

X.F. 7637

9 NOV 1926

KENYA

X.F. 7637

9 NOV 1926

C0533/362

From

QVR ORIOG

914

Date

15th October 1926

CROWN LANDS ORDINANCE.

CLOSED
UNTIL

1927

Previous paper
X.F. 7634

Subsequent paper
X.F. 1077

(Nyanza)
26 (S. & G.)
roads

(Minutes within)

S. J. Wilson 12.1.27

N. ... 14.2.27

S. J. S. 15/2

E. A. ... 16/3

Library (to note no. 1) 18/3

XEA 19.3.27

M. Allen 20.7.27

Room 1

X.E.A. 15/11

M. Allen 6.12

H. ... 7/12

M. Allen 8/12

S. C. Mackey 9/11

S. J. Wilson 13/12

... 14/12

M. Sel 1/12

M. Allen 3/12 28/12

S. C. Mackey 4/12

1) GOVERNOR GRIGG, 914 ----- 15th October 1926

Crown Lands (Amendment) Ordinance No 22 of 1926.

Encloses two signed copies together with copy of legal^m and states that the promulgation of the Ordinance will enable early steps to be taken to issue final proclamation of the Native Reserves Boundaries.

(a)
~~Mr. Sturtevant.~~
~~Mr. Allen for C. Shackley~~

See the "notes" which I annex.

This is one of the Ordinances referred to by Sir F. Grigg in his despatch on X. 6344/26 (para 10), although we asked, in replying, to see it in draft form, it had actually passed through the Legislative Council before the date of Sir F. Grigg's despatch.

But the Ordinance itself is merely a revival of that originally proposed on 7/5/22^{Gov.}, & eventually approved in 7/11/22^{Gov.} para 2. of Sir F. Grigg's despatch on 7/6/24, though its actual form had been slightly changed. The objects are sufficiently stated in the Attorney General's report.

A good deal will depend of course on the nature of the Rules under Section 58 of the Ordinance. When the

11/10/26
26

Ordinance was originally submitted
draft rules were also sent home. (see 17522/22

44259/23 ^{inside these} These rules were also,

Subject to certain suggestions made here, see
on 44130/23, approved on 9/17/24
at the same time as the Ordinance ~~but~~
~~no rules~~ Governor was given authority
to proceed with the Ordinance. No rules

are, however, submitted with this
Ordinance; but as under Sec. 151(3)
of the Principal Ordinance, all rules
are subject to disallowance by H.C.,
I think that we may safely await
the receipt of any rules which
may be made for the letting, leasing
etc. of lands in Native Reserves as
forehadowed by the new Section 55.

The other Ordinance mentioned
by the Govt in § 10 of X6344/26 will
presumably deal with the questions of
land policy which formed the
subject of Govt 5856/25, especially the
creation of a Trust Board.

? sanction this Ordinance G3: ?
doubt if it is necessary to add anything
to the effect that Rules made

11/7/26
26

2
30

under Sec. 58 of the Ordinance, as contemplated
in Sec. 55, will no doubt be submitted
to S.G.S. in due course for the signature
of H.C.'s pleasure

J. Steel
6.11.26.
A.L.
7/12.

This particular piece of legislation has formed
the subject of correspondence with the fact
that the Govt has not come home in draft does
not seem to matter much. The other Bill
is a different matter & in para 6 of the
Govt's of 10 June 25 an 5856/25 asking
for the Govt's recommendations definitely
requested a draft Ordinance at the same time.
The Govt's last sentence of para 10 of X6344/26
suggests that this is no intention of further
to take the rough before submitting it in draft
further reminds of the recent one for X6344/26 which
called for a sanction to proposed say
that it is proposed that steps be taken
taken with a view to the issue of Rules
at an early date.

Carloofan 21
No 2 ounce
recd J.M.D.
16/12
"Native Reserve"
was disposed of
Sec 21 Ordinance 3201476
(10081/26)
J.M. Allen
2/1/27

J.M. Allen
8/12/26
C.S. 82
13.12.26
at once
10/12/26

XF 7637
26

2 — Gov. Guss — 9 Nov., 1926
970 Incl. 10 copies of boundaries of District
Halls as to legislation to be
introduced, and adds that proposal to include certain small
areas in the Reserve is receiving consideration.

3 — Ag. Pol. Sec. — 11 Nov., 1926
341
Have copies
Library.

Amendmt Order, No. 22 of 1926
100 10 copies of Crown Lands

4 to Gov 1207 (1 amended) 28 DEC 1926

Put No 3 by.

Steel
6.1.27 above.

No 2

Sir C. Strachey

(The maps which
are rather numerous
are in my room)

I am afraid we have been rather a long time
in dealing with the Governor's despatch of the 9th
November, No. 2 in the file, but the final settlement
of these boundaries is a very important matter, into
which it has been necessary to go carefully, and the
question is one with a long history and I should have
felt happier in dealing with it if I had had longer
experience in the Department, as I cannot feel certain
that points may have arisen in the past which ought to
be considered, but of which I have never heard. The
provisional boundaries were, however, published in the
Colony more than a year ago, and there has been ample
time for criticism on both sides. Objections were
received

received and considered, and it seems clear from
X.6344/26 that general agreement has now been reached
with the Chief Native Commissioner, and that the only
matters outstanding are the minor proposals referred to
in para. 3 of this despatch. I attach a note by Mr.
Seel dealing with the cases of certain of the
boundaries, to which I have added marginal comments.
Apparently, the S. of S's. formal approval is not re-
quired for these notices and schedule of boundaries.

? For the moment action should be limited to
writing to the O.A.G. as suggested at the passages
A. B. C. and D. marked in red in the memorandum.
Ultimately it will no doubt be desirable to express
satisfaction that the delimitation of the boundaries
has now been completed, but I think that might be left
over until we have cleared up the few points which,
as suggested, seem to call for some further informa-
tion.

(The correspondence referred to in para. 4
of the despatch relates to (a) "Promised Land" and
(b) the "Kinangop Area" - both of these areas are men-
tioned in the attached note).

W.H. McLean (See also 82453 Manda
3/2 + 10097 8190 - new papers)
28/12/27

I think this troublesome matter is now
very nearly done with. The doubtful points are
few. ? as proposed.

P.H. G.

Self
As there are frequent P.O's about
these points, you should see if
agree with the latter. 14.2.27
Jm 14

17.2.27

5 To Gen. Staff (1/2 amended) Comd. ^{2/9/27} 19/12 - 3 MAR 1927

K.A.

W. Allen

Kenya have not yet replied to no. 5 on this paper, ? remind.

OK ¹⁹ _{10/27}
(24)

Gave another two months - the boxes may have been held up by the Gov. 19/12

workmen

20/10 at all

K.A.

Further min. as to reminding on X. 10171/27/K.

Maps are kept in map keyboard in 2 (2nd).

and on 15208/28 K.

K.A.

12/3/28

K.A.

Maps now in Librarian

CAF 18 5

Mr. Seel 27.2.27
Mr. Allen ~~27~~
Mr. ~~26/2~~

XF 7637/26 Kenya.

Mr. E. J. Harding.
Sir C. Strachey. 26/2/27
Sir J. Shackburgh.
Sir G. Grindle.
Sir C. Davis.
Sir S. Wilson.
Mr. Ormsby-Gore.
Earl of Clarendon.
Mr. Amery.

Answered. X 15206/20
(no. 8)

3 March
~~February~~ 1927

C. D.
R 28-18
D 3h

DRAFT.

Kenya.
Confidential
GAC.

Sir

I have etc. to ack. the
Sir Edward Guss's
receipt of your despatch

No 970. of the 9th of
~~November~~ November. 1926.

withins copies of Govt.
Notice of No 394. of the
13th of October. 1926,
published in the Official
Gazette of that date,
not defining the boundaries
of certain Native
Reserves in Kenya. (20)

* Specially as to para 2,
would so as to leave a
loophole if it should be
necessary to raise other
points when the map comes in.
Hth. lit. also 11/27
on 10097/27.

2. Certain points ~~as~~ as
indicated

in the following paragraphs
a few points have arisen
in their despatch ~~in~~ ⁱⁿ ~~the~~ ^{the} ~~course~~ ⁱⁿ ~~of~~ ^{of} ~~consideration~~ ^{consideration}
the boundaries of the
Reserve as now ~~contained~~
indicated, and I have
requested that I may
be furnished with your
views upon these
matters.

3. Lumbwa Reserve

I note that from the
map of this Reserve that
the plot L.O. NO 4098,
is on the Eastern boundary
of the Reserve, is situated
partly to the North and
partly to the South of
the ^{KITHO} Kitho River. It would
appear from the ^{description} ~~map~~
the boundary, on page
10 of the Govt. Notice, that
the Northern portion ^{only} of this

2. I observe that the
boundaries as now
delineated give effect
to decisions in various
matters which have
formed the subject of
considerable correspondence
in the past; but I
should be glad to receive
your views on the following
points which have
emerged from a
preliminary consideration
of the Govt. Notice &
maps.

Mr.
Mr.
Mr.
Mr. E. J. Harding.
Sir C. Strachey.
Sir J. Shuckburgh.
Sir G. Grindle.
Sir C. Davis.
Sir S. Wilson.
Mr. Ormsby-Gore.
Earl of Clarendon.
Mr. Amery.

DRAFT.

plot is actually situated
within the Reserve, and
the yellow line indicating
the boundary on the map
itself confirms this view.
The whole of L.O. 4098 is,
however, coloured red
on the map as being
an alienated area
within the Reserve, and
I should be glad if the
precise position as regards
the ~~boundary~~ ^{position} of this
plot could be made clear.

^{CH}
X With regard to
L.O. 3978, on the Northern
boundary of this Reserve,
it was stated in a memorandum
dated the 31st of March, 1926,
concluded with Mr. Northcote's
Confidential despatch No 67

of the 11th of May, 1926)

that the Chief Native

Commissioner was recommending that this farm should be included in the Native Reserve,

subject to existing rights,

as it includes contains a salt lick much valued by the native tribes. In

my ^{Conf.} of the 21st June 1926

(Conf. No 553/26)

I enquired whether I was correct in assuming that the Govt. had accepted this recommendation;

but I have received

no further information on this point, and I ~~was~~ ^{now observe}

that the boundary as ~~was~~ gazetted does not

Mr.

Mr.

Mr.

Mr. E. J. Harding.

Sir C. Strachey.

Sir J. Shackburgh.

Sir G. Grindle.

Sir C. Davis.

Sir S. Wilson.

Mr. Ormsby-Gore.

Earl of Clarendon.

Mr. Amery.

DRAFT.

include this farm. I shall

therefore be glad to be furnished with ^{any} further ^{data} information on this matter.

Nandi Reserve

I observe that the western boundary of the Nandi Reserve includes the ~~group~~ of farms in the Kaimosi ~~dist~~ area which were alienated in 1912 and are now occupied by Europeans.

In para 8 of the memorandum by the Chief Native Commissioner which is dated the 12th of Feb^r 1924, which was enclosed with Sir Robert Compton's ^{Conf.} of the 15th of October, 1924, this area is referred to as having been cut up

55339/24

into 20 farms; but,
as far as can be traced
on the map now transmitted,
only 19 farms ^{in this area} are included
in the Reserve ^{in this} (No 1905)
and one of these is
not coloured
red, and has presumably
not been alienated. I
shall be glad to ^{be} furnished
with your views upon this
apparent discrepancy.

5
6. Myeri and Nere Reserves

In paragraph 9 of his
despatch No 739 of the
26 of July, 1926, Sir
Edward Guinness stated
that he was investigating
the position as regards
the inclusion within
the boundaries of the
Myeri and Nere Reserves
of considerable areas

X F 6334/26
(shown hereunder)

Mr.
Mr.
Mr.
Mr. E. J. Harding.
Sir C. Strachey.
Sir J. Shuckburgh.
Sir G. Grindle.
Sir C. Davis.
Sir S. Wilson.
Mr. Ormsby-Gore.
Earl of Clarendon.
Mr. Amery.

DRAFT.

9
which appeared not to be
required for Native use.
I observe that certain
areas have now been
excluded from these
Reserves boundaries
of these Reserves, as
now proclaimed, but
no further explanation
is given as to the exclusion,
and so far as can be
ascertained ^{the alteration} ~~the alteration~~
of the boundaries provision-
ally notified in the
special issue of the Official
Gazette, dated the 13 of
October, 1925, has not
been published for criticism.
I shall be glad to be furnished
with your views on this
point. In the ^{in this}
connection, I have from Sir Edward

X 2773/26

Guzz's despatch of
the 9th of November that
descriptions of certain areas
which it is proposed to
add to the Reserves will
be published for criticism.

XF
7637/26

(Signed) L. S. AMERY

NOTE ON THE BOUNDARIES OF CERTAIN
NATIVE RESERVES.

1. Lumbwa Reserve.

(a.) From the passage marked "A" on the schedule (page 10) giving the text of the boundaries, it would appear that the part of L.O. 4098 south of the Kitho River is excluded from the reserve. The text corresponds in this respect with that on page 974 of the Official Gazette of 13th October, 1925, in which the boundary was provisionally published.

On the other hand the whole of L.O. 4098 is shown in red, in the map now sent as an alienated area within the Native reserve, and in his memorandum of 31st March 1926 (enclosed with X4852/26)

The map in 4852 however showed the portion in question as excluded. There seems to me ^{and} contradiction somewhere, enquiry had better be made without appearing to criticise.

H.T.A.

the C.N.C. said it was proposed to re-include L.O.s 4078 and 4098 in the Native Reserve subject to existing rights.

It will be as well to clear up the position as regards the southern section of L.O.4098.

N.B. The plot shown in the map on X4852/26 as L.O.4432, and referred to in the Boundary as such, is now shown on the map as split up into L.O. Nos.5427, 5428, 5435 and 5436.

(b.) In his Confidential despatch of 21st June, 1926 on X4852/26, Secretary of State asked whether he was correct in assuming that Government had accepted the recommendation of the C.N.C. that L.O. 3978 should be included in the Lumbwa Reserve. So far as can be traced there has been no reply to this, but the plot in question is definitely

There were three areas in question i.e.3977 & 3979 as well as 3978 - but no question was raised as to not including the two former.

H.T.A.

Enquiry should be made as to this.

H.T.A.

X

Two areas were mainly in dispute (a) in the N.E. & (b) in the West (Kisumu). The declared boundary for (a) is in accordance with decision in 55339/24 as accepted by tribe (see 28299/25). The boundary at (b) takes in the disputed areas which were not included in the Gasetted area as shewn in rough sketch with 55339/24. Para. 8 of memo. with that paper speaks however of 20 farms in that area whereas there are only 19 numbered in the map, of which one is shown as not alienated. Remark might be made as to this.

H.T.A.

+ The Secretary of State concurred.

H.T.A.

I don't think there is anything to question here.

H.T.A.

i.e. the Masai are unwilling to go and the Governor does not propose compulsion.

H.T.A.19/1

definitely excluded from the Reserve.

2. Nandi Reserve.

X The proclaimed boundary, as given on pp. 7 & 8 of the Proclamation, agrees with that provisionally notified in the Gazette of 13th October 1925 (p.971) (X2773/26). (See also No 10 below)

3. Akamba Reserve.

+ In accordance with the Governor's decision recorded in para. 3 of X6344/26, the triangular portion of the Yatta Plateau has been omitted in the final definition of the boundaries of this reserve. The excluded portion is shaded in pencil on the new map - the shading is mine, and the old boundary is indicated as nearly as possible from the provisional boundary on page 993 of the Gazette of 13.10.1925.

4. Machakos Reserve.

The boundary of this Reserve (p.26) agrees with that on p.990 of the Gazette of 13.10.26 (X2773/26) Cf. X4851/26.

5. Masai Reserve.

(a) The "Uasin Gishu" Masai Reserve, the boundaries of which were included in the provisional publication in the Gazette of 13.10.25 (X2773/26) is not included in this proclamation. The Governor explained why he has not taken any steps to include this portion in para.9 of X6344/26 and also in X6345/26. In the meantime no compulsion is to be attempted to remove the Masai from this district.

(b)

(b) "Kinangop" Area. (para.8 of X6344/26).

The Secretary of State's despatch in reply said that he would be glad to remedy the present unsatisfactory position by any settlement which is agreeable to the Masai and formally accepted by them. The position now is that Mr. Greswolde-Williams is asking more than the Govt. has been prepared to pay for his lands.

H.T.A.

This area is included in the boundaries as proclaimed, although the papers XF7315/26 etc. show that the Government is endeavouring to purchase certain farms belonging to Mr. Greswolde-Williams with a view to effecting an exchange with the Masai, who were said in X6344/26 to favour the exchange proposed.

(c) Promised Land. (See paras.4-7 of X6344/26).

The question of leasing the area is to be discussed with the Masai.

H.T.A.

This area (corresponding with that marked by the dotted line in Map "A" on 23683/25) is now included in the Reserve.

(d) Powys Cobb Timber Concessions.

And the Govt. has to pay into the Native Trust Fund the equivalent of the royalties waived for 15 years.

H.T.A.

These two concessions (L.O's No.2942 & 2943) are included in the Reserve. cf. Gov.33292/24 etc.

6. Nyeri and Meru Reserves.

Enquiry should be made as to this.

H.T.A.

In para. 9 of X6344/26 the Governor said that he was considering considerable areas in these two reserves which did not appear to be required for Native use. Considerable areas (as shown in shading on the maps) have now been excluded from the boundaries as proclaimed. No further explanation is given, and it does not appear that the amended boundaries were published for criticism, although (see para.3 of XF7637/26 No.2) the Governor proposes to adopt this course in certain cases where he contemplates additions to the Reserves.

7. Pokomo Reserve.

Various holdings of the ^{Newkirchen} ~~New-Kirchen~~ Mission are shown in the list on Gov.X1296/26 Kenya, and most of these are included in the Pokomo Reserves. The exact title of the mission to some of the holdings is at present at issue between the Mission and the Colonial Government. None of these holdings is shown in red as an "alienated area in the reserve" on the map, the reason being no doubt that ^{given} in para.1. of Governor's despatch of 9.11.26, i.e. they are too small.

(2 on XF 7637/26)

The United Methodist Free Church (Gov.60664/24 etc) has made claims to an estate of 6000 acres in the Golbanti section of the Southern Pokomo Reserve; but after correspondence their claim was rejected by the Government which indicated, however, its readiness to make an ex gratia grant of 10 acres to the Mission at Golbaati. This 10 acres is not shown in red on the map and it is not clear whether it has yet been granted to and accepted by the Mission.

S. J. Seal.
28/1/27.

8. Samburu Tribe. These notices do not touch on the question of the lands for the Samburu tribe, the future location of which is still under consideration and has been the subject of quite recent correspondence (see L.F.7233/26 Kenya).

9. ²⁴⁷⁰ The notice covers the boundaries of native

reserves

reserves in the Digo administrative district but in spite of this recent declaration the O.A.G. has now asked in his telegram of the 27th January (in 10097/27 Kenya) for sanction of ^aproposal to exclude 26,000 acres in the Digo reserve.

10. Nandi. A slight alteration in the boundaries of this reserve has now been ^{proposed} approved (X.8453/26) in order that an exchange of land may be effected between the tribe and the Victoria Nyansa Sugar Company.

JKW/CC

4/27

Mr. Ciffe 21. xii. 26.

Mr. Peel 21. xii. p.

Mr. [redacted]

Mr. E. J. Harding.

Mr. Strachey.

J. Shuckburgh.

Sir G. Grindle.

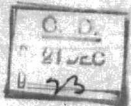
Sir O. Davis.

Sir S. Wilson.

Mr. Ormsby-Gore.

Earl of Clarendon.

Mr. Amery.



4

Handwritten mark resembling a stylized 'H' or 'A' with a diagonal slash.

28 December 1926.

Sir.

I have a to acknowledge
the receipt of your
despatch No: 914, of the
No: 1. 15th of October, and
to inform you that
His Majesty will not
be advised to exercise
his power of disallowance
in respect of the
~~Commons (Amendment)~~

DRAFT.

Kenya, No: 1204
Governor Gigg

No: 1.

Ordinance No: XXII of 1926₂ of the Legislature of Kenya, entitled "An Ordinance to Amend the Crown Lands Ordinance."

~~It~~ I present that steps are being taken with a view to the issue of Rules under this Ordinance at an early date.

(Signed) L. S. AMERY



THE SECRETARIAT.
NAIROBI,
KENYA.

WHEN REPLYING
PLEASE QUOTE
No. and DATE
AND DATE

No. LND. 1/9/1/8.

RECEIVED
NOV 11 1926
COLONY OFFICE

11 November, 1926.

7637 No. 1

With reference to Kenya Despatch No. 914 of the
15th of October, 1926, the Acting Colonial
Secretary of the Colony and Protectorate of Kenya
presents his compliments to the Under Secretary
of State for the Colonies and has the honour to
transmit ten copies of "An Ordinance to Amend the
Crown Lands Ordinance." (No. XXII of 1926).

(L.S.)

EDWARD GRIGG.

[28TH SEPTEMBER, 1926.]

No. XXII.

1926.



Colony and Protectorate of Kenya.

IN THE SEVENTEENTH YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE V.

EDWARD WILLIAM MACLEAY GRIGG,

K.C.V.O., C.M.G., D.S.O., M.C.;

Governor.

An Ordinance to Amend the Crown Lands Ordinance.

[28TH SEPTEMBER, 1926.] Date of Assent.

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:

1. This Ordinance may be cited as "the Crown Lands (Amendment) Ordinance, 1926," and shall be read as one with the Crown Lands Ordinance (Chapter 140 of the Revised Edition), hereinafter referred to as "the Principal Ordinance." Short title.

2. Section 54 of the Principal Ordinance is hereby repealed, and in lieu thereof shall be read the following:— Power to establish "Native Reserves."

"54. (1) The Governor in Council may by notice in the Gazette declare that any area of Crown land, either by general or particular description and whether the same has been surveyed or not, shall be a Native Reserve.

(L.S.)

EDWARD GRIGG.

[28TH SEPTEMBER, 1926.]

No. XXII.

1926.



Colony and Protectorate of Kenya.

IN THE SEVENTEENTH YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE V.

EDWARD WILLIAM MACLEAY GRIGG,

K.C.V.O., C.M.G., D.S.O., M.C.,

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2. Section 54 of the Principal Ordinance is hereby repealed, and in lieu thereof shall be read the following:— Power to establish "Native Reserves."

"54. (1) The Governor in Council may by notice in the Gazette declare that any area of Crown land, either by general or particular description and whether the same has been surveyed or not, shall be a Native Reserve.

(2) Any land declared to be a Native Reserve under this section shall be reserved for the benefit of the native tribes of the Colony: Provided that such reservation shall not confer on any tribe or member of any tribe any right to alienate the land so reserved or any part thereof."

Power to dispose of land in Native Reserves.

3. Section 55 of the Principal Ordinance is hereby repealed, and in lieu thereof shall be read the following:—

" 55. No land in a Native Reserve shall be sold, leased or otherwise disposed of under this Ordinance: Provided, however, that portions of the land in a Native Reserve may, subject to and in accordance with Rules made under section 58 of this Ordinance, be let on lease or licence, or otherwise set apart or utilised, for purposes beneficial to the inhabitants of such Reserve."

Passed in the Legislative Council the thirteenth day of August in the year of Our Lord one thousand nine hundred and twenty-six.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

G. R. SANDFORD,

Clerk of the Legislative Council.

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council

G. A. S. NORTHCOTE,

Acting Colonial Secretary.

W. C. HUGGARD,

Attorney General.

(2) Any land declared to be a Native Reserve under this section shall be reserved for the benefit of the native tribes of the Colony: Provided that such reservation shall not confer on any tribe or member of any tribe any right to alienate the land so reserved or any part thereof."

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Passed in the Legislative Council the thirteenth day of August in the year of Our Lord one thousand nine hundred and twenty-six.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

G. R. SANDFORD,

Clerk of the Legislative Council.

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

G. A. S. NORTHCOTE,

Acting Colonial Secretary.

W. C. HUGGARD,

Attorney General.

KE 7657
26
2



KENYA.

No. 970

GOVERNMENT HOUSE,
NAIROBI,
KENYA.

RECEIVED
6 DEC 1926
COL. OFFICE

9 November, 1926.

Sir,

With reference to your despatch No. 894 of the 17th September 1926, and in accordance with paragraph 11 of my despatch No. 739 of the 20th July, I have the honour to enclose 10 copies of the boundaries of the Native Reserves as published in the Official Gazette dated the 13th October, ¹⁹²⁶ ~~1925~~. I am also sending a volume of maps illustrating these reserves under separate cover. You will observe that the larger alienated areas in the Native Reserves are shown on these maps in accordance with paragraph 15 of Sir Robert Coryndon's despatch No. 28 of the 8th January, 1925. Owing to the scale of the maps it is not possible to show sites for missions, mills, and similar small individual alienations.

2. In accordance with paragraph 7 of your despatch under reference the legislation referred to in paragraph 10 of my despatch No. 739, will be submitted to you in draft prior to its publication or its introduction into Legislative Council. As you are aware the Crown Lands Amendment Ordinance, 1926, has already been passed by Legislative Council as reported in my despatch No. 914 of the 15th October, 1926.

3. I still have under consideration certain proposals for the inclusion of a few areas, mostly very small, in

the/

THE RIGHT HONOURABLE
LIEUTENANT COLONEL L.C.M.S. AMERY, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON, S.W.

Gov. 6344
Gov. 6344
Gov. 5856
See in 2773/66
13
15
12
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1

the Reserves as now described, I have, however, considered it proper to publish for criticism descriptions of these additional areas in the Official Gazette as was done in the case of the provisional boundaries of the now gazetted reserves. These are in course of preparation and will be published at the earliest possible date.

4. I shall be addressing you in separate correspondence on the subjects raised in paragraphs 4 and 5 of your despatch under reference.

I have the honour to be,

Sir,

Your most obedient, humble servant,

Edward Gigg

G O V E R N O R .

Rules.

1. In para 7 of his ~~SGS~~ despatch of 17 Sept. on X6344/26 the SGS expressed the desire to see this (and the ~~draft~~ Native Lands Bill which the Governor has under conon) in draft before they were published or introduced into Council. This Ordinance, however, had already passed the Council on the 13th of August.

2. A Bill to amend Sections 54 & 55 of the Crown Lands Ordinance was first submitted in 1922. (G.O. 17522/22. Kenya) where it was pointed out that to any portion of a native reserve which it was desired to lease to a non-native, with the approval of a S.G.S., had to be excluded from the reserve as the law then stood. Draft rules were also submitted. The SGS said he would assent the receipt of a promised return of alienation

on Native Reserves in the final draft
of the proposed rules. Revised rules
were submitted on Nov. 14/13/23.

After some delay, due to the
Governor's visit to England in connection
with the Indian question, & to further
consideration of policy, the S. G. S. eventually
told the Governor (Nov. 17/6/24) on
the 27th of June, 1924 that steps
should be taken without further delay
for the ~~issue~~ enactment of the Ordinance
on the issue of the Rules, unless it
was proposed to deal with the matter
in the Native Reserves Ordinance
which the Governor had mentioned
in his telegram of 22 March, 1924
(~~14013/24~~^{Nov} 14013/24). There is no
trace in subsequent papers of
any further development as
regards ~~that~~^{this latter} Ordinance.

4. In para. 16 of his Cons. despatch of 8.1.25
on Land Policy, Sir R. Conyngham
reverted to the subject of the
Ordinance to amend Secs. 54 & 55

5856/25

of the Crown Lands Ordinance, &
suggested that the amendment should
include provision making the
declaration of native areas conditional
on the recognition of certain Past rights
as an addition to the Ordinance
was proposed. - a draft (see) submitted

Possibly
in the ~~draft~~ ^{to be}
under consideration

5. This suggested addition is
not included in the Ordinance now
passed by the Legislative Council,
which, with some alteration of form,
is substantially that originally
proposed in 1922 & approved in
1923. No rules are submitted
though Sec. 55 of the Ordinance
still provides for the issue of
Rules under Sec. 58 for the
leasing, licensing, or other utilisation
of portions of the Reserves
for purposes beneficial to the
inhabitants.

OBD.

20



GOVERNMENT HOUSE,
NAIROBI,
KENYA.

KENYA.

No. 914

XF 7637
9 NOV 1926

15th October, 1926.

Sir,

msf
for b. 344
28 DEC 1926
Ordinance.
Legal Report.

I have the honour to refer to paragraph 10 of Kenya despatch No. 739 of July the 20th, 1926, and to transmit herewith two authenticated copies of the Crown Lands (Amendment) Ordinance, (No. XXII of 1926) together with a copy of the Legal Report by the Attorney General.

Answered 1207

2. This Ordinance passed its third reading in Legislative Council on August the 13th, and I assented to it in His Majesty's name on September the 28th, 1926.

3. The promulgation of this Ordinance will enable early steps to be taken to issue a final proclamation of the Native Reserve boundaries.

4. Ten printed copies of the Ordinance will be forwarded in due course.

I have the honour to be,

Sir,

Your most obedient,
humble servant,

Edward Gigg

G O V E R N O R .

THE RIGHT HONOURABLE
LIEUTENANT COLONEL L.C.M.S. AMERY, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W.

(L.S.)

EDWARD GRIGG.

[28TH SEPTEMBER, 1926.]

No. XXII.

1926.



Colony and Protectorate of Kenya.

IN THE SEVENTEENTH YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE V.

EDWARD WILLIAM MACLEAY GRIGG,

K.C.V.O., C.M.G., D.S.O., M.C.,

Governor.

An Ordinance to Amend the Crown Lands Ordinance.

[28TH SEPTEMBER, 1926.] —Date of Assent.

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as "the Crown Lands (Amendment) Ordinance, 1926," and shall be read as one with the Crown Lands Ordinance (Chapter 140 of the Revised Edition); hereinafter referred to as "the Principal Ordinance." Short title.

2. Section 54 of the Principal Ordinance is hereby repealed, and in lieu thereof shall be read the following:— Power to establish "Native Reserves."

"54. (1) The Governor in Council may by notice in the Gazette declare that any area of Crown land, either by general or particular description and whether the same has been surveyed or not, shall be a Native Reserve.

(2) Any land declared to be a Native Reserve under this section shall be reserved for the benefit of the native tribes of the Colony: Provided that such reservation shall not confer on any tribe or member of any tribe any right to alienate the land so reserved or any part thereof."

Power to
dispose of land
in Native
Reserves.

3. Section 55 of the Principal Ordinance is hereby repealed, and in lieu thereof shall be read the following:—

" 55. No land in a Native Reserve shall be sold, leased or otherwise disposed of under this Ordinance: Provided, however, that portions of the land in a Native Reserve may, subject to and in accordance with Rules made under section 58 of this Ordinance, be let on lease or licence, or otherwise set apart or utilised, for purposes beneficial to the inhabitants of such Reserve."

Passed in the Legislative Council the thirteenth day of August in the year of Our Lord one thousand nine hundred and twenty-six.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

G. R. SANDFORD,

Clerk of the Legislative Council.

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

G. A. S. NORTHCOTE,

Acting Colonial Secretary.

W. C. HUGGARD,

Attorney General.

(2) Any land declared to be a Native Reserve under this section shall be reserved for the benefit of the native tribes of the Colony: Provided that such reservation shall not confer on any tribe or member of any tribe any right to alienate the land so reserved or any part thereof."

Power to
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Passed in the Legislative Council the thirteenth day of August in the year of Our Lord one thousand nine hundred and twenty-six.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

G. R. SANDFORD,

Clerk of the Legislative Council.

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

G. A. S. NORTHCOTE,

Acting Colonial Secretary.

W. C. HUGGARD,

Attorney General.

LEGAL REPORT

THE CROWN LANDS (AMENDMENT) BILL, 1926.

The main object of this Bill is to amend the Crown Lands Ordinance so as to allow land in a Native Reserve to be let on lease or licence or otherwise utilized for the benefit of the inhabitants of the Reserve without actually excluding such land from the Reserve. At present land in a Reserve can be so dealt with only if the land is first excised from the Reserve under section 56 of the Ordinance. Moreover the land, when so excised, ceases to be part of the Reserve and can only be re-included by again going through the formalities required by section 54.

Opportunity is taken to alter the form of the law in regard to the establishment of Native Reserve. At present the power of the Governor is limited to reserving from sale, lease, or other disposal any Crown land which in his opinion is required for the use or support of the native tribes of the Colony. There is, however, no provision in the law which specifically empowers the Governor to declare an area to be a "Native Reserve"; in fact the term "Native Reserve" is not used in the Crown Lands Ordinance except in one marginal note. The proposed amendment of section 54 removes this anomaly without altering in any way the original intention of the section.

END

In my opinion His Excellency the Governor
may properly assent to this Bill in the name and on
behalf of His Majesty.

Nairobi,

23rd September, 1926.

[Sd] W. C. HUGHES
ATTORNEY-GENERAL.