

DESPATCH



EAST AFR. PROT.
No. 5801

C. L.
5801
Recd
17 FEB 08

Order No.
Keon 35
1908
20 Jan
at previous Paper.
20063/4

(Subject.)

Native Land Rights in Coast Areas

Rs. 5000 provided in Estimate for compensation.
To minutes on the subject, & enclosed to desk
No 451 of 22 Oct last.

(Minutes.)

Mr. Read

This seems all right.
The Govt. seems to have been
just in time to save itself
from heavy claims for com-
-pensation for broad-
-leaving land which did not
belong to it.

Mr. Mafu (with me) to
Secretary - & sanction the
proposed payment of Rs. 5000
& in respect of the rights
which had been long since
7/2/08

Am. 108. 5 March

1957

W. Carterham

So. June 28 '90

W. J. G.

at 2072

W. J. G.
at once



Governor's Office,
Nairobi,

January 20th 1908.

~~EAST AFRICA PROTECTORATE.~~

No. 35

(Incl. 6)

C. O.
5801
Recd
FEB 08

My Lord,

With reference to paragraph 4 of Your

Lordship's despatch No. 662 of the 4th of December last,

I have the honour to report that Rs. 5,000 is estimated as the total sum necessary to provide compensation for native rights in cases where the Government has actually committed itself to grant leases, and that this sum has accordingly been inserted in the draft Estimate for next year.

2. I transmit herewith for Your Lordship's perusal two minutes which deal with this question of compensation; and I also transmit the inclosures which

g
40063
Mr. Hollis
Jan. 7th
Mr. Montgomery
Jan. 8th
to Mr. Hollis
No. 20
do.
do.
MRDE

H.M. PRINCIPAL SECRETARY OF STATE
FOR THE COLONIES
DOWNING STREET,
LONDON, E. C.

40-517-15 * No. 40063

241

INCLOSURE No 1

COPY.

In Despatch No 35 of Jan 20, 1908

MINUTE.

C. O.
5801
Rec^d
REC 17 FEB 08

The Commissioner for Lands and the Crown Advocate agree with me in thinking that it will only be necessary to purchase land in the cases where the Government has actually committed itself to grant leases. I have therefore asked for Rs.5,000 for this purpose. In the other cases it will be left to the planters to make their own arrangements with the owners of the land if the latter wish to sell. In two or three instances the leasees have agreed to accept leases of other lands which the Government has the undoubted right to alienate. These include the East African Corporation and Messrs. H. and F. Guest. This is fortunate as in neither case would the Government have been able to purchase the lands under £5,000 of £10,000.

Sd/- J. C. HOLLIS.

Secretary for Native Affairs.

Nairobi,
January 7th 1908.

3

Encls. 2 in 20

242

INCLOSURE No. 2

In Despatch No. 33 of Jan. 20, 1908

C. O.
5801
Recd
Recd 17 FEB 08

MINUTE.

I agree in what Mr. Hollis has written. We have entered a sum of £335 in the Estimates for next year for compensation to natives for their rights, and I hope this sum will be sufficient to cover all necessary payments.

~~S~~ J. MONTGOMERY.

Commissioner of Lands.

Nairobi,
January 8~~th~~ 1908.

INCLOSURE No. 3

In Despatch No. 35 of Jan 20, 1908

MEMORANDUM WITH REGARD TO LANDS IN THE NYIKA COUNTRY
NORTH OF MOMPASA.

C. O.
5801

Recd
REG: 17 FEB 08

There is no objection to any of the leases of land on the South bank of the Sabaki River. These comprise leases to A.H. James, Goldmann (1st. choice), Abbott, Hancock, and Goldmann (2nd. choice). All native rights, especially at the foot of and on Mount Mwanee, should be reserved.

No further grants of land should be made south of Mount Mwanee.

The land over which the Waiyika have undoubted rights is shown on the map. Several of the Wa-Nyika tribes claim the right to all the land to the Coast, but they are not likely to press their claim, especially if they are informed that sufficient land for their present and future requirements will be reserved for them.

No land should be leased on the north bank of the Sabaki between $39^{\circ} 45'$ and the Sultan's dominions until a survey of this country has been made. The Giriama who inhabit this area in large numbers have no rights to the land as they have only squatted there during the last twenty years.

The forest capped peaks known as Kaya Chonyi, Kaya Jibani, Kaya Kumba, etc, should be scrupulously reserved.

244

In Dispatch No. 35 of Jan. 27 1908

Sir Arthur Hardinge's speech to the Wa-Rabai and Wa-Duruma with regard to the boundary dispute between those two tribes.

C. O.
5801
Rec^d
FEB 17 1908

As the Wachokara, one branch of the Wachonyi people, are alone concerned in this matter, I have not thought it necessary to call the Elders of the other branches, the Wachonyi and the Waduruma Kuu, and, after listening to the representatives of both your tribes I have arrived at the following decision:-

I can only take into consideration the boundaries as I found them when the British Government placed the land under its protection in July 1896. It is, in consequence, useless for the Warabai to urge that the limits of their territory reached in former times from the Shiaba Hills in the South to Jimba in the North, for, were I to acknowledge these, I should likewise have to allow the Galla to take the whole of the Giriama country and the Masai all the land from Kikuyu to the Coast.

The river Msapuni must therefore continue to be the boundary between Duruma and Rabai.

At the same time after sifting the matter to the bottom, I find the Warabai are a diligent and hardworking people who have cultivated all the waste land in their territory, while in the Duruma country there is still plenty of cultivable soil which has not yet been tilled, and, as it is my wish to aid all these who work for the good of the Protectorate, I propose that, with the permission of the latter people, all the land lying between the Msapuni and the Railway - from the Baebab tree where terminates the boundary, made by Mr. McClellan in October

1896 between the Wajomvu and the Wachagauwe to a line of pillars at Mwachi to be erected under Mr. Hollis' supervision - should be considered as neutral ground and that both tribes should be alike permitted to settle there.

As to the shambas belonging to the Warabai in the Duruma side of the Railway and those belonging to the Waduruma on the Rabai side of the Msafuni river, I am of opinion that they should remain with their present owners but, for all those plots of land which have been appropriated by the Warabai since the Waduruma first raised this question and brought the matter before my notice six months ago, a fine the amount of which is to be decided by Mr. Hollis must be paid to the Waduruma Elders.

Likewise all those Warabai who have continued to increase the size of their plantations since Mr. Hollis commenced this enquiry on January 5th 1898 are to be fined for disobeying an order given them by a responsible Government official.

In future I forbid all Warabai from increasing the size of their shambas or tilling a fresh plot of land in Duruma and, vice-versa, all Waduruma from increasing the size of their shambas or tilling a fresh plot of land in Rabai without first obtaining permission from Mr. Hollis.

In conclusion, I strictly prohibit either tribe from fighting with the other. Should I again hear of any such rumours, I shall send a number of askaries to the various towns to punish the delinquents.

By - A. C. HOLLIS,
Assistant Collector.

Rabai,
February 4th 1898.

Mombasa, 20th October 1908.

Sir,

I have the honour to report that in accordance with your instructions I have settled the boundary line, previously in dispute, between the Wajowvu and Wachanganwe.

Both parties having agreed to accept the line as defined by the Wazee of the Wa-Rabai and Waduruma a shauri was made by six men of each of these tribes, after which they drew out as nearly as possible what they considered to be the original line as decided upon in a previous dispute about 70 years ago.

I decided that the line thus made is to be final, though all growing crops are to be allowed to the present cultivators, and that all individual rights where coconut trees are five years old and upwards will not be disturbed.

I would suggest that a workman with some red paint be sent to permanently mark the trees along the line.

I have the honour etc, etc.

sd. J. W. T. McClellan.

Minute on the above despatch.

Mr. Wilson,

Give the necessary orders.

sd. G. H. Crawford.

5801/08
5801



India

DRAFT.

E. A. P. (N. 108.)

3rd March 08

Gov
Sdler

Sir

MINUTE. 28/2

Mr. Read 2/3

Mr. Justice 2/3

Mr. Justice

Mr. Andrews

Mr. Cox

Mr. Lucas

Sir F. Hopwood

Mr. Churchill

The Earl of Elgin

I have the honour to
ack the receipt of ^{that} your draft
N. 35 of the 20th of Jan^r 08
to inform you that I approve
of the proposed payment of
Rs. 5,000 in compensation
for native rights to lands
of in respect of which the
Prate of Govt has
committed itself ^{the} ~~to~~ ^{to} ~~the~~ ^{the} ~~Government~~
Please.

J. H. ...

Sign

518-15

228

CO
40340
3 NC: 08

E. R.

Biria

C

Pendokula

Uyuhbo

Royal Boundary

MACHU LAND

ROKU
KAZUJI LAND

land which the King
is willing to exchange
with the King of
Machuk

Present area
of the King of
Machuk

2 1/2 MILES
1000 FEET
1000 FEET

land which the King
is willing to exchange
with the King of
Machuk

1 1/2 MILES

land which the King
is willing to exchange
with the King of
Machuk

CHA SIMBA

San Mousa

San Mousa

O'MEARA'S APPLICATION

KATA CHUKI

PRINCE'S LAND

Kurwibu

A

N

Boundary of the King of Machuk





— PLAN —
— OF —
COAST

FROM MOMBASA TO MALINDI

referred to in Mr Hollis's Report dated October 1907

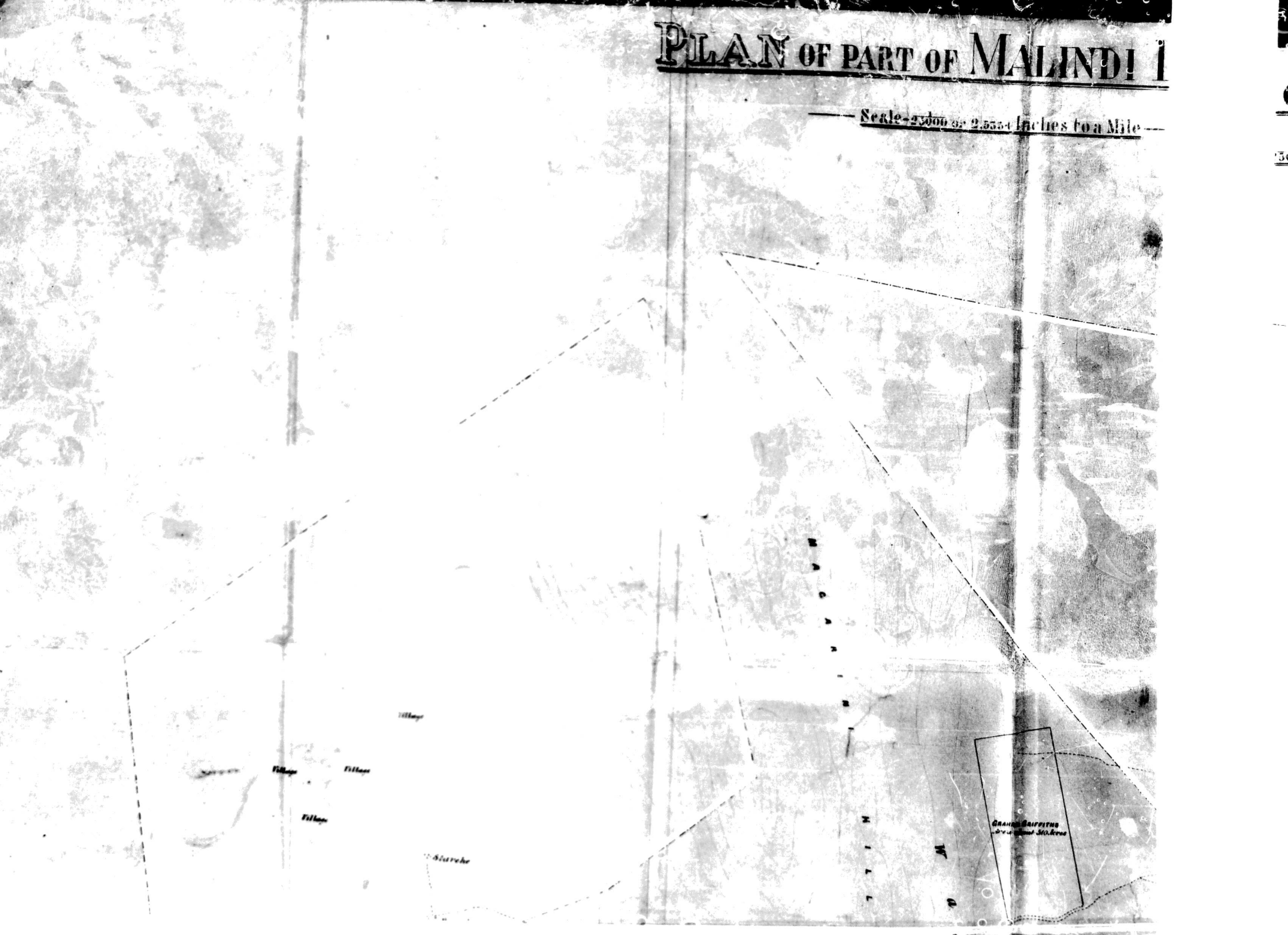
— SCALE - Two Miles to an Inch —

— NOTE —

- | | | |
|--|-------|-----------------------------|
| <i>Malindi Lands, Approximate Boundaries</i> | ----- | Edged Red |
| <i>Approximate Boundary of land over which the Wanyika have rights</i> | ----- | D ^o Green |
| <i>D^o do do B.E.A Trading and Development Syndicate</i> | ----- | D ^o Yellow |
| <i>D^o do do O. Meera's application</i> | ----- | D ^o Neutral Pink |
| <i>D^o do do of privately owned land</i> | ----- | D ^o Brown |

PLAN OF PART OF MALINDI

Scale - 25000 or 2.5354 inches to a Mile



Village

Starcho

Pomunani

Calana punda

Albaroni

Albaroni

Maharuni

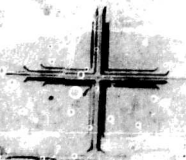
Shana

GRAND SURVEY
of the ...

This land parcel, belonged to Salama bin ... and was purchased
together with the Albaroni ... in about 1820 ...

J. E. JONES

Area about 10,200 acres



PRIVATE ...

Albaroni ...

R

Albaroni ...

Albaroni ...

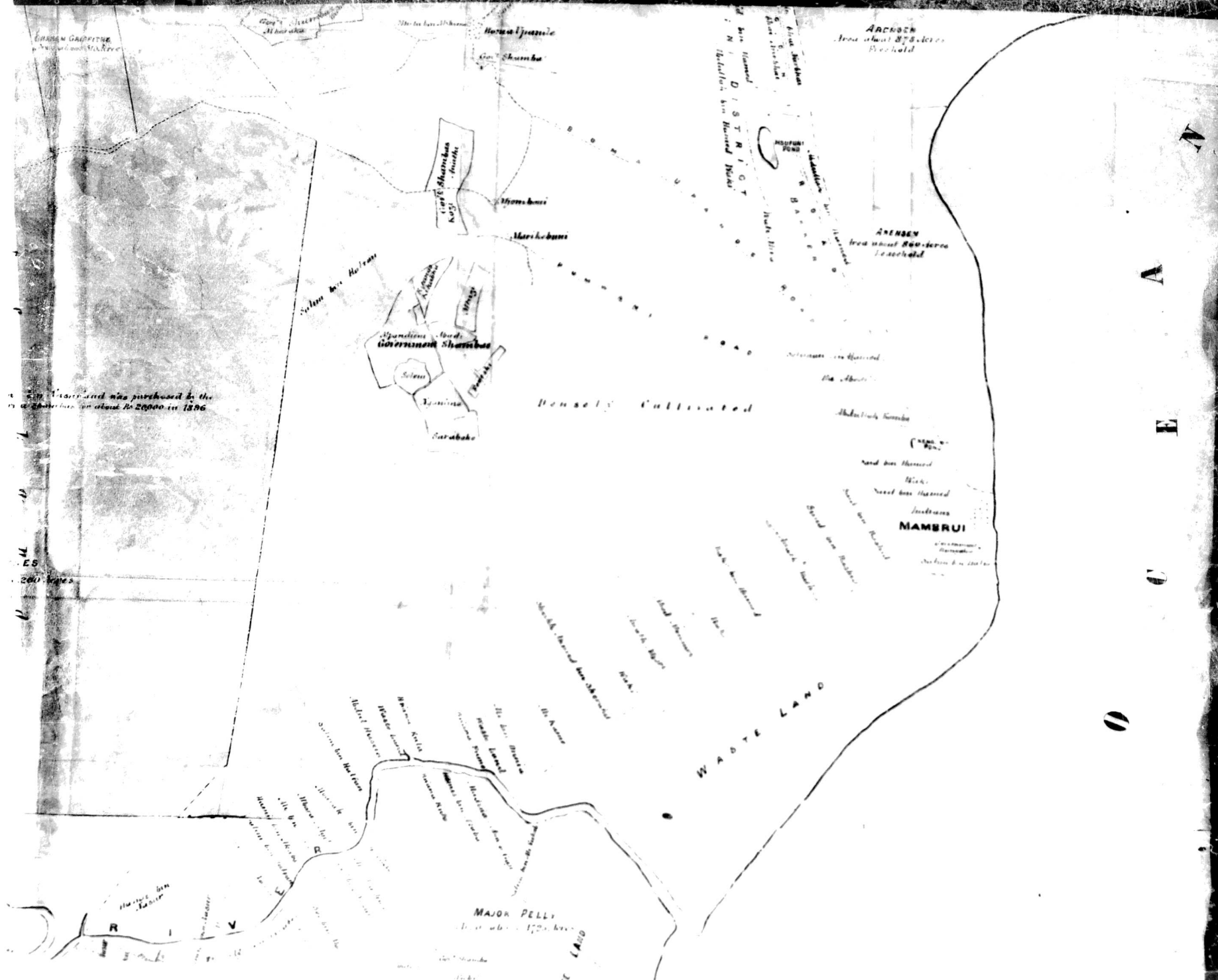
Albaroni ...

Albaroni ...

Albaroni ...

Albaroni ...

Albaroni ...



... purchased by the ... in 1896

ES
200

MAJOR PELL
Area about 1700 Acres

WASTE LAND

NAMBURI

DENSELY CULTIVATED

ANSEN
Area about 800-1000
Acres

ARACKOCH
Area about 875-1000
Acres

Government Shambhu

Govt Shambhu

Horse Ujainia

SHAMBA GAFFITHA

N

A

E

U

O

R I V

LAND



Scale
 1 inch = 10 miles
 1 mile = 1.6 kilometers

Killeshape

Stakshuri

MLIMA MWKUNDU

LAKE BAPTUM OR BARAFUMU

LAKE ISHUTI

ZIWA

MCURULANG DISTRICT

*Tamil owned by
Hassan Ali
Abdulla Wafiq or Sidi
Bakker Mafiq's children
Abdulla Mohamed
and others*

*Sulaim bin Hadda
Ali bin Hassan*

Sulaim bin Hadda

*Land owned by Sulaim bin Hadda
Abdulla bin Hadda
Kasim bin Hadda
and others*

MERE DISTRICT

Sulaim bin Hadda

GANDA DISTRICT

H B CLYTERBUCK
Area about 10120 acres

*J. Moss
Area about 10000 acres*

Cultivated Land

Thick Cultivation

GEORGI RANGE

W A I L A N D

MIJOMBONI DISTRICT

MAZIWANI

*High clearing
at Mole*

Thickly cultivated

MIATAJI DISTRICT

*Mohammed bin Mohamed
Ali bin Sultan
and others
TRADING*

*Thick cultivation
with some
open land*

NOTE
The boundary of the area shown is not a boundary of any district

KILIMBE

GURULEN DISTRICT

STRIC
Gesele

CHITVABUN DISTRICT

WANI

DISTRICT

TANGA DISTRICT

ASILE LAND

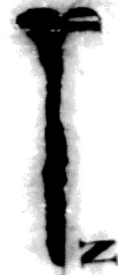
Land used to have been transferred
relinquished by one of those who
abandoned it when it was taken over

Land belonging to Abdul Bassem
Majidi bin Sul Hassan Kari and other
people of Shaha and Latta living at
Makudi
This land was not in cultivation by anyone
and has not been abandoned

Land bought by
MAST HACKETT AND KIRANAN

MALINDI

Makudi Point
Makudi



Mogoroleve
Tiamand bin Amur
Malamau
A. H. H. H. H.

Dea Lina...
Leased to...
S. H. H. H.

Schen...
Hakari
Makura...
JONES
Wahf
M. de. Mirvle

J. E. JONES
J. E. JONES
J. E. JONES
J. E. JONES

J. E. JONES
J. E. JONES
J. E. JONES

Salim bin...
Makudi

Salim bin...
Makudi

Thick...
Makudi