

1926

331

KENYA

X 4851

DATE

Conf 66: --- 11th May 1926.

8 JUN 1926

BOUNDARIES OF MACHAKOS NATIVE RESERVE.

The copy map showing agreed boundaries together with explanatory memoranda by the Director of Land Surveys & Chief Native Commr.

Paper

24/3

16/100
16/100
16/100

1576
16/100
16/100

nt Paper

0 4852

H. B. Salford

I have found some difficulty in connecting up the areas mentioned in the enclosures to this despatch with those referred to in Mr Maxwell's second memorandum in 21287/25.

The two main areas in question are those south of the Thwaki and Kiangini Rivers - marked A in the lower part of the map - and the Mua Hills - marked B in the upper part. As regards the former, Mr Maxwell has now agreed to its exclusion from the reserve on the ground that the area is, *uninhabited*, uninhabitable and useless. He has also agreed to the exclusion of the Mua Hills area, on the ground that it is probable that the Akamba never owned that area and have admitted as much.

There are two other small areas in question - the Machakos Township, indicated by the violet ring in the upper part of the map which has been included in the reserve, and a small addition being part of the area 4869, indicated by the green line in the top portion of the map. As regards the reference at the end of the Chief Native Commissioner's letter to the Yatta Plateau, we know from other correspondence that the Government is considering the question of allowing the Akamba to graze their cattle on some portion of the Plains. I have on 4852 (Q.B.) suggested a reply covering both these despatches.

up in the yellow

*J. V. Allen
15/6/26*

** Clearly that was to the same person*

*U.S. 16.6
16.6.26
etc etc*

KENYA.



386
GOVERNMENT HOUSE,
NAIROBI,
KENYA.

No. 66

CONFIDENTIAL.

X. 4351

11th May, 1926.

8 JUN 1926

Sir,

012
75
With reference to your Confidential Despatch of the 7th December 1925 on the subject of the final settlement of the boundaries of the Machakos (Ulu) and Lumbwa Native Reserves, I have the honour to transmit a copy of a map which shows the agreed boundaries of the former Reserve as provisionally gazetted under Government Notice 417 of October 12th 1925, and also indicates the lines of the boundaries as proclaimed in 1906, 1910 and 1912 and as provisionally gazetted under the Crown Lands Ordinance 1915 in 1920.

2. Further explanatory memoranda of the Director of Land Surveys and Chief Native Commissioner are also enclosed for your information.

I have the honour to be,

Sir,

Your most obedient, humble servant,

GOVERNOR'S
DEPUTY.

HONOURABLE

MENTHMENT COLONEL L.C.M.S. ALERY, P.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET, LONDON, S.W.

dated 21st March.

MACHAKOS.

The principal excisions from the Native Reserve as defined by the 1906 Proclamation are - 387

- (a) the area to the South of the Thwari and Kiangini Rivers, and
- (b) the Mua Hills.

The former area has been excised because it is uninhabited, uninhabitable and quite useless. I agree to its excision.

The Acting Chief Native Commissioner agreed to the excision of the latter owing to the facts brought to light by the Director of Surveys, facts which had not previously come to my notice and were not on record in my office which was not created until 1918. These facts are detailed by the Director of Surveys in the notes attached to his No. Gd.Br. 248/2 of 21st January, 1926 to you and are very briefly as follows:

In 1900 Mr. Ainsworth was convinced that this area was part of the Akamba country - he says that in 1892 the hills were almost uninhabited owing to fear of the Masai but in 1895 the Akamba asked for and received permission to occupy them. In view of this the Secretary for Native Affairs, Mr. Hollis, strongly opposed the alienation of this country.

A few months later however, many of the natives expressed a desire to move. They admitted that the land was not originally owned by them and it seems that they readily consented to an arrangement by which, without pressure, they returned to the plains.

Mr. Hollis then withdrew from his former position and definitely recommended that the Mua Hills should be taken out of the Reserve.

It must be assumed that the reasons which influenced the Secretary of Native Affairs in coming to this decision were good and sufficient and the Acting Chief Native Commissioner has accordingly accepted them as conclusive/.

conclusive.

In the circumstances I am of opinion that Colonel Watkins was right in doing so. The probability is that the Akamba never owned the Mua Hills but that they occasionally grazed their cattle there when not prevented by the Masai.

I feel that we should make a concession to the Machakos Akamba under which they will be permitted to graze their cattle temporarily on some part of the Yatta Plains pending the reconditioning of their own land but that is a matter for subsequent arrangement and not one which affects the boundary of their Reserve

(Sgd) G.V. MAXWELL.

CHIEF-NATIVE-COMMISSIONER.

STREET



MACHAKOS (U.U.) NATIVE RESERVE
 Native Reserve Area established in 1911
 Boundaries of Native Reserves as defined in 1911

Scale 1:50,000
 1:50,000
 1:50,000

MACHAKOS
 NATIVE RESERVE

Mr. Maxwell

The objections originally raised by the Chief Native Commissioner will be found in the first memorandum flagged in 21287. It is a little difficult to identify the particular areas in question, but they appear to be three in number

(a) Farms 3977, 3978, and 3979, which are hatched in red at the top of the map. As regards two of these, 3977 and 3979, Mr. Maxwell accepts the position that they have been irrevocably alienated, but as regards the third, 3978, he recommends (and the Commissioner of Lands has agreed) that this farm should be included in the native reserve subjecting to existing rights. It does not, however, appear from the despatch ^{attached} that this recommendation has been accepted.

(b) Farms 478 and 498, hatched in violet on the map. These have already been included in the Reserve Gazette Notices in 2773.

(c) The area between the Karuma and the Chepkoiisi Rivers, hatched in yellow on the map. These also have been included in the reserve under the Gazette Notices in 2773.

There remain two other points. The Sotki Post in the lower half of the map (hatched in red) and the triangular portion outlined in red at the top left hand corner of the map described as the Central Karirondo Native Reserve; but apparently the Chief Native Commissioner has no representations

...ations in regard to either of these two
areas. As regards the Ulu (Machakos) Reserve see
4451. I acknowledge both despatches: say that the
Secretary of State presumes that he will be
informed in due course of the boundaries of all
the native reserves as finally Gazetted, ^{with}
~~but that~~ ^{any necessary explanation & in particular}
he will be glad to be informed ^{as to whether}
~~he is~~ ^{not in possession that} whether
the Government has accepted the recommendation of
^{the} Native Commissioner that farm 3978 ^{should be} included
in the Lumbwa Reserve.

W. Walker

15/6/26

There seems no special reason why
3977 & 3979 should not also (for purposes of
control) have been put in the Reserve & ~~not~~
~~substantiated that the matter~~
we may find that we need a separation
of the "Central Harroards" corner, but
any more it is better.

as proposed?

W. J. Stoney
16.6.26.

16.6

at once

you reminded, see para 3 (b) of our despatch
of 3 March/27. on Gov. F. 7637/26 K.

Y A

DOWLING STREET,

CONFIDENTIAL

21 June, 1923.

393

Sir,

I have the honour to acknowledge the receipt of your Confidential despatches Nos. 66 and 67 of the 11th May in regard to the settlement of the boundaries of the Ulu(Kachakoo) and Kuntun Native Reserves.

I promise that I shall be informed in due course of the boundaries of all the native reserves finally gazetted, with any necessary explanations. In particular, I shall be glad to be informed should I be correct in assuming that the Government had accepted the recommendation of the Chief Native Commissioner that the area L.O. No. 8078 should be added to the Kuntun Reserve.

I have the honour to be,

Sir,

Your most obedient

humble servant,

(Signed) L. S. AMERY

BUREAU CHIEF

SIR H.W.H. GIBBS, K.C.V.O., C.M.G., D.S.O.
etc., etc., etc.

17. 6. 26.

C. D.
R 17 JUN
D 18

Inds

Sy

Downing Street,

21 June, 1926.

Sir,

I have etc., to acknowledge the receipt of your Confidential despatches Nos 66 and 67

of the 11th May in regard to the

settlement of the boundary of the Ulu (Machakos) and Lumbwa Native Reserves. ⁴⁰ I presume that

I shall be informed in due course of the boundaries of all the native reserves as finally Gazetted, with any necessary

explanations; and in particular, I shall be glad to be informed whether I am correct

in assuming that the Government has accepted the recommendation of the Chief Native

Commissioner that ^{the area L.O. No} 3978 should be included in the Lumbwa Reserve.

(Signed) I. S. A. Etc.

KAFT.

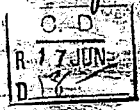
trial

v. Grigg.

Harding.
Machakos.
Mulle.
son.
Gore.
Clarendon.

Mr. Allen 17. 6. 26.

Mr. B. J. Harding.



Mr. Strachan.

Sir J. Shuckburgh.

Sir G. Grindle.

Sir C. Davis.

Sir S. Wilson.

Mr. Ormsby-Gore.

Earl of Clarendon.

Mr. Amery.

Downing Street,

21. June, 1926.

Sir,

I have etc., to acknowledge the receipt

of your Confidential despatches Nos. 66 and 67

of the 11th May in regard to the

settlement of the boundary of the Ulu(Machakos

and Lumbwa Native Reserves. I presume that

I shall be informed in due course of the

boundaries of all the native reserves as

finally Gazetted, with any necessary

explanations; and in particular, I shall be

glad to be informed whether I am correct

in assuming that the Government has accepted

the recommendation of the Chief Native

Commissioner that ^{Miara L.O. No} 3978 should be

included in the Lumbwa Reserve.

DRAFT.

KENYA

Confidential

Gov. Grigg.

(Signed) L. S. Amery.

KENYA.



X. 4852

395

8 GOVERNMENT HOUSE,
NAIROBI,
KENYA

No. 67

CONFIDENTIAL.

11/4 May 1926.

Sir,

Yours
48012
28

with reference to your confidential despatch of the 7th December 1925, with regard to the final settlement of the boundaries of the Ulu (Machakos) and Lumbwa Native Reserves, I have the honour to transmit as desired in paragraph 2 of that despatch, a map which shows the agreed boundaries of the latter Reserve and also indicates the extent to which the boundaries now agreed upon coincide with or differ from those proclaimed in 1909 under the Outlying Districts Ordinance 1902 and those provisionally Gazetted in 1919 under the Crown Lands Ordinance 1915.

2. I also enclose copies of Commissioner of Lands letter No.Cd.Br.1966/2 dated 21st January 1926, and of a confidential memorandum from the Chief Native Commissioner which sets forth the reasons which have guided him in accepting the boundary as provisionally Gazetted under Government Notice 417 of October 12th 1925.

I have the honour to be,

Sir,

Your most obedient humble servant,

J. Ad hertwick

GOVERNOR'S
DEPUTY.

HONOURABLE
COL. L.C.M.S. AMERY, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, W.C.1.

21st January, 1926.

In reply please quote No. Cd. Br. 1966/2 and date.

The Hon. Colonial Secretary,

Nairobi.

Lumbwa Native Reserve.

Your Reference No. C. 10/120 of 29th December, 1925.

1 Forward herewith a plan shewing the various boundaries proposed for the Lumbwa Native Reserve.

2. They are (1) 1909 Proclamation under Outlying Districts Ordinance, 1902.

(2) 1919 Provisional Notice under Crown Lands Ordinance, 1915.

(3) 1925 Provisional Notice.

3. The alterations in the boundaries have been dealt with in my 165 CY of 2nd April 1926 in reply to your No. 22235/11/45 of 14th August, 1924.

4. To this I may add (a) that the area West of the Kimugu River and South of Kericho township (hatched violet in the plan) has been added to the Native Reserve, as now provisionally described, for the purpose of the Native Trust Fund (but without effecting the position of the grantees of that area) in view of the fact that it was surveyed out of the Native Reserve without the previous sanction of the Secretary of State,

5. And (b) The area hatched yellow North and East of the Chepkoiisi River, between L.O. Nos. 4432 and 3945, has been added to the Native Reserve in view of the strong representations of the Hon. Chief Native Commissioner that this has always been occupied by natives and ought

to

2
307
to have been included in the Native Reserve
originally.

(Sgd) A.G. Baker.

for COMMISSIONER OF LANDS

Encl.
AI/DH.

Copy to Hon. Acting Chief Native Commissioner,
Nairobi.

Your Reference No. A. 12/3/11/13-11 of 14th January,
1926. Copy of plan enclosed for your retention.
See also my 1370.11 of even date.

NATIVE AFFAIRS DEPARTMENT,

Nairobi,

31st

27th March 1926.

CONFIDENTIAL.

Ref. No. A.12/3/1/43. 111.

The Honourable
the Colonial Secretary,
Nairobi.

LUMBWA AND MACHAKOS NATIVE RESERVES.

Ref. Your No. S/C 510/120 of 29th Dec. '26.

LUMBWA.

L.O.Nos. 4078 and 4098. This Area was included in the Native Reserve in the 1909 and 1919 Gazette Proclamations but was alienated in 1920 without native consent or the sanction of the Secretary of State.

It is now proposed to reinclude it in the Native Reserve subject to existing rights, that is to say the rents will be paid not to General Revenue but to the Local Native Fund.

2. L.O.Nos. 3977, 3978 and 3979. These were included in the Native Reserve by the Proclamation of 1909, and the preliminary Notice of 1919. Their inclusion by the latter must however, be regarded as an error as they had been alienated and Government was irrevocably committed to a Mr. Marquardt. ^{Advised} The Chief Native Commissioner therefore felt that he had no option but to agree to their excision in the new gazetting. In view, however, of the fact that No.3978 contains a salt lick much valued by the neighbouring natives..