

38005

C0533/476
KENYA

38005

14

14

LAND COMMISSION REPORT

KAMASIA NATIVE RESERVE

Previous

38109/35

Subsequent

R. 297

19/37

R. 309

23/1

Mr. Parkin

10/3

Mr. Flood

12.

Sir C. Bottomley

15.5.

Sir J. Walker

17.5

Mr. Boyd

17/3

S. G/S

18/3

Mr. Parkin

18

299

25/3

3# 297

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Ted Gregory

31/3

R 297

25/10

309

28.

R 297

C.I.

LAND.

1. ACTING GOV'S DEPUTY, KENYA10.....7.1.37.

Recs. purchase of L.R.No.5259 (known as "Kisinani") comprising 9018 acres and proposes that, if approved, an area, as indicated, be added to the Kamasia Native Reserve as Class "A" land and the balance thereof made available as Class "B2" land - Temporary Native Reserve; comments thereon attaching plan and stating that the proposal has rec'd the approval of Capt. Wilson & Mr. Hemsted the locally resident members of the Land Commission.

The Land Commission recommendations which

it is proposed to vary are as follows:-

(a)

Farms Nos.	488)	Government should lease these
	489)	farms from the owners for a
	490)	period of ten years and allow
	5249)	the Kamasia to use them. At
	5276)	the end of ten years the
	6262)	situation may be reviewed.
	493)	
	5641)	

(Section 96 of the L.C. Report)

(b) Farm E.O. 1168 (920 acres), adjoining

Lake Solai, should be added permanently to the Kamasia Native Reserve.

(Section 97)

As regards (a) above, Government cannot carry out the recommendation because only three of the farm owners are willing to lease, and the price demanded by these three owners is too high. All the owners are willing to sell. But the total price - £11,000 - £13,000 - is out of the question.

This looks like a piece of bad bargaining on the part of the owners because if Government carries out its proposal - set out below - the farms will be practically surrounded by Native Reserves. The proposal is that Government should buy the Kisinani farm, area 14 square miles, which can be acquired for £5,636. The land is well supplied with water and borders upon the existing Kamasia Reserve.

(See map along the boundary)

It is proposed to regard this as "B2" land (temporary Native Reserve) except for a ^{920 acres} portion which it is proposed to regard as added permanently to the

Native

Native Reserve (see remarks regarding recommendation (b) ~~above~~). Admittedly the Kisinani area is nine square miles less than the total area of the eight farms mentioned above, but the Kamasia Native Council is satisfied with the arrangement.

As regards (b) the Governor points out that the addition of this farm to the Native Reserve was only recommended because it gave access to Lake Solai. In view of the permanent water supply on the Kisinani farm, the need for access to Lake Solai is not so great, but it is proposed that access be provided by means of a fenced wayleave, and that the remainder of the farm be retained as Crown Land. To comply with the Commission's Recommendation in so far as it recommended a permanent addition to the Reserve, it is proposed to regard a portion of Kisinani, equal in area to farm L.O.1168, as added permanently to the Native Reserve.

While prima facie the Kamasia are not getting so much as the Commission recommended, Government's proposals are not unreasonable, and as they have been approved by the locally resident members of the Land Commission, the accredited representatives of the White Highlands and the Kamasia Local Native Council? they may be approved.

It is possible that we shall hear of complaints by the farm owners mentioned

under

under (a), that their farms are surrounded by Native Reserves, but, as pointed out above, the accredited representatives of the White Highlands have approved the proposals.

C. J. G. Smith

23.1.37.

I am inclined to doubt whether the S. G. could be justified in approving these proposals without some further explanation from the C.A.C. as to the advisability of an area which it is proposed to substitute for the area recommended by the Land Commission; especially when regard is had to the purpose which this addition was primarily intended to serve.

In para 955 of the Report it was explained that, owing to overgrazing this Reserve has become quite incapable of supporting the numbers of cattle which it could reasonably support if it were reconditioned. The principal reason for proposing a temporary addition to the area was (para. 963) as a reserve for grazing to enable portions of the land to be rested & reconditioned, & to simplify the task of the Administration in carrying hungry stock from the areas which are being rested, & from encroaching on to neighbouring farms.

*L.O. 980 acres,
the area of
farm L.O. 1168*

Native Reserve (see remarks regarding recommendation (b) ~~above~~). Admittedly the Kisinani area is nine square miles less than the total area of the eight farms mentioned above, but the Kamasia Native Council is satisfied with the arrangement.

As regards (b) the Governor points out that the addition of this farm to the Native Reserve was only recommended because it gave access to Lake Solai. In view of the permanent water supply on the Kisinani farm, the need for access to Lake Solai is not so great, but it is proposed that access be provided by means of a fenced wayleave, and that the remainder of the farm be retained as Crown Land. To comply with the Commission's recommendation in so far as it recommended a permanent addition to the Reserve, it is proposed to regard a portion of Kisinani, equal in area to farm L.O. 1168, as added permanently to the Native Reserve.

While prima facie the Kamasia are not getting so much as the Commission recommended, Government's proposals are not unreasonable, and as they have been approved by the locally resident members of the Land Commission, the accredited representatives of the White Highlands and the Kamasia Local Native Council? they may be approved.

It is possible that we shall hear of complaints by the farm owners mentioned

under

under (a), that their farms are surrounded by Native Reserves, but, as pointed out above, the accredited representatives of the White Highlands have approved the proposals.

C. R. Ross with

23.1.37.

I am inclined to doubt whether the S. J. S. can be justified in approving these proposals without some further explanation from the C.A.S. as to the adequacy of the area which it is proposed to substitute for the area recommended by the Land Commission; especially when regard is had to the purpose which this addition was primarily intended to serve. In para. 955 ^{of the Report} at page it was explained that, owing to overgrazing this Reserve has become quite incapable of supporting the number of cattle which it could reasonably support if it were reconditioned. The principal reason for proposing a temporary addition to the area was (para. 963) "as a measure for grazing to enable portions of the land to be rested & reconditioned, & to simplify the task of the Administration in carrying heavily stocked farms from the areas which are being rested, & from encroaching on to neighbouring farms."

1.2. 920 acres,
the area of
farm 10 1168.

For this purpose, obviously the larger
the area that can be made available
the better, & the reduction in the
area proposed is only be justified
if the smaller area contained as much
useful grazing as the larger.

The actual area is ^{approx} as follows.

Land Commission

Para 968 farms	23 sq. miles	(Temporary addition)
Para 970:	1 1/2	(Cl. A.)
	<u>24 1/2 sq. miles</u>	

My proposal

Kisumu

<u>14 sq. miles</u>	(Of which 1 1/2 sq. miles in Cl. A. & the rest as Cl. B.1.)
---------------------	-------------------------------------------------------------------------

Showing a difference of 10 1/2 sq. miles.

~~Proposed area for the reserve~~
~~is 14 sq. miles~~
~~including the area~~

In the crisis, the proposal to give
away L.R. 1168 (para 970) seems to
require some justification.

In para 6 of the O.A.G. says that
the only reason why the Land Commission
suggested the addition of that area to
the reserve was to give access to Lake
Soda for water supply.

— actually however (v. para 970)
this area had already been set
aside as a salt linn & grazing

area. The fact that it also gave access
to Lake Soda was mentioned almost
incidentally.

A further curious statement, the
meaning of which is not clear, is that
the Solar District Association & an
accustomed representative of the European
Highlanders had agreed to the proposed
revision on the basis that L.R. No. 1168
was to subsequently be retained as
Crown land. Does this mean retained
for ever, or is that area to be
regarded as available for alienation?

? Reply as in 81.

J.P. Packer
10/3

This is essentially the sort of thing
which should really be left to the Colonial Govt.
They alone are in possession of the necessary
information and they have the opportunity of going and
looking at the ground if they like.

The Carter Commission's recommendation was
first of all that the land to be vacated by the Usin
Gishu Masai should be added to the Kamasit Reserve as
Class B.1. This relates to the land north of Rongai
Station at the bottom left-hand corner of the map, and
it will be seen that this area, which has been
vacated by the Masai, surrounds on three sides the
block of territory referred to in Section 968 of the
Commission's report. In the report the Commission

point out that although all these farms are alienated only one was occupied. The position then of the people who own those farms will not be any worse than it was as regards natives round them. The price ^{asked for the farms is} ~~appears to be~~ more than Government is prepared to pay so it is proposed now to give up the Commission's proposal on the ground of expense.

In order to secure to the Kamasia the much wanted land for their animals and so on, it is proposed to acquire the plot known as Kisinani which is clearly shewn on the map. It contains 9,000 acres and from the look of it is very nearly as big as the area covered by the 8 farms which it is now not proposed to buy. In short, the proposal as regards these areas comes down to swapping Kisinani for the eight farms recommended by the Commission.

Then there is the plot known as 1168. That gives access to Lake Solai and the despatch says that the reason for suggesting its addition to the Native Reserve was only in order to provide access to the lake. The Commission recommended that it be added to the Reserve as Class A. On the face of it one would think that it might very well be added to the Reserve since it has been fenced and is at present used as a salt lick and grazing area, but it is now proposed to retain 1168 as Crown land but to give a fenced access to the lake along its southern boundary. Then part of Kisinani equivalent

in

in area to 1168 (i.e. quite a small bit) will become Class A and ^{be} added to the Reserve, the rest of Kisinani being kept on as B.2 and 1168 being kept as Crown land.

The trouble with the Kamasia area has been over-grazing and destruction of the soil. Efforts are being made to recondition the land and are proving very fairly successful, as will be seen from the report in 38109/35. The proposal now put forward has been approved by the two local members of the Land Commission, by the White Highlands representatives, and by the Local Native Council. It has also been approved by the Acting Governor in Executive Council, and I think that the best thing to do is for us to give the approval asked for. After all, if all the people on the spot agree, there is no reason why we should try to upset them since we have not the knowledge.

J. S. Flood

12.3.37.

Sir J. Maffey.

(We assume that senior members of the office have the Report of the Land Commission available for reference).

The position is clearly shewn by the despatch with its map and Mr. Flood's minute. The only point I need take note of is that relating to plot 1168. The Governor only deals with it from the point of view of water but as Mr. Paskin has pointed

out

out the Commission referred to the land having been set aside as a salt lick and grazing area for the Kamasia. Grazing may otherwise be provided for but salt licks are important. If this salt lick is in constant use there is a wide difference between access to it along a fenced road and across a plot of land, the width of which on the side facing the Reserve is about 1 1/2 miles.

While I agree with Mr. Flood that this is a matter which ought to be left to the Colonial Government, there is a good chance, wherever the terms of the Land Commission Report are departed from, of questions being raised in this country, and in approving of the proposals as Mr. Flood suggests, I think that we had better make sure

(a) that the natives will continue to have the use of the salt lick, and

(b) that adequate access to it will be given by the proposed road.

(I doubt if it ^{is} ~~is~~ worth while cutting out 1168 from the Commission's proposals at all.)

Wood.

15.3.37.

John
7/2/37

As proposed by Sir C. R. Attanley

W3 (18.3.37)

KENYA.

No. 638

RECEIVED

27 OCT 1937

O. O. REGY



5
GOVERNMENT HOUSE,
NAIROBI,
KENYA

22 October, 1937.

Sir,

4. I have the honour to refer to your despatch No. 261 of the 25th. March, 1937, in which conditional approval was given to proposals for modifying the recommendations contained in Section 970 of the Land Commission Report.

2. The Acting Provincial Commissioner, Rift Valley Province, has examined the position and has given the desired assurance that with a fenced path along one edge of L.R. No. 1168 the Natives will have the same use of the Salt Lick as they have at present. In the circumstances, therefore, steps have been taken to give effect to the proposed modification.

I have the honour to be,

Sir,

Your most obedient, humble servant,

R Brooke-Johnson

AIR CHIEF MARSHAL.
GOVERNOR.

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

C. O.

38008/14/37

Mr. Parni 18/3
Mr. Hood 18/3
Mr.
Sir C. Parkinson
Sir G. Tomlinson
Sir C. Bottomley

(5)
AIR MAIL

244

Sir, 25 March 1937

Peru, U.S. of S.
Early, U.S. of S.
Secretary of State.

I have to ack. the receipt of your Dep. No 10 of the 7th of Jan. in wh. you have submitted for approval a modification of the recommendations of the Land Commission for the provision of additional land for the use of the Kamaria tribe.

I observe that your proposals have received the approval of the locally resident members of the Land Commission & that the accredited representatives of the White Highlands & the Kamaria Local Native Council have expressed their agreement.

DRAFT.

Kuz a
O. A. G.
No 761

FURTHER ACTION.

2. As regards the

substitution of L.R. No. 5259 (Kisimani) for the eight farms mentioned in Sec. 968 of your Report of the Commission I approve your proposals.

3. As regards L.R. 1168, however, I observe that apart from the ^{note} of access to Lake Solai, it was stated in ~~the~~ Sec. 970 of your Report that this farm had already been set aside as a salt lick & a grazing area for the Kamasia. Before ~~submitting~~ approving your proposals that this farm should be retained as Crown Land, with however a fenced path along ^{the edge} to ~~boundary~~ ^{to give} ~~providing~~ access to Lake Solai, I was ^{not} ~~glad~~ ^{glad} to hear ^{in answer that} whether the natives will still have the use of the salt lick, & whether the proposed path will afford adequate access to it. I was ^{if that is the case then I approve your} ~~glad~~ ^{proposals in regard to this} to ~~be~~ ^{convinced} that ~~your~~ ^{all} proposals are ^{correct} on these points.

(Signed) W. ORMSBY GORE.

C. O.

- Mr. Paulin 873
- Mr. Flood
- Mr.

redraft W.G.

- Sir C. Parkinson.
- Sir G. Tomlinson.
- Sir C. Bottomley.
- Sir J. Shuckburgh.
- Presd. U.S. of S.
- Parly. U.S. of S.
- Secretary of State.

DRAFT.

Kenya
O.C.G.
No.

FURTHER ACTION.

Sir, I have re. to acc. the receipt of your Dep. No. 10 of the 7th of January in wh. you have submitted for my approval a modification of the recommendations of the Land Commission for the provision of additional land for the use of the Kamasia Tribe.

2. I observe that, after allowing for the excision from ~~the~~ Kisimani (L.R. 5259) of an area equal to that of L.R. 1168, as a permanent addition to the Reserve as Class A, the net effect of your ^{proposals} ~~at~~ ^{will be} that the

area to be added temporarily
to the Reserve wd. be ^{approximately} 10 1/2
sq. miles less than the
area recommended for this
purpose by the Land Commission.

3. The object ^{in making} this temporary addition ^{to the Reserve} is stated, in para 963 of the Report, to be to provide "a reserve for grazing to enable portions of the land to be rested and reconditioned, & to simplify the task of the Administration in keeping hungry stores from the areas wh. are being rested, & from encroaching on neighbouring farms."

4. While I recognize that the presence of water on Kisimani will be of great value to the Kamaia natives it is necessary, before I feel able to approve the new proposals, ^{for me} to be assured that the amount of grazing wh. will be available on Kisimani will be adequate for the purpose indicated in the quotation in the preceding paragraph. In

AIR MAIL

KENYA
No. 10



GOVERNMENT HOUSE
NAIROBI
KENYA

RECEIVED

C. O. 1

7 January, 1937.

Sir,

I have the honour to refer to Section 968 of the Land Commission Report which contained recommendations for the provision of additional land for the use of the Kamasia Tribe.

2. In accordance with the recommendations of Section 967 of the Land Commission Report the Uasin Gishu Masai have been removed from the land hitherto occupied by them (viz: L.R. Nos. 4102, 4103 and 501/R) and these areas will be added to the Kamasia Native Reserve as Class "B1".

3. In Section 968 of the Report the Commission recommended that eight farms which will now be practically surrounded by Kamasia Native Reserve should be leased by Government for a period of 10 years for the use of the Kamasia, and that at the end of that period the situation should be reviewed.

4. On investigation it has been found to be impracticable to carry out this recommendation. Only Messrs. Roughcastle Estates Ltd., the lessees of Farms Nos. 479, 490 and 5249 are willing to lease their properties, and the rent of £750 per annum proposed by them is considered to be too high.

All the holders are willing to sell outright, and it is estimated that the cost, in such an event, would be between £11,000 and £13,000 - a figure which precludes further consideration of the matter.

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

Amend - (4)

It would, however, be possible to purchase the two most northerly farms of the block, viz: L.R. Nos. 488 and 489, comprising 4,651 acres, for little more than the sum of 24,000 contemplated by the Commission for expenditure on this project.

5. An alternative proposal has, however, been submitted, which appears to provide a solution of the difficulty more satisfactory to all parties concerned.

This proposal commences with the purchase of L.R. No. 5259 (known as "Kisinani") comprising 9018 acres. The improvements on the property are three large dams, 2 of 250,000 gallons each and one of 500,000 gallons; all capable of enlargement to double the capacity at comparatively small cost. This land can be purchased at the rate of Shs. 12/50 per acre, i.e. £5,636.

6. Reference should now be made to another recommendation of the Commission in paragraph 970 that L.R. No. 1168, which forms a salient into the Valley, should be added to the Native Reserve. The only object of including this area in the Native Reserve was to give access to Lake Solai for water supply. The acquisition of Kisinani with its dams, will, however, be of great value to the Kamasia. In addition, the tribe now has the benefit of the Pokorr borehole but the Provincial Commissioner, Rift Valley Province, considers that, since the capacity of the borehole is not yet proven, right of access for the Kamasia Natives to Lake Solai should be preserved by means of a fenced wayleave along one side of L.R. No. 1168.

7. The Solai District Association and the accredited representatives of the European Highlands have accepted this proposal on the basis that L.R. No. 1168 would subsequently be retained as Crown Land but that access to Lake Solai along the south-west boundary should

be reserved for the Kamasia as an emergency water supply.

You are, no doubt, aware that Lake Solai dries up periodically. It is at the present time completely dry. Whilst, therefore, the proposed access secures use of the Lake waters when they exist, the dams on Kisinani are more likely to be of permanent value, and indeed, at the moment will be of great value to the Kamasia.

8. It is proposed that, if the purchase be approved, an area of the Kisinani farm equivalent in acreage to L.R. No. 1168 be added to the Kamasia Native Reserve as Class "A" land, and that the balance thereof be made available as Class "B2" land - Temporary Native Reserve.

Access for the Kamasia Natives to Lake Solai will be provided by means of a fenced wayleave down the boundary of L.R. No. 1168, and the remainder of L.R. No. 1168 will be retained as Crown Land.

9. The proposed revision of the Commission's recommendation (illustrated on the attached plan) has received the approval of Capt. R.O'B. Wilson and Mr. R.W. Hemsted, the locally resident members of the Land Commission. The accredited representatives of the White Highlands and the Kamasia Local Native Council have expressed their agreement: and, with the concurrence of the Executive Council, I recommend the approval of the proposed purchase and of the arrangement recorded in paragraph 8 above.

I have the honour to be,
Sir,

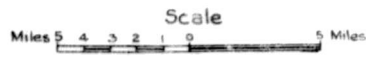
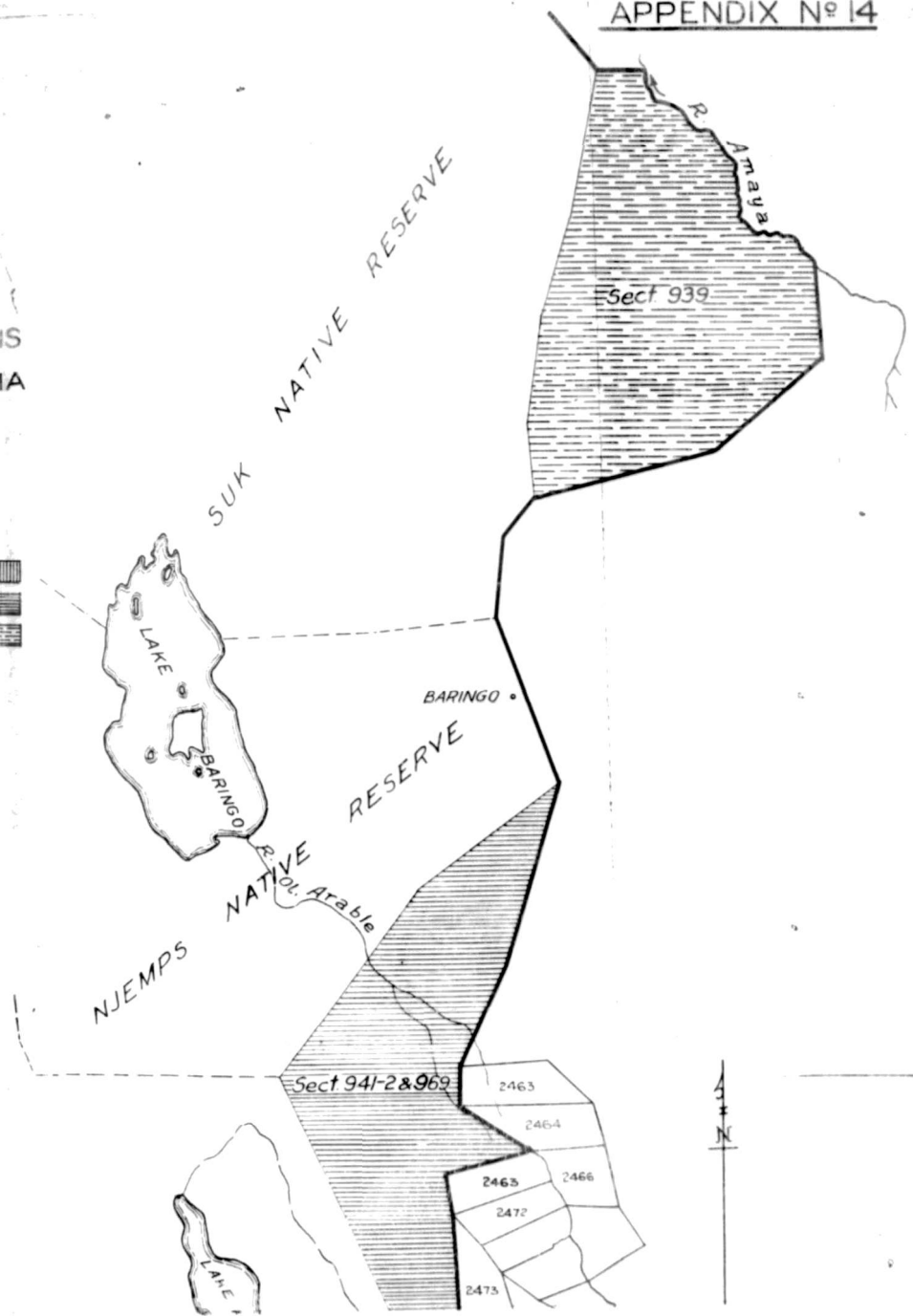
Your most obedient, humble servant,

ACTING GOVERNOR'S DEPUTY.

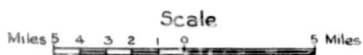
MAP ILLUSTRATING THE RECOMMENDATIONS REGARDING THE SUK, NJEMPS AND KAMASIA NATIVE RESERVES.

Additions to Native Reserve under Class A shown thus

	" " " " " " " " B1 " "	
	" " " " " " " " B2 " "	



12



KAMASIA NATIVE RESERVE

NJEMPS NATIVE RESERVE
R. VE
R. Arable
RESEK

