consultation with my Executive Council I was in full agreement with this view and approved of the proposals, subject to reference to the accredited representatives of the Highlands and to your subsequent concurrence.

6. The European Elected Members of Legislative Council, as the accredited representatives of the European Highlands, have now been consulted and have no objection to offer to the proposals submitted.

7. A plan is attached showing the Commission's proposal together with the modification now under

consideration and I should be glad to know as soon as possible if the modification has your approval.

I have the honour to be,

Sir,

Your most obedient, humble servant,

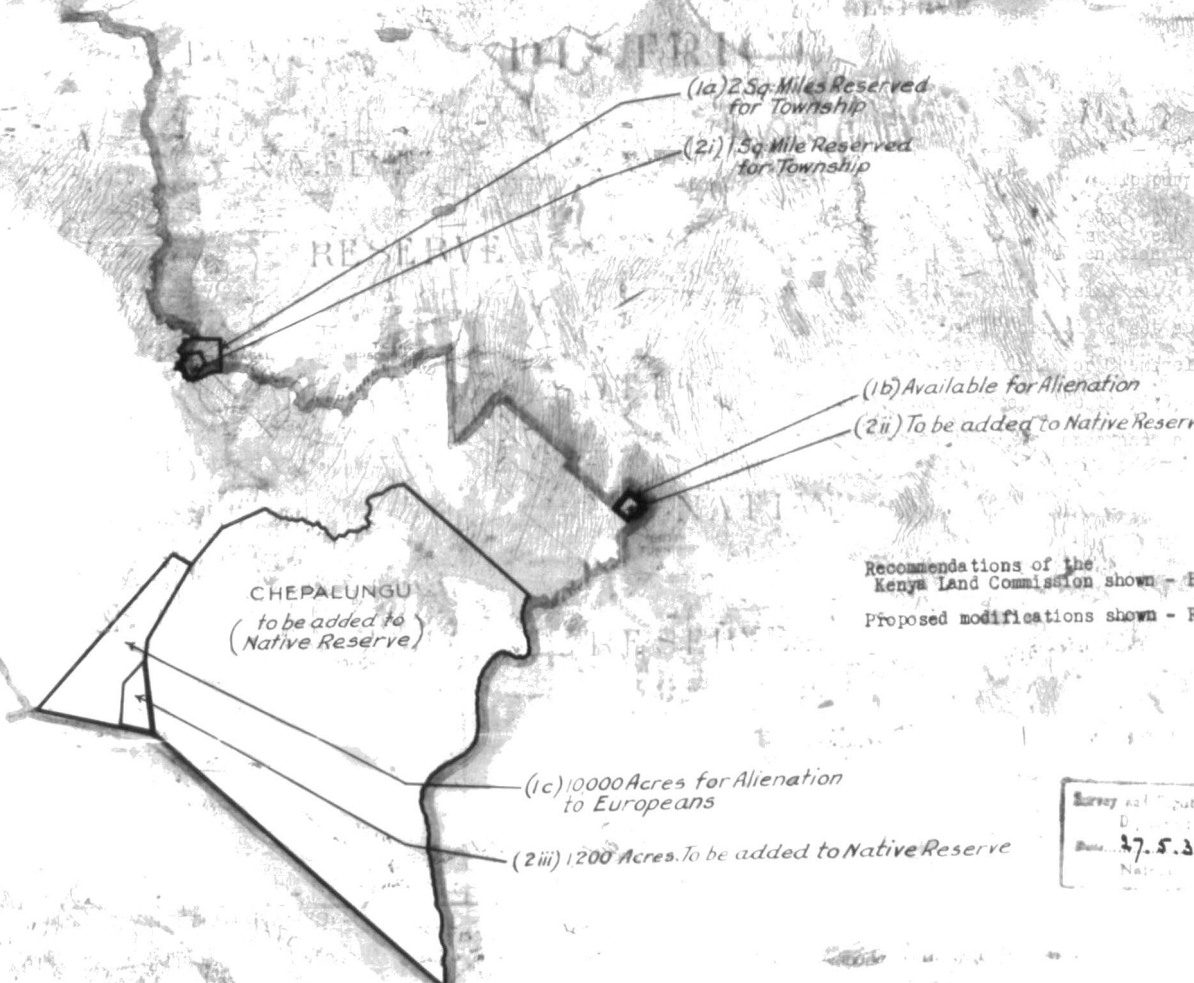


BRIGADIER GENERAL,  
GOVERNOR.

WESTERN

SOUTH WESTERN

SOUTH EASTERN



(1a) 2.5q Miles Reserved for Township

(2i) 1.5q Mile Reserved for Township

(1b) Available for Alienation

(2ii) To be added to Native Reserve

CHEPALUNGU  
(to be added to Native Reserve)

Recommendations of the Kenya Land Commission shown - Black  
Proposed modifications shown - Red.

(1c) 10000 Acres for Alienation to Europeans

(2iii) 1200 Acres To be added to Native Reserve

Survey and Registration Department
Date 27.5.26
Nairobi

Area bordered Yellow shows Native Reserve as at present Gazetted.