

1938

Kenya

No. 38005-(Part II)

SUBJECT. CO 533/487

Land Commission

(General Legislation)

Previous

*Part I.*

Subsequent

*Part III.*

Ch. Sec. 3pn.....20/8/38.  
19. Transmits 12 copies of Reports of Select Committee  
on Crown Lands (Amendment) Bill, 1938, and Native  
Lands Trust Bill, 1938.

(Spare to Library.)

No reply to No. 13 (on Part I)

Reply now recd.  
see No 20.

J Jackson  
19/10.

J Jackson 297.

2/10.

This can be put 9.

J J. P. [unclear]  
15/x  
done

20 Governor 182 \_\_\_\_\_ 7/10/38

Ref 13, alterations suggested are generally acceptable.  
Comments upon both Ordinances and two copies  
prepared for authentication, with legal reports.

21 Mr. Creech Jones \_\_\_\_\_ 18/x/38.

(Submits representations on various  
provisions of the Bill).

22 To Mr. Creech Jones \_\_\_\_\_ 19/x/38

DESTROYED UNDER STATUTE (No. 21 act?)

1. subject to legal observations, and provided  
that there is to be no alteration in the policy of  
extinguishing the rights of Native Rightholders  
in the Highlands, and removing them to the (expanded)  
Native Reserves, against which Mr. Creech Jones has  
protested so strongly, not only on his letter of the

18th October (No. 21 on file) but also in his letter of the 21st October (No. 20 on 38005/11/38), the way is now clear for the final stages of the Legislative measures which have been devised for the purpose of giving effect to the recommendations of the Kenya Land Commission.

2. It should, however, be noted that the way is not yet clear for the issue of the Orders-in-Council. These Orders cannot be issued until the local Bills have become law, and it will be seen that the Governor has withheld his assent to the Bills pending the receipt by him of the Secretary of State's authorisation to assent to them.

3. So far as I can see, only two points call for comment on the legislative aspect of this matter. One arises on the Crown Lands (Amendment) Bill, and the other on the text of the draft Highlands Order-in-Council, and it may therefore be convenient to deal with these points before I turn to the political aspects of the question as raised in Mr. Creech Jones' letter.

4. As regards the Bills, the only point which seems to me to call for comment is the new Section 58.F. of the Crown Lands (Amendment) Bill.

5. It is explained in paragraph 9(2)(b) of the Governor's despatch, that this section has been amended, at the request of the European elected

W)

elected members "to indicate more clearly what was the intention in providing for a definition of the Highlands." I see no objection in principle, but I must say that I think that the actual wording adopted is most unfortunate. It will be seen that the section provides that "the areas of Crown lands.....shall be known as "the Highlands" and shall be subject to the protection and control of the Highlands Board in accordance with the provisions of any Order of His Majesty in Council....." I do not like the words "and control" which, to my mind, do not represent the position of the Highlands Board as contemplated by the Secretary of State. There is nothing in the draft Order-in-Council (spare copy herewith) to confer any powers of "control" on the Highlands Board, and in the course of a good deal of correspondence with the India Office (in regard to the protests of the Government of India at the proposal to enact this Order) we have stressed the fact that, apart from a power of giving or withholding its assent in relation to proposals for exchanges of areas of land between the Highlands and the Native Lands, the powers of the Board are intended to be purely advisory. It is therefore, I think, most unfortunate that the Government of Kenya should have agreed to the insertion of the word "control" in Section 58.F. of the Crown Lands (Amendment) Bill, and the question arises whether they should be directed to introduce an amendment. It is, however, certain that, if this were done, there would be a first-class row with the European elected members, and I am inclined

inclined to doubt whether the point is worth provoking such a row. After all, if there is a protest from the Government of India, we can point to the fact that even under this section the powers of the Board are to be exercised in accordance with the provisions of the Order-in-Council, and it can be pointed out that the Order-in-Council does not confer any powers of "control" on the Board.

*Conf. when its content is being referred (1935)*

The only other comment which I have to offer on this legislation is that in paragraph 2 of his despatch, the Governor says that it has now been decided to create a new post of Commissioner of Lands and Settlement, and that this designation should accordingly be used in Clause 2(1) and 4(2)(b) of the Highlands Order-in-Council. It will, however, be seen from my minute on 3816-4/36 that the proposal to create this post has not yet got beyond the stage of a recommendation to the Secretary of State, which has not yet been approved, though I am proposing on that file that the recommendations should be approved. If this is agreed, then the way will be clear to issue the two orders as soon as the Governor has assented to the two bills.

*act on separately*

Now to the political aspects of this question, as raised in Mr. Green Jones' letters (on this file, and on 38000, 14/36), and before dealing with the fundamental question of policy, it may be well first to dispose of various subsidiary matters raised in his letter. The first is that

the natives themselves should be directly represented, by people of their own race, on the Native Land Trust Board. The composition of this Board, as proposed in the draft <sup>Native Lands</sup> Order-in-Council, is as follows:-

- (a) The Chief Native Commissioner (President)
- (b) The two nominated unofficial members of Legislative Council who are appointed to represent the interests of the natives on that Council.
- (c) One European elected member.
- (d) A person to be nominated by the Governor.

In the draft <sup>of the</sup> Order-in-Council submitted by the Governor, in his confidential despatch of the 21st May, 1935, the last member of the Board was to be a European nominated by the Governor (but not to be a person in Government service or a member of the Executive or Legislative Council). It will be seen, however, from paragraph 9 of our despatch of the 28th October, 1937 (No. 19 of 38005/6/37) that it was thought preferable to substitute the word "person" for European (and to relax the other restrictions as to qualifications in order to allow the Governor to appoint anyone who he considered suitable irrespective of race). The intention was, of course, to make it possible for an African to be appointed when a suitable African is available for the purpose. This is, of course, an old question, and keeps cropping up in connection with the representation of the natives on the Legislative Council, but it is still the case that no native

Kenya is regarded as qualified for service on the Legislative Council; and it is to be assumed, though I have not been able to trace any direct discussion on the point in the correspondence relating to the Native Lands, that the Government of Kenya do not consider that there is any African who would be competent to serve as a member of the Native Land Trust Board. It might, however, well be the case that a native may be suitable for this purpose and yet not suitable for membership of the Legislative Council, and I am inclined to think that it would be well to urge the Governor to keep this question constantly in mind with a view to the appointment of an African to the Native Land Trust Board as soon as possible.

8. Mr. Creech Jones also urges that native representation should be conceded on the local Councils. It will, however, be seen from Section 4(1) of the Bill that the Local Land Boards are to consist of

- (a) A District Commissioner (Chairman)
- (b) Four members of the Local Native Council.  
(Two to be chosen by the Members of the Council, and two to be selected by the Provincial Commissioner)
- (c) Two additional persons to be co-opted by the Board.

Provided that, in any Administrative District where there is no Local Native Council, the Provincial Commissioner shall appoint from among Native

native inhabitants of such district, four members in lieu of the members referred to in paragraph (b).

9. As the membership of Local Native Councils is wholly native (apart from the Chairman, who is the District Commissioner) the composition of the Local Boards, as provided by this section, provides for a majority of native members, so that, on this point, Mr. Creech Jones is knocking at an open door.

10. Mr. Creech Jones' next point is whether "we" (? meaning Parliament) will have an opportunity of studying the draft Order-in-Council. The answer to this is that both the Orders to be made on this subject are "Prerogative Orders" and in his reply to a P. Q. on the 14th November, 1964 (No. 6 on 23084/34/P. 4.) Lord Swinton informed the House that it would be entirely unconstitutional to lay a draft of a prerogative Order. Lord Swinton's remark was made in relation to the draft Highlands Order, but it applies equally, of course, to the draft Native Land Order. I ~~understand~~ <sup>understand however</sup> that the objection to laying a draft of the Order before Parliament would ~~not~~ <sup>not</sup> rule out the possibility of showing the draft to a Member of Parliament, ~~in confidence~~ <sup>in confidence</sup>, though I do not think that ~~this question~~ <sup>the question of doing this</sup> has been considered.

It will, however, be recalled that, in view of the fact that the two Local Bills were not completely intelligible, without a knowledge of what it was proposed to include in the two Orders-in-Council, and in order, therefore, to enable the Members of the Legislative Council to consider the Bills intelligently, a paper containing a summary of the provisions which it was proposed to include in the

As regards the Highlands Order, see also Nos 57, 60 & 61 on 38005/1/35.  
999

In spirit of the fact that it creates the Foreign Jurisdiction Act - v. No. 9 on 38005/6A/35  
999

the Orders-in-Council, was published in Kenya simultaneously with the Bills. I do not know whether any question of Parliamentary privilege is involved here, but it is for consideration whether (seeing that in any case the Orders cannot be issued for some little time) a Paper should be laid before Parliament (on the lines of the Kenya Paper) giving an outline of the proposed provisions of the two Orders. This is a political question, on which it is difficult for the Department to express a view.

12. At the time ~~when~~ my minute of the 25th July on 38005/3/38 ... was written, we were hoping that we should be able to go ahead with the issue of these Orders-in-Council during the Recess, in which case we should not have wished to incur the delay which would have been involved by deferring the Orders until it had been possible to lay a Paper before Parliament. The situation has, however, been altered by this expectation not having been realised.

13. An alternative procedure which might be adopted ~~is to lay a Paper before Parliament, and if it is decided to meet Mr. Creech Jones' request, would be to send to Mr. Creech Jones for the information of himself and any other Members of Parliament to whom he may wish to show it, a copy of the Paper which was published in Kenya.~~

14. Mr. Creech Jones' last point is on the question whether Parliament can properly be said to have endorsed the policy underlying its legislation. I have had no occasion to refer to the Debates which took

took place after the White Paper (Cmnd. 4580) containing a summary of the conclusions reached by His Majesty's Government on the report of the Land Commission, was laid, but it is clear from Lord Swinton's reply at No. 6 on 23054/34/P. ... that he considered that the matter had been sufficiently before Parliament; and having regard to the subsequent history as set out in my minute of the 25th July on 38005/3/38 I assume that this view will be upheld.

15. I turn now to the fundamental question of the policy of evicting from the Highlands those natives whose rights derive from a period anterior to the alienation of land to Europeans, and which were preserved by Section 86 of the Crown Lands Ordinance. This question has been gone into over and over again, but the view has always been taken that it is a fundamental part of the recommendations of the Kenya Land Commission, which were accepted by His Majesty's Government in the White Paper of 1934 (Cmnd. 4580). To go back upon it now would clearly be impossible without

causing such a stir in Kenya as would bring the European community into a state not far short of open revolt. Nevertheless, I must confess that I do not feel at all happy about the manner in which effect is being given to this policy in Kenya. On this aspect of the matter, however, I have minutated at length on 38005/11/38, on which I am proposing that the whole matter should be discussed with Mr. Hosking, the Chief Native Commissioner,

when

It was never later decided to place a summary of the proposals in the HC Library (v. 38005/A/38) 998

Order to be laid on the table of the House 998

Cf. p. 3 of No. 11 on 38005/38. There have been constant references of the increasing activities of the Europeans, at no certain periods of time, and it is in the light of this that the Government has been advised to take the course 998.

Question

when he arrives on leave in the first week in November.

16. I find that I have omitted to deal with Mr. Creech Jones' assumption that the Native Land Trust Ordinance will not come into operation until the Secretary of State is satisfied that alternative suitable land is available for those natives who will be evicted from the Highlands. Mr. Creech Jones is confusing this Ordinance with the Resident Labourers' Ordinance, in connection with which a statement to the effect mentioned by Mr. Creech Jones has been made. Ex hypothesi, the additions to the Native Lands recommended by the Land Commission are sufficient to accommodate these natives. As, therefore, these additions are being provided by the same Ordinance, the assumption is that the Secretary of State is already satisfied that they provide sufficient land for these people.

(I am, however, minuting further as to this on 38005/11/38) and it is the intention to bring the Ordinance into operation <sup>as soon as the O.L.T.C. have been created</sup>. Nevertheless, under Section 49 the Governor is not to make any order for the eviction of any native unless he is satisfied that sufficient suitable land for the support of the native and his family is available ~~and~~ that provision for compensation for disturbance has been made, <sup>and that the natives have had time to reap their crops.</sup>

17. I ought also to mention that clauses 49 and 70, to which Mr. Creech Jones refers, relate to the Bill as published. In the Bill as passed, the

provisos

provisos which originally appeared in Clause 70 have now been included in Clause 49.

18. Before the Govt. can be authorized to proceed to the Bills, it will be necessary for them to be examined by the Legal Advisers. In view, however, of the certainty that, as is on the Parliamentary agenda, the S. of S. will be faced with questions on the lines indicated by Mr. Creech Jones in his letters, I have thought it best to send this file on 38005/11/38 on without delaying them or the Legal Advisers, in order to get the political aspects of the question disposed of first.

*Wm. J. J. Roskin*  
25/10/38.

These are despatches from the Governor and letters from Mr. Creech Jones on questions arising out of the new land legislation to implement the Morris-Carter Report.

Mr. Creech Jones, in his letters on 38005/11, puts forward the case of the native right-holders who are to be evicted from the Highlands. There seems to be no doubt that these natives have good ground for their complaints: and unless we can do something to meet them the Secretary of State will be in a vulnerable position when the inevitable crop of Parliamentary questions springs up. We must therefore try to devise some method of meeting the case which will have some chance of acceptance locally.

I agree with Mr. Roskin's suggestion (made on 38005/11) that the immediate step is to have a conference between the Department and Mr. Roskin, the Chief Native Commissioner, who is arriving here this week. In the meantime I think that, in view of the probability of Parliamentary interest in the subject, you should see this paper. When the

situation

situation has been clarified the Secretary of State may himself like to have a talk to Mr. Hosking.

? Arrange for the discussion between Mr. Hosking and the Department.

A.J.D.  
1.11.38.

By all means let the Department discuss with Mr. Hosking. But I hope there will be no avoidable delay in submitting these papers for a definite decision.

[So far as concerns publication of draft Orders-in-Council, Sir G. Bushe should be consulted. There was a good deal of consideration given to this at the time when we were proposing to set up a Legislative Council in Palestine. The instrument would have been an Order-in-Council under the Foreign Jurisdiction Act. Parliament, more particularly the House of Lords, was on that occasion, very restive when it was indicated that the drafts could not properly be laid before Parliament. But, I think we can always get round this constitutional difficulty by publishing the full substance of the draft Order-in-Council.]

*[Signature]*  
2.11.38.  
*[Signature]*

The only comment I have on the Bills is that in Clause 53 (1) of the Native Lands Trust Bill "or" should come after "Ordinance" instead of after "negligence".

*[Signature]*  
10.11.

23. Gov. Tel. No. 178 Conf. .... 5.11.38.

(Requests telegraphic confirmation to enable him to assent to Ordinances, and earliest possible action in promulgating Orders in Council)

24. Note of discussion with Mr. Hosking on 8.11.38.

This matter has now been discussed with Mr. Hosking, as proposed in previous minutes, with the very disturbing result that it now appears that it is impossible, within the land allotted to the Kikuyu, even with the additions recommended by the Land Commission, to provide the right holders who are to be evicted from the Highlands with alternative accommodation which impartial opinion would regard as a fair exchange for what they are being made to give up. This seems to be contrary to all natural justice and I do not see how the Governor can be authorised to assent to this legislation until the Secretary of State is satisfied that this matter will be dealt with on a fair basis.

On the other hand, provided that the Governor is willing to accept this view, I do not see why the whole of this legislation should be held up for what might be a long time while ways and means are being devised to accord fair treatment to these groups of natives. It seems to me to be sufficient that in the meantime the Governor should in fact not order the removal

removal of any natives from the Highlands until some reasonably impartial body is satisfied that the exchange of land, coupled with any other compensation (e.g. monetary) proposed, in the particular case, is fair having regard to all the circumstances.

Sir C. Parkinson put to Mr. Hosking the question whether (in order to meet possible Parliamentary criticism that rights were being extinguished without any immediate prospect of something equivalent being substituted) it would be possible to amend the <sup>Bill</sup> Ordinance (and the Order-in-Council) to provide that no right should be extinguished until adequate compensation had been provided. But Mr. Hosking was emphatically of opinion that to introduce such an amendment at this stage would create a storm in Kenya. Moreover he did not think it necessary because, even under the <sup>Bill</sup> Ordinance as it stands, none of these natives can be removed from the land which they are occupying until the Governor is satisfied that suitable land is available for their accommodation. If the proposal in the draft telegram submitted herewith is accepted, the Land Trust Board would also have to be satisfied that each group of natives was getting a fair deal before the Order for their removal was issued. The position then would be that although deprived of their rights, they would be no worse off from the practical point of view, than they are at present, pending the provision of land to which they could be moved.

From the legal aspect, I understand from Mr. Dale that, the <sup>Bill</sup> Ordinance having been passed by Legislative Council, its amendment prior to assent

might

might present some complications from the point of view of procedure. Mr. Dale has however not thought it necessary to go into this question, unless it is desired to pursue the suggestion.

Apart from this question of policy, and assuming that (as proposed in paragraph 5 of my minute of 25/10) we should not insist on the word "control" being taken out of Section 58F of the Crown Lands Ordinance, it will be seen from Mr. Dale's minute of 10/11 above that there is no legal <sup>objection</sup> ~~objection~~ <sup>to</sup> the Governor <sup>being</sup> ~~being~~ allowed to assent to the Bill.

So far as action vis-a-vis the Governor is concerned, I suggest that a telegram should be sent as in draft herewith.

As regards Mr. Creech-Jones, the Secretary of State will clearly not be in a position to deal fully with his letters on this file and on No. 38005/11/58 until we get the Governor's reply to this telegram. I therefore suggest that a further interim reply should be sent as in draft herewith, in the hope that it may stave off Parliamentary Questions until the question of policy has been settled with the Governor.

In his letters on 38005/11/58 Mr. Creech Jones has referred to various other bodies of natives who are being moved, apart from the "private right holders" who are dealt with in the draft telegram on this file. I am accordingly proposing on 38005/11/58 that this telegram should be followed up by another telegram on that file, stressing the Parliamentary aspects of this question, and asking for the Governor's observations

observations on the other matters raised in  
Mr. Creech Jones' letters on that file.

As regards the paragraph in brackets in  
Sir C. Parkinson's minute of 2/11, I assume that it  
will not be necessary to trouble Sir G. Bushe unless  
the Secretary of State wishes to pursue the question  
either of laying a Paper containing a summary of  
the proposed Orders in Council or (alternatively)  
to let Mr. Creech Jones see the drafts of the Order  
in confidence.

J. J. Pashin  
10/11.

Mr. Pashin has prepared  
these drafts after discussion  
with me and I agree with  
them.

Unless reasonably fair  
treatment can be given to these  
natives, their friends in the  
House of Commons will have a  
case which it will be very  
difficult for the S. A. S. to meet.

A. M.  
11.11

10  
This is both urgent and important  
and in view of the Parliamentary  
aspect of it, I am afraid  
that it will be necessary  
to bring in the S. A. S. himself,  
despite his other pre-occupations.  
He will doubtless wish to  
discuss with the Dept.  
(and possibly with Mr.  
Hooking too) - & further long  
mooting is to be deprecated.

It may be that the  
Suggestion in the aft. telegram  
(para 3) is the best that  
can be done - but  
I should have been very much  
surprised, especially from  
the S. A. S.'s point of view  
in Parliament and  
indeed outside it, if  
the law could have  
been amended so that  
the rights are not ex-  
tinguished until adequate  
compensation is, in each  
case, available.

and  
13.11

DESTROYED UNDER STATUTE

Mr. Hosking, Mr. Dale and I have considered carefully, as directed by the Secretary of State, whether it would be possible to bring this legislation into operation, thereby extinguishing the rights of a native private rightholder in land in the Highlands, and at the same time for the Governor to make some public declaration which would have the effect of ensuring that, pending the provision of satisfactory alternative land, the natives should continue to enjoy their existing rights unmolested. We have however come to the conclusion that no such declaration could be effective in protecting the natives if a European farmer should choose to behave unreasonably.

Mr. Dale advises that under Clause 70 as it stands all the rights of a native are extinguished <sup>only</sup> and the protection he will have is that given by Clause 49, which merely prevents his removal from the land. It does not give him any express right to use the land. And further he would be unable to prevent the exercise by a farmer of the rights the latter possesses e.g. entry on the land, sowing crops etc. No administrative declaration can affect this position. The effect of such a declaration <sup>would</sup> ~~would~~ depend entirely on whether the European farmers forbear to exercise their rights and do not challenge the position of the natives.

Mr. Dale points out that in the Bill as last approved by the Secretary of State, the rights of a private rightholder were not extinguished until his crops had been harvested: but this proviso has now been removed from Clause 70 to Clause 49, so that

harvesting

harvesting of crops is now made a condition precedent to removal only.

Nevertheless Mr. Hosking thought that, once the few really difficult cases had been disposed of (as they could be, fairly quickly, by accommodating the natives concerned in the area already added to the Reserve), there was little risk of other European farmers behaving unreasonably. <sup>accordingly</sup> It is suggested that (in view of the admitted desirability of avoiding an amendment of this legislation, at this stage, if at all possible) the Governor should be allowed to assent to the Ordinance provided that, in addition to the assurances asked for in the ~~draft~~ <sup>as originally drafted,</sup> telegram he is able to assure the Secretary of State that he is satisfied that, in the period which will intervene before they can be provided with equivalent accommodation elsewhere, the native rightholders will be allowed to continue to enjoy their existing rights unmolested.

A draft addition to the telegram has been prepared on this basis.

As regards para (c) of the new para 6 of the Bill. Mr. Dale points out that future legislation, if it becomes necessary, will involve a difficulty of a new kind, viz. that created by the position of the European farmer. By that time he will have complete rights of ownership over the land and he may e.g. have planted crops. It will then be a case of legislating the European out of his rights, which will obviously be difficult and may be unfair. If there is <sup>real</sup> possibility of amending legislation, it should come now.

As regards Mr. Creech Jones' enquiry whether

Si F. Swellhouse add.  
to be consulted on  
the question whether

whether "we" are to be allowed to see the draft  
of the proposed Native Lands Order-in-Council,  
the Secretary of State directed that a memo.  
should be prepared, on the lines of the White  
Paper published in Kenya, summarising the  
proposed provisions of the two Orders. In order  
if possible to avoid a demand for a further  
debate, which would be more likely to arise if  
this memo were "laid", the Secretary of State  
considered that it would be preferable for  
~~the memo.~~ the memo. ~~to be~~ placed in the  
Library of the House. ~~to be placed in the~~  
~~Library of the House.~~

as regards the dft. letter to  
Mr. Creech Jones, I had thought of adding  
a para. to the effect that this was  
going to be done; but it would  
perhaps be better to not to say anything  
on this point until it has been  
further considered. I have however  
added a reference to the @: wt.  
Mr. Creech Jones has now put down  
for next Wednesday.

J. J. Passini  
18/XI

P.S. As the dft. tel. is now so  
long, it is for Conson. whether it  
(and the dft. tel. on 38005/11/38)  
shd. be sent out (in plain) by  
Monday's air mail. If that procedure  
was adopted a short tel. shd.  
be sent informing the Sec. that

The dft. may  
not be approved  
in time for this?  
A.P.

This is being done.

In any event I suggest that  
copies of Mr. Creech Jones' letters (No. 21  
on this file, & No. 19, 20 & 22 on  
38005/11/38) shd. be sent out by  
Monday's air mail.

J. J. Passini  
18/XI

Discussed with M. Parkin.

? Proceed as in the dft.  
Recie. for further consn. of the  
White Paper question.

A.P.  
19.11

Sec of State

Letter sent to the Gov. today  
on internal tel. saying that  
you have been going into  
this carefully with special  
ref. to the significance of  
rights of private right holding  
which present difficulties  
a promising to telegraph fully

Monday or Tuesday.

= 2 suggested that the revised aft. telegram shd. be discussed long you with Dept, & Mr Dale on Monday. it is not plain so far.

= the letter to Mr (Frank) Jones might well go off, as drafted, on Monday?

= ~~at~~  
10 1/2 - 1 1/2

I am ready to discuss  
M. H.  
20 11 28

DESTROYED UNDER STATUTE 27 To temp tel 44 copy 2/11/38

DESTROYED UNDER STATUTE 28 To 1 - recd from 2/11/38

22 To Gov tel 198 - - cons - 21 11 38  
Dep reply in 38000/11/38

30 To Gov tel 199 cons 21 11/38  
(Draft in 38000/11/38)

To Kenya Gov tel Private and Personal in 21 11 38

DESTROYED UNDER STATUTE 22 To Hooking (w/c 27 29 30 & 31) 22/11/38

DESTROYED UNDER STATUTE 23 To Kenya Gov (2) (re memo in draft) cons 26 11 38

34. Governor Tel 191 *copy* 25/11/58  
 Replies to objections raised in No 27. Trusts that  
 assurances given will enable S. of S. to assent to  
 Bill.
35. Governor Tel P. 9 25/11/58
36. Governor Tel 193 *copy* 25/11/58  
 Details of transfer of the Dorob  
 (Budget 38005/11/58)
37. To Hosking (note 34, 35 & 36) - 26/11/58

13 UNDER STATUTE

34

The Governor's reply (No. 191) to the Secretary of State's telegram of the 21st November (No. 29) is on the lines which were to be expected from Sir A. Wade's telegram to Mr. Hosking of the 15th November (No. 15).

~~The file is at present in circulation, but I think that it will be possible to deal with these telegrams with the assistance of the annexed spare copies of the earlier correspondence.~~

As regards the question of amending the Bill to preserve the rights of the rightholders, pending the provision of alternative accommodation elsewhere, I am inclined to think that the assurance given by the Governor in the first sentence of paragraph 1 and in paragraph 3 <sup>of No. 34</sup> are as much as ~~could~~ be expected, and are, I think, sufficient to justify the Secretary of State in not requiring the Bill to be amended.

On the other hand, I do not think that it is possible to accept the Governor's view that it will be sufficient for him to be satisfied that the alternative accommodation provided represents a fair exchange for what these natives are being asked to give up.

It is not merely a question of the Secretary of State being satisfied that the natives

are being treated fairly, but of Parliament being satisfied, and it is quite clear from paragraph 2 of Mr. Creech Jones' letter of the 18th Oct ber. (No 21) that he, at any rate, would not regard this as sufficient. In this connection, it is pertinent to recall that Mr. Hosking said at his meeting with the Secretary of State that, in satisfying himself as to the fairness of these exchanges of land, the Governor would (or at any rate, should) rely mainly on the advice of the Chief Native Commissioner, and Mr. Hosking added that in advising the Governor on this matter he, personally, would feel much happier if his advice were reinforced by the opinion of the Trust Board, of which he would be Chairman. This view reinforces the Parliamentary reasons for the Secretary of State insisting on the Governor taking the advice of the Trust Board before issuing orders for removal.

The point of the reference, in paragraph 6 of the Governor's telegram, (No 31) to Clause XXXIII of the Royal Instructions, is that, unless the Bill is assented to before the end of the year, it will have to be reintroduced as a Bill next year. Mr. Hosking was very much opposed to any course which would involve the necessity of this being done, not only from the point of view of the resentment which would be felt by the European unofficial members, but also because the reintroduction of the Bill would afford an opportunity for reopening the Debate on the whole measure.

If, however, the Bill is to receive the  
Governor's

Governor's assent before the end of the year, and if, as a condition precedent thereto, he is to be persuaded to agree to the Trust Board procedure, it is clearly desirable that a reply should be sent to him as soon as possible, and I submit drafts for consideration.

J. J. Pascoe  
26/XI

Since his was dictated, the Gov's reply about the Dorob (No 36) has come in. It does not affect the action on this file but will be very useful when the time comes for the S. G. to send a full reply to Mr. Creech Jones.

Sir C. Parkinson

I read this forward without comment as the S. G. wishes to have a discussion on it - see his note on the copy of the let. annexed.

M. Casey will no doubt  
arrange a time.

AJS  
28.11

W. Dale

I should wish you to see  
this. Do you agree with  
the Governor that the 3<sup>rd</sup> proviso  
to § 49(1) of the I.L.T. Bill  
secures what the Governor suggests  
in para 4 of No. 34?

W.D.  
28.11.38

Sir C. Parkinson

I think that striking the <sup>first</sup> proviso prevents removal and is being more. The  
exact position as I see it is set out in the Paschani  
minutes of 18.11. (mailed L and flapped). I think  
the Gov. is apparently advised that  
imposing it will work out all right and give good value  
I just think it may. But I am bound to say that especially  
in view of the fact that the Gov. is apparently advised that  
it will be a good thing. I have had a hurried word with  
the Gov. and he agrees.

W.D.  
28.11.38

For discussion

W.D.  
28.11.38

I now submit revised draft telegrams, which  
have prepared in consultation with Mr. Dale,  
on the lines agreed at the discussion with the  
Secretary of State yesterday. I have ventured to  
transpose the last two sentences of the draft  
private and personal telegram, as amended by the  
Secretary of State.

W.D.  
2.12.38.

Sir C. Parkinson.

On thinking it over I feel rather doubtful  
about expressing, in the proposed private and personal  
telegram, the Secretary of State's anxiety that the  
Governor, as King's representative, should be shielded  
from attack. It is a double-edged argument: and I  
am afraid that, particularly in the case of Kenya, it  
may prove a dangerous one to use. The Governor of  
Kenya is, after all, the head of the Executive  
Government: and in carrying out the Secretary of  
State's policies he is often in a position in which  
his actions are severely criticized. We do not want  
him, when the Secretary of State asks him to do some-  
thing which is unpalatable to him and, say, settler  
opinion, to turn round and say: "What about my  
position as King's representative for which you have  
shown such a tender regard? If I carry out your wishes  
I shall let myself in for criticism which derogates  
from my viceregal position."

I suggest that the sentence might be  
re-drafted as shown.

W.D.  
3.12.1938

See. of State

I entirely agree with Mr. Davis.  
You will remember that the  
2<sup>d</sup>. of the desirability of  
bringing in the "King's  
representative" point was  
raised when this was  
discussed.

~~and~~  
4/2/28

Recd. Mr. Davis  
19/11  
21/11 35005/11  
No 36  
Attach No 59 (London 14.11.28)  
to be left to

To King tel + to 218 Cont  
copy a receipt 28  
To King tel P.S.

} 5/12/28

10/0/28

NOW SEE PAGE 3

only

38005/38.

39 16

*Called back*

11.15.49

5/12/38

*[Signature]*

C. O.

Mr. Paskin. 26/11. \* 2/12.

Mr.

Mr.

\* Mr. A. J. Dawe. 3.12

Sir H. Moore.

Sir G. Tomlinson.

Sir J. Shuckburgh. (d.h.)

\* Permt. U.S. of S. 12. 48

Parly. U.S. of S.

Secretary of State. 5.12.38



Private and Personal.

My telegram No. 218.

You will I am sure recognise that my proposals ~~is~~ not intended to convey any doubt of your impartiality. It is

however not merely a question of our acting fairly but of Parliament being satisfied that we are acting fairly and undoubtedly my proposals would help in this. On this particular issue members of all parties may be critical.

~~I am anxious that on matter which may cause considerable controversy here on individual cases, you the King's representative should not be sole target of attack, but that committee should...~~

Moreover, in a matter which may cause considerable controversy here on individual cases, there is advantage in an arrangement under which the Trust

2 DRAFT. Telegrams (Code)

*important*  
GOVERNOR.

NAIROBI.

*[Handwritten mark]*

*Pl. see minute.*

*I suggest that [ ] should be omitted and 'A' be substituted for it.*

*U. J. [Signature]*

FURTHER ACTION.

*Two spare copies for Mr. Paskin*

*[Large handwritten mark]*

Board will share criticism and the  
Governor will not be the sole <sup>local</sup> target  
of attack.

38005/38

38 17

C. O.

Mr. Paskin 26/4/19 2/12

Mr. Dale 2.12

Mr.

X Mr. A. J. Dawe. 3.12

Sir H. Moore.

Sir G. Tomlinson.

Sir J. Shuckburgh.

X Perm. U.S. of S. 12. 28

Parly. U.S. of S.

X Secretary of State. 5.12.38

C.D.  
R  
D  
WEC

Amount of ...

John 7 Oct  
11.15  
5/12/38

No. 218 Conf.

(34) Your Tel.No.191.

I am very glad to receive assurances  
in first sentence and in para.3 and  
subject to para 5 below  
I am prepared to agree that Bill

should not be amended.

2. This coupled with fact that  
natives who are being moved will not be

satisfied makes it all the more  
necessary that I should be in a

position to <sup>S.17</sup> assure Parliament as to

adequacy of arrangements for  
<sup>ensuring that the</sup>  
~~satisfying public opinion that~~

natives are getting fair deal. One  
of the criticisms mentioned in my

(30) tel.No.199 was that Clause 49 leaves

the Governor as the sole judge of

suitability of exchange land. I  
provided in exchange I  
agree that you with the advice of

your competent officers are in best

position

**2 DRAFT.** Tel. (Code)

*important*

GOVERNOR,

NAIROBI.

~~20~~

FURTHER ACTION.

Two spare copies  
for Mr. Paskin

Cps to be placed  
on 38005/11/38

position to judge but from Parliamentary point of view I still consider it highly desirable that before issuing your orders for removal you should be fortified by opinion of independent body which includes representatives of native interests, and I can think of no better body for this purpose than Trust Board. This would of course not derogate from your personal responsibility but would go far towards meeting Parliamentary criticism of the action which is being taken to implement recommendations of Land Commission.

~~3. At this juncture it is also important to avoid providing handle for misrepresentation abroad.~~

I would mind [ ]  
A B

3. In answer to question on 23rd of Nov. I have stated that policy of Government remains unchanged but that I am in communication with you as to arrangements for providing natives who are removed with suitable accommodation elsewhere.

~~I hope that you will agree to procedure proposed p. 20.~~

4. I recognise that Trust Board cannot be consulted as such until Ordinance comes into operation but it would be possible for you to consult

C. O.

- Mr.
- Mr.
- Mr. A. J. Dawe.
- Sir H. Moore.
- Sir G. Tomlinson.
- ~~Sir G. Robinson.~~
- Sir J. Shackburgh.
- Perm. U.S. of S.
- Party. U.S. of S.
- Secretary of State.

(New from here onwards)

DRAFT.

consult ad hoc body with same membership as Board. It is important that natives should be given opportunity to state their objections.

5. As regards paragraph 4 of your telegram. It is not clear whether you have been advised that first and third provisos to Clause 49(1) secure natives in their rights of user apart from merely preventing their removal from the land. My legal advisers take view that these provisos do not give natives any right to use land, or to prevent exercise by farmer of his rights e.g. entry on land, sowing crops, and that continued exercise of their existing rights by the natives will depend entirely on good will of European farmers. I am however more concerned with practical effect rather than with theoretical legal position and if

FURTHER ACTION.

Bill

Bill is not to be amended I regard  
 it as essential that I should be able to  
 say in Parliament (a) that the intention  
 is that any native whose rights are  
 extinguished but who is not removed  
 immediately pending provision of new land  
 should continue in full enjoyment of his  
 existing rights of user pending his  
 removal; and (b) that you are satisfied  
 that there is no reason to <sup>expect</sup> ~~anticipate~~ any  
 attempt to interfere with such enjoyment in  
 the interval. I should further like to say  
 (c) that in the event of (b) not being  
 realised, amending legislation will be  
 introduced to secure that enjoyment. If  
 statement as at (c) would be embarrassing to  
 you I would not say it unless pressed. Moreover  
 if, to avoid prejudicing your position vis-a-vis  
 European community you would prefer me not to  
 say that, in the contingency envisaged, you  
 propose to introduce amending legislation, I  
 am

C. O.

- Mr.
- Mr.
- Mr. A.J. Dawe.
- Sir H. Moore.
- Sir G. Tomlinson.
- ~~Sir G. Tomlinson.~~
- Sir J. Shackburgh.
- Parnt. U.S. of S.
- Parly. U.S. of S.
- Secretary of State.

DRAFT.

FURTHER ACTION.

am prepared to take full responsibility  
 by saying that I should feel obliged  
 to ask you to do so.

6. I should welcome your  
 observations on these proposals but  
 I must impress on you my considered  
 (in light of Parliamentary strictness) view of importance of adopting  
 Trust Board procedure and of public  
 statement on lines indicated.

Telegram from the Governor of Kenya to the Secretary of State  
for the Colonies.

Dated 25th November, 1938 Received 2.59pm 25th November, 1938.

No 193 Confidential.

Your telegram No 199 Confidential

Arrangements for removal of <sup>the</sup> Kijabe Dorobo have not yet been made. They were allowed to squat in a forest area within recent years on the express understanding that they would move when required to do so. Land has been set aside for their accommodation in one or two area(s) elsewhere where clay deposits are believed to exist. It was proposed to move <sup>the</sup> Kijabe Dorobo into this area. The Dorobo have an affinity with the <sup>the</sup> Masai and the latter were prepared to absorb the Dorobo into their fold. The Government were being made for the sale of susceptible land for the purpose of raising stock for which purpose £850 was set aside. The amount realised by the sale of the land was £1000. On the eve of the movement the Dorobo made strong objections and refused to be allowed to join the Masai. The move was immediately cancelled and the possibility of meeting the Dorobo claims is now being investigated. I hope that this will serve to show that every endeavour is being made by this Government to avoid the infliction of hardships in the removal of the Dorobo.

ORIGINAL

decode

of a telegram from the Governor of Kenya

dated 25th. November received in the Colonial office at 3, 31p.m. on 25th. November 1938  
~~-Sundabour-~~

Decoded by  
Decyphered

---

Private and Personal.

(31)

Your private and personal telegram of the 21st. November. In my official reply to your telegram No. 198 I have given you assurances which have been made not lightly but in full knowledge of all the facts and I am personally inspecting the area to which the right holders will be moved. I am most anxious to avoid amending legislation and in view of the third proviso to Section 49 (1) of the Native Land Trust Bill I am frankly unable to see that the Bill as it stands will in any way fail to ensure fair treatment of the right holders.

34  
22

COPY FOR REGISTRATION

Telegram from the Governor of Kenya to the Secretary of State for the Colonies.

Dated 25th. November, 1938. Received 10.7 a.m. 25th. November.

No.191. Confidential.

Your telegram No.190 confidential.

Firstly I desire to assure you emphatically that it is the intention that every evicted right holder shall be given a square deal in the matter of land given in exchange. It is rarely if ever that two areas of land will be found to be identical in soil composition climate and other characteristics. While the land to be given in exchange may not in all cases have quite so high a degree of fertility as that at present occupied it will nevertheless be good productive land and compensation will be effected by an increase in area sufficient to ensure that each family will be able readily not only to maintain but also to increase the present level of agricultural production. It is inevitable that land to be given in exchange will not in every case be in a locality which will suit the desire and convenience of those to be evicted. This however cannot be avoided since the neighbouring areas are already in occupation of natives.

2. Though I may consult the Trust Board on certain aspects of the problem I shall not be in the position of being compelled to consult the Board on every particular case for the Board will not be in a particularly good position as I am myself to ascertain the facts which I can do either by personal visits or by detailing the Senior Officer to inspect and report. Even if I were compelled to consult the Trust Board on every case I should not necessarily rest content with their approval but should feel it my duty to take whatever further measures might seem desirable to satisfy myself as to the fairness of exchange.

2.

3. You are correct in your surmise that it will not be possible to accommodate all the evicted right holders in their tribal land units but I am satisfied that it will be possible to purchase sufficient good land elsewhere to accommodate any surplus on basis described in paragraph 1 above.

4. The investigations required to ensure that exchanges are fair will necessarily cause delay but I am satisfied that the third proviso to Section 49 (1) of the Native Land Trust Bill amply ensures that the right holders will continue to enjoy the existing rights unmolested until suitable alternative land has been made available. I am advised that the third proviso is sufficiently definite and that no amending legislation is necessary to ensure the continuance of occupation.

5. Where natives have already consented to move and are satisfied with the exchanges no further action appears to be necessary. But if any such native raises any objection within reasonable period I would be prepared to see that his complaint is fully investigated.

6. In view of Clause 2 of the Bill of the  
2/ Royal Instructions dated  
29th. March 1934 it will be necessary for me to sign the Bill  
before 31st. December but Clause 2 of the Bill provides that it  
shall not come into operation until the Order in Council have been  
signed by His Majesty and then only on a date to be named in a  
Proclamation.

I trust that the assurances which I have given will enable you now to agree to my assent to the Bill, and that early promulgation of the Order in Council will follow.

38005/38

C. D. 31  
24

C. O.

Mr.

Mr.

Mr.

Mr. A. J. Dawe.

Sir H. Moore.

Sir G. Tomlinson.

Sir J. Shuckburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

*copy by 2/28*  
*20.11.38*  
*clear*  
*HC*

*Coded Sent*  
*7 pm.*  
*21/11/38*  
*1000*

**DRAFT.** Code Telegram.

Governor, Nairobi.

Private and Personal. I am telegraphing to you officially about the land legislation. I am most uneasy about the position of the private right-holders and I expect a very strong criticism in both Houses of Parliament if rights are extinguished before alternative suitable land is actually available. I have not suggested in my official telegram amendment of the legislation as I want if possible to avoid embarrassing you. But quite frankly I doubt whether I can meet the criticism which I am expecting

unless

**FURTHER ACTION.**

*Two spare copies for Mr. P...  
Spent 10/11/38*

unless the Ordinance itself provides  
that the rights of any private right-  
holder shall be extinguished only when  
the Governor is in a position to  
authorise his removal. I appreciate  
the difficulty which you would have  
in amending the <sup>Bill</sup> Ordinance recently  
passed ~~won~~ though it has not yet been  
~~assented~~ But if amendment is  
to be made it would obviously be  
better that it should be done now on  
our initiative than that an amendment  
should be forced upon us by Parliament.  
I shall be grateful if you will con-  
sider very seriously this possibility  
and if in reply to my official telegram  
you should feel yourself able to suggest  
(in addition to the adoption of my  
proposal

C. O.

- Mr.
- Mr.
- Mr.
- Mr. A. J. Dawe.
- Sir H. Moore.
- Sir G. Tomlinson.
- Sir J. Shuckburgh.
- Permt. S. of S.
- Parly. U.S. of S.
- Secretary of State.

DRAFT.

proposal for strengthening the  
Governor's hands in each case by  
obtaining the advice of the Native  
Lands Trust Board <sup>that</sup> ~~as~~ the most satis-  
~~would be~~  
factory solution <sup>an</sup> amendment of the

<sup>Bill</sup>  
Ordinance, I should welcome it. <sup>of</sup>  
course if you would  
prefer it I am quite ready  
to make use ~~of~~ <sup>of</sup> suggestion  
to you officially

Seeger

FURTHER ACTION.

Draft on.  
38005/11/38.

30  
26

TELEGRAM from the Secretary of State for the Colonies to the Governor of Kenya.

(Sent 10 p.m., 21st November, 1938.)

No.199. Confidential.

My telegram No.198. I have received from a Member of Parliament vigorous representations which afford some indication of the probable line of attack in Parliament. Representations not only traverse whole policy of eviction on general grounds but also express grave concern that policy is being applied in such a way as to inflict grave hardships and injustices on the natives who are being moved. I have dealt with private right holders in my preceding telegram. Representations also refer to Dorobo who are being moved from land which contains clay suitable for earthenware utensils to place where they are not wanted and to which they do not want to go. It is also suggested that removal of Tinet Dorobo to less healthy area which is said to be imminent will expose their grade cattle and sheep to infection and that suggestion that their stock should be replaced with immune stock has received no attention. I understand from Hosking however that a proposal is under consideration, and that money is available, for providing a certain number of immune heifers from Machakos.

Please telegraph your comments and advice in the light of my view that general observations as to fair treatment in my preceding telegram apply mutatis mutandis to all these removals of natives.

C. O.

Mr. Paskin 10/11/38.

Mr. Dale 10/11/38.

Mr. Dawe 11/11 & 19/11

Mr.

Sir H. Moore.

Sir G. Tanninon.

Sir C. Bottomley.

Sir J. Shuckburgh

Permu. U.S. of S.

Parly. U.S. of S.

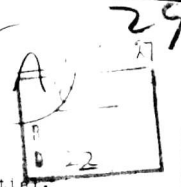
Secretary of State

**DRAFT** Tel.

GOVERNOR

NAIROBI.

*Correct about 10 p.m. 21/11/38*



No. 198 Confidential.

(23)

Your telegram No. 178 Confidential.

(No. 17 on

38005/11/38)

I have been much disturbed to learn

from your despatch No. 425 of 11th

August and from discussion with

Hosking of the difficulties being

encountered in providing right holders

who are to be evicted from the Highlands

with alternative lands which they are

prepared to regard as satisfactory

exchange.

2. It is necessary to bear

in mind that extinguishment of rights

in land is a most drastic measure which

can not be justified unless impartial

opinion can be assured that owners

are being provided with something

reasonably equivalent. This is

recognised in paragraph 13(a) of report

of

**FURTHER ACTION.**

Further draft tel. on 38005/11/38 on which a copy of this telegram should also be placed

Two extra copies for Mr. Paskin, to whom file should be recirculated in red.

*red 21.11.38 at three*

of Land Commission and in spite of observations in paragraph 1835 it seems to me that it is not a matter of what would be adequate for some other member of tribe who has always lived in the Reserve but what is reasonable exchange for what these particular individuals are being made to give up, taking into account all factors such as area, tenure, suitability for cultivation, climate, amenities etc. (C)

I recognise that these criteria are difficult to fulfil having regard to fact that land which they are at present occupying is some of the best in the Colony, but to my mind this consideration, coupled with the fact that they are being compulsorily expropriated, makes it all the more imperative that they should be given a square deal in the matter of what they are given in exchange. I am afraid that for Parliamentary apart from other reasons <sup>it will be</sup> ~~it will be~~ <sup>assented to</sup> ~~assented to~~ for me to <sup>approve of your</sup> ~~authorize you to~~ <sup>assent to</sup> ~~assent to~~ Ordinance until I <sup>can satisfy Parliament</sup> ~~assent to~~ that matter will be dealt with on this basis.

G. O.

- Mr.
- Mr.
- Mr.
- Mr. A. J. Dawe.
- Sir H. Moors.
- Sir G. Tomlinson.
- Sir J. Shuckburgh.
- Parlm. U.S. of S.
- Parlm. U.S. of S.
- Secretary of State.

**DRAFT.**

**FURTHER ACTION.**

3. A possible procedure would be that no order for removal should be issued until some reasonably impartial body after hearing objections is satisfied and advises you as to fairness of proposed exchange taking into account all factors mentioned in paragraph 2 above. Hosking suggests that new Trust Board would be most appropriate body for this purpose. I have seen Wade's letter to Hosking and should like to make it plain that I do not suggest that Bill should be amended but that, as an administrative arrangement, you should refer each case to Trust Board for consideration before issuing your order.

4. I gather that on this basis

it

**C. O.**

- Mr.
- Mr.
- Mr.
- Mr. A. J. Dawe.
- Sir H. Moore.
- Sir G. Tomlinson
- Sir J. Shackburgh
- Permt. U.S. of S
- Parly U.S. of S
- Secretary of State.

**DRAFT.**

whether clause 70 of Bill should be amended to provide that the rights of a native private right-holder in land should be preserved until he has been provided with equivalent rights elsewhere. In this connection I observe that even the limited protection conferred by the first proviso to clause 70(1) as it stood when I approved the terms of the Bill has now been removed by the substitution of the proviso incorporated in clause 49.

6. As an alternative I have considered (though I have not yet come to <sup>any</sup> ~~a definite~~ conclusion) whether I could approve of your assenting to the Bills:-

- (a) if I could be given

assurances

**FURTHER ACTION.**



it may not be possible to accommodate all these persons in their tribal Land Unit and that search for additional suitable land on which remainder could be accommodated is still continuing.

Having regard however to considerations mentioned above and to fact that numbers involved were so seriously underestimated by Land Commission, it is imperative that some solution should be found if policy of eviction is to be implemented.

5. In view of fact that in some cases procedure suggested would involve extinguishment of rights possibly some months before equivalent exchange could be provided, I have had under consideration

whether

assurances which will be satisfactory to Parliament regarding the manner in which the provision of alternative land for right holders is to be dealt with;

(b) provided further that you were satisfied that in the period before satisfactory alternative land is provided, the right holders would be allowed to continue to enjoy their existing rights unmolested; and

(c) on the understanding that, in the event of this condition not being realised I might have to request you to introduce amending legislation forthwith to ensure continuance of those rights.

An argument against (c) which involves the possibility of future legislation

is

C. O.

- Mr.
- Mr.
- Mr.
- Mr. A. J. Dawe.
- Sir H. Moore.
- Sir G. Tomlinson.
- Sir J. Shuckburgh
- Permt. U.S. of S.
- Parly U.S. of S.
- Secretary of State

**DRAFT.**

**FURTHER ACTION.**

is that the Europeans <sup>would</sup> ~~will~~ then have complete rights over the land and there <sup>would</sup> ~~will~~ be grave difficulties in legislating them out of their rights

7. I should be glad to have your observations on procedure suggested in paragraph 3 and generally on the issues raised in this telegram. Minor point for consideration is what should be done in any cases where natives have already consented to move. It seems unfair that they too should not have benefit of review by Trust Board:

*Seen*

C. O.

- Mr.
- Mr.
- Mr.
- Sir H. Moore.
- Sir G. Tomlinson.
- Sir C. Bottomley.
- Sir J. Shuckburgh.
- Perms. U.S. of S.
- Parly. U.S. of S.
- Secretary of State.

*See para 4/1*

~~\_\_\_\_\_~~

A possible procedure would be that no order for removal should be issued until some reasonably impartial body after hearing objections is <sup>and advises upon</sup> satisfied/as to fairness of proposed exchange taking into account all factors mentioned in paragraph 2 above. Hosking

DRAFT.

*I have seen Wade's let. to Hosking and should like to make it plain that I do not suggest that the Bill should be amended but that you should refer each case to Trust Board for consideration before issuing your Order.*

suggests that new Trust Board ~~was~~ <sup>be</sup> appropriate body for this purpose.

*as an administrative arrangement,*

4. I gather that on this basis

it may not be possible to accommodate all these persons in their tribal Land Unit and that search for additional suitable land on which remainder could be <sup>is still continuing</sup> accommodated ~~has hitherto been fruitless.~~

Having regard however to considerations mentioned above and to fact that numbers involved were so seriously underestimated by Land Commission it is imperative that some solution should be found if policy of eviction is to be implemented.

**FURTHER ACTION.**

In [ ]? substitute  
new para 516 attached.

J.P.  
W.P.  
11.9.11

implemented.

5. I have no wish to hold up legislation indefinitely pending solution of this problem and should be prepared ~~subject to stipulation~~ to provide as to be ~~offered you consent to the Bills~~ issue of orders for removal to ~~authorise you to~~ assent, if I can be ~~assured that matter will be~~ dealt with on lines ~~indicated above~~. I should be glad to have your observations on procedure suggested in paragraph 3 and as to generally ~~on the issues raised in this program~~ prospects of ultimate equitable settlement.

given  
Satisfactory  
assurances regarding  
the manner in  
which it is to be  
dealt with.

Hosking suggests that if Ordinance were brought into operation ~~subject to stipulation~~ ~~to provide indicated~~ ~~in this understanding~~ it might be possible to dispose of few most troublesome cases on basis suggested, leaving time for consideration of remainder.

Minor point for consideration is what should be done in <sup>any</sup> cases where natives have already consented to move. It seems unfair that they too should not have benefit of ~~the provisions of the~~ review by Trust Board.

*in some cases*

5. In view of fact that procedure suggested would involve extinguishment of rights possibly some months before equivalent exchange could be provided, I have had under consideration whether clause 70 of Bill should be amended to provide that the rights of a native private right-holder in land should be preserved until he has been provided with equivalent rights elsewhere. In this connection I observe that even the limited protection conferred by the first proviso to clause 70(1) as it stood when I approved the terms of the Bill has now been removed by <sup>substitution</sup> ~~the~~ <sup>incorporated in</sup> ~~the~~ transfer of ~~this~~ proviso to clause 49. I ~~recognise~~ recognise however that introduction of amending Bill at this stage would create great political difficulties in Kenya.

*to be considered  
to a definite conclusion  
whether it would appear  
to your committee  
to be better*

6. I should therefore be prepared to approve of your assenting to the Bills -

(a) if I can be given <sup>such</sup> ~~satisfactory~~ satisfactory assurances ~~which will be satisfactory to Parliament~~ regarding the manner in which the provision of alternative land for right holders is to be dealt with;

(b) provided further that you are satisfied that in the period before satisfactory alternative land is provided, the right holders ~~will~~ <sup>would</sup> be allowed to continue to enjoy their existing rights unmolested; and

(c) on the understanding that, in the event of this condition not being realised I might have to request you to introduce amending legislation forthwith <sup>to ensure continuance of those rights</sup> ~~to ensure continuance of those rights~~



~~It is for consideration whether you should make statement to this effect as a deterrent to possible unreasonable action by European farmers.~~

*An argument against (c) which involves the possibility of future legislation is that the Europeans will then have complete right over the land and there will be great difficulties in legislating them out of their rights.*

38005 ~~38~~ 38.

C. O.

for the Secretary of State's signature.

Mr. Paskin. 10/11/38.

Mr. ~~Dave~~ 11.11

Mr.

Mr. A. J. Dawe.

Sir H. Moore.

Sir G. Tomlinson.

Sir J. Shuckburgh.

X Permt. U.S. of S. <sup>B. 10/38</sup>

X Early U.S. of S. <sup>(No 21 known. 4 Nov. 19, 20, 22)</sup>

X Secretary of State <sup>38005 (11/38)</sup>

21<sup>st</sup> November, 1938.

I am sorry that I am still not

in a position to send you a full reply

to your four recent letters about

Nyaya land legislation, and the proposals

for moving certain natives from the

Highlands into the Native Lands, but

can assure you that I fully appreciate

the importance of the issues involved

~~and I have been going into the matter~~

~~with Paskin, the Chief Native~~

~~Commissioner, who has just arrived on~~

leave. I am now in communication with

the Governor with a view to finding

some satisfactory solution of these

*very difficult*

~~intractable~~ problems, and I will write

to you again when I get his reply.

In the meantime the position

in regard to the new Native Lands Trust

Ordinance is that it was passed by the

Legislative

**DRAFT:**

*20/11/38*  
*M.M. 20/11/38*

A. CREBON 30 10, 200, 11/38.

*Copy to Kenya 33*

*Handwritten note:*  
I am afraid therefore that I shall not be able to give you a definite reply to your question on Wednesday.

**FURTHER ACTION.**

*Copy to be placed on 38005/38.*

Legislative Council in August, but the

Governor has not yet assented to it.

~~(SIGNED) MANUEL LEONARDO DONATE~~

25 34

COPY of a telegram from the Governor of Kenya to the  
Secretary of State for the Colonies.

Dated 17th November, 1936. Received 10.39 a.m.

---

No. 183 Confidential

Following for Hoaking from made begins:-  
Private and Personal. Your letter of November 9th. I  
have consulted the Governor and his advisers and the  
following reply has the Governor's approval. I agree that  
it is too late to amend the Ordinances and also that  
order(s) in Council and Ordinances should be brought  
force immediately. The longer the delay in getting  
Order(s) in Council, the greater the difficulty with  
we shall be faced and the more the probability of trouble  
both with native and with European farmers affected. I  
do not agree to your proposal limiting the Governor's powers  
administratively. Under section 49 of the Native Land  
Trust Ordinance, no native can be moved except by order of  
the Governor personally who has to satisfy himself that  
suitable land is available for that native and his family  
and that provision for compensation has been made. The  
Governor might seek the advice of the Trust Board in the  
matter, but to shift the responsibility from himself to the  
Trust Board will mean amendment of the Ordinance and would  
not be acceptable either to the native or European  
communities. Cannot guarantee now that land given in  
exchange will in all cases be quite up to the standard of  
the land they now occupy, but it will be good land and an  
increase

Not  
necessary.  
11/16

increase in area will be given to compensate for any reduction in quality. Provisions of Section 49 of the Native Land Trust Ordinance will of course be strictly observed. Unallocated balance of 21,000 acres to be added under section 462 of the Carter Commission Report will provide for some of those evicted. There are areas of vacant land in the native reserves in Central Province which might accommodate others, but there are difficulties about ownership under native custom. As you know, it is intended to purchase additional land from forest land in Transmara and there is little doubt that we shall be able to purchase enough to accommodate the remainder of the evicted right holders as well as the returning squatters. In any case, if it proves that the available land of satisfactory quality is not sufficient to ensure that every man who is affected loses nothing, then the situation must be rectified by using the forest land for the purpose, or possibly acquiring more land from Masai Reserve ends.

Note of discussions with Mr. Hosking,  
(C.N.C., Kenya) on Tuesday, 8th  
November, 1938.

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1. Mr. Hosking called by appointment and spent practically the whole day discussing the problem of what can be done to ensure that the "right holders", who are to be evicted from the Highlands, are accorded fair treatment in the matter of the new lands on which they are to be accommodated. In the course of the day he also saw Mr. Freeston, Mr. Dawe and Sir Cosmo Parkinson.

2. I put to him my suggestion that there should be some sort of impartial Commission which could investigate the objections of these natives to the new areas allotted to them, before the Governor issues orders for their removal. Mr. Hosking fully appreciated the desirability of some such procedure from the Secretary of State's and the parliamentary point of view and he saw no insuperable objection to it in principle. He thought, however, that anything in the nature of a judicial tribunal ought to be avoided as it would inevitably become bogged with fruitless investigations into the extent of the rights of these natives in the Highlands, which it is in fact virtually impossible to determine. He submitted that what is required is a body of laymen who could be trusted to satisfy themselves that the natives were getting a square deal. He further submitted that the most satisfactory body for this purpose would be the new Land Trust Board which is to be set up under the new Ordinance. It will be recalled that this Board is to

consist

consist of the C.N.C. (President), the two Unofficial Members of Leg. Co., who are nominated to represent native interests, one European Elected Member, and one person to be appointed by the Governor.

3. I am inclined to agree with Mr. Hosking that this would be the best body for the purpose in view.

4. I then put to Mr. Hosking the question whether, on investigation, the Board would ~~be~~ be likely to come to the conclusion that these natives were in fact getting a square deal, but Mr. Hosking said that in his opinion, in the majority of cases, this would be unlikely.

5. The plain fact is that these natives are at present occupying some of the best land in the Colony and it is impossible to find sufficient land of equivalent value in the areas which have been added to the Native Reserves to accommodate them. Moreover, owing to the development which has taken place in the last few years in the system of githaka and individual ownership in the Native Reserves, it is now practically impossible to give to the "right holders" an equivalent form of tenure to that on which they at present hold their lands in the Highlands. For these reasons it was impossible to satisfy any of these natives in the matter of the alternative lands on which it is proposed to accommodate them.

6. I then put to Mr. Hosking the question whether, admitting these difficulties, it would be possible to compensate the natives in some other way, e.g. by giving them extra land and additional cash compensation. Mr. Hosking said, however, that owing to the very serious under-estimate formulated by the Land Commission as to

the

the number of natives involved, there is really not sufficient land in their own tribal Native Land Unit to enable this to be done. He had spent many months exploring the possibility of finding some other land to which these natives (and any squatters who might be evicted from the Highlands) could be moved, but the only land which could be regarded as at all suitable for the purpose is in the Highlands and he doubted whether the Highlands Board could be persuaded to agree to any such land being used for this purpose. In any case, such land would have to be purchased from the present owners. A certain amount of suitable land might be found in one of the forest reserves but the Conservator of Forests has ruled it out on the grounds that it would not be safe to de-afforest any further land in the area in question. Moreover, this particular forest is one of those which, in accordance with the Morris Carter recommendations, have been included within the boundaries of the Highlands, and Mr. Hosking felt sure that, apart from the other objections, the Highlands Board would ~~not~~ not be willing to agree to this land being used for native purposes.

7. I put to Mr. Hosking the question of the situation that would arise if the Secretary of State should take the line that, if it were impossible to find suitable land for the accommodation of these people outside the Highlands, the boundaries of the Highlands should now be revised in order to make some land available for the purpose. Mr. Hosking took the view, however, that this would be impracticable. The

boundaries

boundaries of the Highlands have now been fixed by the Ordinance which has already been passed by Legislative Council, and to attempt to amend them at this stage would create such a storm in Kenya that the Government could not contemplate it.

8. Mr. Hosking was shown the Governor's telegram of the 5th of November (No. 23 on 38005/38) in which he asked for the Secretary of State's authority by telegraph to assent to the Ordinance, and for the earliest possible action in promulgating the Orders-in-Council. Mr. Hosking took the view that it was absolutely essential that this action should be taken if we are to avoid a storm of protest from the European community in Kenya, even if it were coupled with a stipulation that the Governor should not issue any orders for the eviction of natives from the Highlands until the Land Trust Board is satisfied that they are being accorded reasonably fair treatment.

9. He thought that if this were done, it would be possible to make some reasonably satisfactory arrangement for the accommodation of the more urgent cases and that it might, in course of time, be possible to devise some satisfactory arrangements for the remainder. For example, he thought that it might be possible for many of them to remain on their present lands as "squatters", and that many of them would prefer this course to being evicted. There was, also, a possibility that Government might be able to purchase some suitable land in other tribal Land Units which are not so fully occupied as the Kikuyu Land Unit is.

10. Mr. Hosking suggested that against the natives' contention that they would suffer a loss of amenities by being moved from the Highlands into the heart of a Native Reserve, there should be set the consideration that they would in fact be benefiting by other amenities. He said the natives (whether "right holders" or "squatters") who live on European farms in the Highlands are very much more backward than their fellow-tribesmen in the Reserves. They are, in fact, vegetating whereas the natives in the Reserves are developing with great rapidity as a result of the education<sup>of</sup> facilities (especially as regards agricultural instruction) which are provided in the Reserves. (This is an illuminating commentary on the contention which is so often advanced that the presence of Europeans in the Highlands confers great advantages on the natives in the Reserves by virtue of the benefits which these natives acquire by contact with European methods on the farms on which they work, and which they are able to apply on their return to the Reserves). Mr. Hosking admitted, however, that the natives concerned would not consider this as affording a reasonable quid pro quo for the loss of the amenities which they enjoyed in the Highlands, and I must say that, if I were in their place, I should take the same view.

11. So much time was occupied in discussing the problem of the Kikuyu "right holders", that there was not much time for discussion of the position as regards the other tribes mentioned in Mr. Creech Jones' letters on 38005/11/38.

12. As regards the Dorobo, mentioned in paragraph 4

of Mr. Creech Jones' letter of the 21st of October, Mr. Hosking's view was that there was no need for this tribe to be moved at all, but the Commission had recommended it and it was being done as part of the general action to give effect to the Commission's recommendations. I gathered that Mr. Hosking did not consider that the Dorobo were getting a fair exchange."

13. As regards the Wanderobo, mentioned in paragraph 6 of Mr. Creech Jones' letter of the 21st October, and again in his letter of the 7th of November, Mr. Hosking admitted that there is a good deal of substance in the point that the high grade cattle belonging to these people will not be resistant to the diseases which are prevalent in the area to which they are being moved. In fact, many of these cattle have died already. Before coming on leave Mr. Hosking had advocated that advantage should be taken of the de-stocking operations in the Machakos District to purchase cattle, which are immune to these diseases, to give ~~to the Wanderobos~~ in exchange for their cattle which are dying, but Mr. Hosking did not know whether this was in fact being done.

*I am not sure whether in this connection Mr. Hosking was referring to the Wanderobos or some other pastoral tribes who have been moved.*

*J.P.*

NOTE.

(Since dictating the above, I have looked up the Morris Carter Commission's Report, but have not been able to find any mention of the "Wanderobo". In paragraphs 983 - 985, however, there are recommendations in respect of the Tenet sub-section of the Dorobo, and I suppose that it is to these people that Mr. Creech Jones

42

is referring in paragraph 6 of his letter of the 21st October, and in his letter of the 7th November. If so, it is very curious, because in the Commissioner's Report the fear is expressed that if the cattle of the Tenet-Dorobo are left where they are, they will become infected with East Coast fever, whereas both Mr. Creech-Jones and Mr. Hosking talk about the danger of their becoming infected if they are moved. As Mr. Creech-Jones refers to the movement of these <sup>people</sup> as something in the future, I conclude that Mr. Hosking's reference to cattle which have already died must relate to some other pastoral tribe.)

99. P. P. P.  
9/11/38

38005/ 23.  
43

# COPY FOR REGISTRATION

Telegram from the Governor of Kenya to the  
Secretary of State for the Colonies.

Dated 5th November, 1938. Received 10.37.a.m. 5th November.

No. 178 Confidential.

C. O. 182

My despatch No. 182 confidential of the

7th October. Grateful for telegraphic confirmation  
to enable me to assent to Ordinances and for earliest  
possible action in promulgating Orders in Council.

Difficult<sup>ies</sup> arising from residence of natives on European  
farms are becoming increasingly acute.

20

A. CREECH JONES, M.P.

TRANSPORT HOUSE,  
SMITH SQUARE,  
LONDON, S.W.1.

Phone: VIC. 6611

13th October, 1952

Rt. Hon. Malcolm MacDonald, M.P.,  
Secretary of State for the Colonies,  
Colonial Office,  
Downing Street,  
S.W.1.

Dear Malcolm,

I shall be obliged if you will find out what progress has been made in Kenya with the Bill "to provide for the provision for Native Lands in the Colony" - published in the Official Gazette of the Colony July 5th, 1952. I understand that the Ordinance will not come into operation until the Orders in Council have been issued and payment of the alternative suitable land is available for the natives who will be evicted from the land in question. I understand that the Bill is based on the Land Commission's report, and features of which I am in fundamental disagreement with, but I would like even yet, further consideration given to certain clauses in the Bill which do not, in my opinion, adequately protect native interests.

Clause 49 (page 812) gives the Governor complete authority to evict natives in the European Highlands from land that has been lived on for generations provided that sufficient suitable land is available and compensation for disturbance is made. If that is sufficient, suitable land, what is compensation is entirely within the discretion of the Governor who wants the eviction and is advised by the Europeans, the community to which he himself belongs. Failure to accept the Governor's "discretion" is punishable not only by eviction of the native and his family but by penalties as well. Justice has been so often outraged in the story of colonial expansion and adventure, particularly in Kenya, that I hope proper safeguards for the African who is concerned will be found.

But Clause 49 also has a bearing on Clause 70, and I wish to make strong objection to the latter. You will have noticed the statement of the Commission, introduced to the Legislative Council that the number of natives involved in displacement from their lands was estimated to be three many as the Land Commission envisaged. On that point, and on other grounds should the British Government allow the complete extinguishment of native rights in the Highlands, the imposition of continued hardship and anxiety on the natives involved, and the great outburst of policy of the Government.

*Copy to Kenya 533*

which is contrary to the axioms of British justice and makes discrimination on the ground of colour and race? Clause 70 operating with Clause 49 extinguishes from the date of the commencement of the Ordinance the tribal, group, family or individual native rights in any land in the wilderness. This seems a wicked arrangement particularly when it is remembered that native lands are already insufficient, that the utmost difficulty exists in finding alternative suitable land and that there are still dispossessed families whose claims have not been met.

Clause 65 may also encroach on native rights and liberty though there is something to be said for it in respect to native development and erosion. But I shall be unhappy about these powers which the Governor may exercise in the making of rules with the advice and consent of the Trust Board unless the natives themselves are directly represented by people of their own race on that Board. I notice there is no indication in the Bill as to the composition of the Board; in Clause 7 on page 789 it is left vague. Shall we have the opportunity of studying the Order in Council when it is drafted? Direct native representation ought also to be conceded on the local councils.

There are many other items of detail in the Bill such as that relating to mineral disturbance, water diversion, public purposes and the Governor's powers but it is well to note that even the representatives of native interests in the Legislative Council have expressed some concern about many of the clauses and indicated the dissatisfaction of Africans themselves.

I am aware that I have raised these matters many times by letter and on the floor of the House, but I am profoundly disturbed at the outrage to which legal enactment is now being given. It has been suggested in answer before now that Parliament has endorsed the whole policy in the Land Commission report. I do not take this view. May I urge that before this irremediable step is taken and we are committed to these final stages of a settlers' policy in Kenya, steps which bring no public or African advantage, - you insist that this further spread of distrust and destruction of African confidence in respect to the points I have mentioned be not pursued further?

Yours sincerely,

*Herbert Jones*



RECORDED 7

OCTOBER, 1938.

CONFIDENTIAL.

Sir,

13

I have the honour to refer to your Confidential Despatch of the 2nd June, 1938, dealing with the legislation required to give effect to the recommendations of the Kenya Land Commission.

2. The proposed alterations of the two Orders in Council suggested in the Memorandum attached to your despatch are all acceptable except that as it has now been decided that a new post of Commissioner of Lands and Settlement shall be established this designation should be used in Clauses 2(1) and 4(2)(b) of the Highlands Order in Council.

3. Your comments on the Bills have been carefully considered. No objection is seen to any of the suggested alterations of the Native Lands Trust Bill embodied in paragraphs 3 to 8 of your despatch.

On close examination of the second proviso to Clause 70(1) my advisers concluded that your implied criticism was justified. This Clause has been redrafted in order to make the intention clear. As will be seen later, the position of this Clause in the Ordinance as enacted has been changed.

4. Dealing now with your comments in paragraph 10 on the Crown Lands (Amendment) Bill, it has not been considered necessary to make provision in Section 58A(c) on the lines of Section 47(1) of the Native Lands Trust Ordinance in view of the provisions of Sections 56, 57 and ...

THE RIGHT HONOURABLE  
MALCOLM MACDONALD, M.P.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET,  
LONDON. S.W.1.

and 58E which permit of additions, reductions and exchanges in respect of Native Reserves, Temporary Native Reserves and Native Leasehold Areas.

The reference in this Clause to Section 60 of the Native Lands Trust Ordinance has been deleted.

5. The point you raise in paragraph 11 has been considered but it has not been deemed necessary or desirable to specify the rights which natives are to enjoy in the native areas other than Native Lands, for the reason that these portions of land are to be occupied by natives not by reason of historical right but only because of temporary or permanent economic need. There are, therefore, no existing rights to be safeguarded. Adequate provision is made in Section 58I for regulating and controlling native occupation and for making such rules as may from time to time be deemed necessary.

6. The Bills as amended were published for criticism, and were, in due course, introduced in Legislative Council during the August Session.

7. The debates followed the expected lines and brought out no new features. The European Elected Members again made emphatic and repeated protests against the omission of the word "European" or "White" before the word "Highlands" wherever it appeared in both measures, and contended that this omission constituted a definite breach of faith, in that although the legislation purported to carry out the recommendations of the Land Commission it failed to do so in this matter. They pointed out that the Commission's Report referred repeatedly to the "European" Highlands, and particularly in Section 1979 which contains the recommendation on the safeguarding of the boundaries.

They ...

They also expressed strong objection to the absence of any reference in the Crown Lands (Amendment) Bill to the privileged position held by Europeans in the Highlands, whilst the Indian Members protested against the continuance of the administrative practice which protects the European privilege.

Many matters of detail came up in the course of the debates which were subsequently dealt with in Select Committee.

12 w PCT  
8. The opportunity was taken by the Acting Commissioner for Local Government, Lands and Settlement in moving the 2nd Reading of the Native Lands Trust Bill to follow the suggestion made in Sir Cecil Bottomley's demi-official letter of the 1st June and to remove any misconceptions that might arise from the use of such words as "unalterable" in relation to the boundaries of the Native Lands and the Highlands. The point was taken up by Major Cavendish-Bentinck in a manner which showed that the Elected Members fully understood its significance.

9. The Select Committee, copies of whose reports are attached, recommended many amendments most of which were of a drafting character or of minor importance.

The following amendments, however, require special mention:

(1) The Native Lands Trust Ordinance.

- (a) Clause 3. Definitions of Highlands Board and Trust Board. The European Elected Members attached great importance to a proposal to substitute "to" for "may be" in the belief that some greater measure of security would thereby be given. Although the less definite phrasing of the original draft was considered by my advisers to be preferable the point was not thought ...

thought to be of sufficient importance to justify a divided vote.

(b) Clause 4 - Constitution of Local Boards.

It was unanimously agreed that the constitution of the Boards should be 2 elected members and 2 selected members instead of 1 and 3 as provided in the draft, and that the co-option provision should be limited to 2 members.

(c) Clause 15(c) was amended to make it clear that any views expressed by the representations of the locations or sections concerned in any "setting apart" were to be recorded in writing.

(d) Clause 18(2) was amended to place beyond doubt that when a right holder received full cash compensation all his rights in the land concerned would then be extinguished.

(e) Clause 26(2) was amended to provide that where the cost of the construction of a road had been met partly from the general funds of the Colony and partly from Local Native Council Funds any compensation payable should be borne in the same proportions as the original costs.

(f) Clause 28(4). European Elected Members on the Committee objected strongly to the provision for the over-riding powers of the Secretary of State.

In view of the suggestion expressed in paragraph 3 of your Confidential Despatch No.(6) of the 28th October, 1937, the Official Members on the Committee felt no hesitation, in order to secure unanimity, in acceding to the request in its application not only to this section but also to Section 29(5) and to the corresponding Section (No.28(5)) dealing with the powers of the Native Lands Trust Board.

(g) ...

in on 31005/4/37 Kenya.

(g) Clause 49 was amended by the addition of two provisos (amended) taken from Section 70, as this was considered to be the more appropriate section for them.

(2) The Crown Lands (Amendment) Ordinance.

(a) By the deletion of sub-section (b) of Section 58A the provisions of Section 22 of the Native Lands Trust Ordinance for the setting apart of land for local Public Purposes are made to apply to the Native Reserves and Temporary Native Reserves in order to ensure that any private rights that may in future arise in these areas will be adequately compensated in the event of disturbance.

(b) The European Elected Members requested that the Ordinance be amended to indicate more clearly what was the intention in providing for a definition of the Highlands. This proposal was accepted and Section 58(F) was amended in the manner shown in the Report.

58(G)  
(c) The only other amendment of importance is in Section 58(J) which deals with the definitions of the Northern Frontier District and the Turkana District in the 8th Schedule. The boundaries of the Turkana District as laid down in the Schedule exclude the whole of the extension from Uganda. When the discussions between this Government and the Government of Uganda on the disposal of the southern section of this land are finished it will be necessary to include in the Turkana District the area embraced within such boundaries as may be ultimately fixed. In order to avoid an amendment of the

Ordinance ...

Ordinance when this alteration takes place powers are provided under this Section to amend the boundaries by proclamation subject to your approval.

The European Elected Members also had in view, in accepting this amendment, the possibility that Leroki may be excised from the Northern Frontier District at some future date. Since the authority of the Secretary of State would be required for any such alteration my advisers saw no reason to object to the amendment.

10. The Select Committee's Report on the Native Lands Trust Ordinance was adopted by the Legislative Council without amendment, with the unanimous support of the European Elected Members.

On the Crown Lands (Amendment) Ordinance the European Elected Members after making a final protest against the omission of the word "European" before the word "Highlands" and the omission of any security for the European privileges in the Highlands declined to vote on the Select Committee's Report. The Indian Members had, at an earlier stage, expressed their intention of refusing to vote on either of the measures.

By the official vote and the votes of the representatives of native interests the Select Committee Report on the Crown Lands (Amendment) Ordinance was adopted and both Ordinances passed their final stages.

11. Copies of both Ordinances, prepared for authentication, together with the legal reports are enclosed. As there have been some important alterations since you last saw the drafts I have withheld my assent pending your confirmation.

I have the honour to be,  
 Sir,  
 Your most obedient, humble servant,

*R Brooke-Popham*

AIR CHIEF MARSHAL.  
 GOVERNOR.

R E P O R T  
 OF  
 THE SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL  
 APPOINTED TO CONSIDER AND REPORT UPON THE PRO-  
 VISIONS OF A BILL TO MAKE PROVISION FOR  
 NATIVE LANDS IN THE COLONY  
 -----

Your Excellency,

We, the members of the Select Committee appointed to consider and report upon the provisions of the above Bill, have the honour to submit our report.

We met at the Attorney General's Office on the afternoon of Wednesday, the 10th, and at 9.30 a.m. on Thursday, the 11th of August. We recommend that the Bill be amended in the following respects:-

1. That Clause 3 be amended by substituting the word "to" for the words "which may" where they appear in the first line of the definition of "Highlands Board" and in the first line of the definition of "Trust Board".

2. That Clause 4 be amended -

(a) by substituting the word "two" for the word "one" where it appears in the first line of paragraph (b) of sub-clause (1) thereof, and for the word "three" where it appears in the third line of the same paragraph;

(b) by substituting the word "and" for the word "or" which appears at the end of paragraph (b) thereof;

(c) by deleting therefrom paragraphs (c) and (d) of sub-clause (1) thereof;

(d) by inserting the following paragraph as paragraph (c) of sub-clause (1) thereof -

"(c) such additional persons, not exceeding two, as may be co-opted at any time by the Local Board;"

and

(e) by adding to sub-clause (1) thereof the following proviso:-

"Provided that, in any administrative district where there is no Local Native Council, the Provincial Commissioner shall appoint from among the native inhabitants of such district, four members in lieu of the members referred to in paragraph (b) of this sub-section."

3. That Clause 5 be amended by substituting the words and figure "section 7 of this Ordinance" for the words "this Part" which appear in the first line thereof.

4. That Clause 12 be amended by substituting the word "thirty" for the word "twenty-one" which appears in the sixth and seventh lines of sub-clause (4) thereof.

5. That Clause 15 be amended by deleting therefrom paragraph (c) thereof and substituting therefor the following

"(c) the Local Board must have been consulted and representatives of the location or section concerned must have been given the opportunity of appearing before the Local Board for the purpose of expressing their views upon the proposal which views if given shall have been recorded in writing;"

6. That Clause 17 be amended -

(a) by substituting the word "thirty" for the word "twenty-one" which appears in the second line of sub-clause (5) thereof; and

(b) by substituting the word "notification" for the word "making" which appears in the third line of the same sub-clause.

7. That Clause 18 be amended -

(a) by adding at the end of sub-clause (2) thereof the following -

"The payment of compensation under the provisions of this section shall operate to extinguish every right, title or interest vested in the private right-holder or in any person claiming under, by or through him.";

(b) by substituting the words "Governor in Council" for the word "Governor" which appears in the ninth line of sub-clause (4) thereof;

(c) by substituting the word "thirty" for the word "twenty-one" which appears in the eleventh line of the same sub-clause; and

(d) by inserting the words "notification of the" between the word "the" and the word "award" which appear in the last line of the same sub-clause.

8. That Clause 19 be amended -

(a) by substituting the word "thirty" for the word "twenty-one" which appears in the second line of sub-clause (3) thereof; and

(b) by substituting the word "notification" for the word "making" which appears in the third line of the same sub-clause.

9. That Clause 20 be amended -

(a) by substituting the word "thirty" for the word "twenty-one" which appears in the second line of sub-clause (3) thereof; and

(b) by substituting the word "notification" for the word "making" which appears in the third line of the same sub-clause.

10. That Clause 22 be amended -

(a) by deleting therefrom the word "Government" which appears in the second line of paragraph (a) of sub-clause (1) thereof; and

(b) by substituting the words "Government station" for the word "station" which appears in the second line of the same paragraph.

11. That Clause 24 be amended -

(a) by relettering paragraphs (g) and (h) of sub-clause (1) thereof as (h) and (i) respectively; and

(b) by inserting the following new paragraph as paragraph (g) -

"(g) outspans, stock routes, cattle dips and labour camps;"

12. That Clause 25 be amended -

-1-

- (a) by substituting a comma for the full stop which appears after the word "access" in the sixth line of sub-clause (1) thereof;
- (b) by adding immediately after such comma the words "or for buildings or works in connexion with any of the foregoing purposes, together with the necessary curtilage of such buildings or works";
- (c) by substituting the words "If any land is so added" for the words "Any land so added" which appear in the eighth line of sub-clause (4) thereof; and
- (d) by substituting the words "who shall refer the matter" for the word "or" which appears in the fourth line of sub-clause (5) thereof.

13. That Clause 15 be amended -

- (a) by deleting therefrom sub-clause (2) thereof and substituting therefor the following -

"(2) Where the setting apart is in respect of a road, the whole cost of the construction of which has not been defrayed from the general revenues of the Colony and the whole cost of the maintenance of which has not been, and at the time of such setting apart is not, so defrayed, the compensation payable shall be paid from the revenues of the Local Native Council concerned and from the general revenues of the Colony; and the amount of compensation payable from the general revenues of the Colony shall bear the same proportion to the total amount of compensation payable as the portion of the cost of the road to be defrayed from the revenues of the Colony bears to the total cost of the road.";

and

- (b) by substituting the word "revenues" for the word "reevnuess" which appears in the third line of sub-clause (4) thereof.

14. That Clause 20 be amended -

- (a) by deleting therefrom sub-clause (1) thereof and substituting therefor the following -

"(1) Subject to the provisions of sub-section (2) of this section and notwithstanding anything in Part III of this Ordinance contained, the Governor, after consulting the Local Board and with the consent of the Trust Board, may exclude from the native lands any land required for any of the purposes set out in section 22 (but not for the purpose set out in paragraph (b) of sub-section (1) of that section) and in sections 24 and 52 of this Ordinance, and the land so excluded shall thereupon cease to form part of the native lands. In every case where the Local Board is consulted by the Governor for the purposes of this section, representatives of the location or section concerned and of the local natives concerned shall be given the opportunity of appearing before the Local Board for the purpose of expressing their views and such views if given shall be recorded in writing.";

(b) by deleting therefrom sub-clause (4) thereof and substituting therefor the following -

"(4) No land situate in the Highlands shall be added to the native lands under the provisions of sub-section (3) of this section, or under the provisions of sub-section (4) of section 25 of this Ordinance, save with the consent of the Highlands Board.";

and

(c) by deleting therefrom sub-clause (5) thereof.

15. That Clause 29 be amended by deleting therefrom sub-clause (5) thereof, and substituting therefor the following -

"(5) No land situate in the Highlands shall be added to the native lands under the provisions of sub-sections (2) and (4) of this section, save with the consent of the Highlands Board."

15A. That Clause 31 be amended by substituting a semi-colon for the full stop which appears at the end thereof and by adding, immediately after such semi-colon, the following -

"but, where any land in the native lands has been set apart for the purpose of being so leased, it shall not be necessary again to set apart the land for the purpose of granting any renewal of the original lease."

16. That Clause 32 be amended by renumbering sub-clause (6) as (7) and by inserting the following new sub-clause to be numbered (6) -

"(6) The Chief Native Commissioner may delegate to any Provincial Commissioner the power conferred upon him by sub-section (1) of this section in respect of any lease granted for a term of one year or less."

17. That Clause 34 be amended by substituting the words "stand premium and/or rent" for the word "rent" which appears in the second line thereof.

18. That Clause 35 be amended by adding thereto the following sub-clause -

"(5) Nothing in this section contained shall be deemed to apply to leases granted under the provisions of the Mining Ordinance, 1933."

No. 61 of 1933

19. That Clause 37 be amended by substituting the words "may, notwithstanding the provisions of the Courts Ordinance, 1931, commence a suit in a First Class Subordinate Court" for the words "may commence a suit in the Supreme Court" which appear in the twelfth line thereof.

No. 16 of 1931

20. That Clause 38 be amended -

(a) by deleting therefrom the proviso to sub-clause (1) thereof and substituting therefor the following proviso -

"Provided that no licence referred to in paragraphs (a), (b) or (c) of this sub-section shall, except with the consent of the Trust Board, be granted for a period exceeding twelve months at any one time.";

(b) by substituting the word "Commissioners" for the word "Commissioner" which appears in the third line of sub-clause (2) thereof;

(c) by substituting the marginal note "Grazing and forest produce" for the marginal note "forest produce" which appears opposite sub-clause (2) thereof;

(d) by inserting the words "making canals, aqueducts, weirs, dams and/or any other works required for the supply and use of water," between the word "pipes"

and the word "setting" which appear in the fourth line of sub-clause (4) thereof;

- (e) by substituting a colon for the full stop which appears in the eighth line of sub-clause (4) thereof and by adding the following proviso immediately after such colon -

"Provided that, where the native land concerned is the subject of a mining right under the Mining Ordinance, 1933, or of a lease granted under the provisions of the Crown Lands Ordinance or of this Ordinance or of the Ordinance repealed by this Ordinance, the Provincial Commissioner shall not grant a way-leave licence in respect of such land except with the consent of the lessee or the holder of the mining right, as the case may be; and if any such lessee or holder refuses his consent, the Provincial Commissioner may appeal to the Governor in Council whose decision shall be final. In any case where a way-leave has been granted over any such land and any compensation is payable in respect of disturbance, or damage to the interests of the lessee, or holder, as the case may be, the amount of compensation shall be such sum as may be agreed upon between the applicant for the way-leave and the lessee or holder, as the case may be, and in default of such agreement, such sum as may be determined by arbitration under the provisions of the Arbitration Ordinance.";

No. 61 of 1933  
Cap. 140

Cap. 14.

- (f) by inserting the figure and brackets "(5)" in front of the word "Before" which appears in the ninth line of sub-clause (4) thereof;
- (g) by inserting the brackets and words "(other than compensation payable under the provisions of sub-section (4) of this section)" between the word "compensation" and the word "which" which appear in the third line of sub-clause (5) thereof;
- (h) by inserting the words "the notification of" between the word "of" and the word "such" which appear in the penultimate line of the proviso to sub-clause (7) thereof.

21. That Clause 43 be amended by substituting the words "water sanctions and/ or water rights" for the words "water permit" which appear in the fourth line thereof.

22. That Clause 49 be amended -

- (a) by substituting a colon for the full stop which appears at the end of the proviso to sub-clause (1) thereof;
- (b) by adding thereafter the following two new provisos:-

"Provided further that a private right-holder shall not be required to remove himself until he shall have harvested any annual crops which may have been planted before the date of the coming into operation of this Ordinance:

No.2 of 1937

And provided further that, notwithstanding the provisions of section 12 of the Native Authority Ordinance, 1937, no native, whose rights in respect of the land upon which he, or his family, is, or are, residing, have been extinguished under the provisions of section 70 of this Ordinance, shall be compelled to remove himself from such land except by order of the Governor made in accordance with the provisions of this section; but the provisions of this section and of this proviso shall not apply to a native who, having been ordered by the Governor to remove in accordance with the provisions of this section, either removes himself or is removed under the provisions of this section, subsequently cultivates or occupies land outside the boundaries of the native lands, the native reserves, the temporary native reserves of the native leasehold areas, as the case may be.";

and

- (c) by deleting from the marginal note thereto the words "into Native Land Unit".

23. That Clause 50 be amended -

- (a) by deleting therefrom paragraph (b) of sub-clause (1) thereof and substituting therefor the following paragraph -

"(b) enter upon such land for the purpose of setting up poles and carrying electric, telegraph or telephone lines across such land, and laying sewers, water pipes, electric, telegraph or telephone lines therein, and for maintaining and/or affording access to any such works and to any other works of a public nature;"

- (b) by inserting the words "for that purpose" between the word "and" and the word "may" which appear

respectively in the third and the fourth lines of paragraph (c) of sub-clause (1) thereof; and (c) by substituting the words "river, stream, spring, lake or swamp" for the words "river or stream" where they appear in the third and in the fourth lines of paragraph (c) of sub-clause (1) thereof.

24. That Clause 56 be amended by substituting the word "fourteenth" for the word "seventh" which appears in the third line of sub-clause (2) thereof.

25. That Clause 57 be amended -

- (a) by substituting the words "the District Commissioner's office and in some other" for the word "some" which appears in the third line of sub-clause (1) thereof; and
- (b) by deleting therefrom sub-clause (3) thereof and substituting therefor the following -

"(3) Any person who without lawful cause or excuse, tears, defaces, alters, injures or removes any notice so affixed, shall be guilty of an offence against this Ordinance and shall be liable on conviction by a Magistrate to a fine not exceeding ten pounds."

26. That Clause 61 be amended by adding thereto the following new sub-clause -

"(3) Travellers shall be allowed to encamp with their servants, transport and baggage on any uncultivated land in the native lands for a period not exceeding forty eight hours, and, with the consent of the District Commissioner, for a longer period, and they shall with their servants be allowed access to any spring, river, stream or lake upon the land."

27. That Clause 65 be amended by adding thereto the following new paragraph as paragraph (i) -

"(i) for the protection of trees and forest produce on land not within a forest area within the meaning of the Forest Ordinance, and for regulating the felling or removal of such trees or forest produce, as the case may be."

Cap.149

28. That Clause 70 be amended -

- (a) by deleting therefrom the first and second provisos thereto;

- (b) by substituting the word "Provided" for the words "And provided further" which appear in the first line of the third proviso thereto;
- (c) by substituting the figures "1925" for the figures "1935" which appear in the margin opposite paragraph (b) of the third proviso thereto;
- (d) by deleting the words "of grazing" which appear in the first line of paragraph (c) of the third proviso thereto; and
- (e) by inserting the words and commas, " other than land situate in the Highlands," between the word "land" and the word "in" which appear in the fifth line of sub-clause (2) thereof, and by deleting therefrom the word "the" which appears in the same line.

29. That the Schedule to the Bill be amended in accordance with the amendments set out in the Schedule to this Report.

We have the honour to be,

Your Excellency's obedient servants,

SD.	W. HARRAGIN	(CHAIRMAN)
SD.	E. B. HOSKING	(MEMBER)
SD.	C. E. MORTIMER	(MEMBER)
SD.	FRANCIS SCOTT	(MEMBER)
SD.	F. W. CAVENDISH-BENTINCK	(MEMBER)
SD.	ERROLL	(MEMBER)
SD.	H. R. MONTGOMERY	(MEMBER)
SD.	R. KASSIM	(MEMBER)

Nairobi,

15th August, 1938

Subject to the reservations set out in the attached report.

SCHEDULE.

- Page 35, line 20, add "UNIT" after "LAND".
- Page 35, line 21, add "unit" after "land".
- Page 35, line 4 from bottom, for "Limuru" read "Limoru".
- Page 49, line 24, add "UNIT" after "LAND".
- Page 52, line 23, for 7,899.0 feet" read 7,899 feet".
- Page 53, line 4, for "1,016.0 feet" read "1,016 feet".
- Page 54, line 13 from bottom, add "UNIT" after "LAND".
- Page 54, line 12 from bottom, add "unit" after "land".
- Page 54, line 9 from bottom, before "native" insert "the" ;  
after "land" add "unit".
- Page 55, line 11, for "the Machakos-Kitui Road" read  
"the old Machakos-Kitui track".
- Page 58, line 11 from bottom, add "UNIT" after "LAND".
- Page 58, lines 6 and 5 from bottom, delete  
"to its intersection with a straight line  
between the summit of the hill Karoker and"  
and substitute  
"by that river to where it emerges from the  
Turkwell Gorge at Lokwien thence south-  
easterly by a straight line to".
- Page 66, delete (a) in line two and delete line five.
- Page 69, line 2, add "UNIT" after "LAND".
- Page 69, line 3, add "unit" after "land".
- Page 74, line 15, add "UNIT" after "LAND".
- Page 78, line 2, add "UNIT" after "LAND".
- Page 78, line 18 from bottom, delete "LANDS" and substitute  
"LAND UNIT".
- Page 78, line 17 from bottom, delete "These lands" and  
substitute "This land unit".
- Page 103, line 16, delete "4881".

63  
15th August. 1938.

Your Excellency,

We have the honour to inform you that we signed the Report of the Select Committee of the Legislative Council appointed to consider and report upon the Provisions of a Bill to Make Provision for Native Lands in the Colony, subject to the following Reservation:-

1. In our opinion, Clause 18, Sub-Clause 2, requires the following amendment:-

The deletion of the penultimate and last lines of Sub-Clause 2, (from the word "of" to the word "value"), and the substitution thereof of the following:-

"of the value of the natives' interest in the land, plus fifteen per centum of such value. The maximum compensation payable under this section being calculated on the basis of the full agricultural value of the land, plus fifteen per centum of such value".

We have the honour to be,

Your Excellency's obedient servants,

FRANCIS SCOTT.

F. CAVENDISH BENTINCK.

ERROLL.

Further Reservation by Major Cavendish Bentinck:-

That Sections 49 and 70 be removed from this Bill, and be inserted in "A Bill to Amend the Crown Lands Ordinance 1938", and that the necessary re-numbering of Sections be effected, i.e. that Sections Nos. 50 to 69 become 49 to 68, and Section 71 becomes Section 69.

F. CAVENDISH BENTINCK.

64

R E P O R T  
O F  
THE SELECT COMMITTEE OF THE LEGISLATIVE  
COUNCIL APPOINTED TO CONSIDER AND  
REPORT UPON THE PROVISIONS OF A  
BILL TO AMEND THE CROWN LANDS  
ORDINANCE

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Your Excellency,

We, the members of the Select Committee appointed to consider and report upon the provisions of the above Bill, have the honour to submit our report.

We met at the Attorney General's Office on the afternoon of August 12th and on the morning of August the 13th. We recommend that the Bill be amended in the following respects:-

1. That Clause 3 be amended -
  - (a) by deleting therefrom the definition of "Highlands";
  - (b) by substituting the words "native lands" for the words "Native Lands" which appear in the ninth line thereof; and
  - (c) by substituting the word "to" for the words "which may" where they appear in the definition of "Highlands Board" and in the definition of "Trust Board".
2. That Clause 4 be amended -
  - (a) by deleting therefrom the heading "Lands for Native Use and Occupation" which appears immediately below the heading "Part VI", and substituting therefor the heading "Reservation of Land for Special Purposes";
  - (b) by deleting from the proposed new section 56 the marginal note to sub-section (2) thereof, and inserting the same marginal note opposite to the proposed new section 57;

- (c) by deleting therefrom paragraph (b) of the proposed new section 58A, and by substituting the words "native lands" for the words "Native Lands" which appear in the sixth line of that section;
- (d) by deleting therefrom sub-section (1) of the proposed new section 58D and substituting therefor the following -

"(1) The Governor may grant, for a term not exceeding ten years, leases to non-natives of land in such areas of the native leasehold areas as, in the opinion of the Chief Native Commissioner after consultation with the Provincial Commissioner, are surplus to the requirements of the natives at the time the lease is granted and which will be surplus to the requirements of the natives during the currency of the term of the lease."

- (e) by substituting the words "Trust Board" for the words "Chief Native Commissioner" where they appear in the sixth line of sub-section (2) of the proposed new section 58D;
- (f) by deleting therefrom the proposed new section 58F and substituting therefor the following -

'The highlands.

"The Highlands.  
58F. The areas of Crown Land, the boundaries of which are set out in the Seventh Schedule to this Ordinance, shall be known as "the Highlands", and shall be subject to the protection and control of the Highlands Board in accordance with the provisions of any Order of His Majesty in Council and of this Ordinance and of any other law for the time being in force in the Colony.

- (g) by renumbering the proposed new sections 58G, 58H and 58I as 58H, 58I and 58J respectively;
- (h) by renumbering the proposed new section 58J as 58G;
- (i) by substituting the word "Areas" for the word "Lands" which appears in the fourth line of sub-section (1) of the proposed new section 58G (renumbered as 58H);

- (j) by inserting the heading "General" immediately above the proposed new section 58G (renumbered as 58H);
- (k) by deleting the word "other" which appears in paragraph (j) of sub-section (1) of the proposed new section 58H (renumbered as 58I);
- (l) by substituting the number "58N" for the number "58" which appears in the seventh line of the proposed new section 58I (renumbered as 58J);
- (m) by deleting from the proposed new section 58J (renumbered as 58G) sub-section (1) thereof and substituting therefor the following -

"(1) The areas of Crown Land, the boundaries of which are set out in the Eighth Schedule to this Ordinance, and which are therein respectively described as the Northern Frontier District and the Turkana District, shall be areas in which the native tribes at present residing therein shall have a prior interest. ~~The Governor may, from time to time, with the approval of the Secretary of State, by proclamation vary the boundaries of the said areas, and where any such variation has been made the Eighth Schedule to the Ordinance shall be read and construed subject to the variations specified in such Proclamation.~~"

*delete*

- (n) by substituting the number "58I" for the number "58H" which appears in the last line of the proposed new section 58J (renumbered as 58G);
- (o) by deleting therefrom the Heading "General" which appears immediately above the proposed new section 58K (renumbered as 58L);
- (p) by inserting the following heading and new section as section 58K -

"Miscellaneous

Forfeiture  
for treason  
or rebellion

58K. Notwithstanding anything in this Ordinance contained, the Governor, in cases where the offences of treason or rebellion against His Majesty have been proved to have been committed by any native tribe, group, family or individual, and in addition to any other punishment lawfully inflicted in respect of an offence so committed, may order that any rights, permits or leases in respect of any land comprised in the areas defined in the Fourth, Fifth, Sixth and Eighth Schedules to this Ordinance, shall be forfeited. Every such order of the Governor shall be subject to the approval of the Secretary of State."

*u*

and

(q) by renumbering the proposed new sections 58K to 58N inclusive as 58L to 58 O respectively.

4. That Clause 6 of the Bill be amended by substituting the words "native lands" for the words "Native Lands" which appear in the seventh line thereof.

5. That the Schedules to the Bill be amended in accordance with the amendments specified in the Schedule to this Report.

We have the honour to be,  
Your Excellency's obedient servants,

- SD. W. HARRAGIN (CHAIRMAN)
- SD. E. B. HOSKING (MEMBER)
- SD. C. E. MORTIMER (MEMBER)
- SD. FRANCIS SCOTT (MEMBER)
- SD. F. W. CAVENDISH-BENTINCK (MEMBER)
- SD. ERROLL (MEMBER)
- SD. H. R. MONTGOMERY (MEMBER)
- SD. R. KASSIM (MEMBER)

Nairobi,  
15th August, 1938

SCHEDULE

68

SCHEDULE.

- Page 10, line 1, delete word "SCHEDULE".
- Page 10, line 6, for "No.175" read "No.157".
- Page 10, line 14, after NGELESHA add (for the use and enjoyment of the Njemps tribe)".
- Page 10, line 4 from bottom, after ESAGERI add "(for the use and enjoyment of the Kamasia tribe)".
- Page 12, line 7, after TAVETA add "(for the use and enjoyment of the Taveta tribe)".
- Page 13, line 16, after NORTH YATTA add "(for the use and enjoyment of the Kikuyu tribe)".
- Page 14, line 1, after YATTA PLATEAU add "(for the use and enjoyment of the Kamba tribe)".
- Page 14, line 21, for "the Machakos-Kitui Road" read "the old Machakos-Kitui track".
- Page 14, line 6 from bottom, for "When a river ...." read "Where a river ...".
- Page 14, line 3 from bottom, after CHURO add "(for the use and enjoyment of the East Suk tribe)".
- Page 15, line 22, after LEGISIANAN add "(for the use and enjoyment of the Kamasia tribe)".
- Page 15, line 9 from bottom, after KITUI add "(for the use and enjoyment of the Kamba tribe)".
- Page 16, line 13, after TEITA add "(for the use and enjoyment of the Teita tribe)".
- Page 16, line 3 from bottom, for "When a river ..." read "Where a river...".
- Page 20, line 12, for "Choimin" read "Choimim".
- Page 23, line 26, for "1,016.0 feet" read "1,016 feet".
- Page 50, lines 9 and 10, for "Kiambu Native Reserve" read "The Kikuyu Native Land Unit".

Page 51, delete lines 8 to 13, and substitute the following:-

" 181° 27' 37"	:	2652.7 feet
141° 25' 32"	:	2887.9 feet
116° 12' 40"	:	3388.4 feet
172° 53' 58"	:	2453.6 feet
144° 31' 20"	:	1312.2 feet
214° 55' 29"	:	2748.1 feet "

Page 54, line 26, delete "the" and insert "part of the generally".

Page 54, line 27, delete "Meru District" and insert "the Kikuyu Native Land Unit".

Page 55, lines 13 and 14, delete "Baringo District" and insert "Kerio Native Land Unit".

Page 55, line 17, delete "Baringo District" and insert "Kerio Native Land Unit".

Page 55, line 19, delete "West Suk District" and insert "Kerio Native Land Unit".



COPY

15th August 1938.

Your Excellency,

We have the honour to inform you that we signed the Report of the Select Committee appointed to consider and report upon the Provisions of A Bill to Amend the Crown Lands Ordinance, subject to the following Reservation:-

1. That in the new Section 58.J. describing the Highlands, after the word "Highlands" which appears in the fourth line on page 3 of the Select Committee's Report, and the comma thereafter, the words "within which persons of European descent are to have a privileged position, in accordance with the White Paper of 1923", be inserted.

We have the honour to be,  
Your Excellency's obedient servants,

FRANCIS SCOTT.

F. CAVENDISH BENTINCK.

ERROLL.

Further Reservation by Major Cavendish Bentinck:-

That the present Sections 49 and 70, which appear in "A Bill to Make Provision for the Native Lands in the Colony" should be inserted in this Ordinance, and that the necessary re-numbering of Sections be effected.

F. CAVENDISH BENTINCK.

THE CROWN LANDS (AMENDMENT) BILL

Your Excellency,

I wish to make it quite clear that I, as an Indian Member, do not accept the principle of this Bill, but I worked on the Select Committee to make it less objectionable.

Rahamtale Kasim

16th August, 1938.

No. XXVIII

*J. J. Cassin*

1938



**Colony and Protectorate of Kenya**

IN THE SECOND YEAR OF THE REIGN OF  
**HIS MAJESTY KING GEORGE VI**

**HENRY ROBERT MOORE BROOKE-POPHAM**  
G.C.V.O., K.C.B., C.M.G., D.S.O., A.F.C. *Governor*

Assented to in His Majesty's  
name this                      day of  
1938.

*Governor*

**AN ORDINANCE TO MAKE PROVISION FOR  
NATIVE LANDS IN THE COLONY**

**ORDINANCE No. XXVIII of 1938**

**An Ordinance to make Provision for Native Lands in the Colony**

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 Native Lands Trust Ordinance, 1938. Short title.

2. This Ordinance shall not come into operation until Orders have been made by His Majesty in Council providing for the establishment of a Native Lands Trust Board and a Highlands Board and shall thereafter come into operation on such date as the Governor shall by proclamation in the Gazette appoint. Commencement.

3. In this Ordinance, unless the context otherwise requires— Interpretation.

the "Highlands" means the areas of land the boundaries of which are set out in the Seventh Schedule to the Crown Lands Ordinance; Cap. 140.

"Highlands Board" means the Board to be established as the Highlands Board in accordance with the provisions of any Order of His Majesty in Council;

"mining lease" does not include a lease in respect of a subterranean area.

"native lands" mean the areas of land the boundaries of which are set out in the First Schedule hereto;

"native land units" mean the divisions of land into which the native lands are divided, which divisions are specified in the Second Schedule hereto;

"native leasehold areas" mean the areas of land the boundaries of which are set out in the Sixth Schedule to the Crown Lands Ordinance;

"native reserves" mean the areas of land the boundaries of which are set out in the Fourth Schedule to the Crown Lands Ordinance; Cap. 140.

Cap. 140.

"temporary native reserves" mean the areas of land the boundaries of which are set out in the Fifth Schedule to the Crown Lands Ordinance;

"Trust Board" means the Board to be established as the Native Lands Trust Board in accordance with the provisions of any Order of His Majesty in Council.

PART I

ESTABLISHMENT AND FUNCTIONS OF LOCAL BOARDS

Local Boards.

4. (1) There shall be established in every administrative district in which any native lands may be situate an advisory board to be known as the Local Land Board (hereinafter referred to as the "Local Board") which shall consist of—

- (a) the District Commissioner as chairman;
- (b) four members of the Local Native Council, two of whom shall be chosen by the members of such Council and two of whom shall be selected by the Provincial Commissioner; and
- (c) such additional persons, not exceeding two, as may be co-opted at any time by the Local Board:

Provided that, in any administrative district where there is no Local Native Council, the Provincial Commissioner shall appoint from among the native inhabitants of such district, four members in lieu of the members referred to in paragraph (b) of this sub-section.

(2) The Chairman of a Local Board and two other members shall form a quorum.

(3) A Provincial Commissioner may attend any meeting of a Local Board in his Province and at such meeting may speak but may not vote.

Functions of Local Boards.

5. It shall be the function of a Local Board generally to exercise the various powers to carry out the duties assigned to Local Boards by this Ordinance and by any rules made thereunder, and to make written representations to the Trust Board in regard to any matter concerning the protection of the native lands upon which the advice of the Local Board has been rejected by a Provincial Commissioner.

PART II

INTER-TRIBAL OCCUPATION PERMITS AND EXCHANGES

Inter-tribal occupation permits

6. (1) The Governor may, upon such conditions and for such terms as he may deem expedient, issue permits to occupy areas of land in a native land unit to and for the benefit of any native tribe, group, family or individual of any other native land unit.

(2) No such permit shall in any case be issued unless and until the land to which the permit relates has first been set apart in accordance with the provisions of Part III of this Ordinance.

(3) The Governor shall, before issuing a permit under the provisions of this section, consult the Trust Board. If the Trust Board objects to the issue of the permit the Governor shall refer the matter to the Secretary of State, whose decision shall be final.

7. (1) Notwithstanding anything in this Ordinance contained, the Governor may, with the consent of the Trust Board and with the approval of the Legislative Council, grant leases of land in the native lands to any person for the purpose of effecting exchanges of land between land in such native lands and other land. Exchanges.

(2) Every such grant shall be made upon such conditions and for such term as the Governor may deem expedient, and in every case the land to be so leased shall first be set apart and shall be subject to the payment of compensation in accordance with the provisions of Part III of this Ordinance.

(3) Any land in the native lands which is the subject of an exchange by way of lease between native lands and other land shall, by reason of such exchange, cease to form part of the native lands for the currency of the term of such lease.

(4) Any land in the native lands which is the subject of an exchange by way of lease between native lands and Crown lands shall be deemed, by reason of such exchange, to have become Crown land for the currency of the term of such lease.

(5) All land which is the subject of any exchange with land in the native lands under this section shall vest in the Trust Board for the currency of the term of the lease granted under sub-section (1) of this section.

The provisions of this sub-section shall apply to such land irrespective of whether it be Crown lands, or land held under the Land Titles Ordinance, or land alienated under the provisions of any of the following Ordinances:— Cap. 143.

- (a) the Crown Lands Ordinance, 1902; Cap. 140.
- (b) the Crown Lands Ordinance; Cap. 140.
- (c) the Crown Lands (Discharged Soldiers Settlement) Ordinance; Cap. 141.

Provided that, where the circumstances attending any exchange of land are such that the Governor, the Legislative Council, the Trust Board, the Local Board and the Local Native Council concerned are all agreed as to the need for permanency in such exchange, the Governor, in lieu of granting a lease under sub-section (1) of this section, may, by notice in the Gazette, effect the exchange by a permanent exclusion of land from the native lands and a permanent vesting in the Trust Board of the land exchanged.

Exchanges in the Highlands.

8. No exchanges under the provisions of section 7 of this Ordinance shall be effected in respect of any land in the Highlands, save with the consent of the Highlands Board.

## PART III

## SETTING APART

Setting apart of land in the native lands.

9. Notwithstanding anything contained in any other law for the time being in force in the Colony, land in the native lands may be set apart in accordance with the provisions of this Ordinance.

Land set apart remains native land.

10. Save as is provided in section 7 of this Ordinance, any land in the native lands set apart under the provisions of this Part shall, notwithstanding such setting apart, any grant of such land subsequently made, remain part of the native lands.

Application for setting apart.

11. (1) When it is desired that land should be set apart in accordance with the provisions of this Ordinance, application in writing shall be made to the Provincial Commissioner of the Province in which the land to which such application relates is situate.

(2) Residential sites, which are required for the accommodation of persons engaged in any trade or industry, may be included in the area to which the application relates.

(3) Where any such application is made for the purpose of obtaining a mining lease of land in the native lands, the application shall be accompanied by a plan, based on a survey by a licensed surveyor, of the area to which the application relates and shall be addressed to the Provincial Commissioner through the Commissioner of Mines.

Procedure as to setting apart land not exceeding ten acres in extent

12. (1) Where an application has been duly made to him in respect of the setting apart from the native lands of an area of land not exceeding ten acres in extent, a Provincial

Commissioner may, subject to the provisions of this Ordinance and with the approval of the Local Board concerned, set apart such land.

(2) Where the area of land to which a proposal to set apart relates does not exceed ten acres in extent and the Provincial Commissioner supports the proposal but the Local Board concerned objects thereto, such area shall not be set apart unless and until the approval of the Governor to such setting apart has been obtained.

(3) Where an application to set apart an area of land not exceeding ten acres in extent is made to a Provincial Commissioner and is not supported by him, such application shall be forwarded for the consideration of the Local Board concerned. Should the Local Board support the proposal, the application shall be forwarded for the consideration of the Governor.

(4) Where an application to set apart an area of land not exceeding ten acres in extent is not supported by either the Provincial Commissioner or the Local Board concerned, the Provincial Commissioner shall inform the applicant that the application has been refused. The applicant may appeal in writing to the Governor against such refusal within thirty days after the date on which he is notified thereof.

(5) The decision of the Governor upon any of the matters referred to him under the provisions of this section shall be final.

13. (1) Where an application is made to a Provincial Commissioner under this Ordinance to set apart from the native lands an area of land exceeding ten acres in extent, such application shall in every case, subject to the provisions of section 14 of this Ordinance and after being submitted to the natives concerned and to the authorities set out in paragraphs (b) and (c) of section 15 of this Ordinance, be referred to the Trust Board.

Power of Trust Board as to applications to set apart land exceeding ten acres in extent.

(2) If the Trust Board approves of such application it shall grant the application.

(3) If the Trust Board does not approve of such application it shall submit the application to the Governor together with the reasons for such non-approval, and the Governor may refer the matter to the Secretary of State, whose decision shall be final.

Power of Trust Board to delegate to Chief Native Commissioner.

14. The Trust Board may, by notice in the Gazette, delegate to the Chief Native Commissioner the power to grant the applications referred to in the last preceding section where the area of land to be set apart does not exceed fifty acres in extent, but the Chief Native Commissioner shall not refuse any such application without the consent of the Trust Board. In any case where the Trust Board supports the refusal of the Chief Native Commissioner the Board shall submit the application to the Governor together with the reasons for such refusal, and the Governor may refer the matter to the Secretary of State, whose decision shall be final.

Conditions to be fulfilled prior to approval of setting apart.

15. Approval of the setting apart of land under the provisions of this Part of this Ordinance shall in no case be granted unless and until all the following conditions have been fulfilled—

- (a) the proposed setting apart must, in the opinion of the Provincial Commissioner, be for the benefit of the natives, either by reason of the use to which the land is to be put or by reason of the anticipated revenue from rents;
- (b) the proposal to set apart the land must have been brought to the notice of the natives concerned and to the notice of the Local Native Council having jurisdiction over the area in which such land is situated, and such natives and such Local Native Council must have had an opportunity of expressing their views upon the proposal;
- (c) the Local Board must have been consulted and representatives of the location or section concerned must have been given the opportunity of appearing before the Local Board for the purpose of expressing their views upon the proposal, which views if given shall have been recorded in writing;
- (d) when the land is to be leased, then before, or at the time of, the making of the application to the Provincial Commissioner for setting apart, an application for the grant of a lease in respect of the land to be set apart must have been duly lodged with the Provincial Commissioner.

Setting apart to be gazetted.

18. (1) When an application for setting apart has been duly approved by the proper authority in accordance with the provisions of this Ordinance, the Provincial Commissioner shall publish in the Gazette a notice of such setting apart, and

in such notice shall specify the boundaries of the land so set apart and the purposes for which the land is set apart. Such land shall be deemed to be set apart on, and not before, the date of the publication of such notice, save where some other date is therein specified:

Provided that the Provincial Commissioner shall not gazette such setting apart unless and until the sums of money payable by way of compensation in accordance with the provisions of sections 17, 18 and 19 of this Ordinance and calculated as hereinafter provided have first been deposited with the District Commissioner.

Compensation to be paid prior to setting apart.

(2) Where land is set apart preparatory to the grant of a mining lease, the provisions of this section shall be in addition to and not in derogation of the provisions of the Mining Ordinance, 1933.

No. 61 of 1933.

17. (1) Where an application to set apart land has been duly approved by the proper authority under the provisions of this Ordinance, the District Commissioner shall notify the natives in the area concerned that such application has been so approved.

Compensation for disturbance and other loss

(2) Any native who, though not a private right-holder within the meaning of section 18 of this Ordinance, is likely to be prejudicially affected by the setting apart of any land under this Part of this Ordinance, shall be entitled to apply for compensation to the District Commissioner concerned in respect of disturbance or of any other loss or expense likely to be caused by such setting apart, and the District Commissioner shall forward forthwith to the Provincial Commissioner the details of every such application.

(3) The compensation payable to any such native upon the granting of any such application for compensation by the Provincial Commissioner shall include full compensation for the vacation or destruction of any hut or huts or other buildings and for any growing crops which such native is unable to reap or which are, or are likely to be, destroyed or damaged.

(4) The amount of compensation to be awarded to any native under this section shall be assessed by the Provincial Commissioner after consultation with the Local Board concerned, and shall, after such assessment, be deposited by the applicant for setting apart with the District Commissioner. The District Commissioner shall be responsible for notifying all persons concerned of the Provincial Commissioner's award.

(5) Any person aggrieved by an award of a Provincial Commissioner under this section may, within thirty days after the date of the notification of such award, appeal in writing through the Provincial Commissioner to the Governor, whose decision shall be final. The Governor in special cases and in his absolute discretion may extend the time for lodging any such appeal.

(6) (a) Where no such appeal has been lodged, or where such appeal has been determined by the Governor and the sum of money finally assessed does not exceed the amount of compensation deposited with the District Commissioner in accordance with the provisions of this section, the District Commissioner shall, from the amount of compensation so deposited with him, and upon instructions from the Provincial Commissioner, pay the sums of money finally assessed to the persons entitled thereto.

(b) Where an appeal has been determined by the Governor and the sum of money finally assessed exceeds the sum of money deposited with the District Commissioner in accordance with the provisions of this section, the applicant for setting apart shall pay to the District Commissioner the additional sum of money so awarded as compensation, and the District Commissioner shall, upon the instructions of the Provincial Commissioner, pay the sums of money finally assessed to the persons entitled thereto.

Compensation  
for private  
right-holders.

18. (1) In any district where the Provincial Commissioner considers that a recognizable form of private right-holding exists, any native who claims to be a private right-holder in respect of any portion of the land to which an application to set apart relates shall be entitled to apply to the District Commissioner for compensation, and the District Commissioner shall forward forthwith in every such application to the Provincial Commissioner.

(2) Where, after consultation with the Local Board, the Provincial Commissioner is satisfied as to the claim of any native so applying, compensation, in addition to the compensation awarded under the last preceding section, shall be awarded to such native, and shall be calculated on the basis of the full agricultural value of the land plus fifteen per centum of such value. The payment of compensation under the provisions of this section shall operate to extinguish every right, title or interest vested in the private right-holder or in any person claiming under, by or through him.

(3) The amount of compensation to be awarded to any native under the provisions of sub-section (2) of this section shall be assessed by the Provincial Commissioner after consultation with the natives concerned and with the Local Board.

(4) Where the Provincial Commissioner and the Local Board are unable to agree upon the sum of money which should be so awarded as compensation, or where any person desires to appeal against a sum so awarded, or against any decision of the Provincial Commissioner as to the existence or non-existence of any system of private right-holding, or against any decision as to the claim of a native to be a private right-holder, the matter shall be referred to the Governor in Council, whose decision shall be final. Every appeal under this sub-section shall be made in writing through the Provincial Commissioner within thirty days after the date of the notification of the award or decision to which the appeal relates.

(5) All sums of money awarded as compensation under this section shall be deposited by the applicant for setting apart with the District Commissioner, who shall be responsible for notifying any person concerned as to the amount so awarded.

19. (1) Where any dispute arises as to the persons entitled to receive any sum of money which has been duly assessed under the provisions of this Ordinance, the Provincial Commissioner shall direct that such sum be deposited in the office of the District Commissioner by the applicant for setting apart, pending the making of a final award by the District Commissioner, but the setting apart of the land shall not be delayed by reason of any such dispute.

Deposit of  
money pending  
settlement of  
disputes.

(2) Where a sum of money has been so deposited in the office of the District Commissioner under the provisions of the last preceding sub-section, the District Commissioner, after taking the advice of the Local Board having jurisdiction in the area concerned and after hearing all interested parties and their witnesses, shall make his award.

(3) Any person aggrieved by the award of a District Commissioner under this section may, within thirty days after the date of the notification of such award, appeal to the Provincial Commissioner, whose decision shall be final. The Provincial Commissioner in special cases and in his absolute discretion, may extend the time for lodging any such appeal.

(4) Where no such appeal has been lodged or where such appeal has been duly determined, the District Commissioner shall, from the sum of money deposited with him, pay to the persons entitled thereto the various amounts awarded by him or by the Provincial Commissioner, as the case may be.

Computed rent  
for mining  
leases.

No. 61 of 1933.

20. (1) Except in cases of private right-holding where compensation has been awarded under the provisions of section 18 of this Ordinance, and notwithstanding anything contained in the Mining Ordinance, 1933, a lump sum of money by way of commuted rent shall be payable in every case by a mining lessee for all land set apart under this Ordinance in respect of which a mining lease is granted to him, and the payment of such lump sum shall be additional to the rent payable to the Government of the Colony for such mining lease.

(2) The commuted rent payable for the land so set apart shall be paid by the applicant to the District Commissioner on behalf of the Local Board concerned, and shall be such a sum of money as the Provincial Commissioner shall assess as representing the total sum payable by way of annual rent over the term of years for which the mining lease is to be granted, the amount of such annual rent being calculated on the full agricultural value of the land.

(3) Any person aggrieved by the amount assessed as commuted rent under this section may, within thirty days after the notification of such assessment, appeal in writing to the Governor, whose decision shall be final.

(4) The District Commissioner, as Chairman of the Local Board, shall be responsible for making payments in proper cases, out of the sums so paid to the Board by way of commuted rent, to such natives as may be entitled thereto under the provisions of section 17 of this Ordinance.

(5) The District Commissioner, as Chairman of the Local Board, shall from time to time pay to the Local Native Council concerned any balance remaining in the hands of the Local Board from sums so paid by way of commuted rent.

(6) Where a mining lease in respect of any land set apart in the native lands is determined, from any cause whatsoever, at any time before the expiration of the term for which such lease was granted, no claim shall lie by the mining lessee or any other person for a proportionate or any other refund of any sum previously paid by way of commuted rent in respect of such mining lease. The provisions of this sub-section shall

apply to all such mining leases, irrespective of whether they have been granted before or subsequent to the commencement of this Ordinance.

21. (1) Notwithstanding any provision to the contrary contained in the Mining Ordinance, 1933, the term for which land is set apart under the provisions of this Part shall be deemed to run concurrently with the term of the mining or other lease granted in respect of such land and with the term for which any such lease is thereafter renewed. The setting apart of the land shall be deemed to have expired automatically upon the final expiry of the lease and the land shall thereupon revert to native use.

Term for which  
land is set apart  
to be concurrent  
with term of  
lease.  
No. 61 of 1933.

(2) Upon the first and every subsequent renewal of a mining lease, in addition to any fees and rent payable under the Mining Ordinance, 1933, there shall be paid for the renewal of the setting apart of the land in respect of which the mining lease was granted, the sum of money by way of commuted rent as provided in section 20 of this Ordinance, together with an additional sum equal to twenty per centum of the amount of such commuted rent.

No. 61 of 1933.

(3) In every case where a lease of native lands is renewed the Provincial Commissioner shall publish in the Gazette a notice of the renewal of the setting apart of the land in respect of which the lease was granted, and such renewal shall take effect from the date of such publication, save where some other date is in such notice specified. In the case of the renewal of a mining lease, no such notice shall be published unless and until the sums provided for in the last preceding sub-section have been paid.

(4) Where any lump sum of money is, under the provisions of this Part of this Ordinance, paid to or deposited with the District Commissioner for payment to the person or persons entitled thereto, such District Commissioner may, in his absolute discretion, pay such money to such person or persons either in one single payment or in a number of payments made over such period of time as may to him seem fit and desirable.

22. (1) Where a Provincial Commissioner considers it desirable that any specific area of land in the native lands should be set apart—

Setting apart for  
local public  
purposes.

- (a) for a township, trading centre, market, or for a school, hospital, Government station or camp; or
- (b) for the purpose of issuing inter-tribal occupation permits as provided in section 6 of this Ordinance; or

(c) for any purpose which, in the opinion of the Provincial Commissioner, is likely to benefit the natives resident in the native land unit concerned either by reason of the use to which the land is to be put or by reason of the anticipated revenue from rents,

the Provincial Commissioner shall cause a proposal to that effect to be submitted to the natives concerned and to the authorities set out in paragraphs (b) and (c) of section 15 of this Ordinance, and the provisions of sections 12, 13 and 14 of this Ordinance, save in so far as such provisions presuppose the making of an application to the Provincial Commissioner, shall apply to every such proposal.

(2) The Provincial Commissioner shall publish in the Gazette, in accordance with the provisions of sub-section (1) of section 16 of this Ordinance, a notice of every such setting apart, but no such notice shall in any case be so published unless and until the requirements of section 23 of this Ordinance have been fulfilled.

23. Any compensation payable under the provisions of this Ordinance in respect of the setting apart of any land under the provisions of section 22 of this Ordinance shall be paid in accordance with the provisions of sections 17 and 18 of this Ordinance by the Local Native Council concerned:

Provided that, in the case of a permanent camp established for the use of the armed forces of the Crown, such compensation shall be paid from the general revenues of the Colony.

24. (1) Notwithstanding anything in this Part of this Ordinance contained, but subject always to the provisions of sections 12, 13, 14, 17 and 18 of this Ordinance, a Provincial Commissioner may set apart land in the native lands for any of the following purposes:—

- (a) public reservoirs, aqueducts, canals, watercourses or water pipe lines;
- (b) public sewerage works;
- (c) public quays, wharves or landing places;
- (d) public aerodromes and landing grounds;
- (e) the development of electric power for public purposes from any lake, river or stream;
- (f) public telegraphs or telephones;
- (g) outspans, stock routes, cattle dips and labour camps;
- (h) buildings or works in connexion with any of the foregoing purposes, together with the necessary curtilage of such buildings or works;

Setting apart for general public purposes.

(i) any other purpose which the Governor may, under the powers conferred upon him by sub-section (2) of section 48 of this Ordinance, declare to be a public purpose.

(2) Before the publication in the Gazette of the setting apart of land for any of the purposes referred to in this section, the compensation, if any, payable in accordance with the provisions of sections 17 and 18 of this Ordinance shall be paid from the general revenues of the Colony.

25. (1) Notwithstanding anything in this Part of this Ordinance contained, but subject to the provisions of sections 17 and 18 of this Ordinance, a Provincial Commissioner may set apart from the native lands any land which is required for a public railway, tramway or road, or for a tramway or road of access, or for buildings or works in connexion with any of the foregoing purposes, together with the necessary curtilage of such buildings or works.

Setting apart for railways, tramways and roads.

For the purposes of this sub-section, tramway or road of access means a tramway or road which gives access—

- (a) (i) from any land forming part of the native lands and which has been set apart under the provisions of this Ordinance, or
- (ii) from any land situate within the boundaries of the native lands (whether or not it forms part of the native lands), or
- (iii) from any land situate outside the boundaries of the native lands through any part of the native lands,

to the nearest railway station or halt or public road; or

- (b) from any land in the native lands in respect of which a mining lease has been granted to a lessee under the Mining Ordinance, 1933, to any points on the surface of any area of land in the native lands which overlies a subterranean area in respect of which such mining lessee has been granted a mining lease; or
- (c) from any surface point to which the last preceding paragraph relates to any other such surface point.

(2) Before any land is set apart for any purpose under the provisions of this section, the Provincial Commissioner shall consult the Local Board as to the alignment of the proposed railway, tramway or road and as to the compensation to be paid in respect thereof. Where the Provincial Com-

No. 61 of 1933.

missioner and the Local Board are unable to agree as to any such matter the Provincial Commissioner shall make a report thereon to the Governor, whose decision shall be final.

(3) It shall not be obligatory on the Provincial Commissioner to consult the Trust Board as to any proposal to set apart land under this section, but the Provincial Commissioner shall forward to the Board an estimate of the area of land likely to be withdrawn from agricultural use by reason of such setting apart.

(4) Where the Trust Board is of opinion that, by reason of any setting apart under the provisions of this section or of section 24 of this Ordinance, the agricultural land available in any native land unit is likely to be insufficient for the economic needs of the natives concerned, the Board may recommend to the Governor the addition to such native land unit of an area of land equal in value to the area of land withdrawn from agricultural use. If any land is so added it shall be deemed to be included in the native lands for the purposes of this Ordinance.

(5) Where the Trust Board is in any way dissatisfied by reason of any setting apart of land under this section or by reason of any matter arising from such setting apart, the Board may make representations to the Governor who shall refer the matter to the Secretary of State, but it shall not be obligatory to delay the construction of public works upon land so set apart pending the construction of any such representations.

Compensation for setting apart of railways, etc.

26. (1) All compensation payable in respect of the setting apart of land in accordance with the provisions of the last preceding section shall be settled by the outright payment.

(2) Where the setting apart is in respect of a road, the whole cost of the construction of which has not been defrayed from the general revenues of the Colony and the whole cost of the maintenance of which has not been, and at the time of such setting apart is not, so defrayed, the compensation payable shall be paid from the revenues of the Local Native Council concerned and from the general revenues of the Colony; and the amount of compensation payable from the general revenues of the Colony shall bear the same proportion to the total amount of compensation payable as the portion of the cost of the road to be defrayed from the revenues of the Colony bears to the total cost of the road.

(3) Where the setting apart is in respect of a road, the whole cost of the construction of which has been defrayed from the general revenues of the Colony and the whole cost of the maintenance of which has been and at the time of such setting apart is so defrayed, the compensation payable shall be paid from the general revenues of the Colony.

(4) Where the maintenance of a road, the cost of the construction of which has not been defrayed from the general revenues of the Colony, becomes at any time a charge upon such revenues, it shall be the duty of the Provincial Commissioner, after consultation with the Local Board, to submit a claim for the repayment to the Local Native Council of the sum paid by such Council under the provisions of sub-section (2) of this section. Every such claim shall be considered by the Central Roads and Traffic Board established under the Central Roads and Traffic Board Ordinance, 1929, and the decision of the Governor upon such claim shall be final: No. 18 of 1929.

Provided that any compensation payable by reason of a realignment of any such road shall be paid from the general revenues of the Colony.

(5) Where the setting apart is in respect of a railway, the compensation, if any, payable shall be paid by the High Commissioner for Transport.

(6) Nothing in this section contained relating to compensation shall be deemed to apply to any public road or railway which was in existence in the native lands before the date of commencement of this Ordinance, irrespective of whether, in the case of a public road, such road had or had not at such date been declared to be a public road under any Ordinance relating to roads.

(7) Where land has been set apart under the provisions of this section for a tramway or road of access the compensation, if any, payable shall be paid by the owner of such tramway or by the lessee of the land to and from which access is given by such road, as the case may be.

27. Every District Commissioner in the native lands shall cause a register to be kept in his office containing a description of all land which has been set apart, in accordance with the provisions of this Ordinance, from the native lands in his district, together with all particulars relating to such land. District Commissioners to keep registers.

PART IV  
EXCLUSIONS

Exclusions for  
public purposes.

28. (1) Subject to the provisions of sub-section (2) of this section and notwithstanding anything in Part III of this Ordinance contained, the Governor, after consulting the Local Board and with the consent of the Trust Board, may exclude from the native lands any land required for any of the purposes set out in section 22 (but not for the purpose set out in paragraph (b) of sub-section (1) of that section) and in sections 24 and 52 of this Ordinance, and the land so excluded shall thereupon cease to form part of the native lands. In every case where the Local Board is consulted by the Governor for the purposes of this section, representatives of the location or section concerned and of the local natives concerned shall be given the opportunity of appearing before the Local Board for the purpose of expressing their views and such views if given shall be recorded in writing.

(2) No such exclusion shall be made unless and until the Governor is satisfied that a majority of the natives concerned has expressed a desire that the land required should be so excluded in lieu of being set apart, and unless and until the Local Native Council concerned has passed a resolution to that effect.

(3) Where any land is so excluded from the native lands the Governor shall, by notice published in the Gazette, add to the native land unit from which such land has been excluded an area of suitable and, where possible, contiguous unalienated Crown land of equivalent value. Any land so added shall form part of the native lands for the purposes of this Ordinance.

Provided that, in any case where land so excluded is required solely for the actual site of a building together with the curtilage thereof, no such addition of land need be made.

And provided further that, in any case where an equivalent area of land has been added to the native lands before and in anticipation of any individual exclusion, no additional area need be added under the provisions of this sub-section.

(4) No land situate in the Highlands shall be added to the native lands under the provisions of sub-section (3) of this section, or under the provisions of sub-section (4) of section 25 of this Ordinance, save with the consent of the Highlands Board.

TEMPORARY EXCLUSIONS FOR MINING PURPOSES

29. (1) Where an application has been made for the grant of a mining lease of land in the native lands, such land may be temporarily excluded from the native lands by the Governor if he is satisfied that a majority of the natives concerned has expressed a desire that this procedure be followed in lieu of setting apart the land in accordance with the provisions of Part III of this Ordinance, and that the Local Native Council has passed a resolution to that effect. Every proposal for any such temporary exclusion shall first be laid before the Provincial Commissioner, who shall report thereon to the Trust Board, and the Board shall consider the practicability or otherwise of such proposal, having regard to the provisions of sub-section (2) of this section, and shall thereafter make its recommendations to the Governor, whose decision shall be final.

Temporary  
Exclusions for  
Mining.

(2) In every case where land is temporarily excluded from the native lands under the provisions of this section there shall be added temporarily to the native lands for the currency of the term of such exclusion an area of unalienated Crown land equal in agricultural value and, so far as may be, equal in size to the area which has been so excluded.

(3) Notwithstanding any provision to the contrary contained in the Mining Ordinance, 1933, the term for which land is temporarily excluded from the native lands under the provisions of this section shall be deemed to run concurrently with the term of the mining lease granted in respect of such land, and the term of such temporary exclusion shall be deemed to have expired automatically upon the expiry of the mining lease: Provided that if the mining lease is, under the provisions of the Mining Ordinance, 1933, renewed for any term, the exclusion of the land temporarily excluded shall be deemed also to have been renewed for a like term.

No. 61 of 1933.

No. 61 of 1933.

(4) Upon the final determination of a mining lease in respect of which land has been temporarily excluded, the land so excluded shall forthwith revert to and form part of the native lands, and thereupon any land temporarily added to the native lands by reason of such temporary exclusion shall cease to form part of the native lands and shall revert to the Crown:

Provided that in any case where the Trust Board is satisfied that the agricultural value of any portion of an area so temporarily excluded has been permanently impaired by reason of mining operations conducted thereon during the currency of the mining lease, the Governor may, on the recommendation of the Trust Board, make a permanent addition of land to the native lands from the land temporarily added thereto. The land so added shall be an area of land equal in agricultural value and, so far as may be, equal in size to the portion of the native lands which has been so impaired in value.

(5) No land situate in the Highlands shall be added to the native lands under the provisions of sub-sections (2) and (4) of this section, save with the consent of the Highlands Board.

(6) No mining lease shall be granted in respect of any land which is to be temporarily excluded in accordance with the provisions of this section unless and until all compensation payable by reason of such exclusion has been duly paid to the proper authority. Notice of every temporary exclusion of land and of every temporary addition to the native lands consequent thereon and of every renewal and expiration of any such exclusion and addition shall be published in the Gazette.

#### COMPENSATION

Compensation  
for exclusion.

30. (1) Any native who is disturbed in his occupation of land in the native lands by reason of any permanent or temporary exclusion of land under the provisions of this Part of this Ordinance may make application for compensation in accordance with the provisions of section 17 of this Ordinance, and shall, in addition to receiving such compensation, be entitled, so far as may be practicable, to reside, together with his family, during the term of such exclusion in the area which has been added to the native lands in consequence of such exclusion.

(2) Any native who has satisfactorily established a claim, in accordance with the provisions of section 18 of this Ordinance, to be a private right-holder in respect of any land permanently or temporarily excluded from the native lands under this Part, shall, whether or not he is entitled to compensation under the provisions of sub-section (1) of this section, be entitled, in addition to any compensation which may have been paid to him for disturbance to receive compensation as a private right-holder under the provisions of section 18 of this Ordinance.

Provided that any such native may at his option, and in lieu of receiving such compensation as a private right-holder, elect to reside, if practicable, with his family during the term of such exclusion in the area which has been added to the native lands by reason of such exclusion; but a native who is entitled to compensation under sub-section (1) of this section and who exercises his right under that sub-section to reside in the added area shall not by reason thereof be taken to have exercised his option so as to deprive him of the right to receive compensation under sub-section (2) of this section.

#### PART V

##### LEASES AND LICENCES

31. Subject to the provisions of this Ordinance, and in the case of mining leases subject to the provisions of the Mining Ordinance, 1933, the Governor may grant leases of land in the native lands to any persons for such terms and subject to such conditions as the Governor may deem expedient:

Powers of  
Governor to  
grant leases in  
Native Lands.  
No. 61 of 1933.

Provided that, before any lease is granted under the provisions of this section, or under the provisions of the Mining Ordinance, 1933, the land to which such lease relates shall, subject to the provisions of section 29 of this Ordinance, be first set apart in accordance with the provisions of Part III of this Ordinance; but, where any land in the native lands has been set apart for the purpose of being so leased, it shall not be necessary again to set apart the land for the purpose of granting any renewal of the original lease.

No. 61 of 1933.

32. (1) The Chief Native Commissioner may, subject to any general or special directions of the Governor, execute any lease, to be granted under the provisions of this Ordinance, of land in the native lands.

Chief Native  
Commissioner  
to execute leases

(2) Leases may be granted under the provisions of this Ordinance for any term not exceeding thirty-three years, subject to such conditions as may be prescribed:

Term of leases.

Provided that, with the consent of the Secretary of State, leases may be granted for any term exceeding thirty-three years but not exceeding ninety-nine years.

(3) Leases granted for a term of one year or less shall be in such form as may be prescribed.

Form of leases  
for one year  
or less.

(4) Leases for a term exceeding one year shall be in the form of grants under the provisions of the Registration of Titles Ordinance.

Form of leases  
for more than  
one year.  
Cap. 142.

Leases for township or trading centres. No. 48 of 1931

(5) Leases in respect of plots in townships or trading centres shall be granted subject to the provisions of the Town Planning and Development Ordinance, 1931.

(6) The Chief Native Commissioner may delegate to any Provincial Commissioner the power conferred upon him by sub-section (1) of this section in respect of any lease granted for a term of one year or less.

Mining leases. No. 61 of 1931

(7) Nothing in this section contained shall be deemed to apply to leases granted under the provisions of the Mining Ordinance, 1933.

Buildings on leased native lands.

33. (1) On the determination of any mining or other lease granted in respect of land in the native lands which has been set apart under the provisions of this Ordinance, the property in all buildings on such land, whether erected by the lessee or by any other person, shall, in the absence of any provision to the contrary contained in the lease, pass to and vest in the Trust Board on behalf of the native population of the native lands without payment of compensation to the lessee or to any other person in respect of such buildings:

Provided that where—

(a) the term of the lease does not exceed thirty-three years; and

(b) the buildings were erected by the lessee or by his predecessor in title; and

(c) the lease is not determined by forfeiture,

the lessee may, within six months after the determination of the lease, remove any such buildings unless the Trust Board elects to purchase the buildings on behalf of the native population of the native lands and informs the lessee accordingly before such lessee has commenced to remove such buildings:

No. 61 of 1933.

Provided further that nothing in this section contained shall be deemed to affect the provisions of sections 36, 56 and 58 of the Mining Ordinance, 1933, except that the Commissioner of Mines shall not allow a further period in excess of three months under the aforesaid section 36, or fix a time in excess of six months under the aforesaid section 56, save with the consent of the Trust Board.

Cap. 18

(2) Where the Trust Board elects to purchase any such buildings in accordance with the proviso to sub-section (1) of this section, the lessee shall have no option as to the sale to the Trust Board, but if he does not agree to the price offered by the Trust Board the matter shall be referred to arbitration under the provisions of the Arbitration Ordinance.

34. Subject to the provisions of section 20 of this Ordinance, the stand premium and/or rent payable in respect of any land in the native lands, in respect of which a lease has been granted, shall be assessed by the Provincial Commissioner in consultation with the Local Board, shall be subject to the approval of the Governor, and shall be paid to the Local Native Council concerned. Due regard shall be had in all such assessments to the fair economic value of the land and to such conditions regarding improvements as may be contained in the lease.

Rents.

35. (1) Save as may otherwise be prescribed, no lessee of land in the native lands shall alienate the land, or any part thereof, comprised in his lease by sale, mortgage, transfer of possession, sub-lease, bequest or otherwise howsoever without the consent in writing of the Provincial Commissioner.

Lessee prohibited from alienating

(2) Before giving his consent in any case the Provincial Commissioner shall consult—

(a) the Trust Board, in cases where the land leased exceeds fifty acres in extent;

(b) the Local Board, in cases where the land leased does not exceed fifty acres in extent.

(3) Any such sale, mortgage, transfer of possession, sub-lease, bequest or other alienation effected without the consent in writing of the Provincial Commissioner shall be null and void and of no effect.

(4) An appeal shall lie to the Governor from any refusal of the Provincial Commissioner to give his consent in writing under the provisions of this section.

(5) Nothing in this section contained shall be deemed to apply to leases granted under the provisions of the Mining Ordinance, 1933.

No. 61 of 1933.

36. (1) Where a lessee of land in the native lands desires to change the user of any land comprised in his lease, he shall make application in writing to the Provincial Commissioner concerned.

Change of user.

(2) Upon receipt of any such application the Provincial Commissioner shall consult the Local Board and shall thereafter forward to the Governor the application of the lessee, together with the recommendations thereon of the Local Board and of the Provincial Commissioner.

(3) (a) Where the land in respect of which any such application is made does not exceed ten acres in extent, the

Governor may approve the application, subject to such conditions as he may think fit, or reject the application.

(b) Where the land in respect of which any such application is made exceeds ten acres in extent, the Governor shall, before making his decision, consult the Trust Board.

Forfeiture of lease.

37. If the rent or any part thereof reserved in a lease of lands in the native lands shall at any time be unpaid for a period of twenty-one days after the same shall have become due, or if there shall be any breach of the lessee's covenants, whether express or implied, or any change of user not authorized under the provisions of section 36 of this Ordinance, the Chief Native Commissioner, or any person authorized by him in writing, may serve a notice upon the lessee specifying the rent in arrear, or the covenant of which a breach has been committed, or the unauthorized change of user which is alleged, and, at any time after one month from the service of such notice, may, notwithstanding the provisions of the Courts Ordinance, 1931, commence a suit in a First Class Subordinate Court for the recovery of the land. On proof of the facts, the Court shall, subject to relief upon such terms as to it may appear just, declare the lease forfeited, and may order that possession of the land be given by the lessee to the Chief Native Commissioner, either forthwith or on or before such day as the Court thinks fit to name, and that the defendant do pay the costs.

No. 16 of 1931.

Licences

38. (1) Notwithstanding anything in this Ordinance contained, but subject to such conditions and fees as may be prescribed, licences may be granted to any person relating to—

- (a) the grazing of live stock on native lands;
- (b) the removal of timber or other forest produce from any part of the native lands not included in an area declared under the provisions of section 3 of the Forest Ordinance to be a forest area;
- (c) the taking of sand, lime, stone, and other common minerals (excluding surface salt) from the native lands;
- (d) wayleaves in the native lands:

Cap. 149.

Provided that no licence referred to in paragraphs (a), (b) or (c) of this sub-section shall, except with the consent of the Trust Board, be granted for a period exceeding twelve months at any one time.

(2) Subject to any general or specific instructions issued by the Trust Board, the Chief Native Commissioner, or such Provincial or District Commissioners as he may appoint as licensing officers, may grant licences for the grazing of live stock in the native lands, and for the removal of timber or other forest produce from the native lands.

Grazing and forest produce.

(3) Licences for the taking of sand, lime, stone and other common minerals (excluding surface salt) from the native lands may be granted by a Provincial Commissioner or by such District Commissioners as a Provincial Commissioner may appoint as licensing officers.

Common minerals.

(4) A Provincial Commissioner may grant a wayleave licence to any person empowering the holder thereof, his servants and agents to enter upon land in the native lands for the purposes of laying pipes, making canals, aqueducts, weirs, dams and/or any other works required for the supply and use of water, setting up electric power or telephone lines, cables, or aerial ropeways, and erecting such poles and pylons and making such excavations as may, in the opinion of the Provincial Commissioner, be necessary for the carrying out of any such purpose: Provided that, where the native land concerned is the subject of a mining right under the Mining Ordinance, 1933, or of a lease granted under the provisions of the Crown Lands Ordinance or of this Ordinance or of the Ordinance repealed by this Ordinance, the Provincial Commissioner shall not grant a wayleave licence in respect of such land except with the consent of the lessee or the holder of the mining right, as the case may be; and if any such lessee or holder refuses his consent, the Provincial Commissioner may appeal to the Governor in Council whose decision shall be final. In any case where a wayleave has been granted over any such land and any compensation is payable in respect of disturbance, or damage to the interests of the lessee, or holder, as the case may be, the amount of compensation shall be such sum as may be agreed upon between the applicant for the wayleave and the lessee or holder, as the case may be, and in default of such agreement, such sum as may be determined by arbitration under the provisions of the Arbitration Ordinance.

Wayleaves.

No. 61 of 1933.  
Cap. 140.

Cap. 18.

(5) Before granting any such wayleave licence the Provincial Commissioner shall consult the Local Board as to any compensation (other than compensation payable under the provisions of sub-section (4) of this section) which may be

payable and, if he is unable to agree with the Board as to such compensation, he shall report the matter to the Governor, whose decision shall be final. In any case where the usefulness of any land for agricultural purposes is in any way impaired by reason of the grant of any such wayleave licence, compensation in respect thereof shall be payable.

Licence fees

(6) All fees prescribed in respect of licences issued under the provisions of this section shall be paid to the Local Native Council concerned.

Renewals

(7) Where the Trust Board objects to any licence which has been granted under the provisions of this section, such licence shall not be renewed unless and until the Board has withdrawn such objection:

Appeal

Provided that where the Board refuses to approve the grant or renewal of any licence which may be granted under the provisions of this section, the applicant for such licence or renewal, as the case may be, may, within thirty days after the date of the notification of such refusal, appeal in writing to the Governor, whose decision shall be final.

Forfeiture of licences

39. (1) If the fees or any part thereof payable under a licence granted under this Ordinance shall at any time be unpaid for the space of twenty-one days after the same shall have become due, or if the licensee fails to comply with or commits any breach of any of the conditions of his licence, the Chief Native Commissioner, Provincial Commissioner, or licensing officer, as the case may be, may cause an application for the forfeiture of such licence to be made to a magistrate of the first class.

(2) Upon receipt of such application, together with particulars in writing specifying the fees in arrear or the condition which has not been complied with or of which a breach has been committed, the magistrate shall cause to be served upon the licensee a copy of such particulars together with a notice of the date, not being less than fourteen days after the date of such notice, when the application is to be heard.

(3) If upon the date fixed for the hearing of the application, or the date to which such hearing has been adjourned, it be proved to the satisfaction of the magistrate that fees are in arrear, or that the licensee has failed to comply with, or has committed a breach of, any of the conditions of the licence, the magistrate shall, subject to relief upon such terms as may to him appear just, declare the licence forfeited.

40. No forfeiture of any lease or licence under the provisions of this Ordinance, or of any rule made thereunder, shall operate to extinguish any debt due in respect of any rent or other payment to be made by a lessee or licensee under a lease or licence forfeited.

Debt not to be extinguished by forfeiture.

41. The issue of licences and occupation permits in respect of land set apart under the provisions of this Ordinance shall, save where a contrary intention is in this Ordinance expressed, be governed by rules made under this Ordinance.

Licences and permits to be issued subject to rules.

## PART VI

## MISCELLANEOUS POWERS

*The Trust Board*

42. The Trust Board shall, in respect of water flowing into, through or out of the native lands, be deemed, for the purposes of the Water Ordinance, 1929, to be the land holder in relation to such native lands.

Trust Board to be land-holder for purpose of Water Ordinance, 1929. No. 35 of 1929.

43. The Trust Board may, by notice in the Gazette, delegate to the Chief Native Commissioner the power to exercise on behalf of the Trust Board any of the functions or powers of the Trust Board in respect of water sanctions and/or water rights which, in the opinion of the Trust Board, are of a minor character.

Trust Board may delegate powers under Water Ordinance, 1929.

44. The Trust Board at any time may cause general or specific instructions to issue in regard to the grant by Provincial Commissioners or licensing officers of licences to remove sand, lime, and any other common minerals (except surface salt), timber and other forest produce, from the native lands.

Trust Board may issue instructions to grant licences to remove common minerals.

45. (1) Service on the Trust Board of all legal processes and notices shall be effected by service on the Chief Native Commissioner who, in any legal proceedings, may be plaintiff or defendant, as the case may be, in the name of the Trust Board.

Service of process on.

(2) Any costs incurred by or damages awarded against the Trust Board in connexion with any legal proceedings shall be paid by the Treasurer out of the revenues of the Colony.

*Local Native Councils*

46. The Local Native Councils established under the provisions of the Native Authority Ordinance, 1937, shall be

Local Native Councils. No. 2 of 1937.

responsible at all times for exercising the various functions assigned to them in respect of the native lands by this Ordinance and by any rules made thereunder.

*Miscellaneous Powers of Governor.*

Governor may make minor adjustments to boundaries of Native Land Units.

47. (1) The Governor may, with the consent of the Trust Board, make adjustments of the boundaries of the native land units where the Trust Board is satisfied that any such adjustment is of a minor character and in the interests of the native population.

(2) Where any such adjustment has been made notice thereof shall be published in the Gazette; and the Second Schedule to this Ordinance shall be read and construed subject to the adjustments specified in such notice.

Governor may declare that land is required for public purposes.

48. (1) The Governor may, by notice in the Gazette, declare that land in the native lands is required for public purposes.

(2) The Governor may, by notice in the Gazette, declare what is a public purpose for the purposes of this Ordinance.

Governor may order native to remove.

49. (1) The Governor may, by writing under his hand, order any native, who at the commencement of this Ordinance is not residing in the native lands, the native reserves, the temporary native reserves, or the native leasehold areas and whose rights have, under the provisions of section 70 of this Ordinance, been extinguished, forthwith to remove himself, his family and his property (if any) from the land on which he is residing:

Provided that no such order shall be made unless the Governor is satisfied that sufficient suitable land for the accommodation of the native and his family is available and that provision for compensation for disturbance has been made:

Provided further that a private right-holder shall not be required to remove himself until he shall have harvested any annual crops which may have been planted before the date of the coming into operation of this Ordinance.

No. 2 of 1937

And provided further that, notwithstanding the provisions of section 12 of the Native Authority Ordinance, 1937, no native, whose rights in respect of the land upon which he, or his family, is, or are, residing, have been extinguished under the provisions of section 70 of this Ordinance, shall be compelled to remove himself from such land except by order of

the Governor made in accordance with the provisions of this section; but the provisions of this section and of this proviso shall not apply to a native who, having been ordered by the Governor to remove in accordance with the provisions of this section, either removes himself or is removed under the provisions of this section, subsequently cultivates or occupies land outside the boundaries of the native lands, the native reserves, the temporary native reserves or the native leasehold areas, as the case may be.

(2) Any native who disobeys or fails to comply with any order made under this section shall be guilty of an offence against this Ordinance.

(3) Where any native is convicted of an offence under the provisions of this section, the Court may, in addition to any penalty which it may impose under this Ordinance, authorize any administrative officer or police officer to cause such native, together with his family and property, if any, to be removed from the land on which he is residing in contravention of an order made under the provisions of sub-section (1) of this section.

*Powers of Entry*

50. (1) The Governor, subject to the provisions of sub-section (2) of this section, may at any time—

Powers of entry of Governor on Native Lands.

(a) enter upon any land in the native lands, and take therefrom stone and other materials for the making or repairing of roads, railways, canals, water channels, or other public works whether of the like kind or not;

(b) enter upon such land for the purpose of setting up poles and carrying electric, telegraph or telephone lines across such land, and laying sewers, water pipes, electric, telegraph or telephone lines therein, and for maintaining and/or affording access to any such works and to any other works of a public nature.

(c) enter upon such land and there do any work which he may consider necessary for maintaining or improving the flow of water in any river, stream, spring, lake or swamp, and for that purpose may construct dams and divert any river, stream, spring, lake or swamp.

(d) by writing under his hand authorize officers in the service of the Government of the Colony, of the High Commissioner for Transport, and of any local authority duly established by any Ordinance in force in the Colony, and any contractors employed by such officers, to exercise any of the powers conferred upon the Governor by this section. Any authority granted under the provisions of this paragraph shall be deemed to include the assistants, servants or agents of the officers or contractors to whom such authority is granted.

(2) Compensation, assessed in accordance with the provisions of sections 17 and 18 of this Ordinance, shall be payable in respect of anything done under this section for loss or disturbance and for the fair value of buildings and crops destroyed or damaged, and, in any case where the usefulness of any land for agricultural purposes is impaired by anything so done, compensation in respect thereof shall be payable.

(3) The powers conferred by this section may be exercised before the compensation is paid, but not before compensation has been assessed.

(4) It shall not be competent for the Trust Board or a Local Board to make any representations in regard to the exercise of any powers under this section except in so far, in the case of a Local Board, as the Provincial Commissioner may refer to such Board any question of compensation.

51. (1) Any officer of the Government of the Colony and any person authorized by any such officer shall for any purpose relating to this Ordinance have power at all times to enter upon any land in the native lands or to enter any premises or place on such lands and there to make such inspection, examination and inquiry and to call for such information as may be necessary for carrying into effect any of the provisions of this Ordinance or of any other law for the time being in force

(2) Any person who refuses to permit any duly authorized officer or his representative to carry out any of the powers conferred by sub-section (1) of this section, or obstructs or hinders any such officer or his representative in the execution of his duty under this Ordinance, or fails to give any required information, or furnishes false information, to such officer or

Power to enter  
land and  
premises

Obstruction of  
officers

to his representative, shall be guilty of an offence under this Ordinance and shall, on conviction by a magistrate of the first or second class, be liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

#### PART VII

##### MISCELLANEOUS PROVISIONS

52. (1) Notwithstanding anything contained in this Ordinance, land in the native lands may, with the consent of the Trust Board, be declared to be a forest area as defined by the Forest Ordinance.

Consent of  
Trust Board to  
be necessary in  
case of forest  
area.  
Cap. 149.

(2) Any land in the native lands duly declared to be a forest area shall be proclaimed as such in accordance with the provisions of the Forest Ordinance and shall be administered and controlled in accordance with rules made under that Ordinance or any other Ordinance at any time in force in the Colony relating to forests.

Cap. 149.

(3) All net profits accruing to the Conservator of Forests from the working of forest areas in the native lands shall be paid annually to the Local Native Council concerned.

For the purposes of this section the net profit of any forest area shall be the revenues derived from such forest area after deducting from such revenues the cost to the Government of the Colony, including overhead expenses, of working and maintaining such forest area. Where, in any year, a loss is incurred, the amount of such loss shall be carried forward and added to the working and maintenance charges for the ensuing year.

53. (1) No action shall lie against the Government of the Colony or against any officer thereof or against any person authorized by any such officer, for any act done in good faith and without negligence or under the provisions of this Ordinance for the purpose of carrying into effect any such provisions.

Indemnity

(2) No compensation shall be payable to any person for any act done under the provisions of this Ordinance in good faith and without negligence, save where express provision is made in this Ordinance for the payment of compensation.

Compensation

54. All acts heretofore done by the Governor or by any officer of the Government of the Colony or by any person acting under the direction of the Governor or of any officer of

Validation of  
acts previously  
done, and  
indemnity  
therefor

such Government in regard to any matter for which lawful authority is provided in this Ordinance and for which no lawful authority existed prior to the commencement of this Ordinance are hereby made and declared to be lawful and are confirmed as on and from the time of the performance of such acts, and the Governor and every such officer or person is hereby freed, acquitted, discharged, and indemnified, as well against the King's Most Gracious Majesty, his heirs and successors, as against any and all persons whatsoever, from all legal proceedings of any kind whatsoever whether civil or criminal, in respect of any such acts.

Proceedings to be brought in name of Chief Native Commissioner.

55. (1) All actions, suits and proceedings respecting land in the native lands or respecting any lease, licence or permit relating thereto, or respecting the breach of any covenant contained in any such lease, licence or permit, or respecting any trespass on such land, or any damages accruing by reason of such trespass, or for the recovery of any rents or fees, or relating to any damages or wrongs whatsoever in respect of such land, may be commenced, prosecuted and carried on in the name and title of the Chief Native Commissioner.

(2) In any such action, suit or proceeding the Chief Native Commissioner may be represented by any advocate or by any administrative officer duly authorized by him in writing in that behalf.

Service of notice, etc.

56. (1) Any application, statement, demand, instrument, notice or other document authorized or required by this Ordinance, or any rule made thereunder, may be served on the person to whom it is to be given either personally or by leaving it for him at his last known place of abode or by sending it through the post in a registered letter addressed to him there.

(2) Where any such document is to be served on a person by being sent through the registered post it shall be deemed to have been served not later than the fourteenth day succeeding the day on which it was posted, and for proof of such service it shall be sufficient to prove that the letter containing the notice was properly addressed, registered and posted.

Publishing of Notices, etc.

57. (1) Any order, notice or other document required by this Ordinance, or any rule made thereunder, to be published may be published by affixing a copy in the District Commissioner's office and in some other public or conspicuous place

or situation in the area concerned, and, where it is deemed necessary, by publishing it in the Gazette.

(2) Such publication or affixing shall be deemed good and sufficient publication and notice to all persons concerned.

(3) Any person who without lawful cause or excuse, tears, defaces, alters, injures or removes any notice so affixed, shall be guilty of an offence against this Ordinance and shall be liable on conviction by a magistrate to a fine not exceeding ten pounds.

58. Save where provision to the contrary is expressly made in this Ordinance, no appeal shall lie from any decision given, order made, or matter or thing done under this Ordinance. Appeal.

59. Save in regard to matters wherein express provision is made in this Ordinance, the native lands shall be subject in all respects to the general law from time to time in force in the Colony. Not to override other laws except where express provision is made.

#### Penalties

60. Every omission or neglect to comply with and every act done, or attempted to be done, contrary to the provisions of this Ordinance or of any rule or order made thereunder, or in breach of the conditions and restrictions subject to or upon which any licence or permit has been issued, shall be deemed to be an offence against this Ordinance, and for every such offence for which no penalty is specially provided the offender shall be liable on conviction by a magistrate to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment. Penalty.

61. (1) Any person who unlawfully occupies land in the native lands, in any manner whatsoever, shall be guilty of an offence against this Ordinance. Penalty for unlawful occupation of land in Native Lands.

(2) No person entering or being in the native lands shall be deemed to be a trespasser on or to be in unlawful occupation of such native lands save in so far as he would be liable to be proceeded against for trespass or for unlawful occupation of land under the provisions of this Ordinance or any rules made thereunder or under the provisions of any other law for the time being in force in the Colony. Trespass.

(3) Travellers shall be allowed to encamp with their servants, transport and baggage on any uncultivated land in

the native lands for a period not exceeding forty-eight hours, and, with the consent of the District Commissioner, for a longer period, and they shall with their servants be allowed access to any spring, river, stream or lake upon the land.

Penalty for false declaration.

62. Any person who makes a false declaration in relation to any matter or thing required to be done by this Ordinance, or by any rules made thereunder, or who produces any false declaration or certificate, knowing the same to be false in any material particular, shall be guilty of an offence against this Ordinance.

Saving of other powers.

63. Nothing in this Ordinance contained shall prevent a prosecution under any other law, but so that a person shall not be punished twice for the same offence.

#### Construction

Construction of No. 9 of 1930.

64. (1) Any reference in any enactment to the Native Lands Trust Ordinance, 1930, or to any Ordinance amending the same, shall, unless the context otherwise requires, be construed to refer to this Ordinance.

Cap. 140.

(2) Any reference in any enactment to a native reserve shall, unless the context otherwise requires and save in the case of this Ordinance or of Part VI of the Crown Lands Ordinance, be construed to refer to an area in the native lands as defined by this Ordinance.

(3) Any reference in any enactment to the Native Lands Trust Board or to the Central Board shall, unless the context otherwise requires, be construed to refer to the Trust Board defined in section 3 of this Ordinance.

(4) Any reference in this Ordinance to any other Ordinance shall be construed to include any Ordinance amending or replacing such other Ordinance.

#### Rule-making Powers

Governor may make Rules.

65. (1) Subject to the provisions of this Ordinance, the Governor may, with the advice and consent of the Trust Board, make rules, relating to the native lands, for the purpose of carrying this Ordinance into effect and for prescribing the fees to be paid for any matter or thing done under this Ordinance, and more particularly for all or any of the following purposes:—

- (a) controlling the occupation and use of the native lands for grazing and pasturing stock, flocks and herds;

(b) compulsorily reducing the numbers of stock, flocks and herds in any native land unit;

(c) regulating the reconditioning of any native land unit and for such purpose prohibiting and regulating the occupation of any areas therein;

(d) regulating generally the use and conservation of any area in the native lands;

(e) regulating any matters relating to the tenure of land as between natives in the native lands;

(f) regulating the grant of leases in respect of land set apart in the native lands and all matters relating thereto, and prescribing—

(i) the form of leases issued for a term of one year or less;

(ii) the term for which any particular class of lease may be granted;

(iii) the conditions or restrictions subject to and upon which any particular class of lease may be granted;

(iv) the method of collecting the rents for leases and the persons to whom such rents are to be paid;

(g) regulating the issue of licences in the native lands in respect of—

(i) native cattle-grazing rights;

(ii) the removal of timber, forest produce, sand, lime, stone and other common minerals (excluding surface salt); and

(iii) wayleaves;

(h) prescribing the form and term of licences and occupation permits and the conditions upon and subject to which such licences and permits may be issued;

(i) for the protection of trees and forest produce on land, not within a forest area within the meaning of the Forest Ordinance, and for regulating the felling or removal of such trees or forest produce, as the case may be.

(2) In any rules made under this section the Governor may reserve power to apply all or any of the provisions of such rules to the native lands as a whole, or to any one native land unit, or to any specified part of any native land unit.

(3) Any rules made under the provisions of this section shall be in addition to, and not in derogation of, the provisions of any law for the time being in force relating to the matters specified in paragraphs (a), (b), (c) and (d) of this section.

## PART VIII

## SAVING—EXTINGUISHMENT OF RIGHTS—REPEALS

Saving of existing rights

86. Save where a contrary intention is expressed in this Ordinance, nothing herein contained shall be deemed to affect the validity of any subsisting title to land within the native lands nor the validity of any subsisting grant of mining or other rights therein in any case where such title was acquired or such grant was made before the commencement of this Ordinance. All such titles and rights and the powers thereby conferred and the obligations thereby imposed shall continue to be governed by the Ordinance under which such titles or rights were granted as if this Ordinance had not been enacted:

Provided that all land held under any such subsisting title or grant shall be deemed to be included in the native lands from the commencement of this Ordinance.

Crown rights.

87. Save as is expressly provided in this Ordinance, nothing herein contained shall affect prejudicially any right, power, privilege or exemption of the Crown.

Rights of natives in the native lands.

88. In respect of the occupation, use, control, inheritance, succession and disposal of any land situate in the native lands, every native tribe, group, family and individual shall have all the rights which they enjoy or may enjoy by virtue of existing native law and custom or any subsequent modifications thereof, in so far as such rights are not repugnant to any of the provisions of this Ordinance, or to any rules made thereunder, or to the provisions of any other law for the time being in force in the Colony.

Forfeiture of land for treason or rebellion.

89. Notwithstanding anything in this Ordinance contained, the Governor, in cases where the offences of treason or rebellion against His Majesty have been proved to have been committed by any native tribe, group, family or individual, and in addition to any other punishment lawfully inflicted in respect of an offence so committed, may order that any land in the native lands, held or occupied by any such tribe, group, family or individual, be forfeited and revert to His Majesty. Every such order of the Governor shall be subject to the approval of the Secretary of State.

70. (1) With effect from the commencement of this Ordinance, all native rights existing at the commencement of this Ordinance in any land in the Colony situate outside the boundaries of the native lands, the native reserves, the temporary native reserves and the native leasehold areas, irrespective of whether such rights relate to tribal, group, family or individual holdings, are hereby declared to be extinguished; and the provisions of sections 30 and 31 of the Crown Lands Ordinance, 1902, and of section 86 of the Crown Lands Ordinance shall no longer have effect in respect of land alienated under such Ordinances respectively:

Extinguishment of native rights.

Cap. 140.

No. 21 of 1902

Provided that nothing in this section contained shall be deemed to apply to—

- (a) rights enjoyed by individual natives under any specific title granted to them;
- (b) rights of resident labourers secured by contract under the provisions of the Resident Native Labourers Ordinance, 1925, until the termination of the contract;
- (c) existing rights in any areas in respect of which forest concessions have been granted by the Government of the Colony;
- (d) native rights in the Protectorate of Kenya.

No. 5 of 1925

(2) Nothing in this section contained shall be construed as affecting any native tribes or communities, for whom no specific native land unit is provided by this Ordinance, in regard to any right which such tribes or communities may have to occupy areas of unalienated Crown land, other than land situate in the Highlands, in which they are resident at the date of the coming into operation of this Ordinance.

71. Subject to the provisions of section 66 of this Ordinance, the Native Lands Trust Ordinance, 1930, as amended by the Native Lands Trust (Amendment) Ordinance, 1932, and by the Native Lands Trust (Amendment) Ordinance, 1934, is hereby repealed.

Repeal

No. 9 of 1930

No. 51 of 1932

No. 36 of 1934

## FIRST SCHEDULE

## NATIVE LANDS

The Native Lands, the boundaries of which are set out below, are delineated and bordered yellow on Boundary Plan No. 156, deposited at the Land Survey Records Office, Nairobi.

Freehold areas which lie within the boundaries of the native lands are not part of the native lands and are excluded therefrom whether specifically mentioned therein or not.

Where a river or stream is described as forming a boundary the centre line of its course shall be the boundary unless otherwise stated; and where the term "high-water mark" is mentioned that term means the high-water mark at ordinary spring tides of the Indian Ocean.

*Note*—Successive portions of the boundary are numbered in order on Boundary Plan No. 156. The descriptions hereunder of those successive portions have corresponding numbers in the right hand margin to enable them to be readily followed on the plan.

## (1) BOUNDARIES OF THE KIKUYU NATIVE LAND UNIT

The Kikuyu native land unit consists of two areas the boundaries of which are as follows:—

## PART I

Commencing at the southernmost corner of L.R. No. 378: (1)

thence by part of the south-eastern boundary of L.R. No. 378 for a distance of 16,194.4 feet to a beacon on the western boundary of the Kikuyu Escarpment Forest Reserve;

thence generally southerly, easterly, northerly, again easterly and generally southerly by a series of cut and beacons straight lines which form a part of the western and generally southern boundary of the aforesaid forest reserve (L.R. No. 4448) to its intersection with the northern boundary of the Limuru Naivasha main road reserve;

thence easterly by that road reserve boundary to its intersection with the western boundary of the Kenya and Uganda Railway Reserve;

thence southerly by that reserve boundary to its intersection with the northern boundary of Limuru Railway Station Reserve;

thence southerly by the generally western boundary of that station reserve to its intersection with the western boundary of the Kenya and Uganda Railway Reserve;

thence southerly by that railway reserve boundary to its intersection with the north-western boundary of L.R. No. 173/1; (2)

thence southerly by the generally western boundary of L.R. No. 173/1, and south-easterly by the south-western boundary of L.R. No. 173/2 to the southernmost corner of the latter portion;

thence north-easterly by the south-eastern boundary of L.R. No. 174 to its intersection with the western boundary of the Kenya and Uganda Railway Reserve;

thence southerly by that railway reserve boundary to a point due west of the southernmost corner of L.R. No. 4713;

thence due east to that southernmost corner;

thence by the south-eastern boundaries of L.R. Nos. 4713, 5831, and 4493 to the easternmost corner of the last portion;

thence south-easterly by the generally south-western boundaries of L.R. Nos. 5851/5, 5851/9 and 164/3 to the northernmost corner of L.R. No. 170/1/2;

thence southerly by the western boundary of the last portion to its intersection with the Mutigutu River;

thence down-stream by that river to its intersection with the south-eastern boundary of L.R. No. 5878;

thence north-easterly by the south-eastern boundaries of L.R. Nos. 5878, 3564, 2950/1, 2950/5/2/3, 2950/3/R, 5916 and 152 to the easternmost corner of the last portion; (3)

thence south-easterly by the south-western boundaries of L.R. Nos. 132/1/1/2, 245/1, 245/2/R, part of 134/3 R, the whole of 134/6 and again part of 134/3 R to the south-eastern corner of the last portion;

thence north-easterly by the generally south-eastern boundaries of L.R. Nos. 134/3 R, 134/7, 134/4 R, 5876 R, 4640 and 126 to the intersection of the last with the Kamiti River;

thence up-stream by that river to its intersection with the eastern boundary of L.R. No. 3696. (4)

thence northerly by the eastern boundaries of L.R. Nos. 3696 and 3698 to the north-eastern corner of the latter portion;

thence northerly by part of the eastern boundary of L.R. No. 3700 to the southernmost corner of the Kikuyu Escarpment Forest Reserve (south-eastern portion);

thence easterly, northerly and westerly by the generally eastern and northern boundaries of that forest reserve to the north-eastern corner of L.R. No. 241/3;

thence westerly by the northern boundary of L.R. No. 241/3 to the north-western corner of that portion;

thence by part of the eastern, the northern, generally western and southern boundaries of L.R. No. 3900 to the south-eastern corner of that portion;

thence by part of the western boundary of L.R. No. 241/3 for a distance of approximately 855 feet to its intersection with part of the northern boundary of the Kikuyu Escarpment Forest Reserve (south-western portion);

thence westerly by that forest reserve boundary to its intersection with the eastern boundary of L.R. No. 4768;

thence northerly by part of that boundary and westerly by the northern boundary to the northernmost corner of that portion;

thence southerly by the western boundary of L.R. No. 4768 to its intersection with the northern boundary of the Kenya and Uganda Railway Reserve;

thence south-westerly by that railway reserve boundary for approximately 3,200 feet to its intersection with a cut and beaconsed line which forms the boundary of the Kikuyu Escarpment Forest Reserve;

thence generally northerly by that cut and beaconsed line for a distance of about 6,000 feet to its intersection with the eastern boundary of the Kenya and Uganda Railway Reserve;

thence by a straight line on a true bearing of  $315^{\circ} 15' 40''$  to a beacon on the western boundary of that railway reserve;

thence by a straight line on a true bearing of  $266^{\circ} 37' 30''$  for a distance of about 3,523 feet to a beacon;

thence by a straight line on a true bearing of  $356^{\circ} 37' 30''$  for a distance of about 3,537 feet to a beacon;

thence by a straight line on a true bearing of  $88^{\circ} 48' 33''$  for a distance of about 886 feet to a beacon;

thence by a straight line on a true bearing of  $89^{\circ} 57' 25''$  for a distance of about 506 feet to a beacon;

thence by a straight line on a true bearing of  $86^{\circ} 31' 20''$  for a distance of about 2,181 feet to a beacon on the western boundary of the Kenya and Uganda Railway Reserve;

thence southerly by that reserve boundary for a distance of about 3,300 feet to a point on a true bearing of  $315^{\circ} 15' 40''$  from a beacon on the eastern boundary of the Kenya and Uganda Railway Reserve;

thence by a straight line to that beacon;

thence easterly, northerly, westerly, southerly and south-westerly by a cut and beaconsed line, which forms part of the boundary of the Kikuyu Escarpment Forest Reserve, to its intersection with the north-eastern boundary of the Kenya and Uganda Railway Reserve;

thence north-westerly by that reserve boundary for a distance of about 700 feet to a beacon in the vicinity of Escarpment Station;

thence by a straight line on a true bearing of  $13^{\circ} 01' 00''$  for a distance of 13.6 feet to a beacon;

thence by a straight line on a true bearing of  $22^{\circ} 31' 14''$  for a distance of 990.5 feet to a beacon;

thence by a straight line on a true bearing of  $266^{\circ} 43' 25''$  for a distance of 2,725.5 feet to a beacon on the eastern boundary of the Kenya and Uganda Railway Reserve;

thence northerly by that reserve boundary for a distance of about 570 feet to a beacon;

thence by a straight line on a true bearing of  $86^{\circ} 39' 03''$  for a distance of about 403 feet to a beacon;

thence by a straight line on a true bearing of  $356^{\circ} 39' 03''$  for a distance of about 653 feet to a beacon;

thence by a straight line on a true bearing of  $86^{\circ} 39' 03''$  for a distance of about 2,384 feet to a beacon;

thence by a straight line on a true bearing of  $37^{\circ} 44' 20''$  for a distance of about 1,147 feet to a beacon;

thence northerly, north-easterly, north-westerly and south-westerly by a cut and beaconsed line, which forms part of the boundary of the Kikuyu Escarpment Forest Reserve, to its intersection with the eastern boundary of the Kenya and Uganda Railway Reserve;

thence northerly by that railway reserve boundary for a distance of approximately 8,000 feet to its intersection with the north-western boundary of L.R. No. 388/1; (6)

thence by the north-western and north-eastern boundaries of that portion to its easternmost corner;

thence by part of the south-eastern boundary of L.R. No. 388/1 for a distance of approximately 2,200 feet to a beacon;

thence generally south-easterly by part of the generally south-western boundary of the Kikuyu Escarpment Forest Reserve (northern portion) to its intersection with the Kimaiti River; (7)

thence northerly by the generally eastern boundary of the Kikuyu Escarpment Forest Reserve (northern portion) and the Aberdare Forest Reserve to the intersection of the western boundary of L.R. No. 5143 with the Muringato River; (8)

thence down-stream by that river to its intersection with the south-eastern boundary of L.R. No. 5152;

thence by a straight line on a true bearing of  $46^{\circ} 08' 10''$  for a distance of about 3,430 feet to a beacon;

thence by a straight line on a true bearing of  $114^{\circ} 58' 15''$  for a distance of 3,155.3 feet to a beacon;

thence by a straight line on a true bearing of  $118^{\circ} 51' 06''$  for a distance of 1,872.0 feet to a beacon;

thence by a straight line on a true bearing of  $73^{\circ} 25' 32''$  for a distance of 1,228.4 feet to a beacon on the western boundary of the portion known as Njengu Salt Lick;

thence by a straight line on a true bearing of  $350^{\circ} 07' 27''$  for a distance of 1,423.1 feet to a beacon on the generally western boundary of the Nyeri-Rumuruti Road Reserve;

thence generally south-easterly by that road reserve boundary to the north-western corner of L.R. No. 6948;

thence southerly by the western boundary of that portion for a distance of 764.1 feet to a beacon;

thence by a straight line on a true bearing of  $304^{\circ} 51' 17''$  for a distance of 2,032.5 feet to a beacon;

thence by a straight line on a true bearing of  $253^{\circ} 25' 32''$  for a distance of 1,258.5 feet to the north-eastern corner of L.R. No. 4166;

thence north-westerly and south-westerly by the north-eastern and the north-western boundaries of that portion to the intersection of the latter with the Muringato River;

thence down-stream by that river to its junction with the Muraria River;

thence up-stream by that river to its intersection with the south-western boundary of L.R. No. 1105/2;

thence south-easterly by the generally south-western boundary of that portion and the generally western boundary of L.R. No. 1105/1 to the intersection of the latter with the Chania River;

thence down-stream by that river to its intersection with the western boundary of Nyeri Township (L.R. No. 1108);

thence by part of that boundary and by the southern and part of the eastern boundary of that township to the intersection of the last with the Chania River;

thence down-stream by that river to its intersection with the western boundary of L.R. No. 1119;

thence by that boundary and by the southern, and part of the eastern boundary of that portion to the intersection of the last with the Chania River;

thence down-stream by that river to its junction with the Muringato River; (9)

thence up-stream by that river to its junction with the Amboni River;

thence easterly by a cut and cleared line to the intersection of the eastern boundary of L.R. No. 3469 with the Nairobi River;

thence down-stream by that river to its junction with the Sagana River;

thence easterly and northerly by the generally southern and eastern boundaries of the Mount Kenya Forest Reserve to the intersection of the south-eastern boundary of L.R. No. 4634 with the Marania River; (10)

thence down-stream by that river, till it joins (or becomes) the Ngare Siolô (Isiolo River);

thence down-stream by the latter river to its intersection with the Nyeri-Archer's Post Road in the vicinity of the K.A.R. Wagon Camp;

thence north-easterly by a straight line to the southern of the two principal summits of Shaba Hill;

thence still north-easterly by a straight line to a cairn on the northern spur of the Gwau Hills about five miles in a north-easterly direction from Mgombe (Yombe) Crater; (11)

thence in a south-easterly direction by a straight line to its intersection with the Kathima ya Magomo River at a point where that line produced would intersect a cairn on its left or eastern bank;

thence by that river down-stream till it becomes the Mackenzie River;

thence down-stream by that river to its junction with the Tana River; (12)

thence up-stream by that river to its junction with the Maragua River;

thence up-stream by the latter river to its intersection with the north-western boundary of the Kenya and Uganda Railway Reserve;

thence generally south-westerly by that railway reserve boundary to its intersection with the western boundary of the Thika-Port Hall Road Reserve;

thence southerly, south-westerly and again southerly by that road reserve boundary to a point due west of the south-western corner of L.R. No. 1959/2; (13)

thence by a straight line to that south-western corner; thence south-easterly and northerly by the south-western and the generally eastern boundaries of L.R. No. 1959/2 to the south-eastern corner of L.R. No. 325/7 (325/6/2);

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

12° 22' 03"	1,580.0 feet
2° 13' 19"	549.4 "
331° 01' 11"	385.5 "
17° 14' 39"	296.6 "
350° 12' 34"	570.9 "
329° 41' 58"	561.5 "
36° 38' 27"	980.1 "
25° 58' 26"	494.1 "
0° 36' 00"	416.3 "
348° 06' 55"	293.3 "
342° 30' 52"	770.4 "
70° 41' 47"	255.6 "
57° 19' 11"	824.3 "
96° 36' 59"	390.1 "
124° 22' 07"	646.6 "

to a beacon on the western boundary of L.R. No. 1965;

thence southerly by a part of the western boundary of that portion to its intersection with the Thaba Thaba River; thence down-stream by the Thaba Thaba River to its intersection with the western boundary of L.R. No. 6912;

thence southerly by that western boundary to the north-eastern corner of L.R. No. 3511;

thence by the north-eastern boundary of that portion to its intersection with the Thara River;

thence up-stream by that river to its intersection with the western boundary of that road reserve which forms the western boundary of L.R. No. 319/3; (14)

thence generally southerly by that western boundary of that road reserve to its intersection with the Makindi River; thence up-stream by that river to its junction with the Thugi River;

thence up-stream by the latter river to its intersection with the north-western boundary of L.R. No. 3557;

thence south-westerly by the north-western boundaries of L.R. Nos. 3557, 298/12 and 298/10 to the intersection of the last with the Thika River;

thence up-stream by that river to the northern corner of L.R. No. 2955/1/2/3;

thence generally south-westerly by the western boundary of L.R. No. 2955/1/2/3, the northern boundary of L.R. No. 2955/1/2/2 and the north-western boundary of L.R. No. 2955/1/1 to the intersection of the last with the Chania River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 295/3; (15)

thence south-westerly by that boundary and onwards by the same straight line to its intersection with the Karimuru River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 295/1/R;

thence south-westerly by the north-western boundaries of L.R. Nos. 295/1/R, 295/2/R and 295/7 to the intersection of the last portion with the north-eastern boundary of L.R. No. 290/2/1;

thence north-westerly by part of that boundary and the whole of the north-eastern boundary of L.R. No. 290/1 to the northernmost corner of the latter portion;

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thence south-westerly by the north-western boundaries of L.R. Nos. 290/1, 4907 and 291/1 to the intersection of the last portion with the Thiririka River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 294/1/2/2;

thence south-westerly by that boundary to its intersection with the Theta River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 247/1; (16)

thence south-westerly by that boundary and the north-western boundary of L.R. No. 244 to the intersection of the latter with the Kamassie River which forms the north-eastern boundary of L.R. No. 115/3;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 115/3;

thence south-westerly by that boundary and the north-western boundary of L.R. No. 3678 to the intersection of the latter with the Ruiru River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 114/2;

thence by that boundary and part of the northern and the whole of the north-western boundaries of L.R. No. 113/1 to the intersection of the last with the Mukuyu River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 6000;

thence south-westerly by that boundary and part of the north-western boundary of L.R. No. 6710 to the north-eastern corner of L.R. No. 6763;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 6763, 4924, part of 4888, and the whole of 98/1 to the north-western corner of the last portion;

thence north-easterly and north-westerly by part of the north-eastern boundaries of L.R. No. 4888 to the northernmost corner of that portion;

thence south-westerly by the north-western boundary of the latter portion and of L.R. No. 4889 and 4890/4 to the intersection of the last with the Kamiti River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 3728; (17)

thence south-westerly by the north-western boundaries of L.R. Nos. 3728, 3729/3 and 5858 to the intersection of the last with the Kiu River;

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thence down-stream by that river to its intersection with the northern boundary of the Kiambu-Fort Hall Road Reserve;

thence south-westerly by that road reserve boundary to its intersection with the Riara River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 81/3;

thence south-westerly by that boundary to its intersection with the Gatharaini River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 86/3;

thence north-westerly and south-westerly by the generally north-eastern and north-western boundaries of L.R. No. 86/1 to the north-western corner of L.R. No. 86/2;

thence south-easterly by the generally south-western boundaries of L.R. Nos. 86/2, 86/1 and part of 86/3 to the northernmost corner of L.R. No. 85/1;

thence by the north-western boundaries of L.R. Nos. 85/1 and 7268 to its intersection with the northern boundary of L.R. No. 23;

thence by the northern boundaries of L.R. Nos. 23 and 22 to the intersection of the latter with the Kashi River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 22;

thence south-westerly by that boundary to its intersection with the Rui Ruaka River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 21/1;

thence south-westerly by that boundary to its intersection with the Karura River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 18/1;

thence south-westerly by part of that boundary and the north-western boundary of L.R. No. 7008 to the easternmost corner of L.R. No. 3861;

thence by the north-eastern boundaries of L.R. Nos. 3861, 3862 and part of the north-western boundary of the latter portion to the easternmost corner of L.R. No. 2951/1/2;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 2951/1/2, 2951/1/3, 2951/1/4, 2951/1/5 and 2951/3 to the northernmost corner of the last portion;

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thence south-westerly by the north-western boundary of the last portion to its intersection with the Gethathuru River; (18)  
 thence up-stream by that river to its intersection with the western boundary of L.R. No. 189/R;

thence south-westerly by the generally north-western boundary of that portion and L.R. No. 4065 and again of 189/R to the north-western corner of L.R. No. 189/A/2/R (Government Farm Extension);

thence by the western, southern, and eastern boundaries of that portion and the eastern boundary of L.R. No. 4077 to the intersection of the last with the southern boundary of the Kenya and Uganda Railway Reserve;

thence easterly by that railway reserve boundary to a beacon on the western boundary of L.R. No. 4393/R;

thence south-westerly by a straight line to the north-western corner of L.R. No. 5;

thence southerly, south-easterly and south-westerly by the western and south-western boundaries of that portion to its intersection with the Nairobi River;

thence up-stream by that river to its intersection with the western boundary of L.R. No. 3734/R;

thence southerly by part of that boundary to the northern corner of L.R. No. 330; (19)

thence by part of the north-western and part of the south-western boundaries of the latter portion to the intersection of the latter with the Kerichwa Kubwa River;

thence by a straight line due south for a distance of approximately 302 feet to a beacon on the south-western boundary of the Dagoreti Road Reserve;

thence south-easterly by that road reserve boundary to its intersection with the northern boundary of the Ngong Road Reserve;

thence south-westerly by that road reserve for a distance of approximately 10,840 feet to its intersection with the eastern boundary of the Ngong Road Forest Reserve;

thence northerly, easterly, northerly, westerly, southerly, north-westerly and again southerly by the generally northern boundary of that forest reserve to the intersection of the last with the Mutoini River which forms the northern boundary of L.R. No. 191; (20)

thence up-stream by that river to the intersection with the north-western boundary of L.R. No. 195/3;

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thence south-westerly by part of that boundary to the north-eastern corner of L.R. No. 196/7;

thence by the northern and part of the north-western boundary of that portion to the north-eastern corner of L.R. No. 197;

thence north-westerly by the north-eastern boundary of that portion to the north-eastern corner of L.R. No. 2377;

thence by the north-eastern, and north-western boundaries of L.R. No. 2377 to the intersection of the latter with the Mbagathi River;

thence up-stream by that river to the southernmost corner of L.R. No. 2256/7 (lower portion of the Dagoreti Forest Reserve);

thence by the south-eastern, eastern, northern, western and again northern and western boundaries of that forest reserve to its south-western corner;

thence north-westerly by a straight line to a beacon at the south-eastern corner of L.R. No. 369; (21)

thence by the eastern boundaries of L.R. Nos. 369, 370, 371 and 373 (now part of Masai native land) to the southern corner of L.R. No. 374;

thence by the south-eastern boundary of that portion and part of the south-western boundary of L.R. No. 378 to the point of commencement. (1)

The whole of the area described as follows, is excluded from this native land with the exception of the portions known as L.R. Nos. 178 and 1126 in the vicinity of Kikuyu Station;

Commencing at the easternmost corner of L.R. No. 1837/R;

thence generally north-westerly by the north-eastern and northern boundaries of L.R. No. 183/R and the northern boundary of L.R. No. 1641 to the intersection of the last with the south-eastern boundary of the Kenya and Uganda Railway Reserve;

thence northerly by that railway reserve boundary to its intersection with the southern boundary of L.R. No. 233 (Railway Quarry Reserve);

thence by the southern, eastern and northern boundaries of that portion to the intersection of the last with the eastern boundary of the Kenya and Uganda Railway Reserve;

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thence by a straight line on a true bearing of 275° 33' 28" to its intersection with the western boundary of the Kenya and Uganda Railway Reserve;

thence south-westerly by that railway reserve boundary to its intersection with the north-western boundary of L.R. No. 231 (Kikuyu Trading Centre);

thence south-easterly by part of the northern boundary of that portion to the south-eastern corner of L.R. No. 4871/9;

thence northerly by the generally eastern boundary of L.R. Nos. 4871/9-16 and 4955/5-10 to the northernmost corner of the last portion;

thence by the north-eastern and north-western boundaries of L.R. No. 4870 to the intersection of the latter with the eastern boundary of the Kenya and Uganda Railway Reserve;

thence northerly by that railway reserve boundary to a point on the production of the northern boundary of L.R. No. 4885;

thence westerly by a straight line to the north-eastern corner of L.R. No. 4885 and onwards by part of the northern boundary of that portion, and the northern boundary of L.R. No. 4495 to the north-western corner of the latter portion;

thence westerly and southerly by part of the northern boundary and the western boundary of L.R. No. 4885 to the south-western corner of that portion which is on the eastern boundary of the Muguga Forest Reserve (L.R. No. 4447);

thence north-westerly and southerly by the generally north-eastern and generally western boundary of the Muguga Forest Reserve to the north-western corner of L.R. No. 4025;

thence south-easterly by the south-western boundary of that portion and of L.R. Nos. 4026, 27 and 1057 to the south-western corner of the last portion;

thence southerly, south-easterly and northerly by a series of cut and beacons lines (which form the boundary of the northern portion of the Dagoreti Forest Reserve L.R. No. 2256/6) to the intersection of the last with the southern boundary of L.R. No. 1057;

thence easterly by part of the southern boundary of L.R. No. 1057 and the southern boundaries of L.R. Nos. 182/2/1 and 182/2/2 to the south-eastern corner of the last portion;

thence north-easterly by the south-eastern boundary of L.R. No. 182/2/2 to its intersection with the Niongana River;

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thence down-stream by that river to its intersection with the western boundary of L.R. No. 7219;

thence by the western, southern, south-eastern and eastern boundaries of L.R. No. 7219 to the intersection of the last with the Niopgana River;

thence down-stream by that river to its junction with an unnamed river which forms part of the north-eastern boundary of L.R. No. 7219;

thence up-stream by that unnamed river to its intersection with the south-eastern boundary of L.R. No. 1054;

thence north-easterly by part of that boundary and the south-eastern boundaries of L.R. Nos. 5945 and 183/R to the point of commencement.

*Excluding and excepting:—*

L.R. Nos. 187, 188/1, 188/2, 190, 226, 227, 228, 229, 230, in the vicinity of Fort Smith.

L.R. No. 1058, adjoining Dagoreti Township.

L.R. No. 1127, in the vicinity of Government Farm Extension, Kabete.

L.R. No. 232, in the vicinity of Kikuyu Station

L.R. No. 236, R.C. Mission west of Kiambu Township.

L.R. Nos. 1064, 1065 and 1066, A.I. Mission, Kambui.

L.R. No. 1760, Water Works Reserve, due east of the Kikuyu Escarpment Forest Reserve (south-eastern portion).

L.R. No. 325/8 (325/6/3), Water Fall Reserve, in the vicinity of Fort Hall.

That portion of L.R. No. 7167 which lies to the north of the Maragua River.

## PART II

In the vicinity of Fort Hall.

Commencing at a beacon situated on the western boundary of L.R. No. 1965 at a distance of 1639.8 feet from its northernmost corner;

thence southerly by part of the western boundary of that portion for a distance of 6,130.9 feet to a beacon;

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thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

304° 22' 07" ...	555.0 feet
276° 36' 59" ...	462.6 "
237° 19' 11" ...	853.0 "
250° 41' 47" ...	237.8 "
342° 30' 52" ...	162.9 "
337° 38' 08" ...	117.9 "
314° 09' 59" ...	665.8 "
14° 54' 59" ...	495.7 "
342° 29' 29" ...	152.6 "
304° 32' 43" ...	500.0 "
313° 45' 50" ...	2,051.7 "
55° 34' 05" ...	685.5 "
16° 52' 15" ...	501.7 "
14° 30' 27" ...	471.8 "
14° 31' 17" ...	2,377.8 "
14° 29' 51" ...	376.7 "
97° 53' 14" ...	903.6 "
142° 00' 19" ...	587.9 "
131° 09' 58" ...	405.0 "

to a beacon at the point of commencement.

## (2) BOUNDARIES OF THE MASAI NATIVE LAND UNIT

Commencing at the intersection of the Mbagathi River with the north-western boundary of L.R. No. 197; (1)

thence south-westerly by part of that boundary to the south-western corner of that portion;

thence south-easterly by the south-western boundaries of L.R. Nos. 197 and 5842 to the northernmost corner of L.R. No. 1161;

thence by the north-western and the south-western boundaries of that portion and the south-western and part of the south-eastern boundary of L.R. No. 192/1/2 to the westernmost corner of L.R. No. 193/3;

thence by the south-western and part of the south-eastern boundary of the last portion to the north-eastern corner of L.R. No. 4942;

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thence south-easterly and easterly by the western and southern boundaries of L.R. Nos. 4942, 4944, 5932, 5892, 5830/R, 6967 and 6939 to the intersection of the last with the Mbagathi River;

thence down-stream by that river till it becomes the Athi River and onwards to its intersection with the generally western boundary of L.R. No. 7274;

thence southerly by that generally western boundary to its intersection with the Kitengela River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 7263;

thence south-westerly and south-easterly by the north-western and south-western boundaries of that portion to the intersection of the latter with the north-western boundary of the Kenya and Uganda Railway Reserve; (2)

thence south-easterly by that railway reserve to its intersection with the western boundary of Konza Trading Centre;

thence by part of the western, the whole of the southern and part of the eastern boundaries of that trading centre to the intersection of the last with the southern boundary of that railway reserve;

thence generally southerly by that railway reserve boundary to its intersection with the western boundary of Sultan Hamud Trading Centre;

thence by part of the western, the whole of the southern and part of the eastern boundaries of that trading centre to the intersection of the last with the south-western boundary of the Kenya and Uganda Railway Reserve;

thence by that railway reserve to its intersection with the western boundary of Emali Trading Centre;

thence by part of the western, the whole of the southern and part of the eastern boundaries of that trading centre to the intersection of the last with the south-western boundary of the Kenya and Uganda Railway Reserve;

thence by that railway reserve to its intersection with the north-western boundary of Simba Station Reserve;

thence by part of the north-western, the whole of the south-western and part of the south-eastern boundaries of that station reserve to the intersection of the last with the south-western boundary of the Kenya and Uganda Railway Reserve;

thence by that railway reserve to its intersection with the Kiboko River; (3)

thence up-stream by that river to its intersection with the straight line joining the Trigonometrical Beacons Emali and Chyulu;

thence south-easterly by a straight line to the Trigonometrical Beacon Chyulu;

thence south-easterly by the summits of the Chyulu-Ngulia Range for a distance of approximately 12 miles to a beacon;

thence southerly by a straight line to a point due east of, and one mile distant from, the Eidalal Water-hole;

thence still southerly, by a straight line passing through Magoine Camp to its intersection with the Rombo River; (4)

thence up-stream by that river to a point due north of a point situated due east of, and 23,000 feet distant from, the Trigonometrical Beacon Njugini;

thence due south by a straight line to its intersection with the Tsavo River;

thence up-stream by that river to its intersection with the eastern boundary of L.R. No. 7287;

thence northerly by a straight line to the Trigonometrical beacon Njugini;

thence westerly by a straight line to a beacon on the Kenya-Tanganyika Boundary;

thence north-westerly by the Kenya-Tanganyika boundary to Beacon No. 17; (5)

thence by a cut and beacons line on a true bearing of 346° 46' to the junction of the Kasumi and Gori Rivers;

thence down-stream by the latter river to its junction with the Koitwa River;

thence by a cut and beacons line on a true bearing of 353° 30' to its intersection with the Sari River;

thence up-stream to the beacons source of that river;

thence north-easterly by a cut and beacons line to the Trigonometrical Beacon Gelegele; (6)

thence south-easterly by a straight line to the Trigonometrical Beacon Abossi;

thence south-easterly by a straight line to the junction of the Nyangoris and Amala Rivers;

thence up-stream by the latter river to a point on the production of a line on a true bearing 128° 11' 28" from the Trigonometrical Beacon Kibiosi;

thence north-westerly by a cut and beacons line to that trigonometrical beacon and onwards by a cut and beacons line to the Trigonometrical Beacon Kaboret;

thence by a cut and beacons line on a true bearing of 339° 05' 44" to its intersection with the Kipsonoi River; (7)

thence north-easterly by a straight line to the south-western corner of L.R. No. 4600;

thence by the generally south-eastern boundaries of L.R. No. 4600 and 4598 to the north-eastern corner of the latter portion;

thence by part of the generally south-eastern boundary of L.R. No. 4597 for a distance of approximately 2,800 feet to its intersection with a cut and beacons straight line;

thence south-easterly by that cut and beacons straight line which is on a true bearing of 100° 29' 29" for a distance of 12,354.2 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

12° 29' 29"	...	7,899 feet
23° 37' 13"	...	11,760.2 "
60° 56' 43"	...	3,294.6 "
74° 52' 34"	...	11,498.2 "
126° 00' 55"	...	3,486.4 "
199° 01' 32"	...	6,135.2 "
117° 13' 37"	...	24,163.7 "
145° 23' 35"	...	9,007.8 "
112° 04' 02"	...	3,048.3 "

to a beacon on the western boundary of L.R. No. 3990;

thence southerly and easterly by part of the western boundary and the whole of the southern boundary of the latter portion to its south-eastern corner;

thence generally southerly by the generally western boundary of L.R. No. 1316 to the southernmost corner of that portion;

thence north-easterly by part of the south-eastern boundary of the latter portion for a distance of 30,283.7 feet to a beacon;

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thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

140° 38' 53"	...	1,016 feet
151° 04' 32"	...	500.9 "
122° 16' 52"	...	534.8 "
121° 01' 39"	...	760.95 "
123° 56' 06"	...	736.4 "
121° 34' 27"	...	841.95 "
122° 45' 25"	...	392.9 "
132° 05' 08"	...	350.1 "
140° 54' 00"	...	632.54 "
131° 33' 01"	...	878.73 "
133° 15' 19"	...	763.3 "
153° 19' 51"	...	462.85 "
111° 15' 07"	...	644.04 "
56° 55' 52"	...	12,829.1 "
63° 26' 56"	...	16,082.5 "

to a beacon at the north-western corner of L.R. No. 1771; (6)

thence by the western boundary of L.R. No. 1771 to the north-western corner of L.R. No. 7265;

thence by the south-western boundary of that portion to its intersection with the Marmonet River;

thence down-stream by that river to its intersection with the western boundary of L.R. No. 411;

thence by part of the western, the whole of the south-eastern and part of the eastern boundaries of that portion to the intersection of the last boundary with the Marmonet River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 10/2;

thence by the north-western and the south-western boundaries of that portion to the northernmost corner of L.R. No. 1381;

thence by the western boundary of that portion to the northernmost corner of L.R. No. 1380;

thence southerly by the generally western boundaries of L.R. No. 1380 to the southernmost corner of that portion;

thence generally southerly and easterly by the generally western and southern boundaries of L.R. No. 2662 to the south-eastern corner of that portion;

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thence south-easterly by a cut and beacons straight line for a distance of approximately 54,758.3 feet to a beacon on the Kijabe-Narok Road; (9)

thence south-easterly by a straight line to the westernmost corner of L.R. No. 375;

thence by the south-western boundaries of L.R. Nos. 375 and 373 to the southernmost corner of the latter portion;

thence southerly by the eastern boundaries of L.R. Nos. 371, 370 and 369 to the south-eastern corner of the last portion;

thence easterly by a straight line to the south-western corner of L.R. No. 2256/4, Dagoreti Forest Reserve (lower portion);

thence easterly by the southern boundary of that forest reserve to its intersection with the Mbagathi River;

thence by that river down-stream to the point of commencement; (1)

Excluding and excepting—

(a) station and other railway reserves on the Mombasa-Nairobi main line whether specifically mentioned or not;

(b) the Lake Magadi (L.R. No. 1026) and the Lake Natron (L.R. No. 3867) concessions;

(c) L.R. No. 7092, south-west of Kajiado Station.

## (3) BOUNDARIES OF THE KAMBA NATIVE LAND UNIT

This land unit consists of the following two areas and is connected by a corridor 450 feet wide through L.R. No. 914; which corridor shall not be deemed to be included within the native land unit.

## PART I

Commencing at the southernmost corner of L.R. No. 3596 (Koma Rock); (1)

thence north-easterly by the south-eastern boundaries of L.R. Nos. 3596, 3595 and 2360 to the north-eastern corner of the last portion;

thence by a straight line across the road reserve to the south-eastern corner of L.R. No. 2709;

thence north-easterly by the south-eastern boundaries of that portion and of L.R. No. 1530 to the south-western corner of L.R. No. 1846/2;

thence south-easterly by the south-western boundary of L.R. No. 1846/2 to its intersection with the Mutonyi River;

thence down-stream by that river to its junction with the Kalala River;

thence, down-stream by the latter river to its junction with the Athi River;

thence down-stream by that river to its intersection with the northern boundary of the old Machakos-Kitui track;

thence north-easterly by that boundary to its intersection with the Tiva River; (2)

thence by that river up-stream for a distance of about 4 1/2 miles;

thence by a straight line to a cairn on its right bank;

thence generally north-westerly by a line defined by a series of cairns to the Trigonometrical Beacon Mwakini;

thence generally north-easterly by a line defined by a series of cairns to its intersection with the straight line joining the Trigonometrical Beacons Thatha and Ndalai;

thence south-easterly by that straight line to the Ngomolo River;

thence up-stream by that river to its junction with the Kithioko River;

thence down-stream by that river to its junction with the Kiluluma or Tana River; (3)

thence down-stream by the latter river to its intersection with the straight line having a true bearing of 340° from the summit of Ukazzi Hill;

thence south-easterly by that straight line to the summit of Ukazzi Hill; (4)

thence still south-easterly by a straight line to the summit of Maditha Hill;

thence south-westerly by straight lines to the summit of Makambani Hill and onward to the summit of Karkindu Hill (Trigonometrical Beacon Kimathena); (5)

thence south-westerly by a straight line to a point on the Athi River immediately below the Ikutha-Kibwezi Ford;

thence down-stream by that river to its intersection with the northern boundary of L.R. No. 914;

thence westerly by the northern boundary of that portion to its intersection with the north-eastern boundary of the Kenya and Uganda Railway Reserve; (6)

thence north-westerly by that railway reserve boundary to its intersection with the south-eastern boundary of Makindu Trading Centre;

thence by part of the south-eastern, the whole of the north-eastern and part of the north-western boundaries of that trading centre to the intersection of the last boundary with the north-eastern boundary of the Kenya and Uganda Railway Reserve;

thence north-westerly by that railway reserve boundary to its intersection with a cut and beaconed line on a true bearing of 257° 42' 31" from the Trigonometrical Beacon Twanda;

thence by that cut and beaconed line to that trigonometrical beacon and onwards to its intersection with the Mbioni River;

thence down-stream by that river to its junction with the Kikuuni or Kiangini River;

thence by that river up-stream to its junction with the Pungu River;

thence by that river up-stream to its source;

thence by a straight line to a beacon on Ithumba Hill;

thence by a cut and beaconed line on a true bearing of 187° 02' 33" to its intersection with the northern boundary of the Kenya and Uganda Railway Reserve;

thence north-westerly by that railway reserve boundary to its intersection with the south-eastern boundary of Emali Trading Centre;

thence by part of the south-eastern, the whole of the south-western and part of the north-western boundaries of that trading centre to the intersection of the last boundary with the northern boundary of the Kenya and Uganda Railway Reserve;

thence north-westerly by that railway reserve boundary for a distance of 2,639.9 feet to a beacon;

thence northerly by a straight line on a true bearing of 21° 26' 09" for a distance of 9,421 feet to its intersection with the Mwani River; (7)

thence up-stream by that river to its intersection with the eastern boundary of L.R. No. 1758/2;

thence generally north-westerly by the generally north-eastern boundary of that portion to the north-eastern corner of L.R. No. 1757;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 1757, 1756, 1755, 1754 and 1751 to the northernmost corner of the last portion;

thence northerly by the generally eastern boundaries of L.R. Nos. 1743, 1696/2, 1696/1, 1742, 1741 and 5933 to the northernmost corner of the last portion;

thence northerly by the eastern boundaries of L.R. Nos. 7225/2, 7225/1 and 7226 to the north-eastern corner of the last portion;

thence westerly by part of the northern boundary of that portion to its intersection with the Kamutwa River;

thence down-stream by that river, which forms the south-eastern boundary of L.R. No. 4937, to the intersection with the eastern boundary of that portion;

thence northerly by that eastern boundary and the generally eastern boundary of L.R. No. 1491 (south-western portion of Machakos Township) to the north-eastern corner of that portion;

thence westerly by the northern boundary of L.R. No. 1491 to its intersection with the Murongoni River;

thence up-stream by that river to its intersection with the southernmost corner of L.R. No. 4932;

thence northerly by the eastern boundaries of L.R. Nos. 4932, 1420/1, 1423/2, 5942, 361/1, 361/2, again 361/1, 3605, 3607, 3603, 3602 and 2365 to the point of commencement: (1)

*Excluding and excepting—*

L.R. No. 1425, in the vicinity of Malindu Station;

L.R. No. 4969, north of Machakos Township.

#### PART II

Commencing at a beacon on the north-eastern boundary of the Kenya and Uganda Railway Reserve at a point of intersection with a straight line on a true bearing of  $198^{\circ} 50' 17''$  from the Trigonometrical Beacon on Muthanzau Hill;

thence by that straight line to that beacon;

thence by a straight line on a true bearing of  $97^{\circ} 11' 20''$  for a distance of 13,964.5 feet to the Trigonometrical Beacon on Monyuni Hill;

thence by a straight line on a true bearing of  $128^{\circ} 31' 44''$  for a distance of 27,714.3 feet to the Trigonometrical Beacon on Nguruwani Hill;

thence by a cut and beacons line on a true bearing of  $190^{\circ} 44' 10''$  for a distance of 7,750 feet to its intersection with the Kibwezi River;

thence by that river up-stream to its junction with an unnamed stream which flows through Lake Kikoo;

thence onwards by the Kibwezi River to its intersection with a line parallel to and 15 feet from that unnamed stream;

thence by that parallel line which follows the left bank of that unnamed stream (except where it passes Lake Kikoo and another small lake where the line is 15 feet from the edge of the lakes) to a point due north of a beacon near the source of that unnamed stream;

thence due south to that beacon;

thence by a straight line on a true bearing of  $252^{\circ} 41' 20''$  for a distance of 749.4 feet to a beacon;

thence by a straight line on a true bearing of  $48^{\circ} 11' 00''$  for a distance of 410.0 feet to a beacon;

thence by a straight line on a true bearing of  $336^{\circ} 15' 00''$  for a distance of 521.0 feet to a beacon;

thence by a straight line on a true bearing of  $272^{\circ} 22' 02''$  for a distance of 27,658.4 feet to a beacon on the north-eastern boundary of the Kenya and Uganda Railway Reserve;

thence up-line by that boundary to the point of commencement.

#### (4) BOUNDARIES OF THE KERIO NATIVE LAND UNIT

Commencing at the intersection of the northern boundary of L.R. No. 4140/2/R with the Suam (or Swam) River;

thence down-stream by that river till it becomes the River Turkwel;

thence continuing down-stream by that river to where it emerges from the Turkwell Gorge at Lokwien; thence south-easterly by a straight line to the ford Nainuk on the River Wewe;

thence easterly by that line to the River Wewe;

thence up-stream by that river to its junction with the dry river-bed leading from the water-hole in Lotonok;

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thence up-stream by that dry river-bed to that water-hole;

thence by the Ngabotok-Kolosia track to the river Kerio at the latter place (but so that Kolosia be included);

thence south-easterly by a straight line to the summit of the hill Mugor; (2)

thence south-easterly by a straight line to Kapeddo Post (but so that the whole of this Post shall be included);

thence south-easterly by a straight line to the summit of Mount Sillali;

thence south-easterly by a straight line to the summit of Ol Doinyo Lengere (Alengerr);

thence in a generally southerly direction—by a series of straight lines—through the heights shown 4241, 4263, 4291, 4320, 4070 and 4141 on the Topographical Sheet North A.37/S to a beacon on a small hill about one mile east of Old Baringo Boma; (3)

thence by a straight line on a true bearing of  $166^{\circ} 46' 05''$  for a distance of 19,104.2 feet to a beacon;

thence by a straight line south-westerly to the summit of the hill Morillo;

thence by a straight line still south-westerly to the height on the Laikipia Escarpment shown 4457 on the aforementioned sheet (latitude  $0^{\circ} 24' 50''$  north, longitude  $36^{\circ} 07' 30''$  east approximately);

thence by a straight line south-easterly to the northern corner of L.R. No. 2689/R;

thence westerly by the northern boundary of that portion to its intersection with the Ghusha Lugeri (En-Diloi) River;

thence up-stream by that river to its intersection with the northern boundary of L.R. No. 2687;

thence westerly by part of the northern boundary of L.R. No. 2687 and the northern boundary of L.R. No. 2682 to the north-western corner of the latter portion;

thence southerly by the western boundaries of that portion and of L.R. No. 3630 to the south-western corner of the latter portion;

thence by the western boundaries of L.R. Nos. 2680 and 1168 to the south-western corner of the latter portion;

thence westerly by part of the northern boundary of L.R. No. 1650 to the north-western corner of that portion;

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thence south-westerly, westerly and southerly by the generally northern boundary and the western boundary of L.R. No. 5259/2 to the Trigonometrical Beacon Legisianan; thence by a straight line to the north-eastern corner of L.R. No. 5260;

thence by the generally northern boundary of that portion to the north-eastern corner of L.R. No. 3843;

thence westerly by part of the northern boundary of L.R. No. 3843 to the south-eastern corner of L.R. No. 3844; (4)

thence by the eastern and the northern boundaries of the latter portion and the northern boundaries of L.R. Nos. 3732/R and 5672 to the intersection of the last with the Molo River;

thence down-stream by that river to its intersection with the north-eastern boundary of L.R. No. 662;

thence by the north-eastern and north-western boundaries of that portion to the western corner;

thence by a straight line on a true bearing of  $138^{\circ} 00' 18''$  for a distance of 2,201.3 feet to a beacon.

thence by a straight line on a true bearing of  $210^{\circ} 32' 11''$  for a distance of 8,746.4 feet to a beacon;

thence by a straight line on a true bearing of  $318^{\circ} 27' 00''$  for a distance of 2,381.7 feet to a beacon;

thence by a straight line on a true bearing of  $226^{\circ} 03' 57''$  for a distance of 6,613.6 feet to the eastern corner of L.R. No. 488;

thence north-westerly by the north-eastern boundary of that portion to its intersection with the Esageri River;

thence down-stream by that river to its junction with the Enarosura River;

thence by that river up-stream to its intersection with the north-eastern boundary of L.R. No. 497/3/3;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 497/3/3 and 497/4 to the northernmost corner of the latter portion;

thence by a straight line to the eastern corner of L.R. No. 497/3/1 and onwards by the north-eastern boundary of that portion to its intersection with the Tiggeri River;

thence up-stream by that river to its intersection with the eastern boundary of L.R. No. 503 (Lembus Forest Reserve);

thence northerly by part of the eastern boundary of that reserve to its north-eastern corner;

thence westerly by the northern boundary of that reserve to the south-eastern corner of L.R. No. 5690/R;

thence northerly by the eastern boundary of that portion for a distance of about 624 feet to its intersection with Kinoinoi River;

thence down-stream by that river to its intersection with the north-eastern boundary of L.R. No. 5690/R;

thence north-westerly by part of that north-eastern boundary to the southernmost corner of L.R. No. 7210;

thence northerly and south-westerly by the eastern and north-western boundaries of the latter portion to the north-eastern corner of L.R. No. 5687;

thence westerly by the northern boundary of the latter portion to the southernmost corner of L.R. No. 6445;

thence north-easterly by the south-eastern boundaries of L.R. Nos. 6445 and 6446 to the eastern corner of the latter portion;

thence by part of the north-eastern boundary of the latter portion for a distance of 561.4 feet to a beacon;

thence by a straight line on a true bearing of 33° 01' 17" for a distance of 2,847.2 feet to a beacon;

thence by a straight line on a true bearing of 57° 23' 37" for a distance of 1,776.1 feet to a beacon;

thence by a straight line on a true bearing of 104° 32' 54" for a distance of 7,436.7 feet to a beacon;

thence by a straight line on a true bearing of 60° 08' 36" for a distance of 5,890 feet to its intersection with the Kinoinoi River;

thence down-stream by that river for a distance of approximately 4,300 feet to a point on a bearing of 84° 26' 17" from a beacon on its left bank;

thence by a straight line on a true bearing of 274° 26' 17" for a distance of 3,456 feet to a beacon;

thence by a straight line on a true bearing of 258° 18' 33" for a distance of 8,029.9 feet to its intersection with the northern boundary of the Kenya and Uganda Railway Reserve;

thence generally westerly by that railway reserve boundary for a distance of approximately 3,000 feet to a point on a bearing of 80° 39' 41" from a beacon at the south-eastern corner of L.R. No. 6453;

thence by a straight line to that beacon;

thence northerly by the eastern boundary of L.R. No. 6453 for a distance of approximately 6,416 feet to a beacon at the south-western corner of L.R. No. 908/R (South Elgeyo Forest Reserve);

thence by a straight line on a true bearing of 90° 01' 27" for a distance of 2,178.6 feet to a beacon;

thence by a straight line on a true bearing of 188° 12' 52" for a distance of 3,731.8 feet to a beacon;

thence by a straight line on a true bearing of 65° 48' 10" for a distance of 9,002.7 feet to a beacon;

thence by a straight line on a true bearing of 90° 01' 27" for a distance of 3,345.7 feet to a beacon at the south-eastern corner of L.R. No. 908/R (South Elgeyo Forest Reserve);

thence northerly by part of the eastern boundary of that forest reserve for a distance of approximately 32,600 feet to its intersection with the Mindarila River;

thence down-stream by that river to its intersection with the eastern boundary of L.R. No. 6,664;

thence northerly by part of that boundary and the eastern boundary of L.R. No. 1727 to the north-eastern corner of the latter portion;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

53° 56' 28"	9,965.2 feet
53° 57' 36"	8,529.6 ..
346° 01' 39"	3,990.8 ..
310° 49' 25"	2,716.7 ..
13° 00' 46"	3,448.6 ..
303° 54' 03"	15,672.2 ..

to a beacon on the north-eastern boundary of L.R. No. 907/R (South Elgeyo Forest Reserve);

thence north-westerly and westerly by part of the north-eastern and the northern boundary of that forest reserve to its intersection with the eastern boundary of L.R. No. 902/2;

thence northerly by part of that eastern boundary and the eastern boundary of L.R. No. 1561 to the north-eastern corner of the latter portion;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 3975 and 4473 to the north-eastern corner of the latter portion;

thence by a straight line on a true bearing of  $325^{\circ} 02' 22''$  for a distance of 18,588.4 feet to a beacon;

thence by a straight line on a true bearing of  $329^{\circ} 15' 15''$  for a distance of 12,623.6 feet to a beacon on the eastern shore of Lake Sergoit;

thence due west by a straight line to its intersection with the low water mark of that lake;

thence northerly by that low water mark and the eastern bank of the Arobobutchi River to its intersection with the southern boundary of L.R. No. 876;

thence easterly by the southern boundaries of that portion and of L.R. Nos. 874 and 873/1 to the intersection of the last with the Kipkitoi River;

thence down-stream by that river which forms the eastern boundary of L.R. Nos. 875/1 and 875/2 to its intersection with the eastern boundary of L.R. No. 873/2;

thence northerly by the eastern boundaries of L.R. Nos. 873/2 and 873/3 to the north-eastern corner of the latter portion;

thence westerly by part of the northern boundary of L.R. No. 873/3 for a distance of 2,321.2 feet to a beacon;

thence by a straight line on a true bearing of  $351^{\circ} 18' 24''$  for a distance of 848.32 feet to a beacon;

thence by a straight line on a true bearing of  $59^{\circ} 06' 16''$  for a distance of 1,425.0 feet to a beacon;

thence by a straight line on a true bearing of  $132^{\circ} 24' 22''$  for a distance of 1,826.6 feet to a beacon on the eastern boundary of L.R. No. 5755;

thence northerly by part of the eastern boundary of that portion to the south-western corner of L.R. No. 4592;

thence by the southern, generally eastern and northern boundaries of that portion to the intersection of the last with the eastern boundary of L.R. No. 3771;

thence northerly by that eastern boundary for a distance of about 17,375 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

230° 44' 47"	...	474.5 feet
262° 13' 13"	.....	634.6 "
342° 17' 52"	...	659.9 "
305° 52' 36"	...	839.8 "
17° 45' 28"	...	420.7 "

to a beacon at the north-eastern corner of L.R. No. 5347;

thence westerly by the northern boundary of that portion to its intersection with the Moyben River;

thence up-stream by that river to its intersection with the northern boundary of L.R. No. 4635;

thence westerly by that boundary to the south-eastern corner of L.R. No. 3046;

thence by the eastern and northern boundaries of that portion to the intersection of the latter with the Charangai River;

thence up-stream by that river to its intersection with the northern boundary of L.R. No. 2227;

thence westerly by that boundary to its intersection with the eastern boundary of L.R. No. 2226;

thence northerly by part of that eastern boundary and the eastern boundaries of L.R. Nos. 3047 and 2210 to the north-eastern corner of the last portion;

thence westerly by the northern boundary of L.R. No. 2210 to its intersection with a river which forms the north-western boundary of that portion;

thence down-stream by that river to its intersection with the north-eastern boundary of L.R. No. 2225;

thence by that north-eastern boundary to the north-eastern corner of L.R. No. 2222;

thence by part of the northern boundary of that portion for a distance of 5,851.8 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

347° 26' 43"	...	5,745.5 feet
60° 41' 49"	...	2,601.1 "
279° 19' 13"	...	3,362.8 "
22° 16' 18"	...	2,038.8 "
65° 21' 24"	...	5,191.8 "

thence by a straight line on a true bearing of  $338^{\circ} 11' 30''$  to a beacon at the westernmost corner of L.R. No. 2980;

thence easterly and northerly by the generally southern and eastern boundaries of L.R. No. 2980 to the northernmost corner of that portion;

thence northerly by the eastern boundary of L.R. No. 3020/1/R to the north-eastern corner of that portion;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 3020/1/R, 2173/2, 3017 and 2167/R to the northernmost corner of the last portion (Cherangani); (7)

thence north-westerly by the north-eastern boundaries of L.R. Nos. 5595, 5559, 6904, 2160, 2158, 2156/3 and 5783 to the northernmost corner of the last portion;

thence westerly by the generally northern boundaries of L.R. Nos. 5783, 6684 and 2130/1 to the north-western corner of the last portion;

thence southerly by the western boundary of L.R. No. 2130/1 to its intersection with the Kabega River;

thence up-stream by that river to its junction with an unnamed river;

thence by that unnamed river which forms part of the north-eastern boundary of L.R. No. 5771 to its intersection with the south-eastern boundary of L.R. No. 5789;

thence by part of the south-eastern and the north-eastern boundary of L.R. No. 5789 and the north-eastern boundaries of L.R. Nos. 5788, 5529 and 2167/1 to the northernmost corner of the last portion;

thence southerly by the western boundary of L.R. No. 2167/1 to the north-eastern corner of L.R. No. 2037;

thence westerly by the generally northern boundaries of L.R. Nos. 2037, 2035 and 2033/R to the north-western corner of the last portion;

thence northerly by part of the eastern boundary of L.R. No. 4140/2/R to the north-eastern corner of that portion;

thence south-westerly by part of the north-western boundary of L.R. No. 4140/2/R to its intersection with the road reserve, across the road reserve and onwards to its intersection with the Swam River; the point of commencement; (1)

*Excluding and excepting—*

the following farms in the vicinity of Eldama Ravine:  
L.R. Nos. 488, 489, 490, 5249, 5276, 6262, 5641 and 493;

(5) BOUNDARIES OF THE NANDI NATIVE LAND UNIT

Commencing at the Trigonometrical Beacon Bwanga (Moenye) at the south-western corner of L.R. No. 4130; (1)

thence easterly by the southern boundaries of L.R. Nos. 4130, 4126, 5598, 4285 and 4289 to the south-western corner of L.R. No. 755/1;

thence south-easterly by the south-western boundaries of L.R. Nos. 755/1, 755/2/1, 755/2/2, 5323, 755/4/R to the south-eastern corner of the last portion (Eldalat);

thence by the generally western boundaries of L.R. Nos. 5731, 766/1, 766/2, 766/3, 749, 748, 747, 6467, 6609, 6608, 6478, 693/1, 689, 3063, 4137, 4281 and 686 to the southern corner of the last portion (Olessos); (2)

thence by the north-western boundary of L.R. No. 6457/R and onwards across a road reserve to the northernmost corner of L.R. No. 1484;

thence by the north-western boundaries of L.R. Nos. 1484, 6775, 1481/R and part of 1478A to its intersection with the Kapsumbeyua River;

thence down-stream by that river to its junction with the Choimim River;

thence down-stream by the latter river to its intersection with the northern boundary of L.R. No. 1371;

thence by the northern boundary of the latter portion to its north-western corner;

thence by the western boundary of L.R. No. 1371 to its intersection with the Kamarya River;

thence down-stream by that river to its junction with the Kapchure River;

thence down-stream by that river to the northern corner of L.R. No. 6008;

thence south-westerly by the north-western boundary of that portion to its western corner;

thence south-westerly by a straight line to the western corner of L.R. No. 1608/1;

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thence south-easterly by part of the south-western boundary of that portion to its intersection with the Kapchure River;

thence by that river down-stream to its intersection with the north-eastern boundary of L.R. No. 1587/R;

thence north-westerly by part of the north-eastern boundary of that portion to the south-eastern corner of L.R. No. 1587/1 (Kiboin Salt Lick);

thence by the south-eastern, south-western and north-western boundaries of that portion to its northern corner;

thence north-westerly by a straight line to the north-eastern corner of L.R. No. 1605; (3)

thence westerly by the northern boundaries of L.R. Nos. 1605, 1604 and 1603 to the north-western corner of the last portion;

thence north-westerly by the north-eastern boundary of L.R. No. 1602/5 to its northern corner;

thence by a part of the western boundary of that portion for a distance of 1,764.0 feet to a beacon at the north-eastern corner of L.R. No. 4399/R;

thence generally westerly by a part of the northern boundary of that portion to the south-eastern corner of L.R. No. 6038;

thence by the north-eastern northern and western boundaries of that portion to its south-western corner on the northern boundary of L.R. No. 4399/R;

thence generally westerly by a part of the northern boundary of that portion to the southern corner of L.R. No. 2724;

thence by the eastern and northern boundaries of that portion and by part of the northern boundary of L.R. No. 5446 to the north-western corner of the latter portion;

thence westerly by the northern boundaries of L.R. Nos. 1494 and 652/2/R to the north-western corner of the latter portion;

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thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

285° 57' 07"	...	2,393.4 feet
287° 17' 16"	...	2,129.1 ..
287° 14' 46"	...	2,156.7 ..
287° 53' 16"	...	480.2 ..
293° 01' 43"	...	619.1 ..
338° 56' 53"	...	1,707.9 ..

to a beacon on the eastern boundary of L.R. No. 654/18;

thence generally northerly by the generally eastern boundary of that portion to its intersection with the Kibos River; (4)

thence northerly by a straight line to the summit of Siruma Hill and onwards by a straight line to the summit of Kapserton Hill;

thence by a straight line north-easterly to the summit of Chepkori Hill;

thence in a generally north-easterly direction by cairns and cleared line to the Trigonometrical Beacon Kapware;

thence northerly by a straight line to the south-west corner of L.R. No. 1890;

thence by the western boundaries of L.R. Nos. 1890 and 1891 to the intersection of the latter with the eastern boundary of the Kisumu-Kapsabet Road Reserve;

thence northerly by that road reserve boundary to its intersection with the Mchomekek River;

thence down-stream by that river to its intersection with the western boundary of L.R. No. 1762;

thence by the western boundary of L.R. No. 1762 and the western and northern boundaries of L.R. No. 1900;

thence by the western and northern boundaries of L.R. No. 1906 and the northern boundary of L.R. No. 1905 to the Trigonometrical Beacon Chapkaigat at the north-east corner of the last portion; (5)

thence in a generally northerly direction by the top edge of the lower Nandi Escarpment to the Trigonometrical Beacon Bwanga (Moeny); the point of commencement. (1)

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## (6) BOUNDARIES OF THE KAVIRONDO NATIVE LAND UNIT

The Kavirondo native land unit consists of two areas.

## PART I

Commencing at the westernmost corner of L.R. No. 6439; (1)  
thence by the south-western boundary of that portion to its intersection with the Kamakoiwa River;

thence down-stream by that river to its junction with the Kimilil (Kabisi) River;

thence down-stream by that river to its junction with the Nzoia River;

thence down-stream by that river to its intersection with the south-western boundary of L.R. No. 4099;

thence by the latter boundary to the westernmost corner of L.R. No. 4121;

thence by the south-western boundaries of L.R. Nos. 4121 and 4122 to the southernmost corner of the latter portion (Senya Hill);

thence by the north-western boundaries of L.R. Nos. 6176 and 4130 to the south-western corner of the latter portion (Bwanga); (2)

thence southerly by the top edge of the lower Nandi Escarpment to the Trigonometrical Beacon Chapkaigat at the north-east corner of L.R. No. 1905;

thence by the northern boundaries of that portion and of L.R. No. 1906 to the north-west corner of the latter portion at the Trigonometrical Beacon Kipsugur; (3)

thence southerly by the western boundary of L.R. No. 1906 to the north-eastern corner of L.R. No. 1900;

thence by the northern and western boundaries of that portion and the western boundary of L.R. No. 1762 to its intersection with the Mchomekek River;

thence up-stream by that river to the intersection with the eastern boundary of the Kisumu-Kapsabet Road Reserve;

thence south-westerly by that road reserve boundary to its intersection with the western boundary of L.R. No. 1891;

thence southerly by the latter boundary and the western boundary of L.R. No. 1890 to the south-western corner of the latter portion;

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thence southerly by a straight line to the Trigonometrical Beacon Kapwaten;

thence generally south-westerly by cairns and a cleared line to the top of Chepkori Hill;

thence south-westerly by a straight line to the top of Kapserton Hill;

thence southerly by a straight line to the summit of Siruma Hill;

thence south-westerly by a straight line to the northernmost corner of L.R. No. 654/18 on the Kibos River;

thence down-stream by that river to its intersection with the northern boundary of L.R. No. 655;

thence by the northern, western and southern boundaries of that portion to its south-east corner on the Kibos River;

thence up-stream by that river to its intersection with the southern boundary of the Kenya and Uganda Railway Reserve;

thence easterly by that railway reserve boundary to its intersection with the western boundary of Kibigori Township Reserve;

thence by the western, southern and eastern boundaries of that township reserve to the intersection of the last with the south-western boundary of the Kenya and Uganda Railway Reserve;

thence south-easterly by that railway reserve boundary to the western boundary of L.R. No. 3102; (4)

(Provided that the township of Kisumu and all railway station and other railway areas along the Kenya and Uganda Railway from the north-west corner of L.R. No. 3102 to Kisumu, together with the 100-foot northern and southern railway reserves, are excluded from this land.)

thence by the western boundary of that portion (L.R. No. 3102) to its intersection with the Nyando River;

thence down-stream by that river to a point due north of a beacon on its left bank near Bora Hill and about six miles west of Muhoroni Station;

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thence by a straight line to that beacon and thence by a line of beacons south-westerly across Bora Hill, the Kabietach River and Kamnyangor Hill to the Nyeta River;

thence in a generally westerly direction by the line of beacons across that river and Kaptebenwar Hill to Kaptevinwet River;

thence southerly by the line of beacons across that river, Lalibuch Hill, Nyandabluiblime River, Kamoungu Hill, the Tolitet River, Kibimbiri Hill and across the Leguini River and Kablianat Hill to a beacon on the right bank of the Jujuliet River;

thence due south by a straight line to the centre of that river and by that river up-stream for about 900 feet to a point due north of a beacon on its left bank;

thence due south by a straight line to that beacon and south-westerly by a line of beacons between Kibugat and Tulwkapkonak Hills to a beacon on the right bank of the Kamugelwar (Marraboi) River;

thence due west by a straight line to the centre of the Kamugelwar River and up-stream by that river for about 2½ miles to a point due north of a beacon on its right bank;

thence due south by a straight line to that beacon and southerly by a line of beacons to a beacon on the right bank of the Sondo (Miriu) River at about the most northerly point of its course round Byöbbyöb Hill;

thence due south by a straight line to the centre of the Sondo River, and up-stream by the centre of that river to the junction of the Yurith with the Kipsonoi River;

thence up-stream by the latter river to its intersection with a straight line forming the northern boundary of L.R. No. 940;

thence westerly and southerly by the northern and western boundaries of L.R. No. 940 to the north-western corner of L.R. No. 941/6;

thence southerly by the western boundary of that portion and the western boundaries of L.R. Nos. 941/2/2, 941/R, 941/5, 941/4, 942 and 709 to the south-western corner of the last portion;

thence by the western boundary of L.R. No. 7090 for a distance of 8,846.1 feet to a beacon;

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thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

270° 00' 00"	...	9,132.2 feet
199° 59' 27"	...	2,741.7 "
181° 27' 37"	...	2,652.7 "
141° 25' 32"	...	2,867.9 "
116° 12' 40"	...	3,388.4 "
172° 53' 58"	...	2,453.6 "
144° 31' 20"	...	1,312.2 "
214° 55' 29"	...	2,748.1 "
161° 37' 42"	...	3,156.0 "
203° 41' 02"	...	3,018.8 "
188° 44' 22"	...	5,639.0 "
206° 51' 37"	...	1,545.5 "
262° 38' 18"	...	2,044.8 "
209° 38' 47"	...	4,349.4 "
234° 20' 24"	...	3,050.7 "
209° 27' 51"	...	3,530.5 "

to the north-western corner of L.R. No. 4400/R;

thence by the generally western boundaries of L.R. Nos. 4400/R and 5473/3 to the northernmost corner of L.R. No. 5471;

thence by the north-western and south-western boundaries of that portion and the south-western boundaries of L.R. Nos. 5472, 7126, 5448/2, 3644/6 and 3644/7 to the southernmost corner of the last portion (Gelegele); (5)

thence south-westerly by a cut and beacons line to the beacons source of the Sari River;

thence down-stream by that river for a distance of about 7½ miles to its intersection with a cut and beacons line;

thence by that cut and beacons line on a true bearing of 173° 30' to the junction of the Gori and Koitwa Rivers;

thence up-stream by the Gori River to its intersection with a cut and beacons line at the junction of the Gori and Kasumi Rivers;

thence by that cut and beacons line on a true bearing of 166° 46' to beacon No. 17 on the Kenya and Tanganyika Boundary; (6)

thence north-westerly by that boundary to its intersection with the shore of Mohuru Bay on Victoria Nyanza;

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thence in a generally northerly direction by the shore of Victoria Nyanza to the Kavirondo Gulf;

thence in a generally easterly, northerly and westerly direction by the shore of the Kavirondo Gulf to Victoria Nyanza;

thence again generally north-westerly by the shore of Victoria Nyanza to the mouth of the Sio River; (7)

thence up-stream by that river to its junction with the Sango River;

thence up-stream by that river to its source marked by a cairn;

thence onwards by a straight line north-easterly to a cairn on the abandoned road (now a footpath) from Busia to Mumeri's (Lukoli's);

thence by the south-eastern boundary of that road to its intersection with the Alupe River;

thence down-stream by that river to its junction with the Kame River;

thence down-stream by the latter river to its intersection with the eastern boundary of the Mjanji-Busia-Mbale Road, such boundary being 100 feet distant from, and parallel to, the centre line of the said road;

thence northerly by that eastern boundary to its intersection with the Malawa or Malaba River otherwise known as the Lwagaga (Lwakaka) River;

thence up-stream by that river to its intersection with a cut and beacons line which forms the generally southern boundary of Mount Elgon Forest Reserve;

thence generally easterly by that cut and beacons line to the point of commencement. (1)

Included within this land are the islands Sumba, Mageta, Ndue, Rusinga and Mfanganu and all other islands on Victoria Nyanza and the Kavirondo Gulf that lie within the districts of Central and South Kavirondo as defined in Proclamation No. 54 dated 25th February, 1924.

## PART II

Commencing at the source of the Lwagaga (Lwakaka) or Malawa (Malaba) River;

thence easterly by a straight line to the summit of Sudek Peak (Elgon. H.) on Mount Elgon;

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thence northerly by a straight line to the point where the Suam River, which forms the Kenya-Uganda Boundary, emerges from the crater of Mount Elgon;

thence south-easterly by a straight line to the source of the Kimotho River which is situated immediately to the south or south-west of Koitobbos Peak (Mount Elgon);

thence down-stream by that river to its intersection with a cut and beacons line which forms the generally north-western boundary of Mount Elgon Forest Reserve;

thence generally south-westerly by that cut and beacons line to its intersection with the Lwagaga (Lwakaka) or Malawa (Malaba) River;

thence up-stream by that river to the point of commencement.

## (7) BOUNDARIES OF THE LUMBWA NATIVE LAND UNIT

Commencing at the intersection of the north-western boundary of L.R. No. 3102 with the Nyando River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 3970;

thence by that north-western boundary to its south-western corner;

thence by the southern boundaries of L.R. Nos. 3979 and 3978/2 to the south-eastern corner of the latter portion;

thence by part of the eastern boundary of L.R. No. 3978/2 for a distance of 5,751.54 feet to the Chemutum Salt Lick;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

296° 26' 20"	4,154.0 feet
206° 26' 20"	600.0 ..
296° 26' 20"	900.0 ..
26° 26' 20"	900.0 ..
116° 26' 20"	5,045.3 ..

to a beacon on the south-eastern boundary of L.R. No. 3978/2;

thence north-easterly by part of the south-eastern boundary of L.R. No. 3978/2 and the whole of L.R. No. 3977 to the south-western corner of L.R. No. 643/1;

thence easterly by part of the southern boundary of L.R. No. 643/1 to its intersection with the Nyando River;

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thence up-stream by that river to its junction with the Tugenon River;

thence up-stream by that river to its intersection with the western boundary of L.R. No. 6071;

thence southerly by the western boundary of that portion to the north-western corner of L.R. No. 6033;

thence south-westerly by the north-western boundaries of L.R. Nos. 604/2/R, 604/1, 610, 611/2, 6067/1, 612/1/R, 7282, 2977, 2334 (Crown Land) 625, 627, 628, to the intersection with the north-eastern boundary of Kericho Township (L.R. No. 631);

thence north-westerly, south-westerly and south-easterly, by part of the north-eastern, the north-western and part of the south-western boundaries of that township to the intersection of the last with the Kimugu River;

thence down-stream by that river to its junction with the Kitho (or Jamji) River;

thence down-stream by that river to its junction with the Chepkoiisi (Kiptiget) River;

thence by that river up-stream to its intersection with the southern boundary of L.R. No. 5436;

thence easterly by that boundary to the south-eastern corner of the latter portion;

thence northerly by the eastern boundary of that portion to its intersection with the southern boundary of L.R. No. 6001/1;

thence easterly by the latter boundary to its intersection with the Koruma River;

thence up-stream by that river to its intersection with the eastern side of the Sotik-Kericho main track 25-foot reservation;

thence southerly by a cut and beaconsed straight line to its intersection with the Chepkoiisi (Kiptiget) River which forms the northern boundary of L.R. No. 6020;

thence down-stream by that river to its junction with the Dare (Itare) River;

thence up-stream by the latter river to its intersection with the straight line joining the Trigonometrical Beacon Posta with the south-western corner of L.R. No. 553;

thence south-westerly by a straight line to the Trigonometrical Beacon Posta;

thence by a cut and beaconsed line on a true bearing of  $159^{\circ} 05' 44''$  to the beacon Kabroret;

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thence by a cut and beaconsed line on a true bearing of  $128^{\circ} 11' 28''$  to the beacon Kibiosi and onwards on the same bearing to its intersection with the Amala River;

thence down-stream by that river to its junction with the Nyangoris River;

thence north-westerly by a cut and beaconsed line to the Trigonometrical Beacon Abossi;

thence by a straight line towards the southernmost corner of L.R. No. 3644/7 (Gelegele) for a distance of about 7,660 feet to a beacon;

thence by a straight line on a true bearing of  $6^{\circ} 11' 03''$  for a distance of about 9,299 feet to a beacon;

thence by a straight line on a true bearing of  $42^{\circ} 50' 17''$  for a distance of about 6,442 feet to a beacon;

thence by a straight line on a true bearing of  $11^{\circ} 19' 22''$  for a distance of about 3,181 feet to a beacon;

thence by a straight line on a true bearing of  $27^{\circ} 23' 40''$  for a distance of about 8,577 feet to a beacon;

thence by a straight line on a true bearing of  $31^{\circ} 32' 33''$  for a distance of about 6,398 feet to a beacon;

thence by a straight line on a true bearing of  $17^{\circ} 47' 33''$  for a distance of about 3,583 feet to a beacon at the southernmost corner of L.R. No. 948;

thence by the south-eastern boundary of that portion and the south-eastern boundary of L.R. No. 3677 to the intersection of the latter with the Sisi River;

thence up-stream by that river to its intersection with the south-western boundary of L.R. No. 955;

thence south-easterly by the south-western boundaries of L.R. Nos. 955 and 958 to the intersection of the latter with the Nyangoris River;

thence up-stream by that river to its intersection with the north-eastern boundary of L.R. No. 957;

thence by the north-eastern boundary of that portion to its northernmost corner;

thence by part of the south-eastern boundary and the whole of the north-eastern boundary of L.R. No. 3668 to the intersection of the latter with the Leldayet River;

thence down-stream by that river to its intersection with the eastern boundary of L.R. No. 4783/2;

thence northerly by that boundary to its intersection with the Kipsonoi River;

thence down-stream by that river to its intersection with the south-western boundary of Chemegel Township (L.R. No. 7288);

thence south-easterly, north-easterly and generally westerly by the south-western, south-eastern and northern boundary of that township to the intersection of the last with the Kipsonoi River;

thence down-stream by that river to its junction with the Yurith River, whence it becomes the Sondo River;

thence down-stream by the Sondo River to a point due south of a beacon on its right bank at about the most northerly point of its course round Byobbyob Hill;

thence due north by a straight line to that beacon and thence northward following the line of beacons to a beacon on the right bank of the Kamugelwar (or Marraboi) River, and thence due north by a straight line to the centre of that river;

thence down-stream by that river for about 2½ miles to a point due west of a beacon on its right bank and thence due east by a straight line to that beacon;

thence north-easterly by a line of beacons between Tulwotkapkonak and Kibugat Hills to a beacon on the left bank of the Jujuliet River;

thence due north by a straight line to the centre of that river; and by it down-stream for about 900 feet to a point due south of a beacon on its right bank;

thence by a straight line to that beacon and thence in a northerly direction following the line of beacons over Kabli-anat Hill to the Leguini River;

thence by the line of beacons across that river, over Kibimbiri Hill, Tolitet River and Kamoungu Hill to the Nyandabluiblume River; and thence across that river and over Lalibuch Hill to the Kaptevinwet River;

thence in a generally easterly direction by the line of beacons over Kaptebenwar Hill to the Nyeta River;

thence across that river in a north-easterly direction across Kamnyangor Hill, the Kabletach River and Bora Hill to a beacon on the left bank of the Nyando River, about six miles west of Muhoroni Station;

thence due north by a straight line to the Nyando River;

thence up-stream by that river to its intersection with the western boundary of L.R. No. 3102, the point of commencement.

(8) BOUNDARIES OF THE NORTH POKOMO  
NATIVE LAND UNIT

Commencing at a point on the Tana River two miles below Kashe;

thence bounded by a straight line due north-east to its intersection with the line bounding the zone that contains all points on the left bank of the river distant one mile from low-water mark in that river and the River Galana Be (i.e., the present main course of the river);

thence south-easterly by that bounding line to a point due north-east of a point on the river just above Sankuri and about two miles below Bara;

thence by a straight line to the latter point, extended across the river to its intersection with the line bounding a zone that contains all points on the right bank of the Tana River (following the old course south of the Galana Be) distant one mile from low-water mark thereof;

thence north-westerly by that bounding line to a point due south-west of the point of commencement;

thence by a straight line thereto.

The foregoing boundaries are delineated on Sheet No. 44 of the before-mentioned deposited plan.

(9) BOUNDARIES OF THE COAST NATIVE LAND  
UNIT

This land unit consists of thirty areas the boundaries of which are as follows:—

SECTION I—PUNGU FUEL AREA (L.R. No. 4383)

Commencing at the south-west corner of Section V, Mombasa Mainland South, thence bounded by the southern boundary of that section to high-water mark on the Indian Ocean;

thence southerly by that high-water mark to its intersection with the north-eastern boundary of L.R. No. 4654 extended;

thence by a straight line to the eastern corner of L.R. No. 4654 and onwards by part of the north-eastern boundary of that portion to its intersection with the south-eastern boundary of L.R. No. 4646 extended across the 25 foot road reserve;

thence by a straight line across that road reserve to the southern corner of L.R. No. 4646;

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thence by the south-eastern boundaries of that portion and of L.R. No. 4645 to the point of commencement.

## SECTION II—KAYA PUNGU (L.R. No. 4367)

This is a small area, of about 11½ acres extent, lying about one mile to the west of the north-west corner of Section I, and within the boundaries of L.R. No. 4645, as particularly delineated on Sheet 48 of the aforesaid deposited plan.

## SECTION III—PUNGU-MIDZICHENDA (INCLUDING BOMBO AND KITEJI)

Commencing on the eastern boundary of the Mtongwe-Kiteji 25 foot road reserve, at the point where the western boundary of L.R. No. 4649 leaves that road reserve;

thence bounded by part of the western boundary of that portion south-westerly to its south-west corner;

thence by the south-western and southern boundary of the Likoni Commonage (L.R. No. 5016) to its south-east corner;

thence southerly by part of the western boundary of L.R. No. 4646 to its western corner;

thence by a straight line across a 25 foot road reserve to the northern corner of L.R. No. 4654;

thence by the western boundary of that portion and the north-western or northern boundary of L.R. No. 4655 to its north-western corner on the eastern boundary of the Likoni-Gasi Road Reserve;

thence by a straight line across that road reserve to the eastern corner of L.R. No. 4660;

thence by part of the generally north-eastern and northern boundaries of that portion to its intersection with the southern boundary of the 25 foot road reserve which gives access to Kaya Bombo (No. V);

thence by a straight line across that road reserve to the south-east corner of L.R. No. 4653;

thence by the eastern boundary of that portion to its northern corner;

thence by a straight line across the 25 foot road reserve to the south-east corner of L.R. No. 4652;

thence by the eastern and part of the north-eastern boundary of that portion to the southern corner of L.R. No. 4651;

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thence by the southern boundary of that portion to its south-east corner on the 25 foot road reserve of the road to Mtongwe;

thence by a straight line across that road reserve to the point of commencement.

The areas within the foregoing boundaries known as Mombasa Mainland South, Section VII, Subdivisions 1, 2, 3, and 4, are not part of the native land and are excluded therefrom.

The foregoing boundaries are more particularly delineated on Sheets 48 and 51 of the aforesaid deposited plan.

## SECTION IV—KAYA KITEJI (L.R. No. 4392)

This is an area of about one acre within the boundaries of L.R. No. 4652 and situated near the mouth of Bombo Creek on its eastern side, as delineated on Sheet 48 of the aforesaid deposited plan.

## SECTION V—KAYA BOMBO (L.R. No. 4384)

This is an area of about 81 acres, of which the northern and eastern boundaries abut on L.R. No. 4653 and the south-western boundary on L.R. No. 4661; as delineated on Sheets 47 and 48 of the aforesaid deposited plan.

## SECTION VI—BOGONI (L.R. No. 4385)

This is an area of about 67 acres situated about one mile south of Mteza Creek, within the boundaries of L.R. No. 3855; as delineated on Sheet 47 of the aforesaid deposited plan.

## SECTION VII—PEMBA (L.R. No. 4412)

This is an area of about 72.5 acres within the boundaries of the Shimba Forest Reserve (L.R. No. 5008), its northern corner lying about one mile and a half west by south of the south-western corner of Kwale Township; as delineated on Sheet 49 of the aforesaid deposited plan.

## SECTION VIII—WAA MIDZICHENDA (INCLUDING WAA, MATUGA, KIGATHU, MAGOMANI, MIVUMONI AND TIWI)

Commencing at the south-west corner of L.R. No. 4657, the boundary of this area follows in a generally south-westerly and south-easterly direction the generally north-western and south-western boundaries of a part of L.R. No. 3855, to its southern corner on the 100 foot foreshore reserve, and continues by the last boundary extended to high-water mark on the Indian Ocean;

thence bounded by that high-water mark southerly to the Mwachema River;

thence up stream by that river to its intersection with the eastern boundary of L.R. No. 4752;

thence northerly by part of that boundary to the eastern boundary of the Gasi Road Reserve;

thence northerly by that road reserve boundary to its intersection with the north-eastern boundary of L.R. No. 4752 extended;

thence by a straight line across the road reserve to the north-eastern boundary of that portion; and onwards by that boundary to the northern corner of the same;

thence in a generally north-westerly and then north-easterly direction by the eastern boundary of a part of L.R. No. 3855 to the south-west corner of L.R. No. 4659;

thence by the southern boundary of the latter portion to its south-east corner;

thence by a straight line across the Gasi Road Reserve to the north-west corner of L.R. No. 4657;

thence by the western boundary of that portion to the point of commencement.

The areas within the foregoing boundaries known as Mombasa Mainland South, Section VIII, Subdivision 1 (Waa), and Section VI, Subdivisions 1 to 16, inclusive (Tiwi), are not native lands and are excluded therefrom.

The foregoing boundaries are more particularly delineated on Sheets 50, 51, 53 and 54 of the aforesaid deposited plan.

SECTION IX—KAYA WAA (L.R. No. 4376)

An area of about 80 acres, bounded follows:—

Commencing at the southern corner of L.R. No. 4658, thence bounded by the south-eastern boundary of that portion to its south-east corner and extended to high-water mark on the Indian Ocean;

thence southerly by that high-water mark to its intersection with the north-eastern boundary of a part of L.R. No. 3855 extended thereto;

thence by that extended boundary north-westerly up to the point of commencement.

The foregoing boundary is more particularly delineated on Sheet 51 of the aforesaid deposited plan.

SECTION X—MUHAKA (INCLUDING DIANI, UKUNDA, NZOLE, MLOLA, MBAVU AND MSULWA)

Commencing at the mouth of the River Mwachema at high-water mark of the Indian Ocean;

thence bounded by that high-water mark southerly to its intersection with the northern boundary of L.R. No. 5004 extended thereto;

thence by a straight line to the north-east corner of that portion;

thence by its northern boundary to its north-west corner on the eastern boundary of the Gasi 60 foot road reserve;

thence first in a generally south-westerly and afterwards in a generally north-westerly direction by the generally north-western boundary of L.R. No. 5004 to a corner thereof on the Mtawe River, where the latter intersects the eastern boundary of a 50-foot road reserve;

thence north-easterly by a straight line for about 15 feet to a beacon on the left bank of the Mtawe River;

thence bearing  $309^{\circ} 5' 30''$  for about 3,991 feet to a beacon;

thence bearing  $359^{\circ} 5' 35''$  for about 2,170 feet to a beacon;

thence bearing  $288^{\circ} 46' 29''$  for about 10,649 feet to a beacon (Nzole);

thence bearing  $14^{\circ} 24' 42''$  for about 3,638 feet to a beacon;

thence bearing  $8^{\circ} 52' 34''$  for about 17,029 feet to the Trigonometrical Beacon "A";

thence bearing  $62^{\circ} 17' 40''$  for about 5,480 feet to the Trigonometrical Beacon Paka Paka;

thence south-easterly by a straight line to the Trigonometrical Beacon Kabila;

thence by the south-western, southern and south-eastern boundaries of L.R. No. 3855 to the southern boundary of the 25-foot road reserve, which forms part of the southern boundary of L.R. No. 4752;

thence south-easterly by that road reserve boundary to its intersection with the western boundary of the Gasi 60-foot road reserve;

thence by a straight line across the latter road reserve to a beacon on its eastern boundary;

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thence northerly by the eastern boundary of the Gasi Road Reserve to its intersection with the River Mwachema;

thence by that river down-stream to the point of commencement.

The areas within the foregoing boundaries known as L.R. Nos. 3243 and 3245 are not part of the native land and are excluded therefrom.

The foregoing boundaries are more particularly delineated on Sheets 52, 53, 54, 56 and 57 of the aforesaid deposited plan.

**SECTION XI—KINONDO (INCLUDING GALU) L.R. No. 4274**

This area of about 2,650 acres is bounded on the east by high water mark of the Indian Ocean; on the north, west and south-west by L.R. No. 5004, the boundaries of the latter being extended across the 100 foot foreshore reserve to high water mark; which boundaries are delineated on Sheets 53 and 57 of the aforesaid deposited plan.

**SECTION XII—MATOFYA (L.R. No. 4458)**

This is an area of about 148 acres, lying on both sides of Mwele-Gasi Road and to the north of the Kidogo Weni River; east of the said road its northern and south-eastern boundaries abut on L.R. No. 5004, and west thereof its south-eastern, south-western and western boundaries abut on L.R. No. 4821; as delineated on Sheet 56 of the aforesaid deposited plan.

**SECTION XIII—MAUMBA (L.R. No. 4474)**

This is an area of about 112 acres, lying about three-quarters of a mile west of the northern corner of the Gogoni Forest Reserve, and entirely surrounded by L.R. No. 5004, as delineated on Sheet 56 of the aforesaid deposited plan.

**SECTION XIV—MSAMBWENI-GWIRANI (INCLUDING MABATINI)**

Commencing on the Mkurumuji River at the point where the north-eastern boundary of L.R. No. 4243 (Government Reserve) would intersect;

thence bounded by a straight line to the northern corner of that portion;

thence by the north-western and south-western boundaries of the same portion to high-water mark on the Indian Ocean;

thence southerly by that high-water mark to the mouth of the Milalani River;

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thence up-stream by that river to its intersection with a straight line bearing  $310^{\circ} 44' 10''$  forming part of the generally eastern boundary of L.R. No. 5004;

thence north-westerly, south-westerly, again north-westerly and finally north-easterly by that boundary of L.R. No. 5004 to the Mkurumuji River;

thence down-stream by that river to the point of commencement.

The foregoing boundary is more particularly delineated on Sheets 60 and 61 of the aforesaid deposited plan.

**SECTION XV—SHIRAZI (INCLUDING BODO)**

Commencing at the southern end of the 100 foot foreshore reserve, which forms part of the south-eastern boundary of L.R. No. 5009, on a creek;

thence bounded by that creek down to its mouth;

thence northerly, southerly and then in a generally south-westerly direction by high-water mark of the Indian Ocean to its intersection with the south-eastern boundary of L.R. No. 5009, extended thereto;

thence by that extended boundary, and part of that south-eastern boundary to the point of commencement.

The foregoing boundaries are more particularly delineated on Sheets 60 and 63 of the aforesaid deposited plan.

**SECTION XVI—FUNZI ISLAND**

The whole of Funzi Island (together with adjacent islets) which lies to the south of Msambweni-Gwirani (Area XIV) and to the south-east of Shirazi (Area XV), down to high-water mark of the Indian Ocean, as delineated on Sheet 63 of the aforesaid deposited plan, is native land.

**SECTION XVII—SOUTH NYIKA SECTION**

Commencing at the south-west corner of the MacKinnon Road Station Reserve;

thence generally south-easterly by the southern boundary of the Kenya and Uganda Railway Reserve to its intersection with the north-west boundary of L.R. No. 1031/1;

thence south-westerly, southerly and north-easterly by the north-western, south-western and south-eastern boundaries of that portion to the western corner of L.R. No. 1016/1;

(1)

thence south-easterly and north-easterly by the south-western and south-eastern boundaries of L.R. No. 1016/1 to the intersection of the last with the south-eastern boundary of L.R. No. 1031/1;

thence north-easterly by the latter boundary to its intersection with the south-western boundary of the Kenya and Uganda Railway Reserve;

thence generally southerly by that railway reserve boundary to its intersection with the northern boundary of L.R. No. 1032/2;

thence westerly, northerly and north-westerly by part of the generally north-eastern boundary of L.R. No. 1032/2 and the north-eastern boundary of L.R. No. 1017 to the northern-most corner of the latter portion; (2)

thence southerly by the western boundary of L.R. No. 1017 to its intersection with the Mwachi River;

thence up-stream by that river to its intersection with the south-western boundary of L.R. No. 1028;

thence south-easterly by that south-western boundary to its intersection with the north-western boundary of L.R. No. 1029;

thence south-westerly, south-easterly and north-easterly by part of the north-western, the south-western and the south-eastern boundaries of that portion to the intersection of the last with the generally southern boundary of L.R. No. 1035/1;

thence easterly by that generally southerly boundary to its intersection with the south-western boundary of the Kenya and Uganda Railway Reserve;

thence generally southerly by that railway reserve boundary to its intersection with the northern boundary of Plot 885, Section VI, Mainland North;

thence generally north-westerly by the northern boundary of Plot 885, Section VI, Mainland North, and the generally north-eastern boundary of L.R. No. 1037/2 to the northern-most corner of the latter portion;

thence westerly by the northern boundary of that portion to its intersection with the Mwachi River;

thence by that river down-stream to its intersection with the north-western boundary of L.R. No. 1038;

thence south-westerly by the north-western boundary and south-easterly by the south-western boundary of that portion to its southernmost corner;

thence north-easterly by the south-eastern boundary of that portion to its intersection with the Mwachi River;

thence southerly and westerly by the Mwachi River down-stream to its intersection with the straight-line portion of the western boundary of L.R. No. 1037/2;

thence by that straight-line portion to the south-west corner of L.R. No. 1037/2;

thence generally easterly by the southern boundary of that portion to its intersection with a stream or watercourse at a point approximately 3,500 feet west of the Trigonometrical Beacon Maungu;

thence down-stream by that stream or watercourse to its confluence with the Mwachi River, and down-stream by that river to its confluence with the Duruma River at the head of a creek of Port Reitz;

thence generally south-easterly by the high-water mark of the southern bank of that creek to its intersection with the western boundary of L.R. No. 1041;

thence by the western southern and eastern boundaries of that portion to high-water mark in Port Reitz;

thence southerly by that high-water mark to its intersection with the northern boundary of L.R. No. 4382;

thence by the northern and part of the western boundary of that portion to high-water mark in Mteza Creek;

thence south-westerly by that high-water mark to its intersection with part of the generally western boundary of L.R. No. 3855 at its north-west corner extended across the 100 foot foreshore reserve and the creek;

thence by a straight line to that north-west corner and onward southerly by the generally western boundary of L.R. No. 3855 to the eastern corner of L.R. No. 1081;

thence by the north-eastern, north-western, south-western and south-eastern boundaries of that portion to the same eastern corner;

thence continuing southerly by the generally western boundary of L.R. No. 3855 to the south-east corner of L.R. No. 4389;

thence north-westerly by the south-western boundary of that portion to its north-west corner;

thence north-westerly by a straight line to the south-east corner of L.R. No. 4410; (3)

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thence in a generally north-westerly direction by part of the southern boundary of that portion to its intersection with the northern boundary of the Kwale 50 foot road reserve;

thence westerly by that road reserve boundary to its intersection with the southern boundary of Kwale Township;

thence still westerly by the northern boundary of that road reserve to its intersection with the southern boundary of L.R. No. 3743;

thence easterly by a straight line to the southernmost corner of L.R. No. 3744;

thence by the southern boundary of that portion to its south-eastern corner on the eastern boundary of Kwale Township (as shown on Plan No. 11242/3—5/149);

thence north-easterly by that township boundary to its north-east corner;

thence easterly by part of the southern boundary of L.R. No. 5003 to its south-east corner;

thence by the south-eastern, northern and western boundaries of that portion to its south-west corner;

thence westerly by the northern boundaries of Kwale Township to the Trigonometrical Beacon Shimba, its westernmost corner;

thence westerly and southerly by part of the northern and by the western boundaries of Shimba Forest Reserve (L.R. No. 5008/R) to its southern corner at the Trigonometrical Beacon Mwele;

thence westerly by a straight line to the Trigonometrical Beacon Mkongani West;

thence southerly by a straight line to the Trigonometrical Beacon Mangawani;

thence by a straight line on a true bearing of  $32^{\circ} 15' 52''$  for about 10,194 feet to a beacon (W1, which bears  $289^{\circ} 31' 1''$ , at a distance of about 1,072 feet, from the Trigonometrical Beacon Nyakundi);

thence by a straight line on a true bearing  $61^{\circ} 59' 17''$  for about 17,481 feet to a Trigonometrical Beacon Kichaka Simba;

thence south-easterly by the straight line to the Trigonometrical Beacon Kidiani;

thence southerly and south-easterly by part of L.R. No. 5004 to the northern corner of the Buda Forest Reserve (L.R. No. 5006);

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thence westerly by the northern boundary of that forest reserve to its north-west corner;

thence by the western, southern and south-eastern boundaries of that forest reserve to its north-east corner;

thence in a generally southerly direction by part of the western boundary of L.R. No. 5004 to its intersection with the northern boundary of the Mombasa-Vanga Road Reserve;

thence south-westerly by that road reserve boundary to its intersection with the north-eastern boundary of a part of L.R. No. 5009 giving access to the Rainisi River;

thence north-westerly and south-westerly by that boundary of L.R. No. 5009 to the said river;

thence up-stream by the Ramisi River to its intersection with the southern boundary of L.R. No. 3246;

thence westerly by that southern boundary bearing approximately  $269^{\circ} 05'$  for a distance of about 120 feet from the centre line of that river to a beacon;

thence south-westerly by a beaconed line bearing approximately  $255^{\circ} 54'$  for about 17,530 feet to a beacon on the east boundary of L.R. No. 4668;

thence southerly by a straight line to the south-east corner of L.R. No. 4668;

thence by the southern and western boundaries of that portion to its north-west corner;

thence north-westerly by a straight line to the Trigonometrical Beacon Kiruki;

thence south-westerly by a straight line to the north-east corner of L.R. No. 4666;

thence by the eastern and southern boundaries of that portion to its south-west corner;

thence by a straight line on a true bearing  $201^{\circ} 7' 58''$  for about 6,199 feet to a beacon;

thence by a straight line on a true bearing  $89^{\circ} 41' 42''$  for about 3,032 feet;

thence by a straight line on a true bearing  $90^{\circ} 3' 20''$  for about 918 feet;

thence southerly by a straight line bearing  $180^{\circ} 17'$  for 736 feet to a beacon;

thence southerly by a straight line bearing  $180^{\circ} 20'$  for 2,582 feet to a beacon;

thence westerly by a straight line bearing  $258^{\circ} 58'$  for 4,749 feet to a beacon;

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thence generally south-westerly beacon to beacon by successive straight lines of the following bearings and lengths:—

180° 58'	...	420 feet
200° 39'	...	2,485 "
211° 22'	...	3,459 "
232° 34'	...	6,871 "
185° 17'	...	3,530 "

from the southern terminal beacon of the last straight line above by its extension southwards across the Mwena River to its intersection with high-water mark on the right or south bank of the estuary of that river;

thence generally southerly by high-water mark of the Indian Ocean to its intersection with the north boundary of Vanga Township;

thence generally south-westerly by the north and west boundaries of that township as demarcated with cement blocks by the District Commissioner to its intersection with the Kenya-Tanganyika Boundary;

thence north-westerly by the latter boundary to its intersection with the Uмба River; (5)

thence northerly by a straight line to the summit of Kilibasi Hill;

thence northerly by a straight line to the point of commencement. (1)

The area within the foregoing boundaries known as L.R. No. 7312 (Mailuganje Forest Reserve) is not part of this native land and is excluded therefrom.

The area external to the foregoing boundaries known as L.R. No. 1283 is part of this native land and is included therein.

## SECTION XVIII—NORTH NYIKA SECTION

Commencing at the north-west corner of the MacKinnon Road Station Reserve; (1)

thence north-easterly by a straight line to the intersection of a straight line between the summits of the hills Maungu and Loga with the Galana (or Sabaki) River;

thence down-stream by that river to a point due south of a beacon on its left or northern bank on the western outskirts of Dodosa Village; (2)

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thence by a straight line to that beacon and onwards by a straight line north-easterly to the trigonometrical beacon on Koyeni Hill; (1)

thence by a straight line more easterly to the hill marked 407 on the Topographical Sheet S.A.37/V & W;

thence by a straight line bearing true north-north-east to its intersection with the Wakalla River;

thence down-stream by that river to its intersection with the track from Marafa through Mwambiri Village (about one mile above the junction of that river with the Koromi River);

thence easterly by that track to the western outskirts of Mwambiri Village;

thence by the northern outskirts of that village to the same track;

thence easterly by that track to a point due south of a beacon to the north-west of the cultivated area known as Mombasa, at Marafa;

thence due north to that beacon;

thence easterly for about two miles to a beacon on the north-eastern limits of that cultivated area;

thence south-easterly by a straight line to the north-east corner of Plot Mamburi No. 281;

thence by the northern, western, southern and south-eastern boundaries of that plot to its eastern corner;

thence south-easterly by a straight line to the northern corner of Plot Mamburi No. 275;

thence by the western boundary of that plot and part of its south-eastern boundary to its intersection with the western boundary of L.R. No. 4390 (Pumwani Settlement);

thence southerly by part of that boundary to its south-west corner;

thence southerly by a straight line to a beacon on the north bank of the Sabaki River on the western outskirts of Mbaoni Village; (3)

thence up-stream by that river to a point due south of the village Kwa Aliteti;

thence in a southerly direction across the Madungoni Plains by a demarcated line to Gaji Hill (shown as an intersected point, elevation 383, on the aforesaid topographical sheet);

thence south-westerly by a straight line to the north-east corner of the Arabuko-Sekoki Forest Reserve (L.R. No. 4453);

thence by the generally northern and western boundaries of that forest reserve to its south-west corner;

thence southerly by a straight line to the Trigonometrical Beacon Sokoke South;

thence southerly by a straight line to the northern corner of L.R. No. 1427;

thence by the north-western boundary of that portion to its western corner;

thence by a straight line to the northern corner of Plot 7, Group VII (Mtanganiko) Mainland North;

thence by the north-western and south-western boundaries of that plot to its southern corner;

thence by a straight line to the north-west corner of plot 4 of the same group;

thence by the western and part of the southern boundary of that plot to the north-west corner of Plot 10 of the same group;

thence by parts of the western and southern boundaries of that plot to the north-west corner of Plot 8 of the same group;

thence by the western and southern boundaries of the latter to its south-east corner;

thence southerly by part of the western boundary of Plot 10 of the same group, to its south-west corner;

thence by a straight line southerly to the western corner of Plot 15, Group III (Majajani) Mainland North;

thence by the south-western boundary of that plot to its south-west corner;

thence south-westerly by a straight line to the western corner of Plot 20 of the same group;

thence by the south-western boundary of that plot to its south-west corner;

thence southerly by a straight line to the northern corner of Plot 14, Group II (Mavuoni) Mainland North;

thence by the western and south-western boundaries of that plot to its southern corner;

thence south-westerly by a straight line to the northern corner of Plot 15 of the same group;

thence by the north-western boundary of that plot to its western corner;

thence south-easterly by a straight line to the northern corner of Subdivision 99 of Section IV, Mombasa Mainland North;

thence by the western and south-western boundary of that subdivision extended beyond its southern corner to the stream in its vicinity;

thence up that stream to its intersection with the north-eastern boundary of Subdivision 112 of the same section;

thence north-westerly by part of the north-eastern boundary of that subdivision to its northern corner;

thence by the generally western boundary of the same subdivision to its southern corner;

thence southerly by part of the western boundary of Subdivision 96 of the same section to its south-west corner;

thence south-westerly by a straight line to the most north-west corner of Subdivision 81 of the same section;

thence southerly by the generally western boundary of Section IV, Mombasa Mainland North, consisting of parts of the boundaries of Subdivisions 81, 79, 82, 83, 79, 77, 72 and 71 to the western corner of the last;

thence north-westerly by part of the north-eastern boundary of Subdivision 29 to the southern corner of Subdivision 62;

thence by the eastern and northern boundaries of the latter and the northern and western boundaries of Subdivision 63 to its most western corner;

thence by the north-western boundary of Subdivision 61 to its north-west corner;

thence south-westerly by a straight line to the northern corner of Subdivision 51;

thence by part of the north-western boundary of that subdivision to the eastern corner of Subdivision 52;

thence by the north-eastern boundary of the latter to its northern corner;

thence south-westerly by a straight line to the north-east corner of Subdivision 58;

thence by the north-eastern boundary of that subdivision to its northern corner;

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thence generally south-westerly by the western boundaries of Subdivisions Nos. 426 and 672 to the westernmost corner of the latter;

thence south-easterly by the straight line portion of the southern boundary of Subdivision No. 672 extended to its intersection with high-water mark on the right bank of the Mleji River;

thence due south by a straight line to its intersection with the centre line of the Mleji River;

thence generally southerly down-stream by that centre line to its intersection with the centre line of the waters of that branch of Mwakirungi Creek which bounds on the north Subdivision No. 555 of Section II, Mombasa Mainland North;

thence generally westerly by the centre line of the waters of that branch of the creek to a point due east of the intersection of the northern boundary of Subdivision No. 546 of the same section with high-water mark;

thence by a straight line due west to that point of intersection; (6)

thence westerly by the generally northern boundaries of Subdivision No. 546 to its intersection with the eastern boundary of Subdivision No. 642 of Section II, Mombasa Mainland North;

thence northerly by that boundary to the north-east corner of Subdivision No. 642;

thence generally north-westerly by the northern boundaries of the latter and of Subdivision No. 607 of the same Section to the northernmost corner of the latter Subdivision;

thence north-westerly by a straight line in the direction of the point at the head of the northern arm of Jomvu Creek at which the Rabai-Mwamba road crosses the River Kombeni up to the intersection of that straight line with high-water mark of Jomvu Creek;

thence generally north-westerly by high-water mark to the point at which the above road crosses the River Kombeni: provided that if the above straight line does not intersect high-water mark that straight line shall be the boundary of the Native Land;

thence south-westerly by high-water mark to its intersection with the north-west boundary of Subdivision No. 378 of Section V, Mombasa Mainland North;

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thence south-westerly by that boundary to the northernmost corner of Subdivision No. 312 of the same Section;

thence south-westerly by a straight line to the south-east corner of Mazeras Trading Centre (L.R. No. 1043);

thence north-westerly by the north-eastern boundary of that trading centre to its north-east corner;

thence south-westerly by its north-western boundary to its intersection with the north-eastern boundary of the Kenya and Uganda Railway Reserve;

thence north-westerly (up-line) by that railway reserve boundary to its intersection with the south-east boundary of L.R. No. 1279;

thence generally north-easterly by the south-eastern and north-eastern boundaries of that portion to its northernmost corner;

thence south-westerly by its north-western boundary to its intersection with the north-eastern boundary of the Kenya and Uganda Railway Reserve;

thence north-westerly (up-line) by the generally northern boundary of that railway reserve, which includes special Quarry Reserves on the north side of the railway line opposite L.R. Nos. 4330 and 1031/1, to the point of commencement. (1)

## SECTION XIX—MWINA

Commencing at a beacon on the right (or generally western) bank of the Tana River, near the apex of a sharp north-westerly bend of that river above Mwina Camp;

thence bounded by a straight line to a beacon approximately one mile west;

thence by a straight line in a south-south-easterly direction through a beacon on the right bank of the river (near the apex of a large westerly bend, about half a mile above Akadi) to low-water mark on that bank;

thence by that low-water mark up-stream to a point due south-west of a beacon on the left bank, near the apex of the large easterly bend below Mwina Mission;

thence by a straight line across the river to that beacon and onwards by a straight line north-north-westerly to a beacon on the left bank of the river near the apex of the easterly bend of the river next above the point of commencement;

thence by a straight line due west to its intersection with low-water mark;

thence by that low-water mark down-stream to a point due south of the beacon at the point of commencement, and onwards by a straight line across the river thereto.

## SECTION XX—BENDERANI

Commencing at a beacon approximately one mile west of Benderani Village;

thence bounded by a straight line north-easterly to a beacon on the right bank of the Tana River, near the apex of the north-westerly bend of the river next below Akadi;

thence due east by a straight line across the river to its intersection with low-water mark on its left bank;

thence up-stream by that low-water mark to a point due west of a beacon on the same bank (opposite Akadi) and onwards south-south-easterly by a straight line for about two miles to a beacon;

thence westerly by a straight line for approximately one mile to a beacon on the left bank of the river near the apex of the south-westerly bend immediately below Huyasu;

thence due north-west by a straight line across the river to its intersection with low-water mark on its right bank;

thence down-stream by that low-water mark to a point due west of a beacon near Marengo Village;

thence by a straight line to that beacon and onwards north-westerly to the point of commencement.

## SECTION XXI—KULESA

Commencing at a beacon about one mile west of the apex of a sharp north-westerly bend of the Tana River immediately above the hamlet of Tanga (or Voi);

thence bounded by a straight line easterly to a beacon on the right bank of the river at that apex;

thence due south-east by a straight line across the river to its intersection with low-water mark on the left bank of the river;

thence up-stream by that low-water mark to a point due west of a beacon near the apex of a sharp easterly bend next below Gongoni;

thence by a straight line to that beacon and onwards to a beacon approximately one mile east of the former;

thence south-westerly by a straight line to a beacon on the left bank of the river near the apex of a sharp easterly bend about one mile south of Kulesa;

thence due west by a straight line to its intersection with low-water mark on the left bank of the river, and onwards by that low-water mark, up-stream, to a point due north-west of a beacon on the right bank near the apex of the south-easterly bend next above that last mentioned;

thence by a straight line to that beacon and onwards westerly to a beacon approximately due south of the point of commencement, and onwards by a straight line northerly thereto.

## SECTION XXII—CHUNONI

Commencing at a beacon on the right bank of the Tana River, near the apex of the westerly bend next above Chunoni;

thence bounded by a straight line to a beacon approximately one mile west;

thence south-easterly by a straight line through a beacon on the right bank of the river about one furlong below the village of Garden, to low-water mark on that bank of the river;

thence up-stream by that low-water mark to a point due west of a beacon on the left bank near the apex of an easterly bend about midway between Garden and Mnazini;

thence by a straight line across the river to that beacon and onwards by a straight line north-easterly to a beacon about one mile east of Mnazini;

thence north-westerly by a straight line through a beacon on the left bank of the river, near the apex of an easterly bend next above the point of commencement, to low-water mark on that bank of the river;

thence down-stream by that low-water mark to a point due east of the point of commencement;

thence by a straight line across the river thereto.

## SECTION XXIII—YUNDA AND KIBUSU

Commencing at a beacon on the right bank of the Tana River, near the apex of a southerly bend about one mile below Merifano;

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thence bounded by a straight line in a southerly direction through a beacon on the right bank of the river near the apex of the first sharp westerly bend below Kibusu to its intersection with low-water mark on the opposite side of the river;

thence down-stream by that low-water mark to a point due south-east of a beacon on the left bank of the river in Malkachalalo Hamlet;

thence by a straight line to that beacon;

thence north-westerly by a straight line between that beacon and another on the right bank of the river in Kibusu Village to its intersection with low-water mark on that bank;

thence up-stream by that low-water mark to a point due north of the beacon at the point of commencement;

thence by a straight line thereto.

## SECTION XXIV—NGAO AND GOLBANTI

Commencing at a beacon on the left bank of the Tana River opposite the Nyika Settlement at Migeni;

thence bounded by a straight line north-easterly to a beacon near the western extremity of Lake Somiti or Shungwaya;

thence by a straight line through that lake to a beacon on its south-eastern shore near its north-eastern extremity;

thence south-easterly by a straight line to a beacon at the north-east corner of the Ngao Communal Shamba;

thence by the eastern boundary of that shamba southerly to its south-eastern corner marked by a beacon;

thence south-westerly by a straight line through a beacon on the left bank of the Tana River (at a point nearly due west of the Ngao Mission House) across the river to its intersection with low-water mark on its right bank;

thence by that low-water mark down-stream to a point due east of a beacon about one furlong below Golbanti;

thence westerly by a straight line for approximately one mile to a beacon;

thence northerly by a straight line to a beacon on the southern edge of the Shakababo Swamp;

thence northerly by a straight line still across that swamp to the western bank of the irrigation canal (or Bunta) which connects it with the Tana River;

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thence by that bank of the canal to its intersection with low-water mark on the right bank of that river;

thence up-stream by that low-water mark to a point due south of the point of commencement;

thence by a straight line thereto.

## SECTION XXV—ODA AND MUYE MKUU

Commencing at a beacon on the right bank of the Tana River at the eastern end of the village of Oda;

thence bounded by a straight line for approximately one mile southwards to a beacon;

thence north-easterly by a straight line to a beacon on the right bank of the Tana River at the apex of a westerly bend just below the village of Hemani;

thence due east by a straight line to low-water mark on the same bank of the river, and onwards up-stream by that low-water mark to a point due north-east of the beacon at the point of commencement;

thence by a straight line thereto.

The foregoing boundaries are delineated on Sheet 70 of the before-mentioned deposited plan.

## SECTION XXVI—MALALULU, ZUBAKI, NDURA AND TANGA

Commencing at low-water mark on the right bank of the Tana River at a point due east of a beacon at the north-east corner of Massabubu Government Camp;

thence due west by a straight line to its intersection with the line bounding the zone that includes all points on the right bank of the Tana River, distant one mile from low-water mark thereof;

thence in a generally southerly direction by that bounding line to a point due west of a beacon on the same bank of the river just below Mambosasa;

thence by a straight line through that beacon to its intersection with low-water mark on the opposite (left) bank of the river;

thence down-stream by that low-water mark to a point due west of a beacon near the apex of the easterly bend of the river next below Mambosasa;

thence by a straight line through that beacon to its intersection with the line bounding the zone that includes all points on the left bank of the river distant one mile from low-water mark thereof;

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thence in a generally northerly direction by that bounding line to a point due east of the point of commencement; thence by a straight line due west thereto.

## SECTION XXVII—NDEKA

Commencing at a beacon on the right bank of the Tana River, to the north of Kogolani;

thence bounded by a straight line due west to its intersection with the line bounding the zone that includes all points on the right bank of the river distant one mile from low-water mark thereof;

thence southerly by that bounding line to a point due west of a beacon on the right bank of the river near the apex of a sharp southerly bend about a mile below Kiniadu;

thence due north by a straight line to its intersection with low-water mark on the opposite (left) bank of the river;

thence down-stream by that low-water mark to a point due south of a beacon on the same bank of the river, near the apex of the northerly bend next below the southerly bend above mentioned;

thence by a straight line to that beacon;

thence due east by a straight line to its intersection with the line bounding the zone that includes all points on the left bank of the river distant one mile from low-water mark thereof;

thence northerly by that bounding line to a point due east of the point of commencement;

thence by a straight line thereto.

The foregoing boundaries are delineated on Sheet No. 71 of the before-mentioned deposited plan.

## SECTION XXVIII—TAVETA

Commencing at the easternmost corner of L.R. No. 5865; thence proceeding by straight lines each terminating at a beacon on the following bearings and for the following distances successively:—

181° 48' 48"	...	10,094.2 feet
217° 35' 45"	...	5,998.0 ..
175° 38' 35"	...	7,883.6 ..
175° 16' 20"	...	7,989.6 ..
242° 54' 40"	...	5,101.4 ..
241° 13' 38"	...	2,902.3 ..

and onward from the last beacon to the intersection with the Lumi River;

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thence down-stream by that river for about 5,000 feet to the intersection with a straight line on a true bearing of 242° 27' 56" from a beacon on the left bank;

thence by that straight line for a distance of about 45 feet to that beacon;

thence by a straight line on a true bearing of 62° 27' 56" for a distance of 3,489.7 feet to a beacon;

thence by straight lines each terminating at a beacon on the following approximate bearings and for the following approximate distances successively:—

218° 04'	...	3,604 feet
164° 12'	...	2,888 ..
126° 26'	...	3,592 ..
100° 58'	...	2,037 ..
150° 11'	...	2,527 ..
159° 39'	...	2,358 ..
180° 57'	...	2,873 ..

thence by a straight line bearing 254° 30' for 1,079 feet to a beacon near the edge of Lake Jipe;

thence by the same straight line extended to its intersection with the edge of that lake;

thence northerly and westerly by the lake edge to its intersection with the Kenya-Tanganyika Territory boundary at the mouth of the Rufu River;

thence generally westerly and northerly by part of that territorial boundary to the westernmost corner of L.R. No. 5865 on Lemrika Hill;

thence easterly by part of the southern boundary of that portion to the northernmost corner of L.R. No. 6732;

thence southerly, easterly and northerly by the western, southern and eastern boundaries of L.R. No. 6732 to the north-eastern corner of that portion;

thence northerly by the eastern boundary of L.R. No. 5827 and by part of the generally eastern boundary of L.R. No. 5865 to the south-east corner of L.R. No. 4118 (Taveta Trading Centre);

thence easterly by the southern boundary of L.R. No. 7251 to its south-east corner;

thence northerly and north-westerly by the eastern and north-eastern boundaries of that portion to its northernmost corner;

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thence south-westerly by the north-western boundary of the same portion to its intersection with the eastern boundary of L.R. No. 4118 (Taveta Trading Centre);

thence north-westerly by the north-eastern boundary of the latter portion to its intersection with the generally northern boundary of the Railway Reserve of the Voi-Moshi branch of the Kenya and Uganda Railway; which also forms part of the generally eastern boundary of L.R. No. 5865;

thence north-easterly by part of the generally eastern boundary of L.R. No. 5865 to its intersection with the Lumi River;

thence easterly by the same boundary to the point of commencement;

*Excluding and excepting—*

The areas within the foregoing boundaries known as L.R. Nos. 1188, 1192 and 7267 are not part of the Native Land and are excluded therefrom.

## SECTION XXIX—DABIDA AND SAGALLA

Commencing at the northernmost corner of L.R. No. 3881;

thence south-westerly by the north-western boundary of that portion to its intersection with the northern boundary of the Railway Reserve of the Voi-Moshi branch of the Kenya and Uganda Railway;

thence north-westerly by that railway reserve boundary to its intersection with a straight line bearing true north through a point 7,500 feet due west of the northernmost corner of L.R. No. 6925;

thence due north by that straight line for five miles;

thence north-easterly by a straight line to the south-west corner of L.R. No. 4718;

thence easterly by the southern boundary of that portion to its south-east corner;

thence north-easterly by part of the eastern boundary of the same portion to its intersection with the south-western boundary of L.R. No. 5951;

thence south-easterly, easterly and north-westerly by the south-western, southern and eastern boundaries of the latter portion to its north-east corner;

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thence due east by a straight line to its intersection with the western boundary of the railway reserve of the main line of the Kenya and Uganda Railway;

thence south-easterly by that railway reserve boundary to its intersection with the north-east boundary of L.R. No. 6866;

thence north-westerly by the north-east boundary of that portion to its northernmost corner;

thence south-westerly by the western, and south-easterly by the southern boundary of the same portion to the intersection of the latter boundary with the western boundary of the main line railway reserve;

thence south-easterly by that railway reserve boundary to its intersection with the northern boundary of L.R. No. 4957;

thence westerly by that boundary to the Trigonometrical Beacon Redcliff, the north-west corner of L.R. No. 4957;

thence south-easterly by the western boundary of L.R. No. 4957 to its intersection with the northern boundary of the Railway Reserve of the Voi-Moshi branch of the Kenya and Uganda Railway;

thence by a straight line bearing  $154^{\circ} 38' 32''$  for 686.6 feet to a beacon;

thence by a straight line bearing  $101^{\circ} 01' 52''$  for 10,616 feet to a beacon;

thence generally north-easterly by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

$14^{\circ} 54' 20''$	...	1,295.0 feet
$87^{\circ} 59' 14''$	...	3,021.1 "
$29^{\circ} 50' 16''$	...	1,857.3 "
$354^{\circ} 50' 10''$	...	3,055.4 "
$45^{\circ} 15' 42''$	...	464.6 "
$10^{\circ} 58' 39''$	...	777.2 "
$04^{\circ} 13' 32''$	...	2,361.4 "
$68^{\circ} 32' 13''$	...	962.5 "
$28^{\circ} 45' 00''$	...	727.3 "
$71^{\circ} 58' 14''$	...	1,621.5 "

to a point on the right bank of the Voi River;

thence northerly by a straight line bearing 04° 31' 03" to its intersection with the southern boundary of Voi Township on the right bank of the Voi River;

thence easterly and north-easterly by the Township Boundary to its intersection with the generally western boundary of L.R. No. 6937;

thence generally south-easterly by the latter boundary to the southernmost corner of L.R. No. 6937;

thence due south by a straight line for 36,960 feet to a beacon;

thence due west by a straight line for 21,130 feet to a beacon;

thence north-westerly by a straight line bearing 329° 38' 30" for 67,240 feet to a beacon on the south or right bank of the Voi River;

thence by that straight line extended to its intersection with the Voi River;

thence westerly by the Voi River up-stream to its intersection with the northern boundary of the Railway Reserve of the Voi-Moshi branch of the Kenya and Uganda Railway near the Voi River railway bridge;

thence south-westerly by that railway reserve boundary to its intersection with the north-eastern boundary of L.R. No. 3380/2;

thence north-westerly and northerly by part of the north-eastern boundary of that portion to its intersection with the Voi River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 3880/2;

thence south-westerly by that boundary to its intersection with the Mwatati River;

thence southerly by that river down-stream for a distance of about two miles to its intersection with a straight line on a bearing of 88° 27' 00" from a beacon on its right bank;

thence westerly by that straight line to that beacon and onwards by a straight line bearing 268° 27' 00" for a distance of 6,188.5 feet to a boundary beacon of the same portion;

thence westerly by a straight line bearing 91° 17' 04" for 30,329.3 feet to a beacon on the north-eastern boundary of L.R. No. 3881;

thence north-westerly by that boundary to the point of commencement.

Excluding and excepting—

The areas within the foregoing boundaries known as L.R. Nos. 925, 1046, 1077, 1078, 1194, 1195, 1196, 1197, 1199, 1200, 1201, 2338, 3894, 5059, 6945, 6946R and 7053 are not part of the Native Land and are excluded therefrom.

The following areas are not part of the Coast native land and are specifically excluded therefrom:—

- (a) The Kenya and Uganda Railway with all Station and other Railway Reserves.
- (b) Mambui Plots Nos. 273, 279 and 280; Mombasa Mainland North Group XIII (Sokoki) Plots Nos. 2 and 3; Mombasa Mainland North Section II. Plots Nos. 646 to 650 inclusive.
- (c) Plots 9-14 Group VI, Mtaunganyiko.
- (d) All land in private ownership; and all land which has become or may in future become the subject of a Certificate of Title issued under the Land Titles Ordinance, 1908.

SECTION XXX—KASIGAU NATIVE LAND

Commencing at a beacon situated on a true bearing of 321° 43' 21" and at a distance of 14,340.3 feet from the Trigonometrical Beacon "Kasigau".

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

07° 18' 54"	...	9,119.2 feet
95° 18' 45"	...	23,947.2 ..
184° 36' 12"	...	21,823.9 ..
226° 20' 12"	...	17,233.5 ..
289° 50' 16"	...	10,671.9 ..
311° 23' 22"	...	16,218.2 ..
41° 26' 34"	...	16,935.7 ..

to the point of commencement.

SECOND SCHEDULE  
NATIVE LAND UNITS

- (1) The Kikuyu.
- (2) The Masai.
- (3) The Kamba.
- (4) The Kerio.
- (5) The Nandi.
- (6) The Kavirondo.
- (7) The Lumbwa.
- (8) The North Pokomo.
- (9) The Coast Land.

Passed in the Legislative Council the eighteenth day of August, in the year of Our Lord one thousand nine hundred and thirty eight

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council and is presented for authentication and assent as a true and correct copy of the said Bill.

*Acting Clerk to the Legislative Council.*



Colony and Protectorate of Kenya

IN THE SECOND YEAR OF THE REIGN OF  
HIS MAJESTY KING GEORGE VI

HENRY ROBERT MOORE BROOKE-POPHAM  
G.C.V.O., K.C.B., C.M.G., D.S.O., A.F.C. *Governor*

Assented to in His Majesty's  
name this                      day of  
1938.

*Governor*

AN ORDINANCE TO AMEND THE CROWN  
LANDS ORDINANCE

**ORDINANCE No. XXVII of 1938**

**An Ordinance to Amend the Crown Lands Ordinance**

BE IT 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, 1938, 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.  
Chapter 140

2. This Ordinance shall not come into operation until Orders have been made by His Majesty in Council providing for the establishment of a Native Lands Trust Board and a Highlands Board, and shall thereafter come into operation on such date as the Governor shall by proclamation in the Gazette appoint.

Date of commencement.

3. Section 5, of the Principal Ordinance is hereby amended by the insertion therein of the following definitions:—

Amendment of section 5 of the Principal Ordinance.

"Highlands Board" means the Board to be established as the Highlands Board in accordance with the provisions of any Order of His Majesty in Council;

"native lands" mean the areas of land the boundaries of which are set out in the First Schedule to the Native Lands Trust Ordinance, 1938;

No. 28 of 1938.

"Native Lands Units" mean the sub-divisions of land into which the Native Lands are divided, which sub-divisions are described in the Second Schedule to the Native Lands Trust Ordinance, 1938;

No. 28 of 1938.

"Trust Board" means the Board to be established as the Native Lands Trust Board in accordance with the provisions of any Order of His Majesty in Council.

4. The Principal Ordinance is hereby amended by inserting therein, next after section 53, the following words and sections as Part VI:—

Insertion of Part VI in the Principal Ordinance.

## "PART VI

## RESERVATION OF LAND FOR SPECIAL PURPOSES

*Native Reserves and Temporary Native Reserves*Definition of  
native reserves.

54. The areas of Crown land, the boundaries of which are set out in the Fourth Schedule to this Ordinance, shall be reserved for the use and enjoyment of the native tribes specified in the said Schedule, in satisfaction of their economic needs, and shall be known as the native reserves.

Definition of  
temporary  
native reserves.

55. The areas of Crown land, the boundaries of which are set out in the Fifth Schedule to this Ordinance, shall be temporarily reserved for the use and enjoyment of the native tribes specified in the said Schedule and shall be known as the temporary native reserves.

Governor may  
vary boundaries  
of native  
reserves and  
temporary  
native reserves.

56. (1) Where the Governor is satisfied that, as a result of a diminution in the numbers of a tribe, or for economic reasons, any area of land in the native reserves is no longer required for the use and enjoyment of the tribes referred to in the Fourth Schedule to this Ordinance, or where the Governor is satisfied that any area of land in the temporary native reserves is no longer required for the use and enjoyment of the tribes referred to in the Fifth Schedule to this Ordinance, he may, by Proclamation, alter the boundaries of the native reserves or of the temporary native reserves, as the case may be, and with effect from the date of publication of such Proclamation any area of land which may be excluded from the native reserves or from the temporary native reserves in consequence of such alteration shall cease to form part of the native reserves or the temporary native reserves, as the case may be.

(2) The Governor shall, before exercising his powers under the provisions of this section, consult the Trust Board and, if the Trust Board refuses to give its consent to the action proposed, the Governor shall refer the matter to the Secretary of State whose decision shall be final.

Governor's  
power to set  
aside land for  
native reserves  
and temporary  
native reserves.

57. (1) Where the Governor considers it desirable, he may, from time to time, with the approval of the Legislative Council and subject generally to the provisions of this Ordinance, by Proclamation set aside other areas of Crown land as native reserves or temporary native reserves for the purpose of satisfying the economic needs (whether temporary or permanent) of any of the native tribes of the Colony, and with effect from the date of publication of such Proclamation any

area so set aside shall form part of the native reserves or the temporary native reserves, as the case may be, and the provisions of this Part relating to the native reserves or the temporary native reserves, as the case may be, shall thereupon apply to such areas, save that a rent shall be payable for the occupation of such areas, computed on the fair economic value of the land.

(2) If any such area of Crown land is situate in the Highlands, it shall not be set aside except with the consent of the Highlands Board.

57A. (1) The Governor may, with the advice of the Trust Board, grant to such native tribes for such terms and subject to such conditions regarding occupation, use and development as he may deem expedient or as may be prescribed, permits to occupy the temporary native reserves.

Permits to  
occupy  
temporary  
native reserves.

(2) No permit so granted shall be revoked without the consent of the Secretary of State, to whom any proposal for any such revocation shall be referred by the Governor together with the comments of the Trust Board upon such proposal.

58A. Save in regard to matters wherein express provision is made in this Part of this Ordinance, and to the exceptions hereinafter in this section contained, the native reserves and the temporary native reserves shall be subject to the provisions of the Native Lands Trust Ordinance, 1938, as if the expression "native lands" appearing therein contained a reference to the native reserves or to the temporary native reserves as the case may require: Provided that:—

Application of  
Native Lands  
Trust Ordinance,  
1938.

No. 28 of 1938.

(a) the native reserves and the temporary native reserves shall be under the protection of, but shall not vest in the Trust Board;

(b) sections 6, 7 (4), 7 (5), 24, 25, 26, 28, 29, 30, 47, 48, 49 and 68 and the proviso to section 23 of the Native Lands Trust Ordinance, 1938, shall not apply to the native reserves or to the temporary native reserves.

No. 28 of 1938.

*Native Leasehold Areas*

58B. The areas of land, the boundaries of which are set out in the Sixth Schedule to this Ordinance, shall be reserved for the use and occupation of natives, and shall be known as the native leasehold areas.

Definition of  
native leasehold  
areas.

Leases to natives.

58c. (1) The Governor may grant leases of land in the native leasehold areas to any native group, family or individual for such terms and upon such conditions as may be specified in such leases or as may be prescribed.

(2) Any rental payable in respect of a lease of land in the native leasehold areas shall be paid into the general revenues of the Colony.

Transfer of leases to non-natives.

(3) Subject to the consent of the Trust Board and to the provisions of sub-section (3) of the next succeeding section, the Governor may, for such term and upon such conditions as he may deem expedient, sanction the transfer of a lease in the native leasehold areas from a native lessee to a non-native.

Leases to non-natives.

58d. (1) The Governor may grant, for a term not exceeding ten years, leases to non-natives of land in such areas of the native leasehold areas as, in the opinion of the Chief Native Commissioner after consultation with the Provincial Commissioner, are surplus to the requirements of the natives at the time the lease is granted and which will be surplus to the requirements of the natives during the currency of the term of the lease.

(2) Subject to the consent of the Trust Board and to the provisions of sub-section (3) of this section, the Governor may grant, for such term, not exceeding 99 years, and upon such conditions as he may deem expedient, leases to non-natives of land in such unalienated areas of the native leasehold areas as, in the opinion of the Trust Board, are available for such purpose. In the selection of such areas due regard shall be had to the amount of land which is required and is likely to be required for leasing to natives, not only at the time when a lease is granted, but also during the currency of the term of the lease.

(3) The Trust Board shall not in any case consent to—

(a) the transfer of a lease to a non-native under the provisions of section 58c of this Ordinance; or

(b) the grant of a lease to a non-native under the provisions of sub-section (2) of this section,

unless the Board is satisfied that such transfer or such lease is desirable in the interests of the natives. Where the Board withholds its consent, the Governor may refer the matter to the Secretary of State, whose decision shall be final.

58e. (1) For the purpose of effecting exchanges of land the Governor may, with the consent of the Trust Board, resume possession of any area of land in the native leasehold areas, which area shall thereupon cease to form part of the native leasehold areas, and in exchange for such area may make an addition of Crown land to the native leasehold areas. The Crown land so added shall in every case be equal in value and, so far as may be possible, equal in size, to the area of land of which possession has been so resumed, and shall form part of the native leasehold areas.

Power to resume possession for purpose of exchange.

(2) No such addition shall be made of Crown land situate in the Highlands, save with the consent of the Highlands Board.

*The Highlands*

58f. The areas of Crown land, the boundaries of which are set out in the Seventh Schedule to this Ordinance, shall be known as "the Highlands", and shall be subject to the protection and control of the Highlands Board in accordance with the provisions of any Order of His Majesty in Council and of this Ordinance and of any other law for the time being in force in the Colony.

The Highlands.

*The Northern Frontier District and the Turkana District*

58g. (1) The areas of Crown land, the boundaries of which are set out in the Eighth Schedule to this Ordinance, and which are therein respectively described as the Northern Frontier District and the Turkana District, shall be areas in which the native tribes at present residing therein shall have a prior interest. The Governor may, from time to time, with the approval of the Secretary of State, by proclamation vary the boundaries of the said areas, and where any such variation has been made the Eighth Schedule to the Ordinance shall be read and construed subject to the variations specified in such proclamation.

The Northern Frontier District and Turkana District.

(2) Where the Provincial Commissioner considers it desirable that any specific area of land within these areas should be used for a township, trading centre, market, school or hospital, or for any other purpose which in his opinion is likely to benefit the natives resident in these areas, he may, by notice in the Gazette, set aside such area for such purpose:

Power to set aside land.

Provided that in the case of land required for residential sites or townships the Provincial Commissioner shall not set aside such land save with the consent of the Governor.

Power to grant leases.

(3) Where any land has been set aside under the provisions of sub-section (2) of this section, the Governor may grant a lease of such land for such term and upon such conditions as he may deem expedient:

Provided that, where any land has been set aside for a purpose other than a township, trading centre, market, school or hospital, the Governor shall not grant a lease of such land except with the consent of the Trust Board, and, if the Trust Board does not give its consent to the lease, the Governor may refer the matter to the Secretary of State whose decision shall be final.

(4) No compensation shall be payable in respect of the setting aside and leasing of land under this section except for buildings and crops destroyed or damaged and for disturbance or other loss or expense caused by such setting aside or leasing.

(5) Notwithstanding the priority of the interests of the tribes in the areas mentioned in this section the Crown shall be entitled to resume any part of the land for any of the purposes specified in section 58i of this Ordinance.

#### GENERAL

Permits to occupy other Crown Land

58h. (1) The Governor may grant to any native tribe permits to occupy areas of Crown land which are adjacent to the Native Land Unit provided for such tribe under the provisions of the Kenya (Native Areas) Order in Council, 1938.

(2) No such permit may be granted for the occupation of any land situate in the Highlands, save with the consent of the Highlands Board.

(3) Every permit granted under the provisions of this section shall be subject to such conditions in regard to the occupation, use and development of the land to which the permit relates as may be prescribed.

Power to exclude from temporary native reserves, native reserves and native leasehold areas for public purposes, etc.

58i. (1) The Governor in Council may, by Proclamation, exclude from the native reserves, the temporary native reserves or the native leasehold areas any land which may be required for any of the following purposes—

- (a) public railways, tramways or roads, or for a tramway or road of access;
- (b) public reservoirs, aqueducts, canals, watercourses or water-pipe lines;

- (c) public sewerage works;
- (d) public quays, wharves or landing places;
- (e) public aerodromes and landing grounds;
- (f) the development of electric power for public purposes from any lake, river or stream;
- (g) buildings or works, together with the necessary curtilage thereof, which are to be erected in connexion with any of the foregoing purposes;
- (h) outspans;
- (i) Government stations or camps;
- (j) hospitals, schools, or any institutions erected by Government;
- (k) afforestation purposes;
- (l) any other purpose which the Governor may declare to be a public purpose;

and in the case of the native leasehold areas the Governor in Council may, in addition, in like manner exclude therefrom any land which may be required for a township, trading centre or market.

(2) The Governor may, by notice in the Gazette, declare what is a public purpose for the purposes of this Part of this Ordinance.

(3) No compensation shall be payable in respect of an exclusion of land under this section except for buildings and crops destroyed or damaged and for disturbance or other loss or expense caused by such exclusion.

Compensation.

58j. The Governor may, with the advice and consent of the Trust Board, make Rules providing for the management, administration and control of the native reserves, the temporary native reserves and the native leasehold areas, including the occupation, use and development of such reserves and areas, and the measures, in addition to the penalties provided in section 58n of this Ordinance, to be taken upon failure to comply with such Rules, and generally for carrying into effect the purposes and provisions of this Part of this Ordinance.

Rules.

#### MISCELLANEOUS

58k. Notwithstanding anything in this Ordinance contained, the Governor, in cases where the offences of treason or rebellion against His Majesty have been proved to have been committed by any native tribe, group, family or individual, and in addition to any other punishment lawfully inflicted in respect of an offence so committed, may order that any rights,

Forfeiture for treason or rebellion.

permits or leases in respect of any land comprised in the areas defined in the Fourth, Fifth, Sixth and Eighth Schedules to this Ordinance, shall be forfeited. Every such order of the Governor shall be subject to the approval of the Secretary of State.\*

Operation of the Mining Ordinance, 1933.

58L. Nothing in this Part of this Ordinance contained shall be deemed to affect the operation of the Mining Ordinance, 1933, save that the native reserves and the temporary native reserves shall, for the purposes of that Ordinance, be deemed to form part of the native lands.

Construction

58M. Where any of the provisions of this Part conflict or are inconsistent with any of the provisions of any other Part of this Ordinance, the provisions of this Part shall prevail.

Penalties

58N. Every omission or neglect to comply with, and every act done, or attempted to be done, contrary to, the provisions of this Part of this Ordinance or of any Rules made there under, or in breach of the conditions and restrictions subject to or upon which any lease, licence or permit has been issued, shall be deemed to be an offence against this Ordinance, and for every such offence for which no penalty is specially provided the offender shall be liable, on conviction by a magistrate, to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

Definition of native

58O. For the purposes of this Part of this Ordinance the expression "native" shall have the meaning assigned to it by the Interpretation (Definition of "Native") Ordinance, 1934, save that it shall include a Somali."

No. 35 of 1934

Addition of Schedules to the Principal Ordinance.

5. The Principal Ordinance is hereby amended by adding thereto at the end thereof the Schedules set out in the Schedule hereto.

Amendment of the Principal Ordinance and the Interpretation and General Clauses Ordinance, Cap. 1

6. The definition of "Crown lands" in section 5 of the Principal Ordinance and the definition of "Crown lands" in section 2 of the Interpretation and General Clauses Ordinance (Chapter 1 of the Revised Edition) are hereby amended by the addition to each such definition of the following words—

"Save only the lands declared to be native lands by the Native Lands Trust Ordinance, 1938."

No. 28 of 1938

Repeal of section 86 of the Principal Ordinance.

7. Section 86 of the Principal Ordinance is hereby repealed.

SCHEDULE  
FOURTH SCHEDULE  
NATIVE RESERVES

The Native Reserves, which are described below, are delineated and bordered yellow with red hatching on Boundary Plan No. 157, deposited at the Land Survey Records Office, Nairobi.

Freehold areas, which lie within the boundaries described below are not part of the Native Reserves and are excluded therefrom whether specifically mentioned or not.

Where a river or stream is described as forming a boundary the centre line of its course shall be the boundary unless otherwise stated.

(1) NGELESHA

(For the use and enjoyment of the Njenjjes tribe)

Commencing at the northern corner of L.R. No. 2689/R; thence proceeding by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

38° 09' 43"	...	7,600.7 feet
340° 56' 19"	...	5,917.7 "
330° 09' 18"	...	7,466.4 "
343° 30' 57"	...	5,811.7 "
325° 24' 42"	...	6,837.9 "
22° 23' 45"	...	41,377.8 "
24° 41' 39"	...	24,101.4 "
24° 23' 20"	...	29,830.3 "
21° 13' 38"	...	1,045.1 "
22° 25' 20"	...	2,754.9 "
343° 17' 25"	...	6,321.3 "

thence by a straight line south-westerly to the summit of the hill Morillo;

thence by a straight line still south-westerly to the height on the Laikipia Escarpment shown 4457 on the Topographical Sheet North A 37/S (latitude 0° 24' 50" north, longitude 36° 07' 30" east, approximately);

thence by a straight line south-easterly to the point of commencement.

(2) ESAGERI

(For the use and enjoyment of the Kamasia tribe)

Commencing at the eastern corner of L.R. No. 488; thence proceeding by a straight line on a true bearing of 46° 03' 57" for a distance of 6,613.6 feet to a beacon;

thence by a straight line on a true bearing of  $138^{\circ} 27' 00''$  for a distance of 2,381.7 feet to a beacon;

thence by a straight line on a true bearing of  $30^{\circ} 32' 11''$  for a distance of 8,746.4 feet to a beacon on the south-western boundary of L.R. No. 662;

thence south-easterly by that boundary to its intersection with the Molo River;

thence up-stream by that river to its intersection with the north-eastern boundary of L.R. No. 486/1;

thence by the north-eastern and north-western boundaries of that portion to its westernmost corner on the north-eastern boundary of the Sclaters Road Reserve;

thence across that road reserve by a straight line on a bearing of  $223^{\circ} 01' 18''$  for a distance of 201.0 feet to a beacon on the north-eastern boundary of L.R. No. 487/26/4;

thence north-westerly by that north-eastern boundary to the northernmost corner of that portion;

thence south-westerly by the north-western boundaries of L.R. Nos. 487/25/4, 487/27, 487/28/4 to the westernmost corner of the last portion;

thence still south-westerly by the north-western boundary of L.R. No. 487/29 for a distance of about 750 feet to a beacon.

thence generally westerly, northerly and again westerly by a series of cut and beacons lines to the intersection with the eastern boundary of L.R. No. 502 (Mount Londiani Forest Reserve);

thence due north by the eastern boundary of that Forest Reserve for a distance of about 8,400 feet to the north-eastern corner of that reserve;

thence due west by the northern boundary of that Forest Reserve to its intersection with the Esageri River;

thence down-stream by that river to its intersection with the generally northern boundary of L.R. No. 5261;

thence generally westerly by that northern boundary and the generally northern boundary of L.R. No. 5242 to the intersection of the latter with the Enarosura River;

thence down-stream by that river to its confluence with the Esageri River;

thence up-stream by that river to its intersection with the south western boundary of L.R. No. 493.

thence south-easterly by that boundary and by the south-western boundary of L.R. No. 5641 to the south-eastern corner of that portion;

thence north-easterly by the south-eastern boundaries of L.R. Nos. 5641, 6262, 5276, 5249 and 488 to the point of commencement.

(3) TAVETA

(For the use and enjoyment of the Taveta tribe)

Commencing at the easternmost corner of L.R. No. 5865; thence northerly by the eastern boundary of that portion to its northernmost corner;

thence westerly by the northern boundary of the same portion to its intersection with the Kenya-Tanganyika Territory boundary;

thence northerly by part of that Territorial boundary to the Trigonometrical Beacon Chala;

thence easterly by part of the same boundary to its intersection with the edge of Lake Chala;

thence southerly, easterly and north-easterly by that lake edge to its intersection on the north-eastern side of the lake with the Territorial boundary;

thence northerly by part of that Territorial boundary to a point due west of the point of intersection of the southern boundary of L.R. No. 6730/2 with the Lumi River;

thence by a straight line to that point of intersection;

thence down-stream by the Lumi River to its intersection with the southern boundary of L.R. No. 7287;

thence easterly by that southern boundary for a distance of about 170 feet to a beacon and onwards for a further distance of about 445 feet;

thence due south by a straight line to its intersection with the northern boundary of Voi-Moshi main road;

thence westerly by that northern boundary to its intersection with a straight line on a bearing of  $171^{\circ} 50' 00''$  from the easternmost corner of L.R. No. 4881;

thence southerly by that straight line on that bearing for about 40,000 feet to a beacon;

thence by a straight line on a true bearing of  $330^{\circ} 39' 54''$  for a distance of 17,710.6 feet to a beacon;

thence by a straight line on a true bearing of  $242^{\circ} 27' 56''$  for a distance of 3,489.7 feet to a beacon and onward to its intersection with the Lumi River;

thence up-stream by that river for about 5,000 feet to its intersection with a straight line on a true bearing of 241° 13' 38" from a beacon on the left bank;

thence by that straight line for about 84 feet to that beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

61° 13' 38"	...	2,902.3 feet
62° 54' 40"	...	5,101.1 "
355° 16' 20"	...	7,989.6 "
355° 38' 35"	...	7,883.6 "
37° 35' 45"	...	5,998.0 "
1° 48' 48"	...	10,094.2 "

to the point of commencement.

## (4) NORTH YATTA

(For the use and enjoyment of the Kikuyu tribe)

Commencing at the junction of the Tana and Thika Rivers on the eastern boundary of L.R. No. 1992;

thence proceeding down-stream by the Tana River to its junction with the Kithioko River;

thence up-stream by that river to its junction with the Ngomolo River;

thence up-stream by that river to its intersection with the straight line joining the Trigonometrical Beacons Ndalai and Thatha;

thence by that straight line for a distance of about 28,016 feet to the latter Trigonometrical Beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

266° 40' 51"	...	52,766.9 feet
278° 03' 23"	...	5,241.8 "
7° 04' 56"	...	30,815.5 "
277° 31' 09"	...	15,782.2 "
276° 15' 46"	...	2,000.0 "

to the eastern corner of L.R. No. 7047;

thence by the northern and western boundaries of L.R. No. 7047 to the intersection with the northern boundary of L.R. No. 2305;

thence westerly by part of the northern boundary of that portion to its intersection with the Thika River;

thence down-stream by that river to the point of commencement.

## (5) YATTA PLATEAU

(For the use and enjoyment of the Kamba tribe)

Commencing at the intersection of the south-eastern boundary of L.R. No. 2304 with the Athi River;

thence proceeding by the south-eastern boundaries of L.R. Nos. 2304, 2301, 2296 and the eastern boundary of L.R. No. 2295 to the north-eastern corner of the last portion;

thence by a straight line on a true bearing of approximately 92° 48' for a distance of about 391 feet to a beacon on the eastern boundary of the road reserve which forms the eastern boundary of L.R. No. 2294/R;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

146° 33' 56"	3,772.4 feet
98° 03' 23"	25,311.2 "
86° 40' 51"	250.3 "
176° 40' 07"	16,223.0 "

to its intersection with the head-water of Muta Chana (Siano) River.

thence down-stream by that river to its intersection with the northern boundary of the old Machakos-Kitui track.

thence south-easterly by that track boundary to its intersection with the Athi River;

thence up-stream by that river to the point of commencement.

## FIFTH SCHEDULE

## TEMPORARY NATIVE RESERVES

The Temporary Native Reserves, which are described below, are delineated and hatched yellow on Boundary Plan No. 157, deposited at the Land Survey Records Office, Nairobi.

Freehold areas which lie within the boundaries described are not part of the Temporary Native Reserves and are excluded therefrom whether specifically mentioned or not.

Where a river or stream is described as forming a boundary the centre line of its course shall be the boundary unless otherwise stated.

## (1) CHURO

(For the use and enjoyment of the East Suk tribe)

Commencing at the summit of the hill Ol Doinyo Lengere (Alengere);

thence in a generally southerly direction—by a series of straight lines—through the heights shown 4241, 4263, 4291, 4320, 4070 and 4141 on the Topographical Sheet North A 37/S to a beacon on a small hill about one mile east of Old Baringo Boma;

thence by a straight line on a true bearing of 43° 49' 38" for a distance of 6,209.3 feet to a beacon;  
thence by a straight line on a true bearing of 75° 32' 50" for a distance of 21,782.3 feet to a beacon;  
thence by a straight line on a true bearing of 45° 24' 57" for a distance of 29,541.8 feet to a beacon;  
thence by a straight line on a true bearing of 31° 50' 42" for a distance of 45,104.9 feet to a beacon;  
thence by a straight line on a true bearing of 20° 32' 21" for a distance of 5,256.1 feet to a beacon;  
thence by a straight line on a true bearing of 58° 55' 12" for a distance of approximately 7,000 feet to the Amaya River;

thence down-stream by that river to a point on a true bearing of 83° 30' 18" from the point of commencement;  
thence by a straight line to the point of commencement.

## (2) LEGISIANAN

(For the use and enjoyment of the *Kamasia* tribe)

Commencing at the north-west corner of L.R. No. 1650;  
thence southerly by the western boundary of that portion to its south-western corner;  
thence south-westerly by the north-western boundary of L.R. No. 1651 to the western corner of that portion;  
thence north-westerly by the north-eastern boundaries of L.R. Nos. 3816/R, 3815/R, 3814/R to the north-western corner of the last portion;  
thence northerly by a straight line to the Trigonometrical Beacon Legisianan;

thence northerly, easterly and north-easterly by part of the western and the generally north-western boundary of L.R. No. 5259/2 to the point of commencement.

## (3) KIRUI

(For the use and enjoyment of the *Kamba* tribe)

Commencing at the Trigonometrical Beacon Thatha;  
thence by a straight line on a true bearing of 266° 40' 51" for a distance of 52,516.5 feet to a beacon;  
thence by a straight line on a true bearing of 176° 40' 07" for a distance of 16,223 feet to its intersection with the head-water of Muita Chana (Siano) River;

thence down-stream by that river to its intersection with the northern boundary of the old Machakos-Kitui track;  
thence north-easterly by that northern boundary to its intersection with the Tiva River;

thence by that river up-stream for a distance of about 4½ miles;

thence by a straight line to a cairn on its right bank;  
thence generally north-westerly by a line defined by a series of cairns to the Trigonometrical Beacon Mwakini;  
thence generally north-easterly by a line defined by a series of cairns to its intersection with the straight line joining the Trigonometrical Beacons Thatha and Ndalai;  
thence north-westerly by that straight line to the point of commencement.

## (4) TEITA

(For the use and enjoyment of the *Teita* tribe)

Commencing at the intersection of the eastern boundary of Maktau Station Reserve with the northern boundary of the railway reserve of the Voi-Moshi branch of the Kenya and Uganda Railway;

thence south-easterly by that railway reserve boundary to its intersection with a straight line bearing true north through a point 7,500 feet due west of the northernmost corner of L.R. No. 6925;

thence due north by that straight line for five miles;  
thence north-easterly by a straight line to the south-west corner of L.R. No. 4718;

thence northerly by the western boundary of that portion for about 14,000 feet;

thence due west by a straight line to a point due north of the point of commencement;

thence due south by a straight line to the point of commencement.

## SIXTH SCHEDULE

## NATIVE LEASEHOLD AREAS

The Native Leasehold Areas, which are described below, are delineated and cross-hatched brown on Boundary Plan No. 157, deposited at the Land Survey Records Office, Nairobi.

Freehold areas which lie within the boundaries described are not part of the Native Leasehold Areas and are excluded therefrom whether specifically mentioned or not.

Where a river or stream is described as forming a boundary the centre line of its course shall be the boundary unless otherwise stated.

## ISILO

Commencing at the Trigonometrical Beacon Lendili; thence easterly by a straight line to the Trigonometrical Beacon Mukogodo;

thence south-easterly by the straight line between that trigonometrical beacon and the western corner of L.R. No. 2791 for a distance of about 65,000 feet;

thence due east by a straight line to its intersection with the Ngare Siolo (Isiolo River);

thence down-stream by that river to its intersection with the Nyeri-Archer's Post Road in the vicinity of the K.A.R. Wagon Camp;

thence north-easterly by the straight line from that point of intersection to the southern of the two principal summits of Shaba Hill, for a distance of about 80,000 feet;

thence due north by a straight line to its intersection with the E. Uaso Nyiro;

thence up-stream by that river to a point due north of the Trigonometrical Beacon Lendili (the point of commencement);

thence due south by a straight line to the point of commencement.

## SEVENTH SCHEDULE

## BOUNDARIES OF THE HIGHLANDS

The Highlands, which are described below in six sections, are delineated and bordered red on Boundary Plan No. 133, deposited at the Land Survey Records Office, Nairobi.

*Specific Exclusions.*—All proclaimed Municipalities, Townships and Trading Centres are excluded from the Highlands; and any area which shall in future be declared by proclamation to be a Municipality, Township or Trading Centre shall be deemed also to be excluded from the date of such proclamation.

*Note.*—Where a river or stream is described as forming a boundary the centre line of its course shall be the boundary unless otherwise stated.

Successive portions of the boundary are numbered in order on Boundary Plan No. 133. The descriptions hereunder of those successive portions have corresponding numbers in the right hand margin to enable them to be readily followed on the plan.

## Descriptions.

## SECTION I

Commencing at the westernmost corner of L.R. No. 6439; (1)

thence by the south-western boundary of that portion to its intersection with the Kamakoiwa River;

thence down-stream by that river to its junction with the Kimilil (Kabisi) River;

thence down-stream by that river to its junction with the Nzoia River;

thence down-stream by that river to its intersection with the south-western boundary of L.R. No. 4099;

thence by the latter boundary to the westernmost corner of L.R. No. 4121;

thence by the south-western boundaries of L.R. Nos. 4121 and 4122 to the southernmost corner of the latter portion (Senya Hill);

thence by the north-western boundaries of L.R. Nos. 6176 and 4130 to the south-western corner of the latter portion (Bwanga); (2)

thence by the southern boundaries of L.R. Nos. 4130 and 4126 to the south-eastern corner of the latter portion;

thence by part of the southern boundary of L.R. No. 5598 for a distance of about 9507 feet to its intersection with an unnamed watercourse;

thence up-stream by that watercourse to a beacon at its source;

thence by a straight line on a true bearing of  $187^{\circ} 09' 57''$  and for a distance of 3,060.0 feet to the north-western corner of L.R. No. 6954;

thence by the western boundaries of L.R. Nos. 6954 and 6955 and by the western, south-western and south-eastern boundaries of L.R. No. 6956 to the westernmost corner of L.R. No. 3134;

thence by part of the south-western boundary of L.R. No. 3134 for a distance of about 775 feet to its intersection with the unnamed river which forms the north-western boundary of L.R. No. 7140;

thence up-stream by that unnamed river for a distance of about 6,800 feet to a point on a true bearing of  $341^{\circ} 33' 28''$  from a beacon situated on the right bank;

thence by a straight line to that beacon and onwards by a straight line on a true bearing of  $161^{\circ} 33' 28''$  and for a distance of 2,663.6 feet to a beacon;

thence by a straight line on a true bearing of  $180^{\circ} 27' 17''$  and for a distance of 2,507.3 feet to the north-western corner of L.R. No. 6957;

thence by the western and south-western boundaries of that portion to the intersection of the latter with the river which forms the generally western boundary of L.R. No. 3160;

thence by that river up-stream to its intersection with the southern boundary of L.R. No. 3160;

thence by that southern boundary to the north-western corner of L.R. No. 6958; (3)

thence southerly and easterly by the western and part of the southern boundary of L.R. No. 6958 to the intersection of the latter with the river which forms the western boundary of L.R. No. 6959/2;

thence by that river up-stream to its intersection with the south-western boundary of L.R. No. 6960/2;

thence south-easterly by that boundary to the southern corner of that portion;

thence south-easterly by part of the south-western boundary of L.R. No. 4363 for a distance of 3,570 feet to a beacon;

thence easterly by a straight line on a true bearing of  $94^{\circ} 38' 34''$  and for a distance of about 3,217.2 feet to a beacon on the south-western boundary of L.R. No. 3161;

thence by part of the south-western boundary of that portion, and the south-western boundaries of L.R. Nos. 3150, 3149, 3148 and 3147 to the south-eastern corner of the last portion;

thence northerly by the eastern boundaries of L.R. Nos. 3147 and 3151 and onwards across the road reserve to the southernmost corner of L.R. No. 3120;

thence still northerly by the eastern boundaries of L.R. Nos. 3120, 4112, 3156, 6427 and 6426 to the north-eastern corner of the last portion; (4)

thence easterly by part of the southern boundary of L.R. No. 755/2/2 and the whole of the southern boundaries of L.R. Nos. 5323 and 755/4/R to the south-eastern corner of the latter portion (Eldalat);

thence by the generally western boundaries of L.R. Nos. 5731, 766/1, 766/2, 766/3, 749, 748, 747, 6467, 6609, 6608, 6478, 693/1, 689, 3063, 4137, 4281 and 686 to the southern corner of the last portion (Olessos); (5)

thence by the north-western boundary of L.R. No. 6457/R and onwards across a road reserve to the northernmost corner of L.R. No. 1484;

thence by the north-western boundaries of L.R. Nos. 1484, 6775, 1481/R and part of 1478A to its intersection with the Kepsimbegwa River;

thence down-stream by that river to its junction with the Choimim River;

thence down-stream by the latter river to its intersection with the northern boundary of L.R. No. 1371;

thence by the northern boundary of the latter portion to its north-western corner;

thence by the western boundary of L.R. No. 1371 to its intersection with the Kamarya River;

thence down-stream by that river to its junction with the Kapchure River;

thence down-stream by that river to its intersection with the south-western boundary of L.R. No. 7057; (6)

thence by that south-western boundary to the southernmost corner of that portion;

thence by the south-western boundary of L.R. No. 1468 to its intersection with the Ainomotua River;

thence up-stream by that river to its intersection with the western boundary of L.R. No. 3071;

thence by the generally western boundaries of L.R. Nos. 3071, 1617 and the north-western boundary of L.R. No. 1613 to the south-western corner of the last portion;

thence south-easterly by part of the north-eastern boundary of L.R. No. 6086 to the north-western corner of L.R. No. 1580/1;

thence by the north-western boundaries of L.R. Nos. 1580/1 and 1580/2 to the south-western corner of the latter portion and onwards by the same straight line to its intersection with the southern boundary of the Kenya and Uganda Railway Reserve;

thence easterly by that southern boundary to the north-western corner of L.R. No. 3102;

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thence by the north-western boundary of that portion to its intersection with the Nyando River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 3979;

thence by that north-western boundary to its south-western corner;

thence by the southern boundaries of L.R. Nos. 3979 and 3978/2 to the south-eastern corner of the latter portion;

thence by part of the eastern boundary of L.R. No. 3978/2 for a distance of 5,751.54 feet to the Chemutum Salt Lick;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

296° 26' 20"	4,154.0 feet
206° 26' 20"	600.0 ..
296° 26' 20"	900.0 ..
26° 26' 20"	900.0 ..
116° 26' 20"	5,045.3 ..

to a beacon on the south-eastern boundary of L.R. No. 3978/2;

thence by part of the south-eastern boundary of L.R. No. 3978/2 and the whole of L.R. No. 3977 to the south-western corner of L.R. No. 643/1;

thence by the southern boundary of L.R. No. 643/1 to its intersection with the Nyando River;

thence up-stream by that river to its junction with the Tugenon River;

thence up-stream by that river to its intersection with the western boundary of L.R. No. 6071; (7)

thence southerly by the western boundary of that portion to the north-western corner of L.R. No. 6033;

thence south-westerly by the north-western boundaries of L.R. Nos. 604/2/R, 604/1, 610, 611/2, 6067/1, 612/1/R, 7282, 2977, 2334 (Crown Land) 625, 627, 628 to the intersection with the north-eastern boundary of Kericho Township (L.R. No. 631);

thence north-westerly, south-westerly and south-easterly by part of the north-eastern, the north-western, and part of the south-western boundary of that township to the intersection of the last mentioned with the north-western boundary of L.R. No. 5467.

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thence generally south-westerly by the generally north-western boundaries of L.R. Nos. 5467 and 4098 to the intersection of the latter with the Kitho (or Jamji) River;

thence down-stream by that river to its junction with the Chepkoiisi River;

thence up-stream by the latter river to its intersection with the southern boundary of L.R. No. 5436;

thence easterly by that boundary to the south-eastern corner of the latter portion;

thence northerly by the eastern boundary of that portion to its intersection with the southern boundary of L.R. No. 6001/1;

thence easterly by the latter boundary to its intersection with the Koruma River;

thence up-stream by that river to its intersection with the eastern side of the Sotik-Kericho main track 25-foot reservation;

thence southerly by a cut and beacons straight line to its intersection with the Chepkoiisi (Kiptiget) River which forms the northern boundary of L.R. No. 6020;

thence down-stream by that river to its junction with the Dare (Itare) River;

thence up-stream by the latter river to its intersection with the straight line joining the Trigonometrical Beacon Posta with the south-western corner of L.R. No. 553;

thence south-westerly by a straight line to the Trigonometrical Beacon Posta; (8)

thence by a straight line in the direction of the Trigonometrical Beacon Kabroret to its intersection with the Kipsonoi River;

thence north-easterly by a straight line to the south-western corner of L.R. No. 4600;

thence by the generally south-eastern boundaries of L.R. Nos. 4600 and 4598 to the north-eastern corner of the latter portion;

thence by part of the generally south-eastern boundary of L.R. No. 4597 for a distance of approximately 2,800 feet to its intersection with a cut and beacons line;

thence south-easterly by that cut and beacons straight line which is on a true bearing of 100° 29' 29" for a distance of 12,354.2 feet to a beacon;

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thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

12° 29' 29"	7,899	feet
23° 37' 13"	11,760.2	"
60° 56' 43"	3,294.6	"
74° 52' 34"	11,498.2	"
126° 00' 55"	3,486.4	"
199° 01' 32"	6,135.2	"
117° 13' 37"	24,163.7	"
145° 23' 35"	9,007.8	"
112° 04' 02"	3,048.3	"

to a beacon on the western boundary of L.R. No. 3990;

thence southerly and easterly by part of the western boundary and the whole of the southern boundary of the latter portion to its south-eastern corner;

thence generally southerly by the generally western boundary of L.R. No. 1316 to the southernmost corner of that portion;

thence north-easterly by part of the south-eastern boundary of the latter portion for a distance of 30,283.7 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

140° 38' 53"	1,016	feet
151° 04' 32"	500.9	"
122° 16' 52"	534.8	"
121° 01' 39"	760.95	"
123° 56' 06"	736.4	"
121° 34' 27"	841.95	"
122° 45' 25"	392.9	"
132° 05' 08"	350.1	"
140° 54' 00"	632.54	"
131° 33' 01"	878.73	"
133° 15' 19"	763.3	"
153° 19' 31"	462.85	"
111° 15' 07"	644.04	"
56° 55' 52"	12,829.1	"
63° 26' 56"	16,082.5	"

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to a beacon at the north-western corner of L.R. No. 1771;

thence by the western boundary of L.R. No. 1771 to the north-western corner of L.R. No. 6233;

thence by the south-western boundary of L.R. No. 7265 to its intersection with the Marmonet River;

thence down-stream by that river to its intersection with the western boundary of L.R. No. 411;

thence by part of the western, the whole of the south-eastern, and part of the eastern boundaries of that portion to the intersection of the last boundary with the Marmonet River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 410/2;

thence by the north-western, and the south-western boundaries of that portion to the westernmost corner of L.R. No. 1381;

thence by the western boundary of that portion to the northernmost corner of L.R. No. 1380;

thence southerly by the generally western boundaries of L.R. No. 1380 to the southernmost corner of that portion;

thence southerly and easterly by the generally western and southern boundaries of L.R. No. 2662 to the south-eastern corner of that portion;

thence south-easterly by a cut and beaconed straight line for a distance of approximately 54,758.3 feet to a beacon on the Kijabe-Narok Road;

thence south-easterly by a straight line to the westernmost corner of L.R. No. 375;

thence by the south-western boundaries of L.R. Nos. 375 and 373 to the southernmost corner of the latter portion;

thence north-easterly by the generally south-eastern boundaries of L.R. Nos. 373 and 374 to the easternmost corner of the latter portion;

thence south-easterly by part of the south-western boundary of L.R. No. 378 to its southernmost corner;

thence by part of the south-eastern boundary of L.R. No. 378 for a distance of 16,194.4 feet to a beacon on the western boundary of the Kikuyu Escarpment Forest Reserve;

thence generally southerly, easterly, northerly, again easterly and generally southerly by a series of cut and beaconed straight lines which form a part of the western and

(10)

(11)

generally southern boundary of the aforesaid Forest Reserve (L.R. No. 4448) to its intersection with the northern boundary of the Limoru-Naivasha main road reserve;

\* thence easterly by that road reserve boundary to its intersection with the western boundary of the Kenya and Uganda Railway Reserve;

thence southerly by that reserve boundary to its intersection with the northern boundary of Limoru Railway Station Reserve;

thence southerly by the generally western boundary of that station reserve to its intersection with the western boundary of the Kenya and Uganda Railway Reserve;

thence southerly by that railway reserve boundary to its intersection with the north-western boundary of L.R. No. 173/1;

thence southerly by the generally western boundary of L.R. No. 173/1, and south-easterly by the south-western boundary of L.R. No. 173/2 to the southernmost corner of the latter portion;

thence north-easterly by the south-eastern boundary of L.R. No. 174 to its intersection with the western boundary of the Kenya and Uganda Railway Reserve;

thence southerly by that railway reserve boundary to a point due west of the southernmost corner of L.R. No. 4713;

thence due east to that southernmost corner;

thence by the south-eastern boundaries of L.R. Nos. 4713, 5831 and 4493 to the easternmost corner of the last portion;

thence south-easterly by the generally south-western boundaries of L.R. Nos. 5851/5, 5851/9 and 164/3 to the northernmost corner of L.R. No. 170/1/2;

thence southerly by the eastern boundary of the last portion to its intersection with the Mutigutu River;

thence down-stream by that river to its intersection with the south-eastern boundary of L.R. No. 5878;

thence north-easterly by the south-eastern boundaries of L.R. Nos. 5878, 3564, 2950/1, 2950/5/2/3, 2950/3/R, 5916 and 152 to the easternmost corner of the last portion;

thence south-easterly by the south-western boundaries of L.R. Nos. 132/1/1/2, 245/1, 245/2/R, part of 134/3/R, the whole of 134/6 and again part of 134/3/R to the south-eastern corner of the last portion;

(12)

thence north-easterly by the generally south-eastern boundaries of L.R. Nos. 134/3/R, 134/7, 134/4/R, 5876, 4640 and 126 to the intersection of the last with the Kamiti River;

thence up-stream by that river to its intersection with the eastern boundary of L.R. No. 3696;

thence northerly by the eastern boundaries of L.R. Nos. 3696 and 3698 to the north-eastern corner of the latter portion;

thence northerly by part of the eastern boundary of L.R. No. 3700 to the southernmost corner of the Kikuyu Escarpment Forest Reserve (south-eastern portion);

thence easterly, northerly and westerly by the generally eastern and northern boundaries of that Forest Reserve to the north-eastern corner of L.R. No. 241/3;

thence westerly by the northern boundary of L.R. No. 241/3 to the north-western corner of that portion;

thence by part of the eastern, the northern, generally western and southern boundaries of L.R. No. 3900 to the south-eastern corner of that portion;

thence by part of the western boundary of L.R. No. 241/3 for a distance of approximately 855 feet to its intersection with part of the northern boundary of the Kikuyu Escarpment Forest Reserve (south-western portion);

thence westerly by that forest reserve boundary to its intersection with the eastern boundary of L.R. No. 4768;

thence northerly by part of that boundary and westerly by the northern boundary to the northernmost corner of that portion;

thence southerly by the western boundary of L.R. No. 4768 to its intersection with the northern boundary of the Kenya and Uganda Railway Reserve;

thence south-westerly by that railway reserve boundary for approximately 3,200 feet to its intersection with a cut and beacons line which forms the boundary of the Kikuyu Escarpment Forest Reserve;

thence generally northerly by that cut and beacons line for a distance of about 6,000 feet to its intersection with the eastern boundary of the Kenya and Uganda Railway Reserve;

thence by a straight line on a true bearing of  $315^{\circ} 15' 40''$  to a beacon on the western boundary of that railway reserve;

thence by a straight line on a true bearing of  $266^{\circ} 37' 30''$  for a distance of about 3,523 feet to a beacon;

thence by a straight line on a true bearing of 356° 37' 30" for a distance of about 3,537 feet to a beacon;

thence by a straight line on a true bearing of 88° 48' 33" for a distance of about 886 feet to a beacon;

thence by a straight line on a true bearing of 89° 57' 25" for a distance of about 506 feet to a beacon;

thence by a straight line on a true bearing of 86° 31' 20" for a distance of about 2,181 feet to a beacon on the western boundary of the Kenya and Uganda Railway Reserve;

thence southerly by that reserve boundary for a distance of about 3,300 feet to a point on a true bearing of 315° 15' 40" from a beacon on the eastern boundary of the Kenya and Uganda Railway Reserve.

thence by a straight line to that beacon;

thence easterly, northerly, westerly, southerly and south-westerly by a cut and beacons line, which forms part of the boundary of the Kikuyu Escarpment Forest Reserve, to its intersection with the north-eastern boundary of the Kenya and Uganda Railway Reserve.

thence north-westerly by that reserve boundary for a distance of about 700 feet to a beacon in the vicinity of Escarpment Station.

thence by a straight line on a true bearing of 13° 01' 00" for a distance of 13.6 feet to a beacon.

thence by a straight line on a true bearing of 22° 31' 14" for a distance of 990.5 feet to a beacon.

thence by a straight line on a true bearing of 266° 43' 25" for a distance of 2,725.8 feet to a beacon on the eastern boundary of the Kenya and Uganda Railway Reserve.

thence northerly by that reserve boundary for a distance of about 570 feet to a beacon.

thence by a straight line on a true bearing of 86° 39' 03" for a distance of about 403 feet to a beacon.

thence by a straight line on a true bearing of 356° 39' 03" for a distance of about 653 feet to a beacon;

thence by a straight line on a true bearing of 86° 39' 03" for a distance of about 2,384 feet to a beacon;

thence by a straight line on a true bearing of 37° 44' 20" for a distance of about 1,147 feet to a beacon;

thence northerly, north-easterly, north-westerly and south-westerly by a cut and beacons line, which forms part of the boundary of the Kikuyu Escarpment Forest Reserve, to its intersection with the eastern boundary of the Kenya and Uganda Railway Reserve;

thence northerly by that railway reserve boundary for a distance of approximately 8,000 feet to its intersection with the north-western boundary of L.R. No. 388/1;

thence by the north-western and north-eastern boundaries of that portion to its easternmost corner;

thence by part of the south-eastern boundary of L.R. No. 388/1 for a distance of approximately 2,200 feet to a beacon;

thence south-easterly by part of the generally south-western boundary of the Kikuyu Escarpment Forest Reserve (northern portion) to its intersection with the Kimaiti River;

thence northerly by the generally eastern boundary of the Kikuyu Escarpment Forest Reserve (northern portion) and the Aberdare Forest Reserve to the intersection of the western boundary of L.R. No. 5143 with the Muringato River;

thence down-stream by that river to its intersection with the south-eastern boundary of L.R. No. 5152;

thence by a straight line on a true bearing of 46° 08' 10" for a distance of about 3,430 feet to a beacon;

thence by a straight line on a true bearing of 114° 58' 15" for a distance of 3,155.3 feet to a beacon;

thence by a straight line on a true bearing of 118° 51' 06" for a distance of 1,872.0 feet to a beacon;

thence by a straight line on a true bearing of 73° 25' 32" for a distance of 1,228.4 feet to a beacon on the western boundary of the portion known as Njengu Salt Lick;

thence by a straight line on a true bearing of 350° 07' 27" for a distance of 1,423.1 feet to a beacon on the generally western boundary of the Nyeri-Rumuruti Road Reserve;

thence generally south-easterly by that road reserve boundary to the north-western corner of L.R. No. 6948;

thence southerly by the western boundary of that portion for a distance of 764.1 feet to a beacon;

thence by a straight line on a true bearing of 304° 51' 17" for a distance of 2,032.5 feet to a beacon;

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thence by a straight line on a true bearing of  $253^{\circ} 25' 32''$  for a distance of 1,258.5 feet to the north-eastern corner of L.R. No. 4166;

thence north-westerly and south-westerly by the north-eastern and the north-western boundaries of that portion to the intersection of the latter with the Muringato River; (16)

thence down-stream by that river to its junction with the Muraria River;

thence up-stream by that river to its intersection with the south-western boundary of L.R. No. 1105/2;

thence south-easterly by the generally south-western boundary of that portion and the generally western boundary of L.R. No. 1105/1 to the intersection of the latter with the Chania River;

thence down-stream by that river to its intersection with the western boundary of Nyeri Township (L.R. No. 1108);

thence by part of that boundary and by the southern and part of the eastern boundary of that township to the intersection of the last with the Chania River;

thence down-stream by that river to its intersection with the western boundary of L.R. No. 1119;

thence by that boundary and by the southern, and part of the eastern boundary of that portion to the intersection of the last with the Chania River;

thence down-stream by that river to its junction with the Muringato River; (17)

thence up-stream by that river to its junction with the Amboni River;

thence easterly by a cut and cleared line to the intersection of the eastern boundary of L.R. No. 3469 with the Nairobi River;

thence down-stream by that river to its junction with the Sagana River;

thence easterly and northerly by the generally southern and eastern boundaries of the Mount Kenya Forest Reserve to the intersection of the south-eastern boundary of L.R. No. 4634 with the Marania River; (18)

thence down-stream by that river and onwards by the Siolo River to its intersection with the northern boundary of L.R. No. 2794;

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thence westerly by the northern boundaries of L.R. Nos. 2794 and 2792 to the north-western corner of the latter portion;

thence by the western boundary of L.R. No. 2792 and the north-western boundary of L.R. No. 2791 to the western-most corner of the latter portion; (19)

thence by part of the north-eastern boundary of L.R. No. 5181, by the north-eastern boundary of L.R. No. 6307 and by the generally northern boundaries of L.R. Nos. 2789 and 2788 to the north-western corner of the last portion;

thence north-westerly by a straight line to the north-eastern corner of L.R. No. 5162;

thence by a straight line on a true bearing of  $345^{\circ} 01' 14''$  for a distance of 20,743.1 feet to the Trigonometrical Beacon Musul;

thence north-westerly by a straight line for a distance of about 17,000 feet to the summit of Ol Doinyo Kimanjo;

thence westerly by a straight line for a distance of about 19,000 feet to a point situated on the north-eastern boundary of and at a distance of 1,500 feet from the northernmost corner of L.R. No. 3213;

thence by that north-eastern boundary to that northernmost corner;

thence by a straight line on a true bearing of  $338^{\circ} 36' 30''$  for a distance of 306.0 feet to a beacon;

thence by a straight line on a true bearing of  $237^{\circ} 15' 37''$  for a distance of 17,700.0 feet to a beacon;

thence by a straight line on a true bearing of  $243^{\circ} 13' 57''$  for a distance of 6,565.2 feet to a beacon;

thence by a straight line on a true bearing of  $334^{\circ} 28' 14''$  for a distance of 1,046.2 feet to a beacon;

thence by a straight line on a true bearing of  $258^{\circ} 02' 32''$  for a distance of 3,187.1 feet to a beacon and onwards by the same straight line to its intersection with the Uaso Nyiro River; (20)

thence down-stream by that river for a distance of approximately twenty-five miles to its junction with an unnamed stream;

thence up-stream westerly by that stream to its source;

thence by a straight line due west to its intersection with the top edge of the cliffs forming the eastern edge of the Angata Wergoi;

thence north-westerly by the top edge of these cliffs to the Trigonometrical Beacon Bergoi;

thence generally westerly and south-westerly by a series of straight lines defined by cairns, crossing and re-crossing the Ol Keju Mara (Seya) River to a beacon ("Cairn") on the eastern bank of the northernmost and largest lake of Sogota Marma;

thence south-westerly by a straight line to a cairn on the western bank of that lake;

thence generally south-westerly by a series of straight lines defined by cairns to its intersection with a cut and beaconed straight line; (21)

thence westerly by that cut and beaconed line to its intersection with the Amaya River;

thence down-stream by that river for a distance of approximately two miles to its intersection with a cut and beaconed straight line; (22)

thence by that straight line on a true bearing of  $238^{\circ} 55' 12''$  for a distance of approximately 7,000 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

$200^{\circ} 32' 21''$	...	5,256.1 feet
$211^{\circ} 50' 42''$	...	45,104.9 ..
$225^{\circ} 24' 57''$	...	29,541.8 ..
$255^{\circ} 32' 50''$	...	21,782.3 ..
$223^{\circ} 49' 38''$	...	6,209.3 ..
$166^{\circ} 46' 05''$	...	19,104.2 ..
$163^{\circ} 17' 25''$	...	6,321.3 ..
$202^{\circ} 25' 20''$	...	2,754.9 ..
$201^{\circ} 13' 38''$	...	1,045.1 ..
$204^{\circ} 23' 20''$	...	29,830.3 ..
$204^{\circ} 41' 39''$	...	24,101.4 ..

to a beacon at the north-western corner of L.R. No. 2463;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

$202^{\circ} 23' 45''$	...	41,377.8 feet
$145^{\circ} 24' 42''$	...	6,837.9 ..
$163^{\circ} 30' 57''$	...	5,811.7 ..
$150^{\circ} 09' 18''$	...	7,466.4 ..
$160^{\circ} 56' 19''$	...	5,917.7 ..
$218^{\circ} 09' 43''$	...	7,600.7 ..

to a beacon at the north-eastern corner of L.R. No. 2689/R; (23)

thence westerly by the northern boundary of that portion to its intersection with the Ghusa Luger (En Diloi) River;

thence up-stream by that river to its intersection with the northern boundary of L.R. No. 2687;

thence westerly by part of the northern boundary of L.R. No. 2687 and the northern boundary of L.R. No. 2682 to the north-western corner of the latter portion;

thence southerly by the western boundaries of that portion and of L.R. No. 3630 to the south-western corner of the latter portion;

thence by the western boundaries of L.R. Nos. 2680 and 1168 to the south-western corner of the latter portion;

thence westerly by part of the northern boundary of L.R. No. 1650 to the north-western corner of that portion;

thence southerly by the western boundary of that portion to its south-western corner;

thence south-westerly by the north-western boundary of L.R. No. 1651 to the western corner of that portion;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 3816/R, 3815/R and 3814/R to the north-western corner of the last portion;

thence northerly by a straight line to the Trigonometrical Beacon Legisianan;

thence by a straight line to the north-eastern corner of L.R. No. 5260;

thence by the generally northern boundary of that portion to the north-eastern corner of L.R. No. 3843;

thence westerly by part of the northern boundary of that portion to the south-eastern corner of L.R. No. 3844; (24)

thence by the eastern and the northern boundaries of the latter portion and the northern boundaries of L.R. Nos. 3732/R and 5672 to the intersection of the last with the Molo River;

thence down-stream by that river to its intersection with the north-eastern boundary of L.R. No. 662;

thence by the north-eastern, north-western and south-western boundaries of that portion to the intersection of the last with the Molo River;

thence up-stream by that river to its intersection with the north-eastern boundary of L.R. No. 486/1;

thence by the north-eastern and north-western boundaries of that portion to its westernmost corner on the north-eastern boundary of the Sclaters Road Reserve;

thence across that road reserve by a straight line on a bearing of  $223^{\circ} 01' 18''$  for a distance of 201.0 feet to a beacon on the north-eastern boundary of L.R. No. 487/26/4;

thence north-westerly by that north-eastern boundary to the northernmost corner of that portion;

thence south-westerly by the north-western boundaries of L.R. Nos. 487/26/4, 487/27, 487/28/4 to the westernmost corner of the last portion;

thence still south-westerly by the north-western boundary of L.R. No. 487/29 for a distance of 750 feet to a beacon;

thence generally westerly, northerly and again westerly by a series of cut and beacons lines to the intersection with the eastern boundary of L.R. No. 502 (Mount Londiani Forest Reserve);

thence due north by the eastern boundary of that Forest Reserve for a distance of 8,400 feet to the north-eastern corner of that reserve;

thence due west by the northern boundary of that Forest Reserve to its intersection with the Esageri River;

thence down-stream by that river to its intersection with the generally northern boundary of L.R. No. 5261; (25)

thence westerly by that generally northern boundary and the generally northern boundary of L.R. No. 5242 to the intersection of the latter with the Enarosura River;

thence down-stream by that river to its intersection with the north-eastern boundary of L.R. No. 497/3/3;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 497/3/3 and 497/4 to the northernmost corner of the latter portion;

thence by a straight line to the eastern corner of L.R. No. 497/3/1 and onwards by the north-eastern boundary of that portion to its intersection with the Tiggeri River;

thence up-stream by that river to its intersection with the eastern boundary of L.R. No. 503 (Lembu Forest Reserve);

thence northerly by part of the eastern boundary of that reserve to its north-eastern corner;

thence westerly by the northern boundary of that reserve to the south-eastern corner of L.R. No. 5690/R;

thence northerly by the eastern boundary of that portion for a distance of about 624 feet to its intersection with Kiuoinoi River;

thence down-stream by that river to its intersection with the north-eastern boundary of L.R. No. 5690/R;

thence north-westerly by part of that north-eastern boundary to the southernmost corner of L.R. No. 7210;

thence northerly and south-westerly by the eastern and north-western boundaries of the latter portion to the north-eastern corner of L.R. No. 5687;

thence westerly by the northern boundary of the latter portion to the southernmost corner of L.R. No. 6445;

thence north-easterly by the south-eastern boundaries of L.R. Nos. 6445 and 6446 to the easternmost corner of the latter portion;

thence by part of the north-eastern boundary of the latter portion for a distance of 561.4 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

$33^{\circ} 01' 17''$	...	2,847.2 feet
$57^{\circ} 23' 37''$	...	1,776.1 ..
$104^{\circ} 32' 54''$	...	7,436.7 ..
$60^{\circ} 08' 36''$	...	5,890 ..

to its intersection with the Kiuoinoi River;

thence down-stream by that river for a distance of approximately 4,300 feet to a point on a bearing of  $84^{\circ} 26' 17''$  from a beacon on its left bank;

thence by a straight line on a true bearing of  $264^{\circ} 26' 17''$  for a distance of 3,456 feet to a beacon;

thence by a straight line on a true bearing of  $258^{\circ} 18' 33''$  for a distance of 8,029.9 feet to its intersection with the northern boundary of the Kenya and Uganda Railway Reserve;

thence generally westerly by that railway reserve boundary for a distance of approximately 3,000 feet to a point on a bearing of  $80^{\circ} 39' 41''$  from a beacon at the south-eastern corner of L.R. No. 6453;

thence by a straight line to that beacon;

thence northerly by the eastern boundary of L.R. No. 6453 for a distance of approximately 6,416 feet to a beacon at the south-western corner of L.R. No. 908/R (South Elgeyo Forest Reserve);

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

$90^{\circ} 01' 27''$	...	2,178.6 feet
$188^{\circ} 12' 52''$	...	3,731.8 ..
$65^{\circ} 48' 10''$	...	9,002.7 ..
$90^{\circ} 01' 27''$	...	3,345.7 ..

to a beacon at the south-eastern corner of L.R. No. 908/R (South Elgeyo Forest Reserve);

thence northerly by part of the eastern boundary of that Forest Reserve for a distance of approximately 32,600 feet to its intersection with the Mindarila River;

thence down-stream by that river to its intersection with the eastern boundary of L.R. No. 6664;

thence northerly by part of that boundary and the eastern boundary of L.R. No. 1727 to the north-eastern corner of the latter portion;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

$53^{\circ} 56' 28''$	...	9,965.2 feet
$53^{\circ} 57' 36''$	...	8,529.6 ..
$346^{\circ} 01' 39''$	...	3,990.8 ..
$310^{\circ} 49' 25''$	...	2,716.7 ..
$13^{\circ} 00' 46''$	...	3,448.6 ..
$303^{\circ} 54' 03''$	...	15,672.2 ..

to a beacon on the north-eastern boundary of L.R. No. 907/R (South Elgeyo Forest Reserve);

thence north-westerly and westerly by part of the north-eastern and the northern boundary of that forest reserve to its intersection with the eastern boundary of L.R. No. 902/2; (26)

thence northerly by part of that eastern boundary and the eastern boundary of L.R. No. 1561 to the north-eastern corner of the latter portion;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 3975 and 4473 to the north-eastern corner of the latter portion;

thence by a straight line on a true bearing of  $325^{\circ} 02' 22''$  for a distance of 18,588.4 feet to a beacon;

thence by a straight line on a true bearing of  $329^{\circ} 15' 15''$  for a distance of 12,623.6 feet to a beacon on the eastern shore of Lake Sergoit;

thence due west by a straight line to its intersection with the low-water mark of that lake;

thence northerly by that low-water mark and the eastern bank of the Arobobutch River to its intersection with the southern boundary of L.R. No. 876;

thence easterly by the southern boundaries of that portion and of L.R. Nos. 874 and 875/1 to the intersection of the last with the Kapkitoi River;

thence down-stream by that river which forms the eastern boundary of L.R. Nos. 875/1 and 875/2 to its intersection with the eastern boundary of L.R. No. 873/2;

thence northerly by the eastern boundaries of L.R. Nos. 873/2 and 873/1/2 to the north-eastern corner of the latter portion;

thence westerly by part of the northern boundary of L.R. No. 873/1/2 for a distance of 2,321.2 feet to a beacon;

thence by a straight line on a true bearing of  $351^{\circ} 18' 24''$  for a distance of 848.32 feet to a beacon;

thence by a straight line on a true bearing of  $59^{\circ} 06' 16''$  for a distance of 1,425.0 feet to a beacon;

thence by a straight line on a true bearing of  $132^{\circ} 24' 22''$  for a distance of 1,826.6 feet to a beacon on the eastern boundary of L.R. No. 5755;

thence northerly by part of the eastern boundary of that portion to the south-western corner of L.R. No. 4592;

thence by the southern, generally eastern and northern boundaries of that portion to the intersection of the last with the eastern boundary of L.R. No. 3771;

thence northerly by that eastern boundary for a distance of about 17,375 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

230° 44' 47"	474.5 feet
262° 13' 13"	634.6 ..
342° 17' 52"	659.9 ..
305° 52' 36"	839.8 ..
17° 45' 28"	420.7 ..

to a beacon at the north-eastern corner of L.R. No. 5347;

thence westerly by the northern boundary of that portion to its intersection with the Moyben River;

thence up-stream by that river to its intersection with the northern boundary of L.R. No. 4635;

thence westerly by that boundary to the south-eastern corner of L.R. No. 3046;

thence by the eastern and northern boundaries of that portion to the intersection of the latter with the Charangai River;

thence up-stream by that river to its intersection with the northern boundary of L.R. No. 2227;

thence westerly by that boundary to its intersection with the eastern boundary of L.R. No. 2226;

thence northerly by part of that eastern boundary and the eastern boundaries of L.R. Nos. 3047 and 2210 to the north-eastern corner of the last portion;

thence westerly by the northern boundary of L.R. No. 2210 to its intersection with a river which forms the north-western boundary of that portion;

thence down-stream by that river to its intersection with the north-eastern boundary of L.R. No. 2225;

thence by that north-eastern boundary to the north-eastern corner of L.R. No. 2222;

thence by part of the northern boundary of that portion for a distance of 5,851.8 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

347° 26' 43"	...	5,745.5 feet
60° 41' 49"	...	2,601.1 ..
279° 19' 13"	...	3,362.8 ..
22° 16' 18"	...	2,038.8 ..
65° 21' 24"	...	5,191.8 ..

to a beacon;

thence by a straight line on a true bearing of 338° 11' 30" to a beacon at the westernmost corner of L.R. No. 2980;

thence easterly and northerly by the generally southern and eastern boundaries of L.R. No. 2980 to the northernmost corner of that portion;

thence northerly by the eastern boundary of L.R. No. 3020/1/R to the north-eastern corner of that portion; (27)

thence north-westerly by the north-eastern boundaries of L.R. Nos. 3020/1/R, 2173/2, 3017 and 2167/R to the northernmost corner of the last portion (Cherangani);

thence north-westerly by the north-eastern boundaries of L.R. Nos. 5595, 5559, 6904, 2160, 2158, 2156/3 and 5783 to the northernmost corner of the last portion;

thence westerly by the generally northern boundaries of L.R. Nos. 5783, 6684 and 2130/1 to the north-western corner of the last portion;

thence southerly by the western boundary of L.R. No. 2130/1 to its intersection with the Kabega River;

thence up-stream by that river to its junction with an unnamed river;

thence by that unnamed river which forms part of the north-eastern boundary of L.R. No. 5771 to its intersection with the south-eastern boundary of L.R. No. 5789;

thence by part of the south-eastern and the north-western boundary of L.R. No. 5789 and the north-eastern boundaries of L.R. Nos. 5788, 5529 and 2167/1 to the northernmost corner of the last portion; (28)

thence southerly by the western boundary of L.R. No. 2167/1 to the north-eastern corner of L.R. No. 2037;

thence westerly by the generally northern boundaries of L.R. Nos. 2037, 2035 and 2033/R to the north-western corner of the last portion;

thence northerly by part of the eastern boundary of L.R. No. 4140/2/R to the north-eastern corner of that portion;

thence south-westerly by part of the north-western boundary of L.R. No. 4140/2/R to its intersection with the road reserve, across the road reserve and onwards to its intersection with the Swam River;

thence up-stream by that river, which forms the Kenya-Uganda Boundary, to the point where it emerges from the crater of Mount Elgon;

thence south-easterly by a straight line to that source of the Kimotho River which is situated immediately to the south or south-west of Koitobbos Peak (Mount Elgon);

thence down-stream by that river to its intersection with a cut and beacons line which forms the generally north-western boundary of Mount Elgon Forest Reserve;

thence generally south-westerly by that cut and beacons line to its intersection with the Lwagaga (Lwakaka) or Malawa (Malaba) River;

thence down-stream by that river, which forms the Kenya-Uganda Boundary, to its intersection with a cut and beacons line which forms the generally south-eastern boundary of the Mount Elgon Forest Reserve;

thence generally north-easterly by that cut and beacons line to the point of commencement;

Including in addition the following farms in the vicinity of Eldama Ravine: L.R. Nos. 488, 489, 490, 5249, 5276, 6262, 5641 and 493

## SECTION II

Commencing at the southernmost corner of L.R. No. 3596 (Koma Rock); (29)

thence north-easterly by the south-eastern boundaries of L.R. Nos. 3596, 3595 and 2360 to the north-eastern corner of the last portion;

thence by a straight line across the road reserve to the south-eastern corner of L.R. No. 2709;

thence north-easterly by the south-eastern boundaries of that portion and of L.R. No. 1530 to the south-western corner of L.R. No. 1846/2;

thence easterly by the generally southern boundary of L.R. No. 1846/2 to its intersection with the Mutuyonyi River;

thence down-stream by that river to its junction with the Kalala River;

thence down-stream by the latter river to its junction with the Athi River;

thence down-stream by that river to its intersection with the south-eastern boundary of L.R. No. 2304;

thence by the south-eastern boundaries of L.R. Nos. 2304, 2301, 2296 and the eastern boundary of L.R. No. 2295 to the north-eastern corner of the last portion;

thence by a straight line on a true bearing of approximately  $92^{\circ} 48'$  for a distance of about 391 feet to a beacon on the eastern boundary of that road reserve which forms the eastern boundary of L.R. No. 2294/R;

thence by straight lines each terminating at a beacon on the following (true bearings and for the following distances successively:—

146° 33' 56"	...	3,772.4 feet
98° 03' 23"	...	20,069.4 ..
07° 04' 56"	...	30,815.5 ..
277° 31' 09"	...	15,782.2 ..

to the north-eastern corner of L.R. No. 7047;

thence by the northern and western boundaries of L.R. No. 7047 to the intersection of the last with the northern boundary of L.R. No. 2305; (30)

thence westerly by part of the northern boundary of that portion to its intersection with the Thika River;

thence down-stream by that river to its junction with the Tana River;

thence up-stream by that river to its junction with the Maragua River;

thence up-stream by the latter river to its intersection with the north-western boundary of the Kenya and Uganda Railway Reserve; (31)

thence generally south-westerly by that railway reserve boundary to its intersection with the western boundary of the Thika-Fort Hall Road Reserve;

thence southerly, south-westerly and again southerly by that reserve boundary to a point due west of the south-western corner of L.R. No. 1959/2;

thence by a straight line to that south-western corner;

thence south-easterly and northerly by the south-western and the generally eastern boundaries of L.R. No. 1959/2 to the south-eastern corner of L.R. No. 325/7 (325/6/2);

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

12° 22' 03"	...	1,580.0 feet
2° 13' 19"	...	549.4 ..
331° 01' 11"	...	385.5 ..
17° 14' 39"	...	296.3 ..
350° 12' 34"	...	576.9 ..
329° 41' 58"	...	561.5 ..
36° 38' 27"	...	980.1 ..
25° 58' 26"	...	494.1 ..
0° 36' 00"	...	416.3 ..
348° 06' 55"	...	293.3 ..
342° 30' 52"	...	770.4 ..
70° 41' 47"	...	255.6 ..
57° 19' 11"	...	824.3 ..
96° 36' 59"	...	390.1 ..
124° 22' 07"	...	646.6 ..

to a beacon on the western boundary of L.R. No. 1965;

thence southerly by a part of the western boundary of that portion to its intersection with the Thaba Thaba River;

thence down-stream by the Thaba Thaba River to its intersection with the western boundary of L.R. No. 6912;

thence southerly by that western boundary to the north-eastern corner of L.R. No. 3511;

thence by the north-eastern boundary of that portion to its intersection with the Thara River;

thence up-stream by that river to its intersection with the western boundary of that road reserve which forms the western boundary of L.R. No. 319/3; (32)

thence generally southerly by that western boundary of that road reserve to its intersection with the Makindi River;

thence up-stream by that river to its junction with the Thugi River;

thence up-stream by the latter river to its intersection with the north-western boundary of L.R. No. 3557;

thence south-westerly by the north-western boundaries of L.R. Nos. 3557, 298/12 and 298/10 to the intersection of the last with the Thika River;

thence up-stream by that river to its intersection with the western boundary of L.R. No. 2955/1/2/3;

thence generally south-westerly by the western boundary of L.R. No. 2955/1/2/3, the northern boundary of L.R. No. 2955/1/2/2 and the north-western boundary of L.R. No. 2955/1/1 to the intersection of the last with the Chania River; (33)

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 295/3;

thence south-westerly by that boundary and onwards by the same straight line to its intersection with the Karamenu River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 295/1/R;

thence south-westerly by the north-western boundaries of L.R. Nos. 295/1/R, 295/2/R and 295/7 to the intersection of the last portion with the north-eastern boundary of L.R. No. 290/2/1;

thence north-westerly by part of that boundary and the whole of the north-eastern boundary of L.R. No. 290/1 to the northernmost corner of the latter portion;

thence south-westerly by the north-western boundaries of L.R. Nos. 290/1, 4907 and 291/1 to the intersection of the last portion with the Thiririka River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 294/1/2;

thence south-westerly by that boundary to its intersection with the Theta River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 247/1;

thence south-westerly by that boundary and the north-western boundary of L.R. No. 244 to the intersection of the latter with the river which forms the north-eastern boundary of L.R. No. 115/3;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 115/3;

thence south-westerly by that boundary and the north-western boundary of L.R. No. 3678 to the intersection of the latter with the Ruiru River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 114/2;

thence by that boundary and part of the northern and the whole of the north-western boundaries of L.R. No. 113/1 to the intersection of the last with the Mukuyu River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 6000;

thence south-westerly by that boundary and part of the north-western boundary of L.R. No. 6710 to the north-eastern corner of L.R. No. 6763;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 6763, 4924, part of 4888, and the whole of 98/1 to the north-western corner of the last portion;

thence north-easterly and north-westerly by part of the south-eastern and north-eastern boundaries of L.R. No. 4888 to the northernmost corner of that portion;

thence south-westerly by the north-western boundary of the latter portion and of L.R. No. 4889 and 4890/4 to the intersection of the last with the Kamiti River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 3728;

thence south-westerly by the north-western boundaries of L.R. Nos. 3728, 3729/3 and 5858 to the intersection of the last with the Kiu River;

thence down-stream by that river to its intersection with the north-western boundary of the Kiambu-Fort Hall Road Reserve;

thence south-westerly by that road reserve boundary to its intersection with the Riara River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 81/3;

thence south-westerly by that boundary to its intersection with the Gatharaini River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 86/3;

thence north-westerly and south-westerly by the generally north-eastern and north-western boundaries of L.R. No. 86/1 to the north-western corner of L.R. No. 86/2;

thence south-easterly by the generally south-western boundaries of L.R. Nos. 86/2, 86/1 and part of 86/3 to the northernmost corner of L.R. No. 85;

thence by the north-western boundary of L.R. No. 85 to its intersection with the northern boundary of L.R. No. 23;

thence by the northern boundaries of L.R. Nos. 23 and 22 to the intersection of the latter with the Kashi River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 22;

thence south-westerly by that boundary to its intersection with the Rui Ruaka River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 21/1;

thence south-westerly by that boundary to its intersection with the Karura River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 18/2/2;

thence south-westerly by part of that boundary and the north-western boundary of L.R. No. 7008 to the easternmost corner of L.R. No. 3861;

thence by the north-eastern boundaries of L.R. Nos. 3861, 3862 and part of the north-western boundary of the latter portion to the easternmost corner of L.R. No. 2951/1/2;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 2951/1/2, 2951/1/3, 2951/1/4, 2951/1/5 and 2951/3 to the northernmost corner of the last portion;

thence south-westerly by the north-western boundary of the last portion to its intersection with the Gethathuru River;

thence up-stream by that river to its intersection with the western boundary of L.R. No. 189/R;

thence south-westerly by the generally north-western boundary of that portion, of L.R. No. 4065 and again of 189/R to the north-western corner of L.R. No. 189/A/2/R (Government Farm Extension);

thence by the western, southern, and eastern boundaries of that portion and the eastern boundary of L.R. No. 4077 to the intersection of the last with the southern boundary of the Kenya and Uganda Railway Reserve;

thence easterly by that railway reserve boundary to a beacon on the western boundary of L.R. No. 4393;

thence south-westerly by a straight line to the north-western corner of L.R. No. 5;

thence southerly, south-easterly and south-westerly by the western and south-western boundaries of that portion to its intersection with the Nairobi River;

thence up-stream by that river to its intersection with the western boundary of L.R. No. 3734;

thence southerly by part of that boundary to the northern corner of L.R. No. 330;

thence by part of the north-western and part of the south-western boundaries of the latter portion to the intersection of the latter with the Kerichwa Kubwa River;

thence by a straight line due south for a distance of approximately 302 feet to a beacon on the south-western boundary of the Dagoreti Road Reserve;

thence south-easterly by that road reserve boundary to its intersection with the northern boundary of the Ngong Road Reserve.

thence south-westerly by that road reserve for a distance of approximately 10,840 feet to its intersection with the eastern boundary of the Ngong Road Forest Reserve.

thence northerly, easterly, northerly, westerly, southerly, north-westerly and again southerly by the generally northern boundary of that Forest Reserve to the intersection of the last with the Mutoini River which forms the northern boundary of L.R. No. 191;

thence up-stream by that river to the intersection with the north-western boundary of L.R. No. 195/3;

thence south-westerly by part of that boundary to the north-eastern corner of L.R. No. 196/7;

thence by the northern and part of the north-western boundary of that portion to the north-eastern corner of L.R. No. 197;

thence north-westerly by the north-eastern boundary of that portion to the north-eastern corner of L.R. No. 2377. (35)

thence by the north-eastern, and north-western boundaries of L.R. No. 2377 to the intersection of the latter with the Mbagathi River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 197;

thence south-westerly by part of that boundary to the south-western corner of that portion;

thence south-easterly by the south-western boundaries of L.R. Nos. 197 and 5842 to the northernmost corner of L.R. No. 1161;

thence by the north-western and the south-western boundaries of that portion and the south-western and part of the south-eastern boundary of L.R. No. 192/1/2 to the western-most corner of L.R. No. 197/3;

thence by the south-western and part of the south-eastern boundary of the last portion to the north-eastern corner of L.R. No. 4942;

thence south-easterly and easterly by the western and southern boundaries of L.R. Nos. 4942, 4944, 5932, 5892, 5830/R, 6967 and 6939 to the intersection of the last with the Mbagathi River;

thence down-stream by that river till it becomes the Athi River and onwards to its intersection with the generally western boundary of L.R. No. 7274;

thence southerly by that generally western boundary to its intersection with the Kitengela River,

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 7263;

thence south-westerly and south-easterly by the north-western and south-western boundaries of that portion to the intersection of the latter with the north-western boundary of the Kenya and Uganda Railway Reserve; (36)

thence south-easterly by that railway reserve to its intersection with the western boundary of Konza Trading Centre;

thence by part of the western, the whole of the southern and part of the eastern boundaries of that trading centre to the intersection of the last with the southern boundary of that railway reserve;

thence generally southerly by that railway reserve boundary to its intersection with the western boundary of Sultan Hamud Trading Centre; (37)

thence by part of the western, the whole of the southern and part of the eastern boundaries of that trading centre to the intersection of the last with the south-western boundary of the Kenya and Uganda Railway Reserve;

thence south-easterly by that railway reserve boundary to a point on a true bearing of 201° 26' 09" from a beacon on the north-eastern boundary of that railway reserve and at a distance of about 2,640 feet from the intersection of the western boundary of Emali Trading Centre with the north-eastern boundary of the Kenya and Uganda Railway Reserve;

thence by a straight line to that beacon;

thence by a straight line on a true bearing of  $21^{\circ} 26' 09''$  for a distance of about 9,420 feet to its intersection with the Mwani River; (38)

thence up-stream by that river to its intersection with the eastern boundary of L.R. No. 1758/2;

thence north-westerly by the generally north-eastern boundary of that portion to the north-eastern corner of L.R. No. 1757; (39)

thence north-westerly by the north-eastern boundaries of L.R. Nos. 1757, 1756, 1755, 1754 and 1751 to the northernmost corner of the last portion;

thence northerly by the generally eastern boundaries of L.R. Nos. 1743, 1696/2, 1696/1, 1742, 1741 and 5933 to the northernmost corner of the last portion; (40)

thence northerly by the eastern boundaries of L.R. Nos. 7225/2, 7225/1 and 7226 to the north-eastern corner of the last portion;

thence westerly by part of the northern boundary of that portion to its intersection with the Kamutwa River;

thence down-stream by that river, which forms the south-eastern boundary of L.R. No. 4937, to the intersection with the eastern boundary of that portion;

thence northerly by that eastern boundary and the generally eastern boundary of L.R. No. 1491 (south-western portion of Machakos Township) to the north-eastern corner of that portion;

thence westerly by the northern boundary of L.R. No. 1491 to its intersection with the Muringoni River;

thence up-stream by that river to its intersection with the southernmost corner of L.R. No. 4932;

thence northerly by the eastern boundaries of L.R. Nos. 4932, 1420/1, 1423/2, 5942, 361/1, 361/2, again 361/1, 3605, 3607, 3603, 3602 and 2365 to the point of commencement.

Excepting and Excluding a portion in the vicinity of Fort Hall, the boundary of which is described as follows:—

Commencing at a beacon situated on the western boundary of L.R. No. 1965 at a distance of 1,639.8 feet from its northernmost corner;

thence southerly by part of the western boundary of that portion for a distance of 6,130.9 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

304° 22' 07"	...	555.0 feet
276° 36' 59"	...	462.6 ..
237° 19' 11"	...	853.0 ..
250° 41' 47"	...	237.8 ..
342° 30' 52"	...	162.9 ..
337° 38' 08"	...	117.9 ..
314° 09' 59"	...	665.8 ..
14° 54' 59"	...	495.7 ..
342° 29' 29"	...	152.6 ..
304° 32' 43"	...	500.0 ..
313° 45' 50"	...	2,051.7 ..
55° 34' 05"	...	685.5 ..
16° 52' 15"	...	501.7 ..
14° 30' 27"	...	471.8 ..
14° 31' 17"	...	2,377.8 ..
14° 29' 51"	...	376.7 ..
97° 53' 14"	...	903.6 ..
142° 00' 19"	...	587.9 ..
131° 09' 58"	...	405.0 ..

to a beacon at the point of commencement.

#### SECTION III

Commencing at the easternmost corner of L.R. No. 183/R; (41)

thence generally north-westerly by the north-eastern and northern boundaries of L.R. No. 183/R and the northern boundary of L.R. No. 1641 to the intersection of the last with the south-eastern boundary of the Kenya and Uganda Railway Reserve;

thence northerly by that railway reserve boundary to its intersection with the southern boundary of L.R. No. 233 (Railway Quarry Reserve);

thence by the southern, eastern and northern boundaries of that portion to the intersection of the last with the eastern boundary of the Kenya and Uganda Railway Reserve;

thence by a straight line on a true bearing of  $275^{\circ} 33' 28''$  to its intersection with the western boundary of the Kenya and Uganda Railway Reserve;

thence south-westerly by that railway reserve boundary to its intersection with the north-western boundary of L.R. No. 231 (Kikuyu Trading Centre);

thence south-easterly by part of the northern boundary of that portion to the south-eastern corner of L.R. No. 4871/9;

thence northerly by the generally eastern boundary of L.R. Nos. 4871/9-16 and 4955/5-10 to the northernmost corner of the last portion;

thence by the north-eastern and north-western boundaries of L.R. No. 4870 to the intersection of the latter with the eastern boundary of the Kenya and Uganda Railway Reserve; (42)

thence northerly by that railway reserve boundary to a point on the production of the northern boundary of L.R. No. 4885;

thence westerly by a straight line to the north-eastern corner of L.R. No. 4885 and onwards by part of the northern boundary of that portion, and the northern boundary of L.R. No. 4495 to the north-western corner of the latter portion;

thence westerly and southerly by part of the northern boundary and the western boundary of L.R. No. 4885 to the south-western corner of that portion which is on the eastern boundary of the Muguga Forest Reserve (L.R. No. 4447); (43)

thence north-westerly and southerly by the generally north-eastern and generally western boundary of the Muguga Forest Reserve to the north-western corner of L.R. No. 4025;

thence south-easterly by the south-western boundary of that portion and of L.R. Nos. 4026, 4027 and 1057 to the south-western corner of the last portion; (44)

thence southerly, south-easterly and northerly by a series of cut and beacons lines (which form the boundary of the northern portion of the Dagoreti Forest Reserve L.R. No. 2256/6) to the intersection of the last with the southern boundary of L.R. No. 1057; (45)

thence easterly by part of the southern boundary of L.R. No. 1057 and the southern boundaries of L.R. Nos. 182/2/1 and 182/2/2 to the south-eastern corner of the last portion;

thence north-easterly by the south-eastern boundary of L.R. No. 182/2/2 to its intersection with the Niongana River;

thence down-stream by that river to its intersection with the western boundary of L.R. No. 7219;

thence by the western, southern, south-eastern and eastern boundaries of L.R. No. 7219 to the intersection of the last with the Niongana River;

thence down-stream by that river to its junction with an unnamed river which forms part of the north-eastern boundary of L.R. No. 7219;

thence up-stream by that unnamed river to its intersection with the south-eastern boundary of L.R. No. 1054;

thence north-easterly by part of that boundary and the south-eastern boundaries of L.R. Nos. 5945 and 183/R to the point of commencement;

*Excepting and Excluding* the portions of the Kikuyu Native Land Unit known as L.R. Nos. 178 and 1126 in the vicinity of Kikuyu Station.

## SECTION IV

Commencing at the intersection of the south-western boundary of L.R. No. 958 with the Nyangoris River; (46)

thence up-stream by that river to its intersection with the north-eastern boundary of L.R. No. 957;

thence by the north-eastern boundary of that portion to its northernmost corner;

thence by part of the south-eastern boundary and the whole of the north-eastern boundary of L.R. No. 3668 to the intersection of the latter with the Leldayet River;

thence down-stream by that river to its intersection with the eastern boundary of L.R. No. 4783/2;

thence northerly by that boundary to its intersection with the Kipsonoi River;

thence down-stream by that river to its intersection with the south-western boundary of Chemagel Township (L.R. No. 7288);

thence south-easterly, north-easterly and generally westerly by the south-western, south-eastern and northern boundary of that township to the intersection of the last with the Kipsonoi River;

thence down-stream by that river to its intersection with the northern boundary of L.R. No. 940; (47)

thence westerly and southerly by the northern and western boundaries of L.R. No. 940 to the north-western corner of L.R. No. 941/6;

thence southerly by the western boundary of that portion and the western boundaries of L.R. Nos. 941/2/2, 941/R, 941/5, 941/4, 942 and 7091 to the south-western corner of the last portion;

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thence by the western boundary of L.R. No. 7090 for a distance of 8,846.1 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:

270° 00' 00"	9,132.2 feet
199° 59' 27"	2,741.7 ..
181° 27' 37"	2,652.7 ..
141° 25' 32"	2,867.9 ..
116° 12' 40"	3,388.4 ..
172° 53' 58"	2,453.6 ..
144° 31' 20"	1,312.2 ..
214° 55' 29"	2,748.1 ..
161° 37' 42"	3,156.0 ..
203° 41' 02"	3,018.8 ..
188° 44' 22"	5,639.0 ..
206° 51' 37"	1,545.5 ..
262° 38' 18"	2,044.8 ..
209° 38' 47"	4,349.4 ..
234° 20' 24"	3,050.7 ..
209° 27' 51"	3,530.5 ..

to the north-western corner of L.R. No. 4400/R;

thence by the generally western boundaries of L.R. Nos. 4400/R and 5473/3 to the northernmost corner of L.R. No. 5471;

thence by the north-western and south-western boundaries of that portion and the south-western boundaries of L.R. Nos. 5472, 7126, 5448/2, 3644/6 and 3644/7 to the southernmost corner of the last portion (Gelegele);

thence by the straight line towards the Trigonometrical Beacon "Abossi" for a distance of about 18,413 feet to a beacon;

thence by a straight line on a true bearing of 6° 11' 03" for a distance of about 9,299 feet to a beacon;

thence by a straight line on a true bearing of 42° 50' 17" for a distance of about 6,442 feet to a beacon;

thence by a straight line on a true bearing of 11° 19' 22" for a distance of about 3,181 feet to a beacon;

thence by a straight line on a true bearing of 27° 23' 40" for a distance of about 8,577 feet to a beacon;

thence by a straight line on a true bearing of 31° 32' 23" for a distance of about 6,398 feet to a beacon;

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## Crown Lands

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thence by a straight line on a true bearing of 17° 47' 33" for a distance of about 3,583 feet to a beacon at the southernmost corner of L.R. No. 948;

thence by the south-eastern boundary of that portion and the south-eastern boundary of L.R. No. 3677 to the intersection of the latter with the Sisi River;

thence up-stream by that river to its intersection with the south-western boundary of L.R. No. 955;

thence south-easterly by that south-western boundary and the south-western boundary of L.R. No. 958 to the point of commencement.

## SECTION V

Commencing at the north-western corner of L.R. No. 1906 at the Trigonometrical Beacon Kipsugur;

thence southerly by the western boundary of L.R. No. 1906 to the north-eastern corner of L.R. No. 1900;

thence by the northern and western boundaries of that portion and the western boundary of L.R. No. 1762 to its intersection with the Mchomekek River;

thence up-stream by that river to the intersection with the eastern boundary of the Kisumu-Kapsabet Road Reserve;

thence south-westerly by that road reserve boundary to its intersection with the western boundary of L.R. No. 1891;

thence southerly by the latter boundary and the western boundary of L.R. No. 1890 to the south-western corner of the latter portion;

thence south-easterly by the south-western boundaries of L.R. Nos. 1890, 1898 and 1897 to the south-eastern corner of the last portion;

thence north-easterly by the south-eastern boundaries of L.R. Nos. 1897 and 1896 to the northernmost corner of the latter portion;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 1895 and 1894 to the intersection of the latter with the Mchomekek River;

thence down-stream by that river to its intersection with the south-eastern boundary of L.R. No. 1763;

thence north-easterly by that boundary to its intersection with the Yala River;

thence down-stream by that river to its intersection with the eastern boundary of the Kisumu-Kapsabet Road Reserve;

thence north-easterly by the generally south-eastern boundary of that road reserve to its intersection with the south-western boundary of L.R. No. 1902;

thence by that south-western boundary and the southern boundary of L.R. No. 1902 to the south-eastern corner of the latter portion; (51)

thence north-easterly by the generally south-eastern boundaries of L.R. Nos. 6734 and 6736 to the north-eastern corner of the latter portion;

thence northerly and westerly by the eastern and northern boundaries of L.R. No. 1904 to the north-western corner of that portion;

thence northerly and westerly by the eastern and northern boundaries of L.R. No. 1906 to the point of commencement. (49)

## SECTION VI

L.R. Nos. 187, 188/1, 188/2, 190, 226, 228, 229, 230, 227	In the vicinity of Fort Smith.
L.R. No. 1058	Adjoining Dagoreti Township.
L.R. No. 1127	In the vicinity of Government Farm extension Kabete.
L.R. No. 232	In the vicinity of Kikuyu Station.
L.R. No. 2256/7	Lower portion of the Dagoreti Forest Reserve south-west of Dagoreti Township.
L.R. No. 236	R.C. Mission. West of Kiambu Township.
L.R. Nos. 1064, 1065 and 1066	A.I. Mission, Kambui.
L.R. No. 1760	Water Works Reserve.
L.R. No. 325/8 (325/6/3)	West of Maragua Railway Station.
L.R. No. 7167	Tana-Maragua Power Station.
(That portion which lies to the north of the Maragua River.)	

## EIGHTH SCHEDULE

## BOUNDARIES OF THE NORTHERN FRONTIER DISTRICT AND THE TURKANA DISTRICT

The areas which are described below, are delineated, edged brown, on Boundary Plan No. 159, deposited at the Land Survey Records Office, Nairobi.

*Northern Frontier District*

Commencing at the mouth of the River Turkwel in Lake Rudolf;

thence northerly by a straight line through the summit of North Island and onwards to its intersection with the boundary of Abyssinia;

thence easterly by the Kenya-Abyssinian boundary to its intersection with the north-western boundary of Italian Somaliland;

thence south-westerly, southerly and south-easterly by the north-western, western and south-western boundaries of Italian Somaliland to the intersection with the northern boundary of Lamu District;

thence westerly and south-westerly by the generally northern boundary of the latter district to its intersection with the generally eastern boundary of Tana River District;

thence westerly, northerly, north-westerly and westerly by the generally eastern and northern boundaries of the latter district to the junction of the Mackenzie and Tana Rivers;

thence north-westerly and south-westerly by part of the generally north-eastern and north-western boundaries of the Kikuyu Native Land Unit;

thence in a generally north-westerly direction by the generally northern or north-eastern boundaries of North Nyeri and Laikipia Districts to the most southern point of Turkana District, on the Amaya River;

thence northerly by the eastern boundary of Turkana District to the point of commencement.

*Excluding and excepting.*

Such portion of the North Pokomo Native Land Unit as lies within the above boundaries, and as described in the First Schedule.

The Isiolo Native Leasehold Area as described in the Fourth Schedule.

*Turkana District*

Commencing at Teleki's Volcano at the south end of Lake Rudolf;

thence in a southerly direction to the western slopes of Mount Ajuk;

thence generally southerly along the top of the lava escarpment which forms the eastern edge of the Sogota Valley until such escarpment merges into Mount Lorogi;

thence generally southerly along the western slope of Mount Lorogi to the falls on the Amaya River, about 36° 24' E. and 0° 55' N;

thence by that river down-stream to a point due east of Ol Doinyo Lengere (the most easterly point of the Kerio Native Land Unit;

thence due west by a straight line to Ol Doinyo Lengere;

thence north-westerly along the north-eastern boundary of the Kerio Native Land Unit to its intersection with the Kerio River;

thence generally north-westerly by the generally north-eastern boundary of the Kerio Native Land Unit to its intersection with the Turkwel River;

thence by that river down-stream to where the latter enters Lake Rudolf;

thence generally southerly by the western shores of Lake Rudolf to the point of commencement

Passed in the Legislative Council the eighteenth day of August, in the year of Our Lord one thousand nine hundred and thirty-eight

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council and is presented for authentication and assent as a true and correct copy of the said Bill

*Acting Clerk to the Legislative Council*

## NATIVE LANDS TRUST BILL, 1938

This Bill together with the Crown Lands (Amendment) Bill, 1938, is designed to give effect to the recommendations of the Kenya Land Commission which was appointed to inquire into and report upon the claims and needs in respect of land of the native population in the Colony and Protectorate of Kenya and certain other matters.

This Bill, prior to its introduction into Legislative Council, was submitted to the Secretary of State, and was, subject to certain suggested amendments, approved by him in a despatch Kenya Confidential of the 2nd June, 1938.

No Comparative Table accompanies the Bill since it is not modelled on any Colonial Ordinance or Imperial Act. A copy of the Bill, however, showing the amendments made since the Bill was approved by the Secretary of State is enclosed for transmission to the Secretary of State.

Although His Excellency the Governor may, in view of the provisions of Clause 2 of the Bill, legally assent to the Bill in the name of His Majesty, I am, having regard to the number of amendments made to the Bill since it was approved by the Secretary of State, of the opinion that His Excellency should not assent to the Bill until it has been referred to the Secretary of State for final approval.

Nairobi,

18th August, 1938

*W. H. H. H.*  
ATTORNEY GENERAL

COPY  
OF  
THE NATIVE LANDS TRUST BILL, 1938  
SHOWING THE AMENDMENTS MADE SINCE  
THE BILL WAS APPROVED BY THE  
SECRETARY OF STATE

N.B.—(a) The amendments shown in blue black ink are the amendments proposed by the Secretary of State in the memorandum enclosed to his despatch Kenya Confidential dated the 2nd June, 1938.

(b) The amendments shown in red ink are the amendments made by the Select Committee of the Legislative Council appointed to consider the provisions of the Bill.

**A Bill to make Provision for Native Lands in the Colony**

BE IT 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 Native Lands Trust Ordinance, 1938. Short title.

2. This Ordinance shall not come into operation until Orders have been made by His Majesty in Council providing for the establishment of a Native Lands Trust Board and a Highlands Board and shall thereafter come into operation on such date as the Governor shall by proclamation in the Gazette appoint. Commencement.

3. In this Ordinance, unless the context otherwise requires— Interpretation.

the "Highlands" means the areas of land the boundaries of which are set out in the Seventh Schedule to the Crown Lands Ordinance;

Cap. 140.

"Highlands Board" means the Board which may be established as the Highlands Board in accordance with the provisions of any Order of His Majesty in Council;

"mining lease" does not include a lease in respect of a subterranean area.

"native lands" mean the areas of land the boundaries of which are set out in the First Schedule hereto;

"native land units" mean the divisions of land into which the native lands are divided, which divisions are specified in the Second Schedule hereto;

"native leasehold areas" mean the areas of land the boundaries of which are set out in the Sixth Schedule to the Crown Lands Ordinance;

Cap. 140.

"native reserves" mean the areas of land the boundaries of which are set out in the Fourth Schedule to the Crown Lands Ordinance;

Cap. 140.

"temporary native reserves" mean the areas of land the boundaries of which are set out in the Fifth Schedule to the Crown Lands Ordinance;

"Trust Board" means the Board which may be established as the Native Lands Trust Board in accordance with the provisions of any Order of His Majesty in Council.

## PART I

## ESTABLISHMENT AND FUNCTIONS OF LOCAL BOARDS

4. (1) There shall be established in every administrative district in which any native lands may be situate an advisory board to be known as the Local Land Board (hereinafter referred to as the "Local Board") which shall consist of—

- (a) the District Commissioner as chairman;
- (b) four members of the Local Native Council, <sup>two</sup> one of whom shall be chosen by the members of such Council and ~~two~~ <sup>two</sup> of whom shall be selected by the Provincial Commissioner;
- (c) ~~two~~ <sup>two</sup> members appointed by the Provincial Commissioner from among the native inhabitants of any administrative district where there is no Local Native Council; and
- (d) ~~such additional members as may be co-opted at any time by the Local Board.~~

(2) The Chairman of a Local Board and two other members shall form a quorum.

(3) A Provincial Commissioner may attend any meeting of a Local Board in his Province and at such meeting may speak but may not vote.

5. It shall be the function of a Local Board generally to exercise the various powers and to carry out the duties assigned to Local Boards by this Ordinance and by any rules made thereunder, and to make written representations to the Trust Board in regard to any matter concerning the protection of the native lands upon which the advice of the Local Board has been rejected by a Provincial Commissioner.

## PART II

## INTER-TRIBAL OCCUPATION PERMITS AND EXCHANGES

6. (1) The Governor may, upon such conditions and for such terms as he may deem expedient, issue permits to occupy areas of land in a native land unit to and for the benefit of any native tribe, group, family or individual of any other native land unit.

Cap. 140.

Local Boards

Functions of  
Local BoardsInter-tribal  
occupation  
permits

(2) No such permit shall in any case be issued unless and until the land to which the permit relates has first been set apart in accordance with the provisions of Part III of this Ordinance.

(3) The Governor shall, before issuing a permit under the provisions of this section, consult the Trust Board. If the Trust Board objects to the issue of the permit the Governor shall refer the matter to the Secretary of State, whose decision shall be final.

7. (1) Notwithstanding anything in this Ordinance contained, the Governor may, with the consent of the Trust Board and with the approval of the Legislative Council, grant leases of land in the native lands to any person for the purpose of effecting exchanges of land between land in such native lands and other land.

(2) Every such grant shall be made upon such conditions and for such term as the Governor may deem expedient, and in every case the land to be so leased shall first be set apart and shall be subject to the payment of compensation in accordance with the provisions of Part III of this Ordinance.

(3) Any land in the native lands which is the subject of an exchange by way of lease between native lands and other land shall, by reason of such exchange, cease to form part of the native lands for the currency of the term of such lease.

(4) Any land in the native lands which is the subject of an exchange by way of lease between native lands and Crown lands shall be deemed, by reason of such exchange, to have become Crown land for the currency of the term of such lease.

(5) All land which is the subject of any exchange with land in the native lands under this section shall vest in the Trust Board for the currency of the term of the lease granted under sub-section (1) of this section.

The provisions of this sub-section shall apply to such land irrespective of whether it be Crown lands, or land held under the Land Titles Ordinance, or land alienated under the provisions of any of the following Ordinances:—

- (a) the Crown Lands Ordinance, 1902,
- (b) the Crown Lands Ordinance;
- (c) the Crown Lands (Discharged Soldiers Settlement) Ordinance:

Exchanges

Cap. 143

Cap. 140.

Cap. 141.

Provided that, where the circumstances attending any exchange of land are such that the Governor, the Legislative Council, the Trust Board, the Local Board and the Local Native Council concerned are all agreed as to the need for permanency in such exchange, the Governor, in lieu of granting a lease under sub-section (1) of this section, may, by notice in the Gazette, effect the exchange by a permanent exclusion of land from the native lands and a permanent vesting in the Trust Board of the land exchanged.

Exchanges in the Highlands.

8. No exchanges under the provisions of this Part shall be effected in respect of any land in the Highlands, save with the consent of the Highlands Board.

PART III  
SETTING APART

Setting apart of land in the native lands.

9. Notwithstanding anything contained in any other law for the time being in force in the Colony, land in the native lands may be set apart in accordance with the provisions of this Ordinance.

Land set apart remains native land.

10. Save as is provided in section 7 of this Ordinance, any land in the native lands set apart under the provisions of this Part shall, notwithstanding such setting apart and any grant of such land subsequently made, remain part of the native lands.

Application for setting apart.

11. (1) When it is desired that land should be set apart in accordance with the provisions of this Ordinance, application in writing shall be made to the Provincial Commissioner of the Province in which the land to which such application relates is situate.

(2) Residential sites, which are required for the accommodation of persons engaged in any trade or industry, may be included in the area to which the application relates.

(3) Where any such application is made for the purpose of obtaining a mining lease of land in the native lands, the application shall be accompanied by a plan, based on a survey by a licensed surveyor, of the area to which the application relates and shall be addressed to the Provincial Commissioner through the Commissioner of Mines.

Procedure as to setting apart land not exceeding ten acres in extent.

12. (1) Where an application has been duly made to him in respect of the setting apart from the native lands of an area of land not exceeding ten acres in extent, a Provincial

Commissioner may, subject to the provisions of this Ordinance and with the approval of the Local Board concerned, set apart such land.

(2) Where the area of land to which a proposal to set apart relates does not exceed ten acres in extent and the Provincial Commissioner supports the proposal but the Local Board concerned objects thereto, such area shall not be set apart unless and until the approval of the Governor to such setting apart has been obtained.

(3) Where an application to set apart an area of land not exceeding ten acres in extent is made to a Provincial Commissioner and is not supported by him, such application shall be forwarded for the consideration of the Local Board concerned. Should the Local Board support the proposal, the application shall be forwarded for the consideration of the Governor.

(4) Where an application to set apart an area of land not exceeding ten acres in extent is not supported by either the Provincial Commissioner or the Local Board concerned, the Provincial Commissioner shall inform the applicant that the application has been refused. The applicant may appeal in writing to the Governor against such refusal within ~~twenty~~ **one** days after the date on which he is notified thereof.

(5) The decision of the Governor upon any of the matters referred to him under the provisions of this section shall be final.

13. (1) Where an application is made to a Provincial Commissioner under this Ordinance to set apart from the native lands an area of land exceeding ten acres in extent, such application shall in every case, subject to the provisions of section 14 of this Ordinance and after being submitted to the natives concerned and to the authorities set out in paragraphs (b) and (c) of section 15 of this Ordinance, be referred to the Trust Board.

Power of Trust Board as to applications to set apart land exceeding ten acres in extent.

(2) If the Trust Board approves of such application it shall grant the application.

(3) If the Trust Board does not approve of such application it shall submit the application to the Governor together with the reasons for such non-approval, and the Governor may refer the matter to the Secretary of State, whose decision shall be final.

Power of Trust Board to delegate to Chief Native Commissioner.

14. The Trust Board may, by notice in the Gazette, delegate to the Chief Native Commissioner the power to grant the applications referred to in the last preceding section where the area of land to be set apart does not exceed fifty acres in extent, but the Chief Native Commissioner shall not refuse any such application without the consent of the Trust Board. In any case where the Trust Board supports the refusal of the Chief Native Commissioner the Board shall submit the application to the Governor together with the reasons for such refusal, and the Governor may refer the matter to the Secretary of State, whose decision shall be final.

Conditions to be fulfilled prior to approval of setting apart.

15. Approval of the setting apart of land under the provisions of this Part of this Ordinance shall in no case be granted unless and until all the following conditions have been fulfilled—

- (a) the proposed setting apart must, in the opinion of the Provincial Commissioner, be for the benefit of the natives, either by reason of the use to which the land is to be put or by reason of the anticipated revenue from rents;
- (b) the proposal to set apart the land must have been brought to the notice of the natives concerned and to the notice of the Local Native Council having jurisdiction over the area in which such land is situate, and such natives and such Local Native Council must have had an opportunity of expressing their views upon the proposal;
- (c) ~~the Local Board concerned must have been consulted and representatives of the location or section concerned must have been co-opted as additional members of the Local Board for the purpose of expressing their views upon the proposal;~~
- (d) when the land is to be leased, then before, or at the time of, the making of the application to the Provincial Commissioner for setting apart, an application for the grant of a lease in respect of the land to be set apart must have been duly lodged with the Provincial Commissioner.

Setting apart to be gazetted.

16. (1) When an application for setting apart has been duly approved by the proper authority in accordance with the provisions of this Ordinance, the Provincial Commissioner shall publish in the Gazette a notice of such setting apart, and

been consulted... opportunity of expressing... sal which... given... in writing...

in such notice shall specify the boundaries of the land so set apart and the purposes for which the land is set apart. Such land shall be deemed to be set apart on, and not before, the date of the publication of such notice, save where some other date is therein specified:

Provided that the Provincial Commissioner shall not gazette such setting apart unless and until the sums of money payable by way of compensation in accordance with the provisions of sections 17, 18 and 19 of this Ordinance and calculated as hereinafter provided have first been deposited with the District Commissioner.

Compensation to be paid prior to setting apart.

(2) Where land is set apart preparatory to the grant of a mining lease, the provisions of this section shall be in addition to and not in derogation of the provisions of the Mining Ordinance, 1933.

No. 61 of 1933.

17. (1) Where an application to set apart land has been duly approved by the proper authority under the provisions of this Ordinance, the District Commissioner shall notify the natives in the area concerned that such application has been so approved.

Compensation for disturbance and other loss.

(2) Any native who, though not a private right-holder within the meaning of section 18 of this Ordinance, is likely to be prejudicially affected by the setting apart of any land under this Part of this Ordinance, shall be entitled to apply for compensation to the District Commissioner concerned in respect of disturbance or of any other loss or expense likely to be caused by such setting apart, and the District Commissioner shall forward forthwith to the Provincial Commissioner the details of every such application.

(3) The compensation payable to any such native upon the granting of any such application for compensation by the Provincial Commissioner shall include full compensation for the vacation or destruction of any hut or huts or other buildings and for any growing crops which such native is unable to reap or which are, or are likely to be, destroyed or damaged.

(4) The amount of compensation to be awarded to any native under this section shall be assessed by the Provincial Commissioner after consultation with the Local Board concerned, and shall, after such assessment, be deposited by the applicant for setting apart with the District Commissioner. The District Commissioner shall be responsible for notifying all persons concerned of the Provincial Commissioner's award.

(5) Any person aggrieved by an award of a Provincial Commissioner under this section may, within ~~twenty-one~~ <sup>thirty</sup> days after the date of the ~~making~~ <sup>issuing</sup> of such award, appeal in writing through the Provincial Commissioner to the Governor, whose decision shall be final. The Governor in special cases and in his absolute discretion may extend the time for lodging any such appeal.

(6) (a) Where no such appeal has been lodged, or where such appeal has been determined by the Governor and the sum of money finally assessed does not exceed the amount of compensation deposited with the District Commissioner in accordance with the provisions of this section, the District Commissioner shall, from the amount of compensation so deposited with him, and upon instructions from the Provincial Commissioner, pay the sums of money finally assessed to the persons entitled thereto.

(b) Where an appeal has been determined by the Governor and the sum of money finally assessed exceeds the sum of money deposited with the District Commissioner in accordance with the provisions of this section, the applicant for setting apart shall pay to the District Commissioner the additional sum of money so awarded as compensation, and the District Commissioner shall, upon the instructions of the Provincial Commissioner, pay the sums of money finally assessed to the persons entitled thereto.

18. (1) In any district where the Provincial Commissioner considers that a recognizable form of private right-holding exists, any native who claims to be a private right-holder in respect of any portion of the land to which an application to set apart relates shall be entitled to apply to the District Commissioner for compensation, and the District Commissioner shall forward ~~for~~ with every such application to the Provincial Commissioner.

(2) Where, after consultation with the Local Board, the Provincial Commissioner is satisfied as to the claim of any native so applying, compensation, in addition to the compensation awarded under the last preceding section, shall be awarded to such native, and shall be calculated on the basis of the full agricultural value of the land plus fifteen per centum of such value.

(3) The amount of compensation to be awarded to any native under the provisions of sub-section (2) of this section shall be assessed by the Provincial Commissioner after consultation with the natives concerned and with the Local Board

Compensation  
for private  
right-holders.

Provisions  
of the Ordinance  
relating to private right-

(4) Where the Provincial Commissioner and the Local Board are unable to agree upon the sum of money which should be so awarded as compensation, or where any person desires to appeal against a sum so awarded, or against any decision of the Provincial Commissioner as to the existence or non-existence of any system of private right-holding, or against any decision as to the claim of a native to be a private right-holder, the matter shall be referred to the Governor, whose decision shall be final. Every appeal under this sub-section shall be made in writing through the Provincial Commissioner within ~~twenty-one~~ <sup>thirty</sup> days after the date of the award of decision to which the appeal relates.

(5) All sums of money awarded as compensation under this section shall be deposited by the applicant for setting apart with the District Commissioner, who shall be responsible for notifying any person concerned as to the amount so awarded.

19. (1) Where any dispute arises as to the persons entitled to receive any sum of money which has been duly assessed under the provisions of this Ordinance, the Provincial Commissioner shall direct that such sum be deposited in the office of the District Commissioner by the applicant for setting apart, pending the making of a final award by the District Commissioner, but the setting apart of the land shall not be delayed by reason of any such dispute.

Deposit of  
money pending  
settlement of  
disputes

(2) Where a sum of money has been so deposited in the office of the District Commissioner under the provisions of the last preceding sub-section, the District Commissioner, after taking the advice of the Local Board having jurisdiction in the area concerned and after hearing all interested parties and their witnesses, shall make his award.

(3) Any person aggrieved by the award of a District Commissioner under this section may, within ~~twenty-one~~ <sup>thirty</sup> days after the date of the ~~making~~ <sup>issuing</sup> of such award, appeal to the Provincial Commissioner, whose decision shall be final. The Provincial Commissioner in special cases and in his absolute discretion, may extend the time for lodging any such appeal.

(4) Where no such appeal has been lodged or where such appeal has been duly determined, the District Commissioner shall, from the sum of money deposited with him, pay to the persons entitled thereto the various amounts awarded by him or by the Provincial Commissioner, as the case may be.

Commuted rent  
for mining  
leases.

No. 61 of 1933.

20. (1) Except in cases of private right-holding where compensation has been awarded under the provisions of section 18 of this Ordinance, and notwithstanding anything contained in the Mining Ordinance, 1933, a lump sum of money by way of commuted rent shall be payable in every case by a mining lessee for all land set apart under this Ordinance in respect of which a mining lease is granted to him, and the payment of such lump sum shall be additional to the rent payable to the Government of the Colony for such mining lease.

(2) The commuted rent payable for the land so set apart shall be paid by the applicant to the District Commissioner on behalf of the Local Board concerned, and shall be such a sum of money as the Provincial Commissioner shall assess as representing the total sum payable by way of annual rent over the term of years for which the mining lease is to be granted, the amount of such annual rent being calculated on the full agricultural value of the land.

(3) Any person aggrieved by the amount assessed as commuted rent under this section may, within ~~thirty~~ <sup>one</sup> days after the ~~making~~ <sup>making</sup> of such assessment, appeal in writing to the Governor, whose decision shall be final.

(4) The District Commissioner, as Chairman of the Local Board, shall be responsible for making payments in proper cases, out of the sums so paid to the Board by way of commuted rent, to such natives as may be entitled thereto under the provisions of section 17 of this Ordinance.

(5) The District Commissioner, as Chairman of the Local Board, shall from time to time pay to the Local Native Council concerned any balance remaining in the hands of the Local Board from sums so paid by way of commuted rent.

(6) Where a mining lease in respect of any land set apart in the native lands is determined, from any cause whatsoever, at any time before the expiration of the term for which such lease was granted, no claim shall lie by the mining lessee or any other person for a proportionate or any other refund of any sum previously paid by way of commuted rent in respect of such mining lease. The provisions of this sub-section shall apply to all such mining leases, irrespective of whether they have been granted before or subsequent to the commencement of this Ordinance.

21. (1) Notwithstanding any provision to the contrary contained in the Mining Ordinance, 1933, the term for which land is set apart under the provisions of this Part shall be deemed to run concurrently with the term of the mining or other lease granted in respect of such land and with the term for which any such lease is thereafter renewed. The setting apart of the land shall be deemed to have expired automatically upon the final expiry of the lease and the land shall thereupon revert to native use.

Term for which  
land is set apart  
with term of  
lease.  
No. 61 of 1933.

(2) Upon the first and every subsequent renewal of a mining lease, in addition to any fees and rent payable under the Mining Ordinance, 1933, there shall be paid for the renewal of the setting apart of the land in respect of which the mining lease was granted, the sum of money by way of commuted rent as provided in section 20 of this Ordinance, together with an additional sum equal to twenty per centum of the amount of such commuted rent.

(3) In every case where a lease of native lands is renewed the Provincial Commissioner shall publish in the Gazette a notice of the renewal of the setting apart of the land in respect of which the lease was granted, and such renewal shall take effect from the date of such publication, save where some other date is in such notice specified. In the case of the renewal of a mining lease, no such notice shall be published unless and until the sums provided for in the last preceding sub-section have been paid.

(4) Where any lump sum of money is, under the provisions of this Part of this Ordinance, paid to or deposited with the District Commissioner for payment to the person or persons entitled thereto, such District Commissioner may, in his absolute discretion, pay such money to such person or persons either in one single payment or in a number of payments made over such period of time as may to him seem fit and desirable.

22. (1) Where a Provincial Commissioner considers it desirable that any specific area of land in the native lands should be set apart—

Setting apart for  
local public  
purpose.

- (a) for a township, trading centre, market, or for a Government school, hospital, station or camp; or
- (b) for the purpose of issuing inter-tribal occupation permits as provided in section 6 of this Ordinance, or

(c) for any purpose which, in the opinion of the Provincial Commissioner, is likely to benefit the natives resident in the native land unit concerned either by reason of the use to which the land is to be put or by reason of the anticipated revenue from rents,

the Provincial Commissioner shall cause a proposal to that effect to be submitted to the natives concerned and to the authorities set out in paragraphs (b) and (c) of section 15 of this Ordinance, and the provisions of sections 12, 13 and 14 of this Ordinance, save in so far as such provisions presuppose the making of an application to the Provincial Commissioner, shall apply to every such proposal.

(2) The Provincial Commissioner shall publish in the Gazette, in accordance with the provisions of sub-section (1) of section 16 of this Ordinance, a notice of every such setting apart, but no such notice shall in any case be so published unless and until the requirements of section 23 of this Ordinance have been fulfilled.

23. Any compensation payable under the provisions of this Ordinance in respect of the setting apart of any land under the provisions of section 22 of this Ordinance shall be paid in accordance with the provisions of sections 17 and 18 of this Ordinance by the Local Native Council concerned:

Provided that, in the case of a permanent camp established for the use of the armed forces of the Crown, such compensation shall be paid from the general revenues of the Colony.

24. (1) Notwithstanding anything in this Part of this Ordinance contained, but subject always to the provisions of sections 12, 13, 14, 17 and 18 of this Ordinance, a Provincial Commissioner may set apart land in the native lands for any of the following purposes:—

- (a) public reservoirs, aqueducts, canals, watercourses or water pipe lines;
- (b) public sewerage works;
- (c) public quays, wharves or landing places;
- (d) public aerodromes and landing grounds;
- (e) the development of electric power for public purposes from any lake, river or stream;
- (f) public telegraphs or telephones;
- (g) buildings or works in connexion with any of the foregoing purposes, together with the necessary curtilage of such buildings or works.

Setting apart for general public purposes.

(4) any other purpose which the Governor may, under the powers conferred upon him by sub-section (2) of section 48 of this Ordinance, declare to be a public purpose.

(2) Before the publication in the Gazette of the setting apart of land for any of the purposes referred to in this section, the compensation, if any, payable in accordance with the provisions of sections 17 and 18 of this Ordinance shall be paid from the general revenues of the Colony.

25. (1) Notwithstanding anything in this Part of this Ordinance contained, but subject to the provisions of sections 17 and 18 of this Ordinance, a Provincial Commissioner may set apart from the native lands any land which is required for a public railway, tramway or road, or for a tramway or road of access—

Setting apart for railways, tramways and roads.

For the purposes of this sub-section, tramway or road of access means a tramway or road which gives access—

- (a) (i) from any land forming part of the native lands and which has been set apart under the provisions of this Ordinance, or
  - (ii) from any land situate within the boundaries of the native lands (whether or not it forms part of the native lands), or
  - (iii) from any land situate outside the boundaries of the native lands through any part of the native lands,
- to the nearest railway station or halt or public road; or
- (b) from any land in the native lands in respect of which a mining lease has been granted to a lessee under the Mining Ordinance, 1933, to any points on the surface of any area of land in the native lands which overlies a subterranean area in respect of which such mining lessee has been granted a mining lease; or
  - (c) from any surface point to which the last preceding paragraph relates to any other such surface point.

(2) Before any land is set apart for any purpose under the provisions of this section, the Provincial Commissioner shall consult the Local Board as to the alignment of the proposed railway, tramway or road and as to the compensation to be paid in respect thereof. Where the Provincial Commissioner and the Local Board are unable to agree as to any

or for buildings or the foregoing purposes or curtilage of such buildings.

cattle dip and labour

such matter the Provincial Commissioner shall make a report thereon to the Governor, whose decision shall be final.

(3) It shall not be obligatory on the Provincial Commissioner to consult the Trust Board as to any proposal to set apart land under this section, but the Provincial Commissioner shall forward to the Board an estimate of the area of land likely to be withdrawn from agricultural use by reason of such setting apart.

(4) Where the Trust Board is of opinion that, by reason of any setting apart under the provisions of this section or of section 24 of this Ordinance, the agricultural land available in any native land unit is likely to be insufficient for the economic needs of the natives concerned, the Board may recommend to the Governor the addition to such native land unit of an area of land equal in value to the area of land withdrawn from agricultural use. ~~Any land so added~~ shall be deemed to be included in the native lands for the purposes of this Ordinance.

(5) Where the Trust Board is in any way dissatisfied by reason of any setting apart of land under this section or by reason of any matter arising from such setting apart, the Board may make representations to the Governor or to the Secretary of State, but it shall not be obligatory to delay the construction of public works upon land so set apart pending the consideration of any such representations.

26. (1) All compensation payable in respect of the setting apart of land in accordance with the provisions of the last preceding section shall be settled by one outright payment.

(2) ~~Where the setting apart is in respect of a road, the whole cost of the construction of which has not been defrayed from the general revenues of the Colony and the whole cost of the maintenance of which has not been, and at the time of such setting apart is not so defrayed, the compensation payable shall be paid by the Local Native Council concerned from its revenues.~~

(3) Where the setting apart is in respect of a road, the whole cost of the construction of which has been defrayed from the general revenues of the Colony and the whole cost of the maintenance of which has been and at the time of such setting apart is so defrayed, the compensation payable shall be paid from the general revenues of the Colony.

Compensation for setting apart of railways, etc.

is in respect of a construction of which general revenues of the maintenance of time of such setting compensation payable of the Local native general revenues of compensation payable the Colony shall bear amount of compensa- the cost of the road s of the Colony bears

If any land is so added it

Who shall refer the matter?

(4) Where the maintenance of a road, the cost of the construction of which has not been defrayed from the general revenues of the Colony, becomes at any time a charge upon such revenues, it shall be the duty of the Provincial Commissioner, after consultation with the Local Board, to submit a claim for the repayment to the Local Native Council of the sum paid by such Council under the provisions of sub-section (2) of this section. Every such claim shall be considered by the Central Roads and Traffic Board established under the Central Roads and Traffic Board Ordinance, 1929, and the decision of the Governor upon such claim shall be final:

No. 18 of 1929

Provided that any compensation payable by reason of a realignment of any such road shall be paid from the general revenues of the Colony.

(5) Where the setting apart is in respect of a railway, the compensation, if any, payable shall be paid by the High Commissioner for Transport.

(6) Nothing in this section contained relating to compensation shall be deemed to apply to any public road or railway which was in existence in the native lands before the date of commencement of this Ordinance, irrespective of whether, in the case of a public road, such road had or had not at such date been declared to be a public road under any Ordinance relating to roads.

(7) Where land has been set apart under the provisions of this section for a tramway or road of access the compensation, if any, payable shall be paid by the owner of such tramway or by the lessee of the land to and from which access is given by such road, as the case may be.

27. Every District Commissioner in the native lands shall cause a register to be kept in his office containing a description of all land which has been set apart, in accordance with the provisions of this Ordinance, from the native lands in his district, together with all particulars relating to such land.

District Commissioners to keep registers.

## PART IV

### EXCLUSIONS

#### PERMANENT EXCLUSIONS FOR PUBLIC PURPOSES

28. (1) Subject to the provisions of sub-section (2) of this section and notwithstanding anything in Part III of this Ordinance contained, the Governor, after consulting the Local Board and with the consent of the Trust Board, may exclude from the native lands any land required for any of the purposes

Exclusions for public purposes.

"(1) Subject to the provisions of sub-section (2) of this section and notwithstanding anything in Part III of this Ordinance contained, the Governor, after consulting the Local Board and with the consent of the Trust Board, may exclude from the native lands any land required for any of the purposes set out in section 22 (but not for the purpose set out in paragraph (b) of sub-section (1) of that section) and in sections 24 and 25 of this Ordinance, and the land so excluded shall thereupon cease to form part of the native lands. In every case where the Local Board is consulted by the Governor for the purposes of this section, representatives of the location or section concerned and of the local natives concerned shall be given the opportunity of appearing before the Local Board for the purpose of expressing their

set out in sections 22, 24 and 52 of this Ordinance, and the land so excluded shall thereupon cease to form part of the native lands. Representatives of the location or section concerned and of the local natives concerned shall be co-opted on the Local Board in every case where such Board is consulted by the Governor for the purposes of this section.

(2) No such exclusion shall be made unless and until the Governor is satisfied that a majority of the natives concerned has expressed a desire that the land required should be so excluded in lieu of being set apart, and unless and until the Local Native Council concerned has passed a resolution to that effect.

(3) Where any land is so excluded from the native lands the Governor shall, by notice published in the Gazette, add to the native land unit from which such land has been excluded an area of suitable and, where possible, contiguous unalienated Crown land of equivalent value. Any land so added shall form part of the native lands for the purposes of this Ordinance:

Provided that, in any case where land so excluded is required solely for the actual site of a building together with the curtilage thereof, no such addition of land need be made:

And provided further that, in any case where an equivalent area of land has been added to the native lands before and in anticipation of any individual exclusion, no additional area need be added under the provisions of this sub-section.

(4) ~~No land situate in the Highlands shall be added to the native lands under the provisions of sub-section (3) of this section, save with the consent of the Highlands Board, and if the Board does not agree to any such addition the Governor may refer the matter to the Secretary of State, whose decision shall be final.~~

(5) In any case where the Trust Board does not consent to the exclusion of land under this section, the Governor may refer the matter to the Secretary of State, whose decision shall be final.

#### TEMPORARY EXCLUSIONS FOR MINING PURPOSES

29. (1) Where an application has been made for the grant of a mining lease of land in the native lands, such land may be temporarily excluded from the native lands by the Governor if he is satisfied that a majority of the natives concerned has expressed a desire that this procedure be followed in lieu of setting apart the land in accordance with the

Temporary  
Exclusions for  
Mining

provisions of Part III of this Ordinance, and that the Local Native Council has passed a resolution to that effect. Every proposal for any such temporary exclusion shall first be laid before the Provincial Commissioner, who shall report thereon to the Trust Board, and the Board shall consider the practicability or otherwise of such proposal, having regard to the provisions of sub-section (2) of this section, and shall thereafter make its recommendations to the Governor, whose decision shall be final.

(2) In every case where land is temporarily excluded from the native lands under the provisions of this section there shall be added temporarily to the native lands for the currency of the term of such exclusion an area of unalienated Crown land equal in agricultural value and, so far as may be, equal in size to the area which has been so excluded.

(3) Notwithstanding any provision to the contrary contained in the Mining Ordinance, 1933, the term for which land is temporarily excluded from the native lands under the provisions of this section shall be deemed to run concurrently with the term of the mining lease granted in respect of such land, and the term of such temporary exclusion shall be deemed to have expired automatically upon the expiry of the mining lease: Provided that if the mining lease is, under the provisions of the Mining Ordinance, 1933, renewed for any term, the exclusion of the land temporarily excluded shall be deemed also to have been renewed for a like term.

(4) Upon the final determination of a mining lease in respect of which land has been temporarily excluded, the land so excluded shall forthwith revert to and form part of the native lands, and thereupon any land temporarily added to the native lands by reason of such temporary exclusion shall cease to form part of the native lands and shall revert to the Crown:

Provided that in any case where the Trust Board is satisfied that the agricultural value of any portion of an area so temporarily excluded has been permanently impaired by reason of mining operations conducted thereon during the currency of the mining lease, the Governor may, on the recommendation of the Trust Board, make a permanent addition of land to the native lands from the land temporarily added thereto. The land so added shall be an area of land equal in agricultural value and, so far as may be, equal in size to the portion of the native lands which has been so impaired in value.

No. 61 of 1933.

No. 61 of 1933.

the highlands shall be under the provisions of this section, save with the Board."

(5) ~~No land situate in the Highlands shall be added to the native lands under the provisions of sub-sections (2) and (4) of this section save with the consent of the Highlands Board, and if the Board does not consent to any such addition the Governor may refer the matter to the Secretary of State, whose decision shall be final.~~

(6) No mining lease shall be granted in respect of any land which is to be temporarily excluded in accordance with the provisions of this section unless and until all compensation payable by reason of such exclusion has been duly paid to the proper authority. Notice of every temporary exclusion of land and of every temporary addition to the native lands consequent thereon and of every renewal and expiration of any such exclusion and addition shall be published in the Gazette.

#### COMPENSATION

Compensation for exclusion

30. (1) Any native who is disturbed in his occupation of land in the native lands by reason of any permanent or temporary exclusion of land under the provisions of this Part of this Ordinance may make application for compensation in accordance with the provisions of section 17 of this Ordinance, and shall, in addition to receiving such compensation, be entitled, so far as may be practicable, to reside, together with his family, during the term of such exclusion in the area which has been added to the native lands in consequence of such exclusion.

(2) Any native who has satisfactorily established a claim, in accordance with the provisions of section 18 of this Ordinance, to be a private right-holder in respect of any land permanently or temporarily excluded from the native lands under this Part, shall, whether or not he is entitled to compensation under the provisions of sub-section (1) of this section, be entitled, in addition to any compensation which may have been paid to him for disturbance, to receive compensation as a private right-holder under the provisions of section 18 of this Ordinance:

Provided that any such native may at his option, and in lieu of receiving such compensation as a private right-holder, elect to reside, if practicable, with his family during the term of such exclusion in the area which has been added to the native lands by reason of such exclusion; but a native who is entitled to compensation under sub-section (1) of this section and who exercises his right under that sub-section to reside in the added area shall not by reason thereof be taken to have

exercised his option so as to deprive him of the right to receive compensation under sub-section (2) of this section.

#### PART V LEASES AND LICENCES

31. Subject to the provisions of this Ordinance, and in the case of mining leases subject to the provisions of the Mining Ordinance, 1933, the Governor may grant leases of land in the native lands to any persons for such terms and subject to such conditions as the Governor may deem expedient:

Powers of Governor to grant leases in Native Lands, No. 61 of 1933.

Provided that, before any lease is granted under the provisions of this section, or under the provisions of the Mining Ordinance, 1933, the land to which such lease relates shall, subject to the provisions of section 29 of this Ordinance, be first set apart in accordance with the provisions of Part III of this Ordinance;

"but, where any land is set apart for the purpose of being necessary for the purpose of granting any"

32. (1) The Chief Native Commissioner may, subject to any general or special directions of the Governor, execute any lease, to be granted under the provisions of this Ordinance, of land in the native lands.

Chief Native Commissioner to execute leases

(2) Leases may be granted under the provisions of this Ordinance for any term not exceeding thirty-three years, subject to such conditions as may be prescribed:

Term of leases.

Provided that, with the consent of the Secretary of State, leases may be granted for any term exceeding thirty-three years but not exceeding ninety-nine years.

(3) Leases granted for a term of one year or less shall be in such form as may be prescribed.

Form of leases for one year or less.

(4) Leases for a term exceeding one year shall be in the form of grants under the provisions of the Registration of Titles Ordinance.

Form of leases for more than one year. Cap. 142.

(5) Leases in respect of plots in townships or trading centres shall be granted subject to the provisions of the Town Planning and Development Ordinance, 1931.

Leases for township or trading centres. No. 58 of 1931.

~~Nothing in this section contained shall be deemed to apply to leases granted under the provisions of the Mining Ordinance, 1933.~~

Mining leases. No. 61 of 1933.

33. (1) On the determination of any mining or other lease granted in respect of land in the native lands which has been set apart under the provisions of this Ordinance, the property in all buildings on such land, whether erected by the lessee or by any other person, shall, in the absence of any

Buildings on leased native lands.

"(6) The Chief Native Commissioner may, upon his own behalf, in respect of any land, wear or less."

provision to the contrary contained in the lease, pass to and vest in the Trust Board on behalf of the native population of the native lands without payment of compensation to the lessee or to any other person in respect of such buildings:

Provided that where—

- (a) the term of the lease does not exceed thirty-three years; and
- (b) the buildings were erected by the lessee or by his predecessor in title; and
- (c) the lease is not determined by forfeiture,

the lessee may, within six months after the determination of the lease, remove any such buildings unless the Trust Board

(5) Nothing in this section contains all be deemed to apply to leases granted under the provisions of the Mining Ordinance, 1931.

No. 61 of 1933

Provided further that nothing in this section contained shall be deemed to affect the provisions of sections 36, 56 and 58 of the Mining Ordinance, 1933, except that the Commissioner of Mines shall not allow a further period in excess of three months under the aforesaid section 36, or fix a time in excess of six months under the aforesaid section 56, save with the consent of the Trust Board.

(2) Where the Trust Board elects to purchase any such buildings in accordance with the proviso to sub-section (1) of this section, the lessee shall have no option as to the sale to the Trust Board, but if he does not agree to the price offered by the Trust Board the matter shall be referred to arbitration under the provisions of the Arbitration Ordinance.

Cap. 18  
Rents.

*Hand premium and/or*

34. Subject to the provisions of section 20 of this Ordinance, the rent payable in respect of any land in the native lands, in respect of which a lease has been granted, shall be assessed by the Provincial Commissioner in consultation with the Local Board, shall be subject to the approval of the Governor, and shall be paid to the Local Native Council concerned. Due regard shall be had in all such assessments to the fair economic value of the land and to such conditions regarding improvements as may be contained in the lease.

Lessee prohibited from alienating

35. (1) Save as may otherwise be prescribed, no lessee of land in the native lands shall alienate the land, or any part thereof, comprised in his lease by sale, mortgage, transfer of possession, sub-lease, bequest or otherwise howsoever without the consent in writing of the Provincial Commissioner.

(2) Before giving his consent in any case the Provincial Commissioner shall consult—

- (a) the Trust Board, in cases where the land leased exceeds fifty acres in extent;
- (b) the Local Board, in cases where the land leased does not exceed fifty acres in extent.

(3) Any such sale, mortgage, transfer of possession, sub-lease, bequest or other alienation effected without the consent in writing of the Provincial Commissioner shall be null and void and of no effect.

(4) An appeal shall lie to the Governor from any refusal of the Provincial Commissioner to give his consent in writing under the provisions of this section.

36. (1) Where a lessee of land in the native lands desires to change the user of any land comprised in his lease, he shall make application in writing to the Provincial Commissioner concerned.

Change of user

(2) Upon receipt of any such application the Provincial Commissioner shall consult the Local Board and shall thereafter forward to the Governor the application of the lessee, together with the recommendations thereon of the Local Board and of the Provincial Commissioner.

(3) (a) Where the land in respect of which any such application is made does not exceed ten acres in extent, the Governor may approve the application, subject to such conditions as he may think fit, or reject the application.

(b) Where the land in respect of which any such application is made exceeds ten acres in extent, the Governor shall, before making his decision, consult the Trust Board.

37. If the rent or any part thereof reserved in a lease of lands in the native lands shall at any time be unpaid for a period of twenty-one days after the same shall have become due, or if there shall be any breach of the lessee's covenants, whether express or implied, or any change of user not authorized under the provisions of section 36 of this Ordinance, the Chief Native Commissioner, or any person authorized by him in writing, may serve a notice upon the lessee specifying the rent in arrear, or the covenant of which a breach has been committed, or the unauthorized change of user which is alleged, and, at any time after one month from the service of such notice, may commence a suit in the Supreme Court

Forfeiture of lease.

may, notwithstanding the provisions of the Courts

No. 16 of 1931 Ordinance, 1931, commence a suit in a First Class Subordinate Court"

provision to the contrary contained in the lease, pass to and vest in the Trust Board on behalf of the native population of the native lands without payment of compensation to the lessee or to any other person in respect of such buildings:

Provided that where—

(a) the term of the lease does not exceed thirty-three years; and

(b) the buildings were erected by the lessee or by his predecessor in title; and

(c) the lease is not determined by forfeiture, the lessee may, within six months after the determination of the lease, remove any such buildings unless the Trust Board elects to purchase the buildings on behalf of the native population of the native lands and informs the lessee accordingly before such lessee has commenced to remove such buildings:

Provided further that nothing in this section contained shall be deemed to affect the provisions of sections 36, 56 and 58 of the Mining Ordinance, 1933, except that the Commissioner of Mines shall not allow a further period in excess of three months under the aforesaid section 36, or for a time in excess of six months under the aforesaid section 56, save with the consent of the Trust Board.

(2) Where the Trust Board elects to purchase any such buildings in accordance with the proviso to sub-section (1) of this section, the lessee shall have no option as to the sale to the Trust Board, but if he does not agree to the price offered by the Trust Board the matter shall be referred to arbitration under the provisions of the Arbitration Ordinance.

34. Subject to the provisions of section 20 of this Ordinance, the rent payable in respect of any land in the native lands, in respect of which a lease has been granted, shall be assessed by the Provincial Commissioner in consultation with the Local Board, shall be subject to the approval of the Governor, and shall be paid to the Local Native Council concerned. Due regard shall be had in all such assessments to the fair economic value of the land and to such conditions regarding improvements as may be contained in the lease.

35. (1) Save as may otherwise be prescribed, no lessee of land in the native lands shall alienate the land, or any part thereof, comprised in his lease by sale, mortgage, transfer of possession, sub-lease, bequest or otherwise howsoever without the consent in writing of the Provincial Commissioner.

Cap. 11  
Rents.

*Hand premium and/or*

Lessee prohibited from alienating

(2) Before giving his consent in any case the Provincial Commissioner shall consult—

(a) the Trust Board, in cases where the land leased exceeds fifty acres in extent;

(b) the Local Board, in cases where the land leased does not exceed fifty acres in extent.

(3) Any such sale, mortgage, transfer of possession, sub-lease, bequest or other alienation effected without the consent in writing of the Provincial Commissioner shall be null and void and of no effect.

36. (1) Where a lessee of land in the native lands desires to change the user of any land comprised in his lease, he shall make application in writing to the Provincial Commissioner concerned.

(2) Upon receipt of any such application the Provincial Commissioner shall consult the Local Board and shall thereafter forward to the Governor the application of the lessee, together with the recommendations thereon of the Local Board and of the Provincial Commissioner.

(3) (a) Where the land in respect of which any such application is made does not exceed ten acres in extent, the Governor may approve the application, subject to such conditions as he may think fit, or reject the application.

(b) Where the land in respect of which any such application is made exceeds ten acres in extent, the Governor shall, before making his decision, consult the Trust Board.

37. If the rent or any part thereof reserved in a lease of lands in the native lands shall at any time be unpaid for a period of twenty-one days after the same shall have become due, or if there shall be any breach of the lessee's covenants, whether express or implied, or any change of user not authorized under the provisions of section 36 of this Ordinance, the Chief Native Commissioner, or any person authorized by him in writing, may serve a notice upon the lessee specifying the rent in arrear, or the covenant of which a breach has been committed, or the unauthorized change of user which is alleged, and, at any time after one month from the service of such notice, may commence a suit in the Supreme Court

Forfeiture of lease

may, notwithstanding the provisions of the Courts

No. 16 of 1931 Ordinance, 1931, commence a suit in a First Class Subordinate Court"

for the recovery of the land. On proof of the facts, the Court shall, subject to relief upon such terms as to it may appear just, declare the lease forfeited, and may order that possession of the land be given by the lessee to the Chief Native Commissioner, either forthwith or on or before such day as the Court thinks fit to name, and that the defendant do pay the costs.

**38. (1)** Notwithstanding anything in this Ordinance contained, but subject to such conditions and fees as may be prescribed, licences may be granted to any person relating to—

- (a) the grazing of live stock on native lands;
- (b) the removal of timber or other forest produce from any part of the native lands not included in an area declared under the provisions of section 3 of the Forest Ordinance to be a forest area;
- (c) the taking of sand, lime, stone, and other common minerals (excluding surface salt) from the native lands;

(d) wayleaves in the native lands:

Provided that no licence referred to in paragraphs (a), (b), or (c) of this subsection shall be granted for a period exceeding twelve months at any one time.

(2) Subject to any general or specific instructions issued by the Trust Board, the Chief Native Commissioner, or such Provincial or District Commissioners as he may appoint as licensing officers, may grant licences for the grazing of live stock in the native lands, and for the removal of timber or other forest produce from the native lands.

(3) Licences for the taking of sand, lime, stone and other common minerals (excluding surface salt) from the native lands may be granted by a Provincial Commissioner or by such District Commissioners as a Provincial Commissioner may appoint as licensing officers.

(4) A Provincial Commissioner may grant a wayleave licence to any person empowering the holder thereof, his servants and agents to enter upon land in the native lands for the purposes of laying pipes, setting up electric power or telephone lines, cables, or aerial ropeways, and erecting such poles and pylons and making such excavations as may, in the opinion of the Provincial Commissioner, be necessary for the carrying out of any such purpose.

"Provided that, where the native land concerned is the subject of a mining right under the Mining Ordinance, 1933, or of a lease granted under the provisions of the Crown Lands Ordinance or of this Ordinance or of the Ordinance repealed by this Ordinance, the Provincial Commissioner shall not grant a way-leave licence in respect of such land except with the consent of the lessee or the holder of the mining right, as the case may be; and if any such lessee or holder refuses his consent, the Provincial Commissioner may appeal to the Governor in Council whose decision shall be final. In any case where a way-leave has been granted over any such land and any compensation is payable in respect of disturbance, or damage to the interests of the lessee, or holder, as the case may be, the amount

(5) Before granting any such wayleave licence the Provincial Commissioner shall consult the Local Board as to any compensation which may be payable and, if he is unable to agree with the Board as to such compensation, he shall report the matter to the Governor, whose decision shall be final. In any case where the usefulness of any land for agricultural purposes is in any way impaired by reason of the grant of any such wayleave licence, compensation in respect thereof shall be payable.

(6) All fees prescribed in respect of licences issued under the provisions of this section shall be paid to the Local Native Council concerned.

(7) Where the Trust Board objects to any licence which has been granted under the provisions of this section, such licence shall not be renewed unless and until the Board has withdrawn such objection:

Provided that where the Board refuses to approve the grant or renewal of any licence which may be granted under the provisions of this section, the applicant for such licence or renewal, as the case may be, may, within thirty days after the date of such refusal, appeal in writing to the Governor, whose decision shall be final.

**39. (1)** If the fees or any part thereof payable under a licence granted under this Ordinance shall at any time be unpaid for the space of twenty-one days after the same shall have become due, or if the licensee fails to comply with or commits any breach of any of the conditions of his licence, the Chief Native Commissioner, Provincial Commissioner, or licensing officer, as the case may be, may cause an application for the forfeiture of such licence to be made to a magistrate of the first class.

(2) Upon receipt of such application, together with particulars in writing specifying the fees in arrear or the condition which has not been complied with or of which a breach has been committed, the magistrate shall cause to be served upon the licensee a copy of such particulars together with a notice of the date, not being less than fourteen days after the date of such notice, when the application is to be heard.

(3) If upon the date fixed for the hearing of the application, or the date to which such hearing has been adjourned, it be proved to the satisfaction of the magistrate that fees are in arrear, or that the licensee has failed to comply with, or

compensation payable under section (4) of this section

Licence fees

Renewals

Appeal

Forfeiture of licences.

Licences

Cap. 149

Forest produce.

Common minerals.

Wayleaves

has committed a breach of, any of the conditions of the licence, the magistrate shall, subject to relief upon such terms as may to him appear just, declare the licence forfeited.

40. No forfeiture of any lease or licence under the provisions of this Ordinance, or of any rule made thereunder, shall operate to extinguish any debt due in respect of any rent or other payment to be made by a lessee or licensee under a lease or licence forfeited.

41. The issue of licences and occupation permits in respect of land set apart under the provisions of this Ordinance shall, save where a contrary intention is in this Ordinance expressed, be governed by rules made under this Ordinance.

#### PART VI

##### MISCELLANEOUS POWERS

###### The Trust Board

42. The Trust Board shall, in respect of water flowing into, through or out of the native lands, be deemed, for the purposes of the Water Ordinance, 1929, to be the land holder in relation to such native lands.

43. The Trust Board may, by notice in the Gazette, delegate to the Chief Native Commissioner the power to exercise on behalf of the Trust Board any of the functions or powers of the Trust Board in respect of water permits which, in the opinion of the Trust Board, are of a minor character.

44. The Trust Board at any time may cause general or specific instructions to issue in regard to the grant by Provincial Commissioners or licensing officers of licences to remove sand, lime, and any other common minerals (except surface salt), timber and other forest produce, from the native lands.

45. (1) Service on the Trust Board of all legal processes and notices shall be effected by service on the Chief Native Commissioner who, in any legal proceedings, may be plaintiff or defendant, as the case may be, in the name of the Trust Board.

(2) Any costs incurred by or damages awarded against the Trust Board in connexion with any legal proceedings shall be paid by the Treasurer out of the revenues of the Colony.

##### Local Native Councils

46. The Local Native Councils established under the provisions of the Native Authority Ordinance, 1937, shall be responsible at all times for exercising the various functions assigned to them in respect of the native lands by this Ordinance and by any rules made thereunder.

Local Native Councils.  
No. 2 of 1937.

##### Miscellaneous Powers of Governor

47. (1) The Governor may, with the consent of the Trust Board, make adjustments of the boundaries of the native land units where the Trust Board is satisfied that any such adjustment is of a minor character and in the interests of the native population.

Governor may make minor adjustments to boundaries of Native Land Units.

(2) Where any such adjustment has been made notice thereof shall be published in the Gazette, and the Second Schedule to this Ordinance shall be read and construed subject to the adjustments specified in such notice.

48. (1) The Governor may, by notice in the Gazette, declare that land in the native lands is required for public purposes.

Governor may declare that land is required for public purposes.

(2) The Governor may, by notice in the Gazette, declare what is a public purpose for the purposes of this Ordinance.

49. (1) The Governor may, by writing under his hand, order any native, who at the commencement of this Ordinance is not residing in the native lands, the native reserves, the temporary native reserves, or the native leasehold areas and whose rights have, under the provisions of section 70 of this Ordinance, been extinguished, forthwith to remove himself, his family and his property (if any) from the land on which he is residing:

Governor may order native to remove into Native Land Unit.

Provided that no such order shall be made unless the Governor is satisfied that sufficient suitable land for the accommodation of the native and his family is available and that provision for compensation for disturbance has been made:

(2) Any native who disobeys or fails to comply with any order made under this section shall be guilty of an offence against this Ordinance.

(3) Where any native is convicted of an offence under the provisions of this section, the Court may, in addition to

any penalty which it may impose under this Ordinance, authorize any administrative officer or police officer to cause such native, together with his family and property, if any, to be removed from the land on which he is residing in contravention of an order made under the provisions of sub-section (1) of this section.

#### Powers of Entry

Powers of entry  
of Governor  
on Native Lands.

50. (1) The Governor, subject to the provisions of sub-section (2) of this section, may at any time—

- (a) enter upon any land in the native lands, and take therefrom stone and other materials for the making or repairing of roads, railways, canals, water channels, or other public works whether of the like kind or not;
- (b) ~~enter upon such land and set up poles and carry electric, telegraph or telephone lines across such land, and lay sewers, water pipes, electric, telegraph or telephone lines therein;~~
- (c) enter upon such land and there do any work which he may consider necessary for maintaining or improving the flow of water in any river, or stream, or may construct dams and divert any river, or stream;
- (d) by writing under his hand authorize officers in the service of the Government of the Colony, of the High Commissioner for Transport, and of any local authority duly established by any Ordinance in force in the Colony, and any contractors employed by such officers, to exercise any of the powers conferred upon the Governor by this section. Any authority granted under the provisions of this paragraph shall be deemed to include the assistants, servants or agents of the officers or contractors to whom such authority is granted.

(2) Compensation, assessed in accordance with the provisions of sections 17 and 18 of this Ordinance, shall be payable in respect of anything done under this section for loss or disturbance and for the fair value of buildings and crops destroyed or damaged, and, in any case where the usefulness of any land for agricultural purposes is impaired by anything so done, compensation in respect thereof shall be payable.

the purpose of  
ing electric, telegraph  
such land, and laying  
ic, telegraph or  
d for maintaining  
any such works and  
lic nature;";

(3) The powers conferred by this section may be exercised before the compensation is paid, but not before compensation has been assessed.

(4) It shall not be competent for the Trust Board or a Local Board to make any representations in regard to the exercise of any powers under this section except in so far, in the case of a Local Board, as the Provincial Commissioner may refer to such Board any question of compensation.

51. (1) Any officer of the Government of the Colony and any person authorized by any such officer shall for any purpose relating to this Ordinance have power at all times to enter upon any land in the native lands or to enter any premises or place on such lands and there to make such inspection, examination and inquiry and to call for such information as may be necessary for carrying into effect any of the provisions of this Ordinance or of any other law for the time being in force.

Power to enter  
land and  
premises.

(2) Any person who refuses to permit any duly authorized officer or his representative to carry out any of the powers conferred by sub-section (1) of this section, or obstructs or hinders any such officer or his representative in the execution of his duty under this Ordinance, or fails to give any required information, or furnishes false information, to such officer or to his representative, shall be guilty of an offence under this Ordinance and shall, on conviction by a magistrate of the first or second class, be liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Obstruction of  
officers.

## PART VII

### MISCELLANEOUS PROVISIONS

52. (1) Notwithstanding anything contained in this Ordinance, land in the native lands may, with the consent of the Trust Board, be declared to be a forest area as defined by the Forest Ordinance.

Consent of  
Trust Board to  
be necessary in  
case of forest  
areas.  
Cap. 149.

(2) Any land in the native lands duly declared to be a forest area shall be proclaimed as such in accordance with the provisions of the Forest Ordinance and shall be administered and controlled in accordance with rules made under that Ordinance or any other Ordinance at any time in force in the Colony relating to forests.

Cap. 149.

(3) All net profits accruing to the Conservator of Forests from the working of forest areas in the native lands shall be paid annually to the Local Native Council concerned.

For the purposes of this section the net profit of any forest area shall be the revenues derived from such forest area after deducting from such revenues the cost to the Government of the Colony, including overhead expenses, of working and maintaining such forest area. Where, in any year, a loss is incurred, the amount of such loss shall be carried forward and added to the working and maintenance charges for the ensuing year.

53. (1) No action shall lie against the Government of the Colony or against any officer thereof or against any person authorized by any such officer, for any act done in good faith and without negligence or under the provisions of this Ordinance for the purpose of carrying into effect any such provisions.

(2) No compensation shall be payable to any person for any act done under the provisions of this Ordinance in good faith and without negligence, save where express provision is made in this Ordinance for the payment of compensation.

54. All acts heretofore done by the Governor or by any officer of the Government of the Colony or by any person acting under the direction of the Governor or of any officer of such Government in regard to any matter for which lawful authority is provided in this Ordinance and for which no lawful authority existed prior to the commencement of this Ordinance are hereby made and declared to be lawful and are confirmed as on and from the time of the performance of such acts, and the Governor and every such officer or person is hereby freed, acquitted, discharged, and indemnified, as well against the King's Most Gracious Majesty, his heirs and successors, as against any and all persons whatsoever, from all legal proceedings of any kind whatsoever whether civil or criminal, in respect of any such acts.

55. (1) All actions, suits and proceedings respecting land in the native lands or respecting any lease, licence or permit relating thereto, or respecting the breach of any covenant contained in any such lease, licence or permit, or respecting any trespass on such land, or any damages accruing by reason of such trespass, or for the recovery of any rents or fees, or relating to any damages or wrongs whatsoever in respect of

Indemnity.

Compensation.

Validation of acts previously done, and indemnity therefor.

Proceedings to be brought in name of Chief Native Commissioner.

such land, may be commenced, prosecuted and carried on in the name and title of the Chief Native Commissioner.

(2) In any such action, suit or proceeding the Chief Native Commissioner may be represented by any advocate or by any administrative officer duly authorized by him in writing in that behalf.

56. (1) Any application, statement, demand, instrument, notice or other document authorized or required by this Ordinance, or any rule made thereunder, may be served on the person to whom it is to be given either personally or by leaving it for him at his last known place of abode or by sending it through the post in a registered letter addressed to him there.

Service of notice, etc.

(2) Where any such document is to be served on a person by being sent through the registered post it shall be deemed to have been served not later than the seventh day succeeding the day on which it was posted, and for proof of such service it shall be sufficient to prove that the letter containing the notice was properly addressed, registered and posted.

57. (1) Any order, notice or other document required by this Ordinance, or any rule made thereunder, to be published may be published by affixing a copy in some public or conspicuous place or situation in the area concerned, and, where it is deemed necessary, by publishing it in the Gazette.

Publication of Notices, etc.

*(The District Commissioner's Office to advise other)*

(2) Such publication or affixing shall be deemed good and sufficient publication and notice to all persons concerned.

(3) ~~Any person tearing, defacing, altering, injuring or removing any notice so affixed~~ shall be guilty of an offence against this Ordinance, and shall be liable on conviction by a magistrate to a fine not exceeding ten pounds.

Defacing notices, etc. Penalty.

*"(3) Any person who tears, defaces, alters or removes any notice so affixed shall be liable on conviction by a Magistrate to a fine not exceeding ten pounds."*

58. Save where provision to the contrary is expressly made in this Ordinance, no appeal shall lie from any decision given, order made, or matter or thing done under this Ordinance.

Appeal.

59. Save in regard to matters wherein express provision is made in this Ordinance, the native lands shall be subject in all respects to the general law from time to time in force in the Colony.

Not to override other laws except where express provision is made.

*Penalties*

Penalty.

60. Every omission or neglect to comply with and every act done, or attempted to be done, contrary to the provisions of this Ordinance or of any rule or order made thereunder, or in breach of the conditions and restrictions subject to or upon which any licence or permit has been issued, shall be deemed to be an offence against this Ordinance, and for every such offence for which no penalty is specially provided the offender shall be liable on conviction by a magistrate to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

Penalty for unauthorized occupation of land in Native Lands.  
Trespass.

61. (1) Any person who unlawfully occupies land in the native lands, in any manner whatsoever, shall be guilty of an offence against this Ordinance.

(2) No person entering or being in the native lands shall be deemed to be a trespasser on or to be in unlawful occupation of such native lands save in so far as he would be liable to be proceeded against for trespass or for unlawful occupation of land under the provisions of this Ordinance or any rules made thereunder or under the provisions of any other law for the time being in force in the Colony.

Penalty for false declaration.

62. Any person who makes a false declaration in relation to any matter or thing required to be done by this Ordinance, or by any rules made thereunder, or who produces any false declaration or certificate, knowing the same to be false in any material particular, shall be guilty of an offence against this Ordinance.

Saving of other powers.

63. Nothing in this Ordinance contained shall prevent a prosecution under any other law, but so that a person shall not be punished twice for the same offence.

*Construction*

Construction.  
No. 9 of 1930.

64. (1) Any reference in any enactment to the Native Lands Trust Ordinance, 1930, or to any Ordinance amending the same, shall, unless the context otherwise requires, be construed to refer to this Ordinance.

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(2) Any reference in any enactment to a native reserve shall, unless the context otherwise requires and save in the case of this Ordinance or of Part VI of the Crown Lands Ordinance, be construed to refer to an area in the native lands as defined by this Ordinance.

(3) Any reference in any enactment to the Native Lands Trust Board or to the Central Board shall, unless the context otherwise requires, be construed to refer to the Trust Board defined in section 3 of this Ordinance.

(4) Any reference in this Ordinance to any other Ordinance shall be construed to include any Ordinance amending or replacing such other Ordinance.

*Rule-making Powers*

Governor may make Rules.

65. (1) Subject to the provisions of this Ordinance, the Governor may, with the advice and consent of the Trust Board, make rules, relating to the native lands, for the purpose of carrying this Ordinance into effect and for prescribing the fees to be paid for any matter or thing done under this Ordinance, and more particularly for all or any of the following purposes:—

- (a) controlling the occupation and use of the native lands for grazing and pasturing stock, flocks and herds;
- (b) compulsorily reducing the numbers of stock, flocks and herds in any native land unit;
- (c) regulating the reconditioning of any native land unit and for such purpose prohibiting and regulating the occupation of any areas therein;
- (d) regulating generally the use and conservation of any area in the native lands;
- (e) regulating any matters relating to the tenure of land as between natives in the native lands;
- (f) regulating the grant of leases in respect of land set apart in the native lands and all matters relating thereto, and prescribing—
  - (i) the form of leases issued for a term of one year or less;
  - (ii) the term for which any particular class of lease may be granted;
  - (iii) the conditions or restrictions subject to and upon which any particular class of lease may be granted;
  - (iv) the method of collecting the rents for leases and the persons to whom such rents are to be paid;

(g) regulating the issue of licences in the native lands in respect of—

- (i) native cattle-grazing rights;
- (ii) the removal of timber, forest produce, sand, lime, stone and other common minerals (excluding surface salt); and
- (iii) wayleaves;

(h) prescribing the form and term of licences and occupation permits and the conditions upon and subject to which such licences and permits may be issued.

(2) In any rules made under this section the Governor may reserve power to apply all or any of the provisions of such rules to the native lands as a whole, or to any one native land unit, or to any specified part of any native land unit.

(3) Any rules made under the provisions of this section shall be in addition to, and not in derogation of, the provisions of any law for the time being in force relating to the matters specified in paragraphs (a), (b), (c) and (d) of this section.

#### PART VIII

##### SAVING—EXTINGUISHMENT OF RIGHTS—REPEALS

66. Save where a contrary intention is expressed in this Ordinance, nothing herein contained shall be deemed to affect the validity of any subsisting title to land within the native lands nor the validity of any subsisting grant of mining or other rights therein in any case where such title was acquired or such grant was made before the commencement of this Ordinance. All such titles and rights and the powers thereby conferred and the obligations thereby imposed shall continue to be governed by the Ordinance under which such titles or rights were granted as if this Ordinance had not been enacted:

Provided that all land held under any such subsisting title or grant shall be deemed to be included in the native lands from the commencement of this Ordinance.

67. Save as is expressly provided in this Ordinance, nothing herein contained shall affect prejudicially any right, power, privilege or exemption of the Crown.

68. In respect of the occupation, use, control, inheritance, succession and disposal of any land situate in the native lands, every native tribe, group, family and individual shall

have all the rights which they enjoy or may enjoy by virtue of existing native law and custom or any subsequent modifications thereof, in so far as such rights are not repugnant to any of the provisions of this Ordinance, or to any rules made thereunder, or to the provisions of any other law for the time being in force in the Colony.

69. Notwithstanding anything in this Ordinance contained, the Governor, in cases where the offences of treason or rebellion against His Majesty have been proved to have been committed by any native tribe, group, family or individual, and in addition to any other punishment lawfully inflicted in respect of an offence so committed, may order that any land in the native lands, held or occupied by any such tribe, group, family or individual, be forfeited and revert to His Majesty. Every such order of the Governor shall be subject to the approval of the Secretary of State.

70. (1) With effect from the commencement of this Ordinance, all native rights existing at the commencement of this Ordinance in any land in the Colony situate outside the boundaries of the native lands, the native reserves, the temporary native reserves and the native leasehold areas, irrespective of whether such rights relate to tribal, group, family or individual holdings, are hereby declared to be extinguished; and the provisions of sections 30 and 31 of the Crown Lands Ordinance, 1902, and of section 86 of the Crown Lands Ordinance shall no longer have effect in respect of land alienated under such Ordinances respectively:

Provided that the rights of a private right holder shall not be so extinguished until he shall have harvested any annual crops which may have been planted before the date of the coming into operation of this Ordinance:

Provided further that, notwithstanding the provisions of section 12 of the Native Authority Ordinance, 1937, no native, whose rights in respect of the land upon which he, or his family, is, or are, residing, have been extinguished under the provisions of this section, shall be compelled to remove himself from such land except by order of the Governor made in

s and forest produce on area within the meaning of for regulating the trees or forest produce,

Forfeiture of land for treason or rebellion.

Extinguishment of native rights.

Cap. 140.

Nov. 2 of 1937

Saving of existing rights

Crown rights.

Rights of natives in the native lands

accordance with the provisions of section 49 of this Ordinance; but the provisions of section 49 and of this proviso shall not apply to a native who, having been ordered by the Governor to remove in accordance with the provisions of section 49 of this Ordinance, subsequently cultivates or occupies land outside the boundaries of the native lands, the native reserves, the temporary native reserves of the native leasehold areas, or the case may be.

And provided further that nothing in this section contained shall be deemed to apply to—

- (a) rights enjoyed by individual natives under any specific title granted to them;
- (b) rights of resident labourers secured by contract under the provisions of the Resident Native Labourers Ordinance, 1925, until the termination of the contract;
- (c) existing rights of grazing in any areas in respect of which forest concessions have been granted by the Government of the Colony;
- (d) native rights in the Protectorate of Kenya.

(2) Nothing in this section contained shall be construed as affecting any native tribes or communities, for whom no specific native land unit is provided by this Ordinance, in regard to any right which such tribes or communities may have to occupy the areas of unalienated Crown land in which they are resident at the date of the coming into operation of this Ordinance.

other than land  
situated in the  
high lands,

Repeal

No. 9 of 1930. Subject to the provisions of section 66 of this Ordinance, the Native Lands Trust Ordinance, 1930, as amended No. 51 of 1932, by the Native Lands Trust (Amendment) Ordinance, 1932, No. 36 of 1934, and by the Native Lands Trust (Amendment) Ordinance, 1934, is hereby repealed.

## FIRST SCHEDULE

### NATIVE LANDS

The Native Lands, the boundaries of which are set out below are delineated and bordered yellow on Boundary Plan No. 156, deposited at the Land Survey Records Office, Nairobi.

Freehold areas which lie within the boundaries of the native lands are not part of the native lands and are excluded therefrom whether specifically mentioned therein or not.

Where a river or stream is described as forming a boundary the centre line of its course shall be the boundary unless otherwise stated; and where the term "high-water mark" is mentioned that term means the high-water mark at ordinary spring tides of the Indian Ocean.

Note.—Successive portions of the boundary are numbered in order on Boundary Plan No. 156. The descriptions hereunder of those successive portions have corresponding numbers in the right hand margin to enable them to be readily followed on the plan.

#### (1) BOUNDARIES OF THE KIKUYU NATIVE LAND UNIT

The Kikuyu native land unit consists of two areas the boundaries of which are as follows:—

##### PART I

Commencing at the southernmost corner of L.R. No. 378:—  
thence by part of the south-eastern boundary of L.R. No. 378 for a distance of 16,194.4 feet to a beacon on the western boundary of the Kikuyu Escarpment Forest Reserve;  
thence generally southerly, easterly, northerly, again easterly and generally southerly by a series of cut and beacons straight lines which form a part of the western and generally southern boundary of the aforesaid forest reserve (L.R. No. 4448) to its intersection with the northern boundary of the Limuru-Naivasha main road reserve;

thence easterly by that road reserve boundary to its intersection with the western boundary of the Kenya and Uganda Railway Reserve.

thence southerly by that reserve boundary to its intersection with the northern boundary of Limuru Railway Station Reserve;

thence southerly by the generally western boundary of that station reserve to its intersection with the western boundary of the Kenya and Uganda Railway Reserve;

thence southerly by that railway reserve boundary to its intersection with the north-western boundary of L.R. No. 173/1; (2)

thence southerly by the generally western boundary of L.R. No. 173/1, and south-easterly by the south-western boundary of L.R. No. 173/2 to the southernmost corner of the latter portion;

thence north-easterly by the south-eastern boundary of L.R. No. 174 to its intersection with the western boundary of the Kenya and Uganda Railway Reserve;

thence southerly by that railway reserve boundary to a point due west of the southernmost corner of L.R. No. 4713;

thence due east to that southernmost corner;

thence by the south-eastern boundaries of L.R. Nos. 4713, 5831, and 4493 to the easternmost corner of the last portion;

thence south-easterly by the generally south-western boundaries of L.R. Nos. 5851/5, 5851/9 and 164/3 to the northernmost corner of L.R. No. 170/1/2;

thence southerly by the western boundary of the last portion to its intersection with the Mutigutu River;

thence down-stream by that river to its intersection with the south-eastern boundary of L.R. No. 5878;

thence north-easterly by the south-eastern boundaries of L.R. Nos. 5878, 3564, 2950/1, 2950/5/2/3, 2950/3/R, 5916 and 152 to the easternmost corner of the last portion; (3)

thence south-easterly by the south-western boundaries of L.R. Nos. 132/1/1/2, 245/1, 245/2/R, part of 134/3/R, the whole of 134/6 and again part of 134/1/R to the south-eastern corner of the last portion;

thence north-easterly by the generally south-eastern boundaries of L.R. Nos. 134/3/R, 134/7, 134/4/R, 5876/R, 4640 and 126 to the intersection of the last with the Kamiti River;

thence up-stream by that river to its intersection with the eastern boundary of L.R. No. 3696; (4)

thence northerly by the eastern boundaries of L.R. Nos. 3696 and 3698 to the north-eastern corner of the latter portion;

thence northerly by part of the eastern boundary of L.R. No. 3700 to the southernmost corner of the Kikuyu Escarpment Forest Reserve (south-eastern portion);

thence easterly, northerly and westerly by the generally eastern and northern boundaries of that forest reserve to the north-eastern corner of L.R. No. 241/3;

thence westerly by the northern boundary of L.R. No. 241/3 to the north-western corner of that portion;

thence by part of the eastern, the northern, generally western and southern boundaries of L.R. No. 3900 to the south-eastern corner of that portion;

thence by part of the western boundary of L.R. No. 241/3 for a distance of approximately 855 feet to its intersection with part of the northern boundary of the Kikuyu Escarpment Forest Reserve (south-western portion);

thence westerly by that forest reserve boundary to its intersection with the eastern boundary of L.R. No. 4768;

thence northerly by part of that boundary and westerly by the northern boundary to the northernmost corner of that portion; (5)

thence southerly by the western boundary of L.R. No. 4768 to its intersection with the northern boundary of the Kenya and Uganda Railway Reserve;

thence south-westerly by that railway reserve boundary for approximately 3,200 feet to its intersection with a cut and beaconed line which forms the boundary of the Kikuyu Escarpment Forest Reserve;

thence generally northerly by that cut and beaconed line for a distance of about 6,000 feet to its intersection with the eastern boundary of the Kenya and Uganda Railway Reserve;

thence by a straight line on a true bearing of  $315^{\circ} 15' 40''$  to a beacon on the western boundary of that railway reserve;

thence by a straight line on a true bearing of  $266^{\circ} 37' 30''$  for a distance of about 3,523 feet to a beacon;

thence by a straight line on a true bearing of  $356^{\circ} 37' 30''$  for a distance of about 3,537 feet to a beacon.

thence by a straight line on a true bearing of  $88^{\circ} 48' 33''$  for a distance of about 886 feet to a beacon;

thence by a straight line on a true bearing of  $89^{\circ} 57' 25''$  for a distance of about 506 feet to a beacon;

thence by a straight line on a true bearing of  $86^{\circ} 31' 20''$  for a distance of about 2,181 feet to a beacon on the western boundary of the Kenya and Uganda Railway Reserve;

thence southerly by that reserve boundary for a distance of about 3,300 feet to a point on a true bearing of  $315^{\circ} 15' 40''$  from a beacon on the eastern boundary of the Kenya and Uganda Railway Reserve;

thence by a straight line to that beacon;

thence easterly, northerly, westerly, southerly and south-westerly by a cut and beaconed line, which forms part of the boundary of the Kikuyu Escarpment Forest Reserve, to its intersection with the north-eastern boundary of the Kenya and Uganda Railway Reserve;

thence north-westerly by that reserve boundary for a distance of about 700 feet to a beacon in the vicinity of Escarpment Station;

thence by a straight line on a true bearing of  $13^{\circ} 01' 00''$  for a distance of 13.6 feet to a beacon;

thence by a straight line on a true bearing of  $22^{\circ} 31' 14''$  for a distance of 990.5 feet to a beacon;

thence by a straight line on a true bearing of  $266^{\circ} 43' 25''$  for a distance of 2,725.5 feet to a beacon on the eastern boundary of the Kenya and Uganda Railway Reserve;

thence northerly by that reserve boundary for a distance of about 570 feet to a beacon;

thence by a straight line on a true bearing of  $86^{\circ} 39' 03''$  for a distance of about 403 feet to a beacon;

thence by a straight line on a true bearing of  $356^{\circ} 39' 03''$  for a distance of about 653 feet to a beacon;

thence by a straight line on a true bearing of  $88^{\circ} 39' 03''$  for a distance of about 2,384 feet to a beacon;

thence by a straight line on a true bearing of  $37^{\circ} 44' 20''$  for a distance of about 1,147 feet to a beacon;

thence northerly, north-easterly, north-westerly and south-westerly by a cut and beaconed line, which forms part of the boundary of the Kikuyu Escarpment Forest Reserve, to its intersection with the eastern boundary of the Kenya and Uganda Railway Reserve;

thence northerly by that railway reserve boundary for a distance of approximately 8,000 feet to its intersection with the north-western boundary of L.R. No. 388/1; (6)

thence by the north-western and north-eastern boundaries of that portion to its easternmost corner;

thence by part of the south-eastern boundary of L.R. No. 388/1 for a distance of approximately 2,200 feet to a beacon;

thence generally south-easterly by part of the generally south-western boundary of the Kikuyu Escarpment Forest Reserve (northern portion) to its intersection with the Kimaiti River; (7)

thence northerly by the generally eastern boundary of the Kikuyu Escarpment Forest Reserve (northern portion) and the Aberdare Forest Reserve to the intersection of the western boundary of L.R. No. 5143 with the Muringato River; (8)

thence down-stream by that river to its intersection with the south-eastern boundary of L.R. No. 5152;

thence by a straight line on a true bearing of  $46^{\circ} 08' 10''$  for a distance of about 3,430 feet to a beacon;

thence by a straight line on a true bearing of  $114^{\circ} 58' 15''$  for a distance of 3,155.3 feet to a beacon;

thence by a straight line on a true bearing of  $118^{\circ} 51' 06''$  for a distance of 1,872.0 feet to a beacon;

thence by a straight line on a true bearing of  $73^{\circ} 25' 32''$  for a distance of 1,228.4 feet to a beacon on the western boundary of the portion known as Njengu Salt Lick;

thence by a straight line on a true bearing of  $350^{\circ} 07' 27''$  for a distance of 1,423.1 feet to a beacon on the generally western boundary of the Nyeri-Rumuruti Road Reserve;

thence generally south-easterly by that road reserve boundary to the north-western corner of L.R. No. 6948;

thence southerly by the western boundary of that portion for a distance of 764.1 feet to a beacon;

thence by a straight line on a true bearing of  $304^{\circ} 51' 17''$  for a distance of 2,032.5 feet to a beacon;

thence by a straight line on a true bearing of  $253^{\circ} 25' 32''$  for a distance of 1,258.5 feet to the north-eastern corner of L.R. No. 4166;

thence north-westerly and south-westerly by the north-eastern and the north-western boundaries of that portion to the intersection of the latter with the Muringato River;

thence down-stream by that river to its junction with the Muraria River;

thence up-stream by that river to its intersection with the south-western boundary of L.R. No. 1105/2;

thence south-easterly by the generally south-western boundary of that portion and the generally western boundary of L.R. No. 1105/1 to the intersection of the latter with the Chania River;

thence down-stream by that river to its intersection with the western boundary of Nyeri Township (L.R. No. 1108);

thence by part of that boundary and by the southern and part of the eastern boundary of that township to the intersection of the last with the Chania River;

thence down-stream by that river to its intersection with the western boundary of L.R. No. 1119;

thence by that boundary and by the southern, and part of the eastern boundary of that portion to the intersection of the last with the Chania River;

thence down-stream by that river to its junction with the Muringato River;

thence up-stream by that river to its junction with the Amboni River;

thence easterly by a cut and cleared line to the intersection of the eastern boundary of L.R. No. 3469 with the Nairobi River;

thence down-stream by that river to its junction with the Sagana River;

thence easterly and northerly by the generally southern and eastern boundaries of the Mount Kenya Forest Reserve to the intersection of the south-eastern boundary of L.R. No. 4634 with the Marania River;

thence down-stream by that river till it joins (or becomes) the Ngare Siolo (Isiolo River);

thence down-stream by the latter river to its intersection by the Nyeri-Archer's Post Road in the vicinity of the K.A.R. Wagon Camp;

thence north-easterly by a straight line to the southern of the two principal summits of Shaba Hill;

thence still north-easterly by a straight line to a cairn on the northern spur of the Gwau Hills about five miles in a north-easterly direction from Mgombe (Yombe) Crater;

thence in a south-easterly direction by a straight line to its intersection with the Kathima ya Magomo River at a point where that line produced would intersect a cairn on its left or eastern bank;

thence by that river down-stream till it becomes the Mackenzie River;

thence down-stream by that river to its junction with the Tana River;

thence up-stream by that river to its junction with the Maragua River;

thence up-stream by the latter river to its intersection with the north-western boundary of the Kenya and Uganda Railway Reserve;

thence generally south-westerly by that railway reserve boundary to its intersection with the western boundary of the Thika-Fort Hall Road Reserve;

thence southerly, south-westerly and again southerly by that road reserve boundary to a point due west of the south-western corner of L.R. No. 1959/2;

thence by a straight line to that south-western corner;

thence south-easterly and northerly by the south-western and the generally eastern boundaries of L.R. No. 1959/2 to the south-eastern corner of L.R. No. 325/7 (325/6/2);

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

12° 22' 03"	1,580.0 feet
2° 13' 19"	549.4 ..
331° 01' 11"	385.5 ..
17° 14' 39"	296.3 ..
350° 12' 34"	576.9 ..
329° 41' 58"	561.5 ..
36° 38' 27"	980.1 ..
25° 58' 26"	494.1 ..
0° 36' 00"	416.3 ..
348° 06' 55"	293.3 ..
342° 30' 52"	770.4 ..
70° 41' 47"	255.6 ..
57° 19' 11"	824.3 ..
96° 36' 59"	390.1 ..
124° 22' 07"	646.6 ..

to a beacon on the western boundary of L.R. No. 1965;

thence southerly by a part of the western boundary of that portion to its intersection with the Thaba Thaba River;

thence down-stream by the Thaba Thaba River to its intersection with the western boundary of L.R. No. 6912;

thence southerly by that western boundary to the north-eastern corner of L.R. No. 3511;

thence by the north-eastern boundary of that portion to its intersection with the Thaba River;

thence up-stream by that river to its intersection with the western boundary of that road reserve which forms the western boundary of L.R. No. 319/3; (14)

thence generally southerly by that western boundary of that road reserve to its intersection with the Makindi River;

thence up-stream by that river to its junction with the Thugi River;

thence up-stream by the latter river to its intersection with the north-western boundary of L.R. No. 3557;

thence south-westerly by the north-western boundaries of L.R. Nos. 3557, 298/12 and 298/10 to the intersection of the last with the Thika River;

thence up-stream by that river to the northern corner of L.R. No. 2955/1/2/3;

thence generally south-westerly by the western boundary of L.R. No. 2955/1/2/3, the northern boundary of L.R. No. 2955/1/2/2 and the north-western boundary of L.R. No. 2955/1/1 to the intersection of the last with the Chania River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 295/3; (15)

thence south-westerly by that boundary and onwards by the same straight line to its intersection with the Karimini River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 295/1/R;

thence south-westerly by the north-western boundaries of L.R. Nos. 295/1/R, 295/2 R and 295/7 to the intersection of the last portion with the north-eastern boundary of L.R. No. 290/2/1;

thence north-westerly by part of that boundary and the whole of the north-eastern boundary of L.R. No. 290/1 to the northernmost corner of the latter portion;

thence south-westerly by the north-western boundaries of L.R. Nos. 290/1, 4907 and 291/1 to the intersection of the last portion with the Thuirika River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 294/1/2/2;

thence south-westerly by that boundary to its intersection with the Theta River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 247/1; (16)

thence south-westerly by that boundary and the north-western boundary of L.R. No. 244 to the intersection of the latter with the Kamassie River which forms the north-eastern boundary of L.R. No. 115/3;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 115/3;

thence south-westerly by that boundary and the north-western boundary of L.R. No. 3678 to the intersection of the latter with the Ruiru River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 114/2;

thence by that boundary and part of the northern and the whole of the north-western boundaries of L.R. No. 113/4 to the intersection of the last with the Mukuyu River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 6000;

thence south-westerly by that boundary and part of the north-western boundary of L.R. No. 6710 to the north-eastern corner of L.R. No. 6763;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 6763, 4924, part of 4888, and the whole of 98/1 to the north-western corner of the last portion;

thence north-easterly and north-westerly by part of the north-eastern boundaries of L.R. No. 4888 to the northernmost corner of that portion;

thence south-westerly by the north-western boundary of the latter portion and of L.R. No. 4889 and 4890/4 to the intersection of the last with the Kamiti River;

thence down stream by that river to its intersection with the north-western boundary of L.R. No. 3728; (17)

thence south-westerly by the north-western boundaries of L.R. Nos. 3728, 3729/3 and 5858 to the intersection of the last with the Kiu River;

thence down-stream by that river to its intersection with the northern boundary of the Kiambu-Fort Hall Road Reserve;

thence south-westerly by that road reserve boundary to its intersection with the Riara River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 81/3;

thence south-westerly by that boundary to its intersection with the Gatharaini River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 86/3;

thence north-westerly and south-westerly by the generally north-eastern and north-western boundaries of L.R. No. 86/1 to the north-western corner of L.R. No. 86/2;

thence south-easterly by the generally south-western boundaries of L.R. Nos. 86/2, 86/1 and part of 86/3 to the northernmost corner of L.R. No. 85/1;

thence by the north-western boundaries of L.R. Nos. 85/1 and 7268 to its intersection with the northern boundary of L.R. No. 23;

thence by the northern boundaries of L.R. Nos. 23 and 22 to the intersection of the latter with the Kashi River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 22;

thence south-westerly by that boundary to its intersection with the Rui Ruaka River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 21/1;

thence south-westerly by that boundary to its intersection with the Karura River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 18/1;

thence south-westerly by part of that boundary and the north-western boundary of L.R. No. 7008 to the easternmost corner of L.R. No. 3861;

thence by the north-eastern boundaries of L.R. Nos. 3861, 3862 and part of the north-western boundary of the latter portion to the easternmost corner of L.R. No. 2951/1/2;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 2951/1/2, 2951/1/3, 2951/1/4, 2951/1/5 and 2951/3 to the northernmost corner of the last portion;

thence south-westerly by the north-western boundary of the last portion to its intersection with the Gethathuru River; (18)

thence up-stream by that river to its intersection with the western boundary of L.R. No. 189/R;

thence south-westerly by the generally north-western boundary of that portion and L.R. No. 4065 and again of 189/R to the north-western corner of L.R. No. 189/A/2/R (Government Farm Extension);

thence by the western, southern, and eastern boundaries of that portion and the eastern boundary of L.R. No. 4077 to the intersection of the last with the southern boundary of the Kenya and Uganda Railway Reserve;

thence easterly by that railway reserve boundary to a beacon on the western boundary of L.R. No. 4393/R;

thence south-westerly by a straight line to the north-western corner of L.R. No. 5;

thence southerly, south-easterly and south-westerly by the western and south-western boundaries of that portion to its intersection with the Nairobi River;

thence up-stream by that river to its intersection with the western boundary of L.R. No. 3734/R;

thence southerly by part of that boundary to the northern corner of L.R. No. 330; (19)

thence by part of the north-western and part of the south-western boundaries of the latter portion to the intersection of the latter with the Kerichwa Kubwa River;

thence by a straight line due south for a distance of approximately 302 feet to a beacon on the south-western boundary of the Dagoreti Road Reserve;

thence south-easterly by that road reserve boundary to its intersection with the northern boundary of the Ngong Road Reserve;

thence south-westerly by that road reserve for a distance of approximately 10,840 feet to its intersection with the eastern boundary of the Ngong Road Forest Reserve;

thence northerly, easterly, northerly, westerly, southerly, north-westerly and again southerly by the generally northern boundary of that forest reserve to the intersection of the last with the Mutoini River which forms the northern boundary of L.R. No. 191; (20)

thence up-stream by that river to the intersection with the north-western boundary of L.R. No. 195/3;

thence south-westerly by part of that boundary to the north-eastern corner of L.R. No. 196/7;

thence by the northern and part of the north-western boundary of that portion to the north-eastern corner of L.R. No. 197;

thence north-westerly by the north-eastern boundary of that portion to the north-eastern corner of L.R. No. 2377;

thence by the north-eastern, and north-western boundaries of L.R. No. 2377 to the intersection of the latter with the Mbagathi River;

thence up-stream by that river to the southernmost corner of L.R. No. 2256/7 (lower portion of the Dagoreti Forest Reserve);

thence by the south-eastern, eastern, northern, western and again northern and western boundaries of that forest reserve to its south-western corner;

thence north-westerly by a straight line to a beacon at the south-eastern corner of L.R. No. 369; (21)

thence by the eastern boundaries of L.R. Nos. 369, 370, 371 and 373 (now part of Masai native land) to the southern corner of L.R. No. 374;

thence by the south-eastern boundary of that portion and part of the south-western boundary of L.R. No. 378 to the point of commencement. (1)

The whole of the area described as follows, is excluded from this native land with the exception of the portions known as L.R. Nos. 178 and 1126 in the vicinity of Kikuyu Station;

Commencing at the easternmost corner of L.R. No. 183/R;

thence generally north-westerly by the north-eastern and northern boundaries of L.R. No. 183/R and the northern boundary of L.R. No. 1641 to the intersection of the last with the south-eastern boundary of the Kenya and Uganda Railway Reserve;

thence northerly by that railway reserve boundary to its intersection with the southern boundary of L.R. No. 233 (Railway Quarry Reserve);

thence by the southern, eastern and northern boundaries of that portion to the intersection of the last with the eastern boundary of the Kenya and Uganda Railway Reserve;

thence by a straight line on a true bearing of 275° 33' 28" to its intersection with the western boundary of the Kenya and Uganda Railway Reserve;

thence south-westerly by that railway reserve boundary to its intersection with the north-western boundary of L.R. No. 231 (Kikuyu Trading Centre);

thence south-easterly by part of the northern boundary of that portion to the south-eastern corner of L.R. No. 4871/9;

thence northerly by the generally eastern boundary of L.R. Nos. 4871/9-16 and 4955/5-10 to the northernmost corner of the last portion;

thence by the north-eastern and north-western boundaries of L.R. No. 4870 to the intersection of the latter with the eastern boundary of the Kenya and Uganda Railway Reserve;

thence northerly by that railway reserve boundary to a point on the production of the northern boundary of L.R. No. 4885;

thence westerly by a straight line to the north-eastern corner of L.R. No. 4885 and onwards by part of the northern boundary of that portion, and the northern boundary of L.R. No. 4495 to the north-western corner of the latter portion;

thence westerly and southerly by part of the northern boundary and the western boundary of L.R. No. 4885 to the south-western corner of that portion which is on the eastern boundary of the Muguga Forest Reserve (L.R. No. 4447);

thence north-westerly and southerly by the generally north-eastern and generally western boundary of the Muguga Forest Reserve to the north-western corner of L.R. No. 4025;

thence south-easterly by the south-western boundary of that portion and of L.R. Nos. 4026, 4027 and 1057 to the south-western corner of the last portion;

thence southerly, south-easterly and northerly by a series of cut and beacons lines (which form the boundary of the northern portion of the Dagoreti Forest Reserve L.R. No. 2256/6) to the intersection of the last with the southern boundary of L.R. No. 1057;

thence easterly by part of the southern boundary of L.R. No. 1057 and the southern boundaries of L.R. Nos. 182/2/1 and 182/2/2 to the south-eastern corner of the last portion;

thence north-easterly by the south-eastern boundary of L.R. No. 182/2/2 to its intersection with the Niungana River;

thence down-stream by that river to its intersection with the western boundary of L.R. No. 7219;

thence by the western, southern, south-eastern and eastern boundaries of L.R. No. 7219 to the intersection of the last with the Niogana River;

thence down-stream by that river to its junction with an unnamed river which forms part of the north-eastern boundary of L.R. No. 7219;

thence up-stream by that unnamed river to its intersection with the south-eastern boundary of L.R. No. 1054;

thence north-easterly by part of that boundary and the south-eastern boundaries of L.R. Nos. 5945 and 183/R to the point of commencement.

*Excluding and excepting:—*

L.R. Nos. 187, 188/1, 188/2, 190, 226, 227, 228, 229, 230, in the vicinity of Fort Smith.

L.R. No. 1058, adjoining Dagoreti Township.

L.R. No. 1127, in the vicinity of Government Farm Extension, Kabete.

L.R. No. 232, in the vicinity of Kikuyu Station

L.R. No. 236, R.C. Mission west of Kiambu Township.

L.R. Nos. 1064, 1065 and 1066, A.I. Mission, Kambui.

L.R. No. 1760, Water Works Reserve, due east of the Kikuyu Escarpment Forest Reserve (south-eastern portion).

L.R. No. 325/8 (325/6/3), Water Fall Reserve, in the vicinity of Fort Hall.

That portion of L.R. No. 7167 which lies to the north of the Maragua River.

PART II

In the vicinity of Fort Hall.

Commencing at a beacon situated on the western boundary of L.R. No. 1965 at a distance of 1639.8 feet from its northernmost corner;

thence southerly by part of the western boundary of that portion for a distance of 6,130.9 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

304° 22' 07"	...	555.0 feet
276° 36' 59"	...	462.6 "
237° 19' 11"	...	853.0 "
250° 41' 47"	...	237.8 "
342° 30' 52"	...	162.9 "
337° 38' 08"	...	117.9 "
314° 09' 39"	...	665.8 "
14° 54' 59"	...	495.7 "
342° 29' 29"	...	152.4 "
304° 32' 43"	...	500.0 "
313° 45' 50"	...	2,051.7 "
55° 34' 05"	...	685.5 "
16° 52' 15"	...	501.7 "
14° 30' 27"	...	471.8 "
14° 31' 17"	...	2,377.8 "
14° 29' 31"	...	376.7 "
97° 53' 14"	...	903.6 "
142° 00' 19"	...	587.9 "
131° 09' 58"	...	405.0 "

to a beacon at the point of commencement.

(2) BOUNDARIES OF THE MASAI NATIVE LAND *Unit*

Commencing at the intersection of the Mbagathi River with the north-western boundary of L.R. No. 197; (1)

thence south-westerly by part of that boundary to the south-western corner of that portion;

thence south-easterly by the south-western boundaries of L.R. Nos. 197 and 5842 to the northernmost corner of L.R. No. 1161;

thence by the north-western and the south-western boundaries of that portion and the south-western and part of the south-eastern boundary of L.R. No. 192/1/2 to the westernmost corner of L.R. No. 193/3;

thence by the south-western and part of the south-eastern boundary of the last portion to the north-eastern corner of L.R. No. 4942;

thence south-easterly and easterly by the western and southern boundaries of L.R. Nos. 4942, 4944, 5932, 5892, 5830/R, 6967 and 6939 to the intersection of the last with the Mbagathi River;

thence down-stream by that river till it becomes the Athi River and onwards to its intersection with the generally western boundary of L.R. No. 7274;

thence southerly by that generally western boundary to its intersection with the Kitengela River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 7263;

thence south-westerly and south-easterly by the north-western and south-western boundaries of that portion to the intersection of the latter with the north-western boundary of the Kenya and Uganda Railway Reserve; (2)

thence south-easterly by that railway reserve to its intersection with the western boundary of Konza Trading Centre;

thence by part of the western, the whole of the southern and part of the eastern boundaries of that trading centre to the intersection of the last with the southern boundary of that railway reserve;

thence generally southerly by that railway reserve boundary to its intersection with the western boundary of Sultan Hamud Trading Centre;

thence by part of the western, the whole of the southern and part of the eastern boundaries of that trading centre to the intersection of the last with the south-western boundary of the Kenya and Uganda Railway Reserve;

thence by that railway reserve to its intersection with the western boundary of Emali Trading Centre;

thence by part of the western, the whole of the southern and part of the eastern boundaries of that trading centre to the intersection of the last with the south-western boundary of the Kenya and Uganda Railway Reserve;

thence by that railway reserve to its intersection with the north-western boundary of Simba Station Reserve;

thence by part of the north-western, the whole of the south-western and part of the south-eastern boundaries of that station reserve to the intersection of the last with the south-western boundary of the Kenya and Uganda Railway Reserve;

thence by that railway reserve to its intersection with the Kiboko River; (3)

thence up-stream by that river to its intersection with the straight line joining the Trigonometrical Beacons Emali and Chyulu;

thence south-easterly by a straight line to the Trigonometrical Beacon Chyulu;

thence south-easterly by the summits of the Chyulu-Ngulia Range for a distance of approximately 12 miles to a beacon;

thence southerly by a straight line to a point due east of, and one mile distant from, the Eidadal Water-hole;

thence, still southerly, by a straight line passing through Magoine Camp to its intersection with the Rombo River; (4)

thence up-stream by that river to a point due north of a point situated due east of, and 23,000 feet distant from, the Trigonometrical Beacon Njugini;

thence due south by a straight line to its intersection with the Tsavo River;

thence up-stream by that river to its intersection with the eastern boundary of L.R. No. 7287;

thence northerly by a straight line to the Trigonometrical beacon Njugini;

thence westerly by a straight line to a beacon on the Kenya-Tanganyika Boundary;

thence north-westerly by the Kenya-Tanganyika boundary to Beacon No. 17; (5)

thence by a cut and beaconed line on a true bearing of 346° 46' to the junction of the Kasumi and Gori Rivers;

thence down-stream by the latter river to its junction with the Koitwa River;

thence by a cut and beaconed line on a true bearing of 353° 30' to its intersection with the Sari River;

thence up-stream to the beaconed source of that river; thence north-easterly by a cut and beaconed line to the Trigonometrical Beacon Gelegele; (6)

thence south-easterly by a straight line to the Trigonometrical Beacon Abossi;

thence south-easterly by a straight line to the junction of the Nyangoris and Amala Rivers;

thence up-stream by the latter river to a point on the production of a line on a true bearing 128° 11' 28" from the Trigonometrical Beacon Kibiosi;

thence north-westerly by a cut and beaoned line to that trigonometrical beacon and onwards by a cut and beaoned line to the Trigonometrical Beacon Kabroret;

thence by a cut and beaoned line on a true bearing of 339° 05' 44" to its intersection with the Kipsonoi River; (7)

thence north-easterly by a straight line to the south-western corner of L.R. No. 4600;

thence by the generally south-eastern boundaries of L.R. No. 4600 and 4598 to the north-eastern corner of the latter portion;

thence by part of the generally south-eastern boundary of L.R. No. 4597 for a distance of approximately 2,800 feet to its intersection with a cut and beaoned straight line;

thence south-easterly by that cut and beaoned straight line which is on a true bearing of 100° 29' 29" for a distance of 12,354.2 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:

12° 29' 29"	7,899.8 feet
23° 37' 13"	11,760.2 ..
60° 56' 43"	3,294.6 ..
74° 52' 34"	11,498.2 ..
126° 00' 55"	3,486.4 ..
199° 01' 32"	6,135.2 ..
117° 13' 37"	24,163.7 ..
145° 23' 35"	9,007.8 ..
112° 0' 02"	3,048.3 ..

to a beacon on the western boundary of L.R. No. 3990;

thence southerly and easterly by part of the western boundary and the whole of the southern boundary of the latter portion to its south-eastern corner;

thence generally southerly by the generally western boundary of L.R. No. 1316 to the southernmost corner of that portion;

thence north-easterly by part of the south-eastern boundary of the latter portion for a distance of 30,283.7 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

140° 38' 53"	1,016.8 feet
151° 04' 32"	500.9 ..
122° 16' 52"	534.8 ..
121° 01' 39"	760.95 ..
123° 56' 06"	736.4 ..
121° 34' 27"	841.95 ..
122° 45' 25"	392.9 ..
132° 05' 08"	350.1 ..
140° 54' 00"	632.54 ..
131° 33' 01"	878.73 ..
133° 15' 19"	763.3 ..
133° 15' 19"	462.85 ..
153° 19' 51"	644.04 ..
111° 15' 07"	12,829.1 ..
56° 55' 52"	16,082.5 ..
63° 26' 56"	16,082.5 ..

(1) to a beacon at the north-western corner of L.R. No. 1771; (8)

thence by the western boundary of L.R. No. 1771 to the north-western corner of L.R. No. 7265;

thence by the south-western boundary of that portion to its intersection with the Marmonet River;

thence down-stream by that river to its intersection with the western boundary of L.R. No. 411;

thence by part of the western, the whole of the south-eastern and part of the eastern boundaries of that portion to the intersection of the last boundary with the Marmonet River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 410/2;

thence by the north-western and the south-western boundaries of that portion to the northernmost corner of L.R. No. 1381;

(1) thence by the western boundary of that portion to the northernmost corner of L.R. No. 1380;

thence southerly by the generally western boundaries of L.R. No. 1380 to the southernmost corner of that portion;

thence generally southerly and easterly by the generally western and southern boundaries of L.R. No. 2662 to the south-eastern corner of that portion;

thence south-easterly by a cut and beacons straight line for a distance of approximately 54,758.3 feet to a beacon on the Kijabe-Narok Road. (9)

thence south-easterly by a straight line to the western-most corner of L.R. No. 375;

thence by the south-western boundaries of L.R. Nos. 375 and 373 to the southernmost corner of the latter portion;

thence southerly by the eastern boundaries of L.R. Nos. 371, 370 and 369 to the south-eastern corner of the last portion;

thence easterly by a straight line to the south-western corner of L.R. No. 2256/4, Dagoreti Forest Reserve (lower portion);

thence easterly by the southern boundary of that forest reserve to its intersection with the Mbagathi River;

thence by that river down-stream to the point of commencement. (1)

*Excluding and excepting—*

(a) station and other railway reserves on the Mombasa-Nairobi main line whether specifically mentioned or not;

(b) the Lake Magadi (L.R. No. 1026) and the Lake Natron (L.R. No. 3867) concessions;

(c) L.R. No. 7092, south-west of Kajado Station.

(3) BOUNDARIES OF THE KAMBA NATIVE LAND ~~land~~

This land <sup>land</sup> consists of the following two areas and is connected by a corridor 450 feet wide through L.R. No. 914; which corridor shall not be deemed to be included within the native land ~~land~~.

PART I

Commencing at the southernmost corner of L.R. No. 3596 (Koma Rock); (1)

thence north-easterly by the south-eastern boundaries of L.R. Nos. 3596, 3595 and 2360 to the north-eastern corner of the last portion;

thence by a straight line across the road reserve to the south-eastern corner of L.R. No. 2709;

thence north-easterly by the south-eastern boundaries of that portion and of L.R. No. 1530 to the south-western corner of L.R. No. 1846/2;

thence south-easterly by the south-western boundary of L.R. No. 1846/2 to its intersection with the Mutonyi River;

thence down-stream by that river to its junction with the Kalala River;

thence down-stream by the latter river to its junction with the Athi River;

thence down-stream by that river to its intersection with the northern boundary of the Machakos-Kiitui ~~land~~ <sup>land</sup>;

thence north-easterly by that boundary to its intersection with the Tiva River; (2)

thence by that river up-stream for a distance of about 1/2 miles;

thence by a straight line to a cairn on its right bank; thence generally north-westerly by a line defined by a series of cairns to the Trigonometrical Beacon Mwakini;

thence generally north-easterly by a line defined by a series of cairns to its intersection with the straight line joining the Trigonometrical Beacons Thatha and Ndajaj;

thence south-easterly by that straight line to the Ngomolo River;

thence up-stream by that river to its junction with the Kithioko River;

thence down-stream by that river to its junction with the Kiluluma or Tana River; (3)

thence down-stream by the latter river to its intersection with the straight line having a true bearing of 340° from the summit of Ukazzi Hill;

thence south-easterly by that straight line to the summit of Ukazzi Hill; (4)

thence still south-easterly by a straight line to the summit of Maditha Hill;

thence south-westerly by straight lines to the summit of Makambani Hill and onward to the summit of Karkindu Hill (Trigonometrical Beacon Kimathena); (5)

thence south-westerly by a straight line to a point on the Athi River immediately below the Ikutha-Kibwezi Ford;

thence down-stream by that river to its intersection with the northern boundary of L.R. No. 914;

thence westerly by the northern boundary of that portion to its intersection with the north-eastern boundary of the Kenya and Uganda Railway Reserve; (6)

thence north-westerly by that railway reserve boundary to its intersection with the south-eastern boundary of Makindu Trading Centre;

thence by part of the south-eastern, the whole of the north-eastern and part of the north-western boundaries of that trading centre to the intersection of the last boundary with the north-eastern boundary of the Kenya and Uganda Railway Reserve;

thence north-westerly by that railway reserve boundary to its intersection with a cut and beacons line on a true bearing of 257° 42' 31" from the Trigonometrical Beacon Twarda;

thence by that cut and beacons line to that trigonometrical beacon and onwards to its intersection with the Mbiomi River;

thence down-stream by that river to its junction with the Kikuni or Kiangini River;

thence by that river up-stream to its junction with the Pungu River;

thence by that river up-stream to its source;

thence by a straight line to a beacon on Ithumba Hill;

thence by a cut and beacons line on a true bearing of 187° 02' 33" to its intersection with the northern boundary of the Kenya and Uganda Railway Reserve;

thence north-westerly by that railway reserve boundary to its intersection with the south-eastern boundary of Emali Trading Centre;

thence by part of the south-eastern, the whole of the south-western and part of the north-western boundaries of that trading centre to the intersection of the last boundary with the northern boundary of the Kenya and Uganda Railway Reserve;

thence north-westerly by that railway reserve boundary for a distance of 2,639.9 feet to a beacon;

thence northerly by a straight line on a true bearing of 21° 26' 09" for a distance of 9,421 feet to its intersection with the Mwani River; (7)

thence up-stream by that river to its intersection with the eastern boundary of L.R. No. 1758/2;

thence generally north-westerly by the generally north-eastern boundary of that portion to the north-eastern corner of L.R. No. 1757;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 1757, 1756, 1755, 1754 and 1751 to the northernmost corner of the last portion; (8)

thence northerly by the generally eastern boundaries of L.R. Nos. 1743, 1696/2, 1696/1, 1742, 1741 and 5933 to the northernmost corner of the last portion;

thence northerly by the eastern boundaries of L.R. Nos. 7225/2, 7225/1 and 7226 to the north-eastern corner of the last portion;

thence westerly by part of the northern boundary of that portion to its intersection with the Kamutwa River;

thence down-stream by that river, which forms the south-eastern boundary of L.R. No. 4937, to the intersection with the eastern boundary of that portion;

thence northerly by that eastern boundary and the generally eastern boundary of L.R. No. 1491 (south-western portion of Machakos Township) to the north-eastern corner of that portion;

thence westerly by the northern boundary of L.R. No. 1491 to its intersection with the Murongoni River;

thence up-stream by that river to its intersection with the southernmost corner of L.R. No. 4932;

thence northerly by the eastern boundaries of L.R. Nos. 4932, 1420/1, 1423/2, 5942, 361/1, 361/2, again 361/1, 3605, 3607, 3603, 3602 and 2365 to the point of commencement; (1)

*Excluding and excepting—*

L.R. No. 1425, in the vicinity of Makindu Station;

L.R. No. 4969, north of Machakos Township.

#### PART II

Commencing at a beacon on the north-eastern boundary of the Kenya and Uganda Railway Reserve at a point of intersection with a straight line on a true bearing of 198° 50' 17" from the Trigonometrical Beacon on Muthanzau Hill;

thence by that straight line to that beacon;

thence by a straight line on a true bearing of 97° 11' 20" for a distance of 13,964.5 feet to the Trigonometrical Beacon on Moniyuni Hill;

thence by a straight line on a true bearing of  $128^{\circ} 31' 44''$  for a distance of 27,714.3 feet to the Trigonometrical Beacon on Nguruwani Hill;

thence by a cut and beacons line on a true bearing of  $190^{\circ} 44' 10''$  for a distance of 7,750 feet to its intersection with the Kibwezi River;

thence by that river up-stream to its junction with an unnamed stream which flows through Lake Kikoo;

thence onwards by the Kibwezi River to its intersection with a line parallel to and 15 feet from that unnamed stream;

thence by that parallel line which follows the left bank of that unnamed stream (except where it passes Lake Kikoo and another small lake where the line is 15 feet from the edge of the lakes) to a point due north of a beacon near the source of that unnamed stream;

thence due south to that beacon;

thence by a straight line on a true bearing of  $252^{\circ} 41' 20''$  for a distance of 749.4 feet to a beacon;

thence by a straight line on a true bearing of  $48^{\circ} 11' 00''$  for a distance of 410.0 feet to a beacon;

thence by a straight line on a true bearing of  $336^{\circ} 15' 00''$  for a distance of 521.0 feet to a beacon;

thence by a straight line on a true bearing of  $272^{\circ} 22' 02''$  for a distance of 27,658.4 feet to a beacon on the north-eastern boundary of the Kenya and Uganda Railway Reserve;

thence up-line by that boundary to the point of commencement.

#### (4) BOUNDARIES OF THE KERIO NATIVE LAND

(Commencing at the intersection of the northern boundary of L.R. No. 4140/2/R with the Suam (or Swam) River; (1)

thence down-stream by that river till it becomes the River Turkwel;

thence continuing down-stream to its intersection with a straight line between the summit of the hill Karokor and the ford Nainuk on the River Wewe;

thence easterly by that line to the River Wewe;

thence up-stream by that river to its junction with the dry river-bed leading from the water-hole in Lotonok;

thence up-stream by that dry river-bed to that water-hole;

thence by the Ngabotok-Kolosia track to the river Kerio at the latter place (but so that Kolosia be included);

thence south-easterly by a straight line to the summit of the hill Mugor; (2)

thence south-easterly by a straight line to Karpeddo Post (but so that the whole of this Post shall be included);

thence south-easterly by a straight line to the summit of Mount Sillali;

thence south-easterly by a straight line to the summit of Ol Doinyo Lengere (Alengerr);

thence in a generally southerly direction—by a series of straight lines—through the heights shown 4241, 4263, 4291, 4320, 4070 and 4141 on the Topographical Sheet North A.37/S to a beacon on a small hill about one mile east of Old Baringo Boma; (3)

thence by a straight line on a true bearing of  $166^{\circ} 46' 05''$  for a distance of 19,104.2 feet to a beacon;

thence by a straight line south-westerly to the summit of the hill Morillo;

thence by a straight line still south-westerly to the height on the Laikipia Escarpment shown 4457 on the aforementioned sheet (latitude  $0^{\circ} 24' 50''$  north, longitude  $36^{\circ} 07' 30''$  east approximately);

thence by a straight line south-easterly to the northern corner of L.R. No. 2689/R;

thence westerly by the northern boundary of that portion to its intersection with the Ghusha Luger (En Diloi) River;

thence up-stream by that river to its intersection with the northern boundary of L.R. No. 2687;

thence westerly by part of the northern boundary of L.R. No. 2687 and the northern boundary of L.R. No. 2682 to the north-western corner of the latter portion;

thence southerly by the western boundaries of that portion and of L.R. No. 3630 to the south-western corner of the latter portion;

thence by the western boundaries of L.R. Nos. 2680 and 1168 to the south-western corner of the latter portion;

thence westerly by part of the northern boundary of L.R. No. 1650 to the north-western corner of that portion;

thence south-westerly, westerly and southerly by the generally northern boundary and the western boundary of L.R. No. 5259/2 to the Trigonometrical Beacon Legisiaman;

thence by a straight line to the north-eastern corner of L.R. No. 5260;

thence by the generally northern boundary of that portion to the north-eastern corner of L.R. No. 3843;

thence westerly by part of the northern boundary of L.R. No. 3843 to the south-eastern corner of L.R. No. 3844; (4)

thence by the eastern and the northern boundaries of the latter portion and the northern boundaries of L.R. Nos. 3732/R and 5672 to the intersection of the last with the Molo River;

thence down-stream by that river to its intersection with the north-eastern boundary of L.R. No. 662;

thence by the north-eastern and north-western boundaries of that portion to the western corner;

thence by a straight line on a true bearing of  $138^{\circ} 00' 18''$  for a distance of 2,201.3 feet to a beacon;

thence by a straight line on a true bearing of  $210^{\circ} 32' 11''$  for a distance of 8,746.4 feet to a beacon;

thence by a straight line on a true bearing of  $318^{\circ} 27' 00''$  for a distance of 2,381.7 feet to a beacon;

thence by a straight line on a true bearing of  $226^{\circ} 03' 57''$  for a distance of 6,613.6 feet to the eastern corner of L.R. No. 488;

thence north-westerly by the north-eastern boundary of that portion to its intersection with the Esageri River;

thence down-stream by that river to its junction with the Enarosura River;

thence by that river up-stream to its intersection with the north-eastern boundary of L.R. No. 497/3/3;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 497/3/3 and 497/4 to the northernmost corner of the latter portion;

thence by a straight line to the eastern corner of L.R. No. 497/3/1 and onwards by the north-eastern boundary of that portion to its intersection with the Tiggeri River;

thence up-stream by that river to its intersection with the eastern boundary of L.R. No. 503 (Lembus Forest Reserve);

thence northerly by part of the eastern boundary of that reserve to its north-eastern corner;

thence westerly by the northern boundary of that reserve to the south-eastern corner of L.R. No. 5690/R;

thence northerly by the eastern boundary of that portion for a distance of about 624 feet to its intersection with Kinoinoi River;

thence down-stream by that river to its intersection with the north-eastern boundary of L.R. No. 5690/R;

thence north-westerly by part of that north-eastern boundary to the southernmost corner of L.R. No. 7210; (5)

thence northerly and south-westerly by the eastern and north-western boundaries of the latter portion to the north-eastern corner of L.R. No. 5687;

thence westerly by the northern boundary of the latter portion to the southernmost corner of L.R. No. 6445;

thence north-easterly by the south-eastern boundaries of L.R. Nos. 6445 and 6446 to the eastern corner of the latter portion;

thence by part of the north-eastern boundary of the latter portion for a distance of 561.4 feet to a beacon;

thence by a straight line on a true bearing of  $33^{\circ} 01' 17''$  for a distance of 2,847.2 feet to a beacon;

thence by a straight line on a true bearing of  $57^{\circ} 23' 37''$  for a distance of 1,776.1 feet to a beacon;

thence by a straight line on a true bearing of  $104^{\circ} 32' 54''$  for a distance of 7,436.7 feet to a beacon;

thence by a straight line on a true bearing of  $60^{\circ} 08' 36''$  for a distance of 5,890 feet to its intersection with the Kinoinoi River;

thence down-stream by that river for a distance of approximately 4,300 feet to a point on a bearing of  $84^{\circ} 26' 17''$  from a beacon on its left bank;

thence by a straight line on a true bearing of  $274^{\circ} 26' 17''$  for a distance of 3,456 feet to a beacon;

thence by a straight line on a true bearing of  $258^{\circ} 18' 33''$  for a distance of 8,029.9 feet to its intersection with the northern boundary of the Kenya and Uganda Railway Reserve;

thence generally westerly by that railway reserve boundary for a distance of approximately 3,000 feet to a point on a bearing of 80° 39' 41" from a beacon at the south-eastern corner of L.R. No. 6453;

thence by a straight line to that beacon;

thence northerly by the eastern boundary of L.R. No. 6453 for a distance of approximately 6,416 feet to a beacon at the south-western corner of L.R. No. 908/R. (South Elgeyo Forest Reserve);

thence by a straight line on a true bearing of 90° 01' 27" for a distance of 2,178.6 feet to a beacon;

thence by a straight line on a true bearing of 188° 12' 52" for a distance of 3,731.8 feet to a beacon;

thence by a straight line on a true bearing of 65° 48' 10" for a distance of 9,002.7 feet to a beacon;

thence by a straight line on a true bearing of 90° 01' 27" for a distance of 3,345.7 feet to a beacon at the south-eastern corner of L.R. No. 908/R. (South Elgeyo Forest Reserve);

thence northerly by part of the eastern boundary of that forest reserve for a distance of approximately 32,600 feet to its intersection with the Mindarila River;

thence down-stream by that river to its intersection with the eastern boundary of L.R. No. 6,664;

thence northerly by part of that boundary and the eastern boundary of L.R. No. 1727 to the north-eastern corner of the latter portion;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

53° 56' 28"	...	9,965.2 feet
53° 57' 36"	...	8,529.6 "
346° 01' 39"	...	3,990.8 "
310° 49' 25"	...	2,716.7 "
13° 00' 46"	...	3,448.6 "
303° 54' 03"	...	15,672.2 "

to a beacon on the north-eastern boundary of L.R. No. 907/R. (South Elgeyo Forest Reserve);

thence north-westerly and westerly by part of the north-eastern and the northern boundary of that forest reserve to its intersection with the eastern boundary of L.R. No. 902/2;

thence northerly by part of that eastern boundary and the eastern boundary of L.R. No. 1561 to the north-eastern corner of the latter portion;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 3975 and 4473 to the north-eastern corner of the latter portion;

thence by a straight line on a true bearing of 325° 02' 22" for a distance of 18,588.4 feet to a beacon;

thence by a straight line on a true bearing of 329° 15' 15" for a distance of 12,623.6 feet to a beacon on the eastern shore of Lake Sergoit; (6)

thence due west by a straight line to its intersection with the low water mark of that lake;

thence northerly by that low water mark and the eastern bank of the Arobobutch River to its intersection with the southern boundary of L.R. No. 876;

thence easterly by the southern boundaries of that portion and of L.R. Nos. 874 and 875/1 to the intersection of the last with the Kipkitoi River;

thence down-stream by that river which forms the eastern boundary of L.R. Nos. 875/1 and 875/2 to its intersection with the eastern boundary of L.R. No. 873/2;

thence northerly by the eastern boundaries of L.R. Nos. 873/2 and 873/3 to the north-eastern corner of the latter portion;

thence westerly by part of the northern boundary of L.R. No. 873/3 for a distance of 2,321.2 feet to a beacon;

thence by a straight line on a true bearing of 351° 18' 24" for a distance of 848.32 feet to a beacon;

thence by a straight line on a true bearing of 59° 06' 16" for a distance of 1,425.0 feet to a beacon;

thence by a straight line on a true bearing of 132° 24' 22" for a distance of 1,826.6 feet to a beacon on the eastern boundary of L.R. No. 5755;

thence northerly by part of the eastern boundary of that portion to the south-western corner of L.R. No. 4592;

thence by the southern, generally eastern and northern boundaries of that portion to the intersection of the last with the eastern boundary of L.R. No. 3771;

thence northerly by that eastern boundary for a distance of about 17,375 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

230° 44' 47"	...	474.5 feet
262° 13' 13"	...	634.6 ..
342° 17' 52"	...	659.9 ..
305° 52' 36"	...	839.8 ..
17° 45' 28"	...	420.7 ..

to a beacon at the north-eastern corner of L.R. No. 3347;

thence westerly by the northern boundary of that portion to its intersection with the Moyben River;

thence up-stream by that river to its intersection with the northern boundary of L.R. No. 4635;

thence westerly by that boundary to the south-eastern corner of L.R. No. 3046;

thence by the eastern and northern boundaries of that portion to the intersection of the latter with the Charangai River;

thence up-stream by that river to its intersection with the northern boundary of L.R. No. 2227;

thence westerly by that boundary to its intersection with the eastern boundary of L.R. No. 2226;

thence northerly by part of that eastern boundary and the eastern boundaries of L.R. Nos. 3047 and 2210 to the north-eastern corner of the last portion;

thence westerly by the northern boundary of L.R. No. 2210 to its intersection with a river which forms the north-western boundary of that portion;

thence down-stream by that river to its intersection with the north-eastern boundary of L.R. No. 2225;

thence by that north-eastern boundary to the north-eastern corner of L.R. No. 2222;

thence by part of the northern boundary of that portion for a distance of 5,851.8 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

347° 26' 43"	...	5,745.5 feet
60° 41' 49"	...	2,601.1 ..
279° 19' 13"	...	3,362.8 ..
22° 16' 18"	...	2,038.8 ..
65° 21' 24"	...	5,191.8 ..

thence by a straight line on a true bearing of 338° 11' 30" to a beacon at the westernmost corner of L.R. No. 2980;

thence easterly and northerly by the generally southern and eastern boundaries of L.R. No. 2980 to the northernmost corner of that portion;

thence northerly by the eastern boundary of L.R. No. 3020/1/R to the north-eastern corner of that portion;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 3020/1/R, 2173/2, 3017 and 2167/R to the northernmost corner of the last portion (Cherangani); (1)

thence north-westerly by the north-eastern boundaries of L.R. Nos. 5595, 5559, 6904, 2160, 2158, 2156/3 and 5783 to the northernmost corner of the last portion;

thence westerly by the generally northern boundaries of L.R. Nos. 5783, 6684 and 2130/1 to the north-western corner of the last portion;

thence southerly by the western boundary of L.R. No. 2130/1 to its intersection with the Kabega River;

thence up-stream by that river to its junction with an unnamed river;

thence by that unnamed river which forms part of the north-eastern boundary of L.R. No. 5771 to its intersection with the south-eastern boundary of L.R. No. 5789;

thence by part of the south-eastern and the north-eastern boundary of L.R. No. 5789 and the north-eastern boundaries of L.R. Nos. 5788, 5529 and 2167/1 to the northernmost corner of the last portion;

thence southerly by the western boundary of L.R. No. 2167/1 to the north-eastern corner of L.R. No. 2037;

thence westerly by the generally northern boundaries of L.R. Nos. 2037, 2035 and 2033/R to the north-western corner of the last portion;

thence northerly by part of the eastern boundary of L.R. No. 4140/2/R to the north-eastern corner of that portion;

thence south-westerly by part of the north-western boundary of L.R. No. 4140/2/R to its intersection with the road reserve, across the road reserve and onwards to its intersection with the Swam River; the point of commencement; (1)

*Excluding and excepting—*

(a) ~~the following farms in the vicinity of Eldama Ravine:  
L.R. Nos. 488, 489, 490, 5249, 5276, 6262, 5641 and  
493;~~

(b) ~~the waters of Lake Baringo and the islands therein.~~

(5) BOUNDARIES OF THE NANDI NATIVE LAND *thence*

Commencing at the Trigonometrical Beacon Bwanga (Moenyel) at the south-western corner of L.R. No. 4130; (1)

thence easterly by the southern boundaries of L.R. Nos. 4130, 4126, 5598, 4285 and 4289 to the south-western corner of L.R. No. 755/1;

thence south-easterly by the south-western boundaries of L.R. Nos. 755/1, 755/2/1, 755/2/2, 5323, 755/4/R to the south-eastern corner of the last portion (Eldalat);

thence by the generally western boundaries of L.R. Nos. 5731, 766/1, 766/2, 766/3, 749, 748, 747, 6467, 6609, 6608, 6478, 693/1, 609, 3063, 4137, 4281 and 686 to the southern corner of the last portion (Olessos); (2)

thence by the north-western boundary of L.R. No. 6457/R and onwards across a road reserve to the northern-most corner of L.R. No. 1484;

thence by the north-western boundaries of L.R. Nos. 1484, 6775, 1481/R and part of 1478A to its intersection with the Kapsumbeyua River;

thence down-stream by that river to its junction with the Choimim River;

thence down-stream by the latter river to its intersection with the northern boundary of L.R. No. 1371;

thence by the northern boundary of the latter portion to its north-western corner;

thence by the western boundary of L.R. No. 371 to its intersection with the Kamarya River;

thence down-stream by that river to its junction with the Kapchure River;

thence down-stream by that river to the northern corner of L.R. No. 6008;

thence south-westerly by the north-western boundary of that portion to its western corner;

thence south-westerly by a straight line to the western corner of L.R. No. 1608/1.

thence south-easterly by part of the south-western boundary of that portion to its intersection with the Kapchure River;

thence by that river down-stream to its intersection with the north-eastern boundary of L.R. No. 1587/R;

thence north-westerly by part of the north-eastern boundary of that portion to the south-eastern corner of L.R. No. 1587/1 (Kiboin Salt Lick);

thence by the south-eastern, south-western and north-western boundaries of that portion to its northern corner;

thence north-westerly by a straight line to the north-eastern corner of L.R. No. 1605; (3)

thence westerly by the northern boundaries of L.R. Nos. 1605, 1604 and 1603 to the north-western corner of the last portion;

thence north-westerly by the north-eastern boundary of L.R. No. 1602/5 to its northern corner;

thence by a part of the western boundary of that portion for a distance of 1,764.0 feet to a beacon at the north-eastern corner of L.R. No. 4399/R;

thence generally westerly by a part of the northern boundary of that portion to the south-eastern corner of L.R. No. 6038;

thence by the north-eastern, northern and western boundaries of that portion to its south-western corner on the northern boundary of L.R. No. 4399/R;

thence generally westerly by a part of the northern boundary of that portion to the southern corner of L.R. No. 2724;

thence by the eastern and northern boundaries of that portion and by part of the northern boundary of L.R. No. 5446 to the north-western corner of the latter portion;

thence westerly by the northern boundaries of L.R. Nos. 1494 and 652/2/R to the north-western corner of the latter portion;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

285° 57' 07"	...	2,393.4 feet
287° 17' 16"	...	2,129.1 "
287° 14' 46"	...	2,156.7 "
287° 53' 16"	...	480.2 "
293° 01' 43"	...	619.1 "
338° 56' 53"	...	1,707.9 "

to a beacon on the eastern boundary of L.R. No. 654/18;

thence generally northerly by the generally eastern boundary of that portion to its intersection with the Kibos River; (4)

thence northerly by a straight line to the summit of Siruma Hill and onwards by a straight line to the summit of Kapserton Hill;

thence by a straight line north-easterly to the summit of Chepkori Hill;

thence in a generally north-easterly direction by cairns and cleared line to the Trigonometrical Beacon Kapwaren;

thence northerly by a straight line to the south-west corner of L.R. No. 1890;

thence by the western boundaries of L.R. Nos. 1890 and 1891 to the intersection of the latter with the eastern boundary of the Kisumu-Kapsabet Road Reserve;

thence northerly by that road reserve boundary to its intersection with the Mchomekek River;

thence down-stream by that river to its intersection with the western boundary of L.R. No. 1762;

thence by the western boundary of L.R. No. 1762 and the western and northern boundaries of L.R. No. 1900;

thence by the western and northern boundaries of L.R. No. 1906 and the northern boundary of L.R. No. 1905 to the Trigonometrical Beacon Chapkaigat at the north-east corner of the last portion; (5)

thence in a generally northerly direction by the top edge of the lower Nandi Escarpment to the Trigonometrical Beacon Bwanga (Moenyet); the point of commencement. (1)

(6) BOUNDARIES OF THE KAVIRONDO NATIVE LAND <sup>that</sup>

The Kavirondo native land consists of two areas.

PART I

Commencing at the westernmost corner of L.R. No. 6439; (1)

thence by the south-western boundary of that portion to its intersection with the Kamakoiwa River;

thence down-stream by that river to its junction with the Kimilli (Kabisi) River;

thence down-stream by that river to its junction with the Nzoia River;

thence down-stream by that river to its intersection with the south-western boundary of L.R. No. 4099;

thence by the latter boundary to the westernmost corner of L.R. No. 4121;

thence by the south-western boundaries of L.R. Nos. 4121 and 4122 to the southernmost corner of the latter portion (Senya Hill);

thence by the north-western boundaries of L.R. Nos. 6176 and 4130 to the south-western corner of the latter portion (Bwanga); (2)

thence southerly by the top edge of the lower Nandi Escarpment to the Trigonometrical Beacon Chapkaigat at the north-east corner of L.R. No. 1905;

thence by the northern boundaries of that portion and of L.R. No. 1906 to the north-west corner of the latter portion at the Trigonometrical Beacon Kipsugur; (3)

thence southerly by the western boundary of L.R. No. 1906 to the north-eastern corner of L.R. No. 1900;

thence by the northern and western boundaries of that portion and the western boundary of L.R. No. 1762 to its intersection with the Mchomekek River;

thence up-stream by that river to the intersection with the eastern boundary of the Kisumu-Kapsabet Road Reserve;

thence south-westerly by that road reserve boundary to its intersection with the western boundary of L.R. No. 1891;

thence southerly by the latter boundary and the western boundary of L.R. No. 1890 to the south-western corner of the latter portion;

thence southerly by a straight line to the Trigonometrical Beacon Kapwareni;

thence generally south-westerly by cairns and a cleared line to the top of Chepkori Hill;

thence south-westerly by a straight line to the top of Kapserton Hill;

thence southerly by a straight line to the summit of Siruma Hill;

thence south-westerly by a straight line to the northern-most corner of L.R. No. 654/18 on the Kibos River;

thence down-stream by that river to its intersection with the northern boundary of L.R. No. 655;

thence by the northern, western and southern boundaries of that portion to its south-east corner on the Kibos River;

thence up-stream by that river to its intersection with the southern boundary of the Kenya and Uganda Railway Reserve;

thence easterly by that railway reserve boundary to its intersection with the western boundary of Kibgori Township Reserve;

thence by the western, southern and eastern boundaries of that township reserve to the intersection of the last with the south-western boundary of the Kenya and Uganda Railway Reserve;

thence south-easterly by that railway reserve boundary to the western boundary of L.R. No. 3102;

(Provided that the township of Kisumu and all railway station and other railway areas along the Kenya and Uganda Railway from the north-west corner of L.R. No. 3102 to Kisumu, together with the 100-foot northern and southern railway reserves, are excluded from this land.)

thence by the western boundary of that portion (L.R. No. 3102) to its intersection with the Nyando River;

thence down-stream by that river to a point due north of a beacon on its left bank near Bora Hill and about six miles west of Muhoroni Station;

thence by a straight line to that beacon and thence by a line of beacons south-westerly across Bora Hill, the Kabletach River and Kamnyangor Hill to the Nyeta River;

thence in a generally westerly direction by the line of beacons across that river and Kaptebenwar Hill to Kaptevinwet River;

thence southerly by the line of beacons across that river, Lalibuch Hill, Nyandabluiblime River, Kamoungu Hill, the Toliga River, Kibimbiri Hill and across the Leguini River and Kablianat Hill to a beacon on the right bank of the Jujuliet River;

thence due south by a straight line to the centre of that river and by that river up-stream for about 900 feet to a point due north of a beacon on its left bank;

thence due south by a straight line to that beacon and south-westerly by a line of beacons between Kibugat and Tulwoikapkonak Hills to a beacon on the right bank of the Kamugelwar (Marraboi) River;

thence due west by a straight line to the centre of the Kamugelwar River and up-stream by that river for about 2½ miles to a point due north of a beacon on its right bank;

thence due south by a straight line to that beacon and southerly by a line of beacons to a beacon on the right bank of the Sondo (Miru) River at about the most northerly point of its course round Byobbyob Hill;

thence due south by a straight line to the centre of the Sondo River, and up-stream by the centre of that river to the junction of the Yurith with the Kipsonoi River;

thence up-stream by the latter river to its intersection with a straight line forming the northern boundary of L.R. No. 940;

thence westerly and southerly by the northern and western boundaries of L.R. No. 940 to the north-western corner of L.R. No. 941/6;

thence southerly by the western boundary of that portion and the western boundaries of L.R. Nos. 941/2/2, 941 R. 941/5, 941/4, 942 and 7091 to the south-western corner of the last portion;

thence by the western boundary of L.R. No. 7090 for a distance of 8,846.1 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

270° 00' 00"	...	9,132.2 feet
199° 59' 27"	...	2,741.7 "
181° 27' 37"	...	2,652.7 "
141° 25' 32"	...	2,867.9 "
116° 12' 40"	...	3,388.4 "
172° 53' 58"	...	2,453.6 "
144° 31' 20"	...	1,312.2 "
214° 55' 29"	...	2,748.1 "
161° 39' 42"	...	3,156.0 "
203° 41' 02"	...	3,018.8 "
188° 44' 22"	...	5,639.0 "
206° 51' 37"	...	1,545.8 "
262° 38' 18"	...	2,044.8 "
209° 38' 47"	...	4,349.4 "
234° 20' 24"	...	3,050.7 "
209° 27' 51"	...	3,530.5 "

to the north-western corner of L.R. No. 4400/R;

thence by the generally western boundaries of L.R. Nos. 4400/R and 5473/3 to the northernmost corner of L.R. No. 5471;

thence by the north-western and south-western boundaries of that portion and the south-western boundaries of L.R. Nos. 5472, 7126, 5448/2, 3644/6 and 3644/7 to the southernmost corner of the last portion (Gelegele); (5)

thence south-westerly by a cut and beacons line to the beacons source of the Sari River;

thence down-stream by that river for a distance of about 7 1/4 miles to its intersection with a cut and beacons line;

thence by that cut and beacons line on a true bearing of 173° 30' to the junction of the Gori and Koiwa Rivers;

thence up-stream by the Gori River to its intersection with a cut and beacons line at the junction of the Gori and Kasumi Rivers;

thence by that cut and beacons line on a true bearing of 166° 46' to beacon No. 17 on the Kenya and Tanganyika Boundary; (6)

thence north-westerly by that boundary to its intersection with the shore of Mohuru Bay on Victoria Nyanza;

thence in a generally northerly direction by the shore of Victoria Nyanza to the Kavirondo Gulf;

thence in a generally easterly, northerly and westerly direction by the shore of the Kavirondo Gulf to Victoria Nyanza;

thence again generally north-westerly by the shore of Victoria Nyanza to the mouth of the Sio River; (7)

thence up-stream by that river to its junction with the Sango River;

thence up-stream by that river to its source marked by a cairn;

thence onwards by a straight line north-easterly to a cairn on the abandoned road (now a footpath) from Busia to Mumeri's (Lukoli's);

thence by the south-eastern boundary of that road to its intersection with the Alupe River;

thence down-stream by that river to its junction with the Kame River;

thence down-stream by the latter river to its intersection with the eastern boundary of the Mjanji-Busia-Mbale Road, such boundary being 100 feet distant from, and parallel to, the centre line of the said road;

thence northerly by that eastern boundary to its intersection with the Malawa or Malaba River otherwise known as the Lwagaga (Lwakaka) River;

thence up-stream by that river to its intersection with a cut and beacons line which forms the generally southern boundary of Mount Elgon Forest Reserve;

thence generally easterly by that cut and beacons line to the point of commencement. (1)

Included within this land are the islands Sumba, Mageta, Ndue, Rusinga and Mfanganu and all other islands on Victoria Nyanza and the Kavirondo Gulf that lie within the districts of Central and South Kavirondo as defined in Proclamation No. 54 dated 25th February, 1924.

#### PART II

Commencing at the source of the Lwagaga (Lwakaka) or Malawa (Malaba) River;

thence easterly by a straight line to the summit of Sudek Peak (Elgon. H.) on Mount Elgon;

thence northerly by a straight line to the point where the Suam River, which forms the Kenya-Uganda Boundary, emerges from the crater of Mount Elgon;

thence south-easterly by a straight line to the source of the Kimotho River which is situated immediately to the south or south-west of Koitobbos Peak (Mount Elgon);

thence down-stream by that river to its intersection with a cut and beacons line which forms the generally north-western boundary of Mount Elgon Forest Reserve;

thence generally south-westerly by that cut and beacons line to its intersection with the Lwagaga (Lwakaka) or Malawa (Malaba) River;

thence up-stream by that river to the point of commencement.

#### BOUNDARIES OF THE LUMBWA NATIVE LAND

Commencing at the intersection of the north-western boundary of L.R. No. 3102 with the Nyando River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 3970;

thence by that north-western boundary to its south-western corner;

thence by the southern boundaries of L.R. Nos. 3979 and 3978/2 to the south-eastern corner of the latter portion;

thence by part of the eastern boundary of L.R. No. 3978/2 for a distance of 5,751.54 feet to the Chemutum Salt Lick;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

296° 26' 20"	...	4,154.0 feet
206° 26' 20"	...	600.0 "
296° 26' 20"	...	900.0 "
26° 26' 20"	...	900.0 "
116° 26' 20"	...	5,045.3 "

to a beacon on the south-eastern boundary of L.R. No. 3978/2;

thence north-easterly by part of the south-eastern boundary of L.R. No. 3978/2 and the whole of L.R. No. 3977 to the south-western corner of L.R. No. 643/1;

thence easterly by part of the southern boundary of L.R. No. 643/1 to its intersection with the Nyando River;

thence up-stream by that river to its junction with the Tugegon River;

thence up-stream by that river to its intersection with the western boundary of the Lumbwa-Kericho Road Reserve;

thence generally south-westerly by that road reserve boundary to its intersection with the north-eastern boundary of Kericho Township (L.R. No. 631);

thence north-westerly, south-westerly and south-easterly, by part of the north-eastern, the north-western and part of the south-western boundaries of that township to the intersection of the last with the Kimugu River;

thence down-stream by that river to its junction with the Kitho (or Jamji) River;

thence down-stream by that river to its junction with the Chepkoiisi (Kiptiget) River;

thence by that river up-stream to its intersection with the southern boundary of L.R. No. 5436;

thence easterly by that boundary to the south-eastern corner of the latter portion;

thence northerly by the eastern boundary of that portion to its intersection with the southern boundary of L.R. No. 6001/1;

thence easterly by the latter boundary to its intersection with the Koruma River;

thence up-stream by that river to its intersection with the eastern side of the Sotik-Kericho main track 25-foot reservation;

thence southerly by a cut and beacons straight line to its intersection with the Chepkoiisi (Kiptiget) River which forms the northern boundary of L.R. No. 6020;

thence down-stream by that river to its junction with the Dare (Itare) River;

thence up-stream by the latter river to its intersection with the straight line joining the Trigonometrical Beacon Posta with the south-western corner of L.R. No. 553;

thence south-westerly by a straight line to the Trigonometrical Beacon Posta;

thence by a cut and beacons line on a true bearing of 159° 05' 44" to the beacon Kaboret;

thence by a cut and beaconed line on a true bearing of  $128^{\circ} 11' 28''$  to the beacon Kibiosi and onwards on the same bearing to its intersection with the Amala River;

thence down-stream by that river to its junction with the Nyangoris River;

thence north-westerly by a cut and beaconed line to the Trigonometrical Beacon Abossi;

thence by a straight line towards the southernmost corner of L.R. No. 3644/7 (Golegele) for a distance of about 7,660 feet to a beacon;

thence by a straight line on a true bearing of  $6^{\circ} 11' 03''$  for a distance of about 9,299 feet to a beacon;

thence by a straight line on a true bearing of  $42^{\circ} 50' 17''$  for a distance of about 6,442 feet to a beacon;

thence by a straight line on a true bearing of  $11^{\circ} 19' 22''$  for a distance of about 3,181 feet to a beacon;

thence by a straight line on a true bearing of  $27^{\circ} 23' 40''$  for a distance of about 8,577 feet to a beacon;

thence by a straight line on a true bearing of  $31^{\circ} 32' 33''$  for a distance of about 6,398 feet to a beacon;

thence by a straight line on a true bearing of  $17^{\circ} 47' 33''$  for a distance of about 3,583 feet to a beacon at the southernmost corner of L.R. No. 948;

thence by the south-eastern boundary of that portion and the south-eastern boundary of L.R. No. 3677 to the intersection of the latter with the Sisi River;

thence up-stream by that river to its intersection with the south-western boundary of L.R. No. 955;

thence south-easterly by the south-western boundaries of L.R. Nos. 955 and 958 to the intersection of the latter with the Nyangoris River;

thence up-stream by that river to its intersection with the north-eastern boundary of L.R. No. 957;

thence by the north-eastern boundary of that portion to its northernmost corner;

thence by part of the south-eastern boundary and the whole of the north-eastern boundary of L.R. No. 3668 to the intersection of the latter with the Ledayet River;

thence down-stream by that river to its intersection with the eastern boundary of L.R. No. 4783/2;

thence northerly by that boundary to its intersection with the Kipsonoi River;

thence down-stream by that river to its intersection with the south-western boundary of Chemegel Township (L.R. No. 7288);

thence south-easterly, north-easterly and generally westerly by the south-western, south-eastern and northern boundary of that township to the intersection of the last with the Kipsonoi River;

thence down-stream by that river to its junction with the Yurith River, whence it becomes the Sondo River;

thence down-stream by the Sondo River to a point due south of a beacon on its right bank at about the most northerly point of its course round Byobbyob Hill;

thence due north by a straight line to that beacon and thence northward following the line of beacons to a beacon on the right bank of the Kamugelwar (or Marraboi) River, and thence due north by a straight line to the centre of that river;

thence down-stream by that river for about 2½ miles to a point due west of a beacon on its right bank and thence due east by a straight line to that beacon;

thence north-easterly by a line of beacons between Tulwotkapkonak and Kibugat Hills to a beacon on the left bank of the Jujuliet River;

thence due north by a straight line to the centre of that river; and by it down-stream for about 900 feet to a point due south of a beacon on its right bank;

thence by a straight line to that beacon and thence in a northerly direction following the line of beacons over Kabli-anat Hill to the Leguini River;

thence by the line of beacons across that river, over Kibimbiri Hill, Tolitet River and Kamoungu Hill to the Nyandabluiblime River; and thence across that river and over Lalibuch Hill to the Kaptevinwet River;

thence in a generally easterly direction by the line of beacons over Kaptebenwar Hill to the Nyeta River;

thence across that river in a north-easterly direction across Kamnyangor Hill, the Kabletach River and Bora Hill to a beacon on the left bank of the Nyando River, about six miles west of Muhoroni Station;

thence due north by a straight line to the Nyando River;

thence up-stream by that river to its intersection with the western boundary of L.R. No. 3102, the point of commencement.

(8) BOUNDARIES OF THE NORTHERN POKOMO  
NATIVE LAND *Unit*

Commencing at a point on the Tana River two miles below Kashe;

thence bounded by a straight line due north-east to its intersection with the line bounding the zone that contains all points on the left bank of the river distant one mile from low-water mark in that river and the River Galana Be (i.e., the present main course of the river);

thence south-easterly by that bounding line to a point due north-east of a point on the river just above Sankuni and about two miles below Bara;

thence by a straight line to the latter point, extended across the river to its intersection with the line bounding a zone that contains all points on the right bank of the Tana River (following the old course south of the Galana Be) distant one mile from low-water mark thereof;

thence north-westerly by that bounding line to a point due south-west of the point of commencement;

thence by a straight line thereto.

The foregoing boundaries are delineated on Sheet No. 44 of the before-mentioned deposited plan.

(9) BOUNDARIES OF THE COAST NATIVE LANDS *Unit*  
*These* lands consist of thirty areas the boundaries of which are as follows:

SECTION I—PUNGU FUEL AREA (L.R. No. 4383)

Commencing at the south-west corner of Section V, Mombasa Mainland South, thence bounded by the southern boundary of that section to high-water mark on the Indian Ocean;

thence southerly by that high-water mark to its intersection with the north-eastern boundary of L.R. No. 4654 extended;

thence by a straight line to the eastern corner of L.R. No. 4654 and onwards by part of the north-eastern boundary of that portion to its intersection with the south-eastern boundary of L.R. No. 4646 extended across the 25 foot road reserve;

thence by a straight line across that road reserve to the southern corner of L.R. No. 4646;

thence by the south-eastern boundaries of that portion and of L.R. No. 4645 to the point of commencement.

SECTION II—KAYA PUNGU (L.R. No. 4367)

This is a small area, of about 1½ acres extent, lying about one mile to the west of the north-west corner of Section I, and within the boundaries of L.R. No. 4645, as particularly delineated on Sheet 48 of the aforesaid deposited plan.

SECTION III—PUNGU-MIDZICHENDA (INCLUDING BOMBO AND KITEJI)

Commencing on the eastern boundary of the Mtougwe-Kiteji 25 foot road reserve, at the point where the western boundary of L.R. No. 4649 leaves that road reserve;

thence bounded by part of the western boundary of that portion south-westerly to its south-west corner;

thence by the south-western and southern boundary of the Likoni Commonage (L.R. No. 5016) to its south-east corner;

thence southerly by part of the western boundary of L.R. No. 4646 to its western corner;

thence by a straight line across a 25 foot road reserve to the northern corner of L.R. No. 4654;

thence by the western boundary of that portion and the north-western or northern boundary of L.R. No. 4655 to its north-western corner on the eastern boundary of the Likoni-Gasi Road Reserve;

thence by a straight line across that road reserve to the eastern corner of L.R. No. 4660;

thence by part of the generally north-eastern and northern boundaries of that portion to its intersection with the southern boundary of the 25 foot road reserve which gives access to Kaya Bombo (No. V);

thence by a straight line across that road reserve to the south-east corner of L.R. No. 4653;

thence by the eastern boundary of that portion to its northern corner;

thence by a straight line across the 25 foot road reserve to the south-east corner of L.R. No. 4652;

thence by the eastern and part of the north-eastern boundary of that portion to the southern corner of L.R. No. 4651;

thence by the southern boundary of that portion to its south-east corner on the 25 foot road reserve of the road to Mitongwe;

thence by a straight line across that road reserve to the point of commencement.

The areas within the foregoing boundaries known as Mombasa Mainland South, Section VII, Subdivisions 1, 2, 3, and 4, are not part of the native land and are excluded therefrom.

The foregoing boundaries are more particularly delineated on Sheets 48 and 51 of the aforesaid deposited plan.

**SECTION IV—KAYA KITBI (L.R. No. 4392)**

This is an area of about one acre within the boundaries of L.R. No. 4652 and situated near the mouth of Bombo Creek on its eastern side, as delineated on Sheet 48 of the aforesaid deposited plan.

**SECTION V—KAYA BOMBO (L.R. No. 4384)**

This is an area of about 81 acres, of which the northern and eastern boundaries are on L.R. Nos. 4653 and the south-western boundary on L.R. No. 4651, as delineated on Sheets 47 and 48 of the aforesaid deposited plan.

**SECTION VI—BOGONI (L.R. No. 4385)**

This is an area of about 67 acres situated about one mile south of Mizea Creek, within the boundaries of L.R. No. 3855, as delineated on Sheet 47 of the aforesaid deposited plan.

**SECTION VII—PEMBA (L.R. No. 4412)**

This is an area of about 72.5 acres within the boundaries of the Shimba Forest Reserve (L.R. No. 5008), its northern corner lying about one mile and a half west by south of the south-western corner of Kwale Township, as delineated on Sheet 49 of the aforesaid deposited plan.

**SECTION VIII—WAA MIDZICHENDA (INCLUDING WAA, MATUGA, KIGATHU, MAGOMANI, MIVUMONI AND TIWI)**

Commencing at the south-west corner of L.R. No. 4657, the boundary of this area follows in a generally south-westerly and south-easterly direction the generally north-western and south-western boundaries of a part of L.R. No. 3855, to its southern corner on the 100 foot foreshore reserve, and continues by the last boundary extended to high-water mark on the Indian Ocean;

thence bounded by that high-water mark southerly to the Mwachema River;

thence up-stream by that river to its intersection with the eastern boundary of L.R. No. 4752;

thence northerly by part of that boundary to the eastern boundary of the Gasi Road Reserve;

thence northerly by that road reserve boundary to its intersection with the north-eastern boundary of L.R. No. 4752 extended;

thence by a straight line across the road reserve to the north-eastern boundary of that portion; and onwards by that boundary to the northern corner of the same;

thence in a generally north-westerly and then north-easterly direction by the eastern boundary of a part of L.R. No. 3855 to the south-west corner of L.R. No. 4659;

thence by the southern boundary of the latter portion to its south-east corner;

thence by a straight line across the Gasi Road Reserve to the north-west corner of L.R. No. 4657;

thence by the western boundary of that portion to the point of commencement.

The areas within the foregoing boundaries known as Mombasa Mainland South, Section VIII, Subdivision 1 (Waa), and Section VI, Subdivisions 1 to 16, inclusive (Tiwi), are not native lands and are excluded therefrom.

The foregoing boundaries are more particularly delineated on Sheets 50, 51, 53 and 54 of the aforesaid deposited plan.

**SECTION IX—KAYA WAA (L.R. No. 4376)**

An area of about 80 acres, bounded as follows:—

Commencing at the southern corner of L.R. No. 4658, thence bounded by the south-eastern boundary of that portion to its south-east corner and extended to high-water mark on the Indian Ocean;

thence southerly by that high-water mark to its intersection with the north-eastern boundary of a part of L.R. No. 3855 extended thereto;

thence by that extended boundary north-westerly up to the point of commencement.

The foregoing boundary is more particularly delineated on Sheet 51 of the aforesaid deposited plan.

**SECTION X—MUHAKA (INCLUDING DIANI, UKUNDA, NZOLE, MLOLA, MBAVU AND MSUWA)**

Commencing at the mouth of the River Mwachema at high-water mark of the Indian Ocean;

thence bounded by that high-water mark southerly to its intersection with the northern boundary of L.R. No. 5004 extended thereto;

thence by a straight line to the north-east corner of that portion;

thence by its northern boundary to its north-west corner on the eastern boundary of the Gasi 60 foot road reserve;

thence first in a generally south-westerly and afterwards in a generally north-westerly direction by the generally north-western boundary of L.R. No. 5004 to a corner thereof on the Mtawe River, where the latter intersects the eastern boundary of a 50-foot road reserve;

thence north-easterly by a straight line for about 15 feet to a beacon on the left bank of the Mtawe River;

thence bearing 309° 5' 30" for about 3,991 feet to a beacon;

thence bearing 359° 5' 35" for about 2,170 feet to a beacon;

thence bearing 288° 46' 29" for about 10,649 feet to a beacon (Nzole);

thence bearing 14° 24' 42" for about 3,638 feet to a beacon;

thence bearing 8° 52' 34" for about 17,029 feet to the Trigonometrical Beacon "A";

thence bearing 62° 17' 40" for about 5,480 feet to the Trigonometrical Beacon Paka Paka;

thence south-easterly by a straight line to the Trigonometrical Beacon Kabila;

thence by the south-western, southern and south-eastern boundaries of L.R. No. 3855 to the southern boundary of the 25-foot road reserve, which forms part of the southern boundary of L.R. No. 4752;

thence south-easterly by that road reserve boundary to its intersection with the western boundary of the Gasi 60-foot road reserve;

thence by a straight line across the latter road reserve to a beacon on its eastern boundary;

thence northerly by the eastern boundary of the Gasi Road Reserve to its intersection with the River Mwachema; thence by that river down-stream to the point of commencement.

The areas within the foregoing boundaries known as L.R. Nos. 3243 and 3245 are not part of the native land and are excluded therefrom.

The foregoing boundaries are more particularly delineated on Sheets 52, 53, 54, 56 and 57 of the aforesaid deposited plan.

**SECTION XI—KINONDO (INCLUDING GALLU) L.R. No. 4274**

This area of about 2,650 acres is bounded on the east by high-water mark of the Indian Ocean; on the north, west and south-west by L.R. No. 5004, the boundaries of the latter being extended across the 100 foot foreshore reserve to high-water mark; which boundaries are delineated on Sheets 53 and 57 of the aforesaid deposited plan.

**SECTION XII—MATOFFA (L.R. No. 4458)**

This is an area of about 148 acres, lying on both sides of Mwele-Gasi Road and to the north of the Kidogo Weni River; east of the said road its northern and south-eastern boundaries abut on L.R. No. 5004; and west thereof its south-eastern, south-western and western boundaries abut on L.R. No. 4821; as delineated on Sheet 56 of the aforesaid deposited plan.

**SECTION XIII—MAUMBA (L.R. No. 4474)**

This is an area of about 112 acres, lying about three-quarters of a mile west of the northern corner of the Gogani Forest Reserve, and entirely surrounded by L.R. No. 5004, as delineated on Sheet 56 of the aforesaid deposited plan.

**SECTION XIV—MSAMBWENI-GWIRANI (INCLUDING MABATINI)**

Commencing on the Mkurumuji River at the point where the north-eastern boundary of L.R. No. 4243 (Government Reserve) would intersect;

thence bounded by a straight line to the northern corner of that portion;

thence by the north-western and south-western boundaries of the same portion to high-water mark on the Indian Ocean;

thence southerly by that high-water mark to the mouth of the Milalani River;

thence up-stream by that river to its intersection with a straight line bearing  $310^{\circ} 44' 10''$  forming part of the generally eastern boundary of L.R. No. 5004;

thence north-westerly, south-westerly, again north-westerly and finally north-easterly by that boundary of L.R. No. 5004 to the Mkurumuji River;

thence down-stream by that river to the point of commencement.

The foregoing boundary is more particularly delineated on Sheets 60 and 61 of the aforesaid deposited plan.

#### SECTION XV—SHIRAZI (INCLUDING BODO)

Commencing at the southern end of the 100 foot foreshore reserve, which forms part of the south-eastern boundary of L.R. No. 5009, on a creek;

thence bounded by that creek down to its mouth;

thence northerly, southerly and then in a generally south-westerly direction by high-water mark of the Indian Ocean to its intersection with the south-eastern boundary of L.R. No. 5009, extended thereto;

thence by that extended boundary, and part of that south-eastern boundary to the point of commencement.

The foregoing boundaries are more particularly delineated on Sheets 60 and 63 of the aforesaid deposited plan.

#### SECTION XVI—FUNZI ISLAND

The whole of Funzi Island (together with adjacent islets) which lies to the south of Msambweni-Gwirani (Area XIV) and to the south-east of Shirazi (Area XV), down to high-water mark of the Indian Ocean, as delineated on Sheet 63 of the aforesaid deposited plan, is native land.

#### SECTION XVII—SOUTH NYIKA SECTION

Commencing at the south-west corner of the MacKinnon Road Station Reserve; (1)

thence generally south-easterly by the southern boundary of the Kenya and Uganda Railway Reserve to its intersection with the north-west boundary of L.R. No. 1031/1;

thence south-westerly, southerly and north-easterly by the north-western, south-western and south-eastern boundaries of that portion to the western corner of L.R. No. 1016/1;

thence south-easterly and north-easterly by the south-western and south-eastern boundaries of L.R. No. 1016/1 to the intersection of the last with the south-eastern boundary of L.R. No. 1031/1;

thence north-easterly by the latter boundary to its intersection with the south-western boundary of the Kenya and Uganda Railway Reserve;

thence generally southerly by that railway reserve boundary to its intersection with the northern boundary of L.R. No. 1032/2;

thence westerly, northerly and north-westerly by part of the generally north-eastern boundary of L.R. No. 1032/2 and the north-eastern boundary of L.R. No. 1017 to the northernmost corner of the latter portion; (2)

thence southerly by the western boundary of L.R. No. 1017 to its intersection with the Mwachi River;

thence up-stream by that river to its intersection with the south-western boundary of L.R. No. 1028;

thence south-easterly by that south-western boundary to its intersection with the north-western boundary of L.R. No. 1029;

thence south-westerly, south-easterly and north-easterly by part of the north-western, the south-western and the south-eastern boundaries of that portion to the intersection of the last with the generally southern boundary of L.R. No. 1035/1;

thence easterly by that generally southerly boundary to its intersection with the south-western boundary of the Kenya and Uganda Railway Reserve;

thence generally southerly by that railway reserve boundary to its intersection with the northern boundary of Plot 885, Section VI, Mainland North;

thence generally north-westerly by the northern boundary of Plot 885, Section VI, Mainland North, and the generally north-eastern boundary of L.R. No. 1037/2 to the northernmost corner of the latter portion;

thence westerly by the northern boundary of that portion to its intersection with the Mwachi River;

thence by that river down-stream to its intersection with the north-western boundary of L.R. No. 1038;

thence south-westerly by the north-western boundary and south-easterly by the south-western boundary of that portion to its southernmost corner;

thence westerly by the northern boundary of that forest reserve to its north-west corner;

thence by the western, southern and south-eastern boundaries of that forest reserve to its north-east corner;

thence in a generally southerly direction by part of the western boundary of L.R. No. 5004 to its intersection with the northern boundary of the Mombasa-Vanga Road Reserve;

thence south-westerly by that road reserve boundary to its intersection with the north-eastern boundary of a part of L.R. No. 5009 giving access to the Ramisi River;

thence north-westerly and south-westerly by that boundary of L.R. No. 5009 to the said river;

thence up-stream by the Ramisi River to its intersection with the southern boundary of L.R. No. 3246;

thence westerly by that southern boundary bearing approximately  $269^{\circ} 05'$  for a distance of about 120 feet from the centre line of that river to a beacon;

thence south-westerly by a beaconed line bearing approximately  $255^{\circ} 54'$  for about 17,530 feet to a beacon on the east boundary of L.R. No. 4668;

thence southerly by a straight line to the south-east corner of L.R. No. 4668;

thence by the southern and western boundaries of that portion to its north-west corner;

thence north-westerly by a straight line to the Trigonometrical Beacon Kiruku;

thence south-westerly by a straight line to the north-east corner of L.R. No. 4666;

thence by the eastern and southern boundaries of that portion to its south-west corner;

thence by a straight line on a true bearing  $201^{\circ} 7' 58''$  for about 6,199 feet to a beacon;

thence by a straight line on a true bearing  $89^{\circ} 41' 42''$  for about 3,032 feet;

thence by a straight line on a true bearing  $90^{\circ} 3' 20''$  for about 918 feet;

thence southerly by a straight line bearing  $180^{\circ} 17'$  for 736 feet to a beacon;

thence southerly by a straight line bearing  $180^{\circ} 20'$  for 2,582 feet to a beacon;

thence westerly by a straight line bearing  $258^{\circ} 58'$  for 4,749 feet to a beacon;

thence generally south-westerly beacon to beacon by successive straight lines of the following bearings and lengths:—

180° 58'	420 feet
200° 39'	2,485 "
211° 22'	3,459 "
232° 34'	6,871 "
185° 17'	3,530 "

from the southern terminal beacon of the last straight line above by its extension southwards across the Mwenya River to its intersection with high-water mark on the right or south bank of the estuary of that river;

thence generally southerly by high-water mark of the Indian Ocean to its intersection with the north boundary of Vanga Township;

thence generally south-westerly by the north and west boundaries of that township as demarcated with cement blocks by the District Commissioner to its intersection with the Kenya-Tanganyika Boundary;

thence north-westerly by the latter boundary to its intersection with the Uмба River;

thence northerly by a straight line to the summit of Kilibasi Hill;

thence northerly by a straight line to the point of commencement.

The area within the foregoing boundaries known as L.R. No. 7312 (Mailuganje Forest Reserve) is not part of this native land and is excluded therefrom.

The area external to the foregoing boundaries known as L.R. No. 1283 is part of this native land and is included therein.

#### SECTION XVIII—NORTH NYIKA SECTION

Commencing at the north-west corner of the MacKinnon Road Station Reserve;

thence north-easterly by a straight line to the intersection of a straight line between the summits of the hills Maungu and Loga with the Galana (or Sabaki) River;

thence down-stream by that river to a point due south of a beacon on its left or northern bank on the western outskirts of Dodosa Village;

thence by a straight line to that beacon and onwards by a straight line north-easterly to the trigonometrical beacon on Koyeni Hill;

thence by a straight line more easterly to the hill marked 407 on the Topographical Sheet S.A.37/V & W;

thence by a straight line bearing true north-north-east to its intersection with the Wakalla River;

thence down-stream by that river to its intersection with the track from Marafa through Mwambiri Village (about one mile above the junction of that river with the Kotomi River);

thence easterly by that track to the western outskirts of Mwambiri Village;

thence by the northern outskirts of that village to the same track;

thence easterly by that track to a point due south of a beacon to the north-west of the cultivated area known as Mombasa, at Marafa;

thence due north to that beacon;

thence easterly for about two miles to a beacon on the north-eastern limits of that cultivated area;

thence south-easterly by a straight line to the north-east corner of Plot Mamburi No. 281;

thence by the northern, western, southern and south-eastern boundaries of that plot to its eastern corner;

thence south-easterly by a straight line to the northern corner of Plot Mamburi No. 275;

thence by the western boundary of that plot and part of its south-eastern boundary to its intersection with the western boundary of L.R. No. 4390 (Pumwani Settlement);

thence southerly by part of that boundary to its south-west corner;

thence southerly by a straight line to a beacon on the north bank of the Sabaki River on the western outskirts of Mbaoni Village; (3)

thence up-stream by that river to a point due south of the village Kwa Aliteti;

thence in a southerly direction across the Madungoni Plains by a demarcated line to Gaji Hill (shown as an intersected point, elevation 383, on the aforesaid topographical sheet).

thence south-westerly by a straight line to the north-east corner of the Arabuko-Sekoki Forest Reserve (L.R. No. 4453);

thence by the generally northern and western boundaries of that forest reserve to its south-west corner;

thence southerly by a straight line to the Trigonometrical Beacon Sekoke South;

thence southerly by a straight line to the northern corner of L.R. No. 1427;

thence by the north-western boundary of that portion to its western corner;

thence by a straight line to the northern corner of Plot 7, Group VII (Mtanganiko) Mainland North; (4)

thence by the north-western and south-western boundaries of that plot to its southern corner;

thence by a straight line to the north-west corner of plot 4 of the same group;

thence by the western and part of the southern boundary of that plot to the north-west corner of Plot 10 of the same group;

thence by parts of the western and southern boundaries of that plot to the north-west corner of Plot 8 of the same group;

thence by the western and southern boundaries of the latter to its south-east corner;

thence southerly by part of the western boundary of Plot 10 of the same group, to its south-west corner;

thence by a straight line southerly to the western corner of Plot 15, Group III (Majajani) Mainland North;

thence by the south-western boundary of that plot to its south-west corner;

thence south-westerly by a straight line to the western corner of Plot 20 of the same group;

thence by the south-western boundary of that plot to its south-west corner;

thence southerly by a straight line to the northern corner of Plot 14, Group II (Mavuoni) Mainland North;

thence by the western and south-western boundaries of that plot to its southern corner;

thence south-westerly by a straight line to the northern corner of Plot 15 of the same group;

thence by the north-western boundary of that plot to its western corner;

thence south-easterly by a straight line to the northern corner of Subdivision 99 of Section IV, Mombasa Mainland North;

thence by the western and south-western boundary of that subdivision extended beyond its southern corner to the stream in its vicinity;

thence up that stream to its intersection with the north-eastern boundary of Subdivision 112 of the same section;

thence north-westerly by part of the north-eastern boundary of that subdivision to its northern corner;

thence by the generally western boundary of the same subdivision to its southern corner;

thence southerly by part of the western boundary of Subdivision 96 of the same section to its south-west corner;

thence south-westerly by a straight line to the most north-west corner of Subdivision 81 of the same section;

thence southerly by the generally western boundary of Section IV, Mombasa Mainland North, consisting of parts of the boundaries of Subdivisions 81, 79, 82, 83, 79, 77, 72 and 71 to the western corner of the last;

thence north-westerly by part of the north-eastern boundary of Subdivision 29 to the southern corner of Subdivision 62;

thence by the eastern and northern boundaries of the latter and the northern and western boundaries of Subdivision 63 to its most western corner;

thence by the north-western boundary of Subdivision 61 to its north-west corner;

thence south-westerly by a straight line to the northern corner of Subdivision 51;

thence by part of the north-western boundary of that subdivision to the eastern corner of Subdivision 52;

thence by the north-eastern boundary of the latter to its northern corner;

thence south-westerly by a straight line to the north-east corner of Subdivision 58;

thence by the north-eastern boundary of that subdivision to its northern corner;

thence southerly by the generally western boundary of the said Section IV, consisting of part of the boundaries of Subdivisions 58, 49, 43, 124, 123, 126, 65, 67 and 111 to the most westerly corner of the last;

thence south-westerly by a straight line to the northernmost corner of Subdivision 500 of Section II, Mombasa Mainland North;

thence westerly by a straight line to the northernmost corner of Subdivision No. 506 of Section II, Mombasa Mainland North;

thence generally westerly by the northern boundaries of Subdivisions Nos. 506 and 620 to the north-west corner of Subdivision No. 506;

thence southerly by a straight line to the northernmost corner of Subdivision No. 498 of the same section;

thence generally southerly by the north-western and south-western boundaries of Subdivision No. 498 to the south-eastern corner of that Subdivision;

thence north-easterly by part of the eastern boundary of the same Subdivision to the south-west corner of Subdivision No. 504;

thence easterly by the southern boundaries of Subdivisions Nos. 504, 669 and 497 to the south-east corner of No. 497;

thence southerly by part of the western boundary of Subdivision No. 496 to its south-west corner;

thence westerly by part of the northern boundary of Subdivision No. 490 to its north-west corner;

thence southerly by the western boundaries of Subdivisions Nos. 490, 489 and 488, all of Section II, Mombasa Mainland North, to the intersection of the western boundary of No. 488 extended with the centre line of the Mleji River;

thence generally south-easterly down-stream by the centre line of the Mleji River to its intersection with the extended north-west boundary of Subdivision No. 479 of Section II, Mombasa Mainland North;

thence south-westerly by that north-west boundary of Subdivision No. 479 to its westernmost corner;

thence generally westerly by the northern boundaries of Subdivision No. 541 to its north-west corner;

thence southerly and easterly by the western and southern boundaries of Subdivision No. 541 to its south-east corner;

thence generally south-easterly by the south-western and southern boundaries of Subdivision No. 478 to its south-east corner;

thence north-easterly by the south-east boundaries of that Subdivision to its intersection with the south-west boundary of Subdivision No. 477 on the right or west bank of the Mleji River;

thence southerly by part of the western boundary of the latter Subdivision to its south-west corner;

thence by the south-western boundary of Subdivision No. 477 extended to its intersection with the centre line of the Mleji River;

thence generally southerly by the centre line of that river down-stream to its intersection with the extended eastern boundary of that portion of Subdivision No. 436 of Section II, Mombasa Mainland North which lies on the right or west bank of the Mleji River;

thence north-westerly by that boundary to the northernmost corner of that portion;

thence generally southerly by the north-western boundaries of that portion to its westernmost corner;

thence south-easterly by the south-west boundary of that portion extended to its intersection with the centre line of the Mleji River;

thence southerly down-stream by the centre line of the Mleji River to its intersection with the north-west boundary of Subdivision No. 435 of the same Section extended;

thence generally southerly by the north-west and south-west boundaries of that Subdivision to its south-west corner;

thence easterly by the southern boundary of the same Subdivision to its intersection with the western boundary of Subdivision No. 453;

thence southerly by the western boundary of that Subdivision to its intersection with the north-east boundary of Subdivision No. 426;

thence by this latter boundary to the northernmost corner of that Subdivision;

thence generally south-westerly by the western boundaries of Subdivisions Nos. 426 and 672 to the westernmost corner of the latter;

thence south-easterly by the straight line portion of the southern boundary of Subdivision No. 672 extended to its intersection with high-water mark on the right bank of the Mleji River;

thence due south by a straight line to its intersection with the centre line of the Mleji River;

thence generally southerly down-stream by that centre line to its intersection with the centre line of the waters of that branch of Mwakirungi Creek which bounds on the north Subdivision No. 555 of Section II, Mombasa Mainland North;

thence generally westerly by the centre line of the waters of that branch of the creek to a point due east of the intersection of the northern boundary of Subdivision No. 546 of the same section with high-water mark;

thence by a straight line due west to that point of intersection;

thence westerly by the generally northern boundaries of Subdivision No. 546 to its intersection with the eastern boundary of Subdivision No. 642 of Section II, Mombasa Mainland North;

thence northerly by that boundary to the north-east corner of Subdivision No. 642;

thence generally north-westerly by the northern boundaries of the latter and of Subdivision No. 607 of the same Section to the northernmost corner of the latter Subdivision;

thence north-westerly by a straight line in the direction of the point at the head of the northern arm of Jomvu Creek at which the Rabai-Mwanguja road crosses the River Kombeni up to the intersection of that straight line with high-water mark of Jomvu Creek;

thence generally north-westerly by high-water mark to the point at which the above road crosses the River Kombeni: provided that if the above straight line does not intersect high-water mark that straight line shall be the boundary of the Native Land;

thence south-westerly by high-water mark to its intersection with the north-west boundary of Subdivision No. 378 of Section V, Mombasa Mainland North;

thence south-westerly by that boundary to the northernmost corner of Subdivision No. 312 of the same Section;

thence south-westerly by a straight line to the south-east corner of Mazeras Trading Centre (L.R. No. 1043);

thence north-westerly by the north-eastern boundary of that trading centre to its north-east corner;

thence south-westerly by its north-western boundary to its intersection with the north-eastern boundary of the Kenya and Uganda Railway Reserve;

thence north-westerly (up-line) by that railway reserve boundary to its intersection with the south-east boundary of L.R. No. 1279;

thence generally north-easterly by the south-eastern and north-eastern boundaries of that portion to its northernmost corner;

thence south-westerly by its north-western boundary to its intersection with the north-eastern boundary of the Kenya and Uganda Railway Reserve;

thence north-westerly (up-line) by the generally northern boundary of that railway reserve, which includes special Quarry Reserves on the north side of the railway line opposite L.R. Nos. 4330 and 1031/1, to the point of commencement. (1)

#### SECTION XIX—MWINA

Commencing at a beacon on the right (or generally western) bank of the Tana River, near the apex of a sharp north-westerly bend of that river above Mwina Camp;

thence bounded by a straight line to a beacon approximately one mile west;

thence by a straight line in a south-south-easterly direction through a beacon on the right bank of the river (near the apex of a large westerly bend, about half a mile above Akadi) to low-water mark on that bank;

thence by that low-water mark up-stream to a point due south-west of a beacon on the left bank, near the apex of the large easterly bend below Mwina Mission;

thence by a straight line across the river to that beacon and onwards by a straight line north-north-westerly to a beacon on the left bank of the river near the apex of the easterly bend of the river next above the point of commencement;

thence by a straight line due west to its intersection with low-water mark;

thence by that low-water mark down-stream to a point due south of the beacon at the point of commencement, and onwards by a straight line across the river thereto.

#### SECTION XX—BENDERANI

Commencing at a beacon approximately one mile west of Benderani Village;

thence bounded by a straight line north-easterly to a beacon on the right bank of the Tana River, near the apex of the north-westerly bend of the river next below Akadi;

thence due east by a straight line across the river to its intersection with low-water mark on its left bank;

thence up-stream by that low-water mark to a point due west of a beacon on the same bank (opposite Akadi) and onwards south-south-easterly by a straight line for about two miles to a beacon;

thence westerly by a straight line for approximately one mile to a beacon on the left bank of the river near the apex of the south-westerly bend immediately below Huyasu;

thence due north-west by a straight line across the river to its intersection with low-water mark on its right bank;

thence down-stream by that low-water mark to a point due west of a beacon near Marengo Village;

thence by a straight line to that beacon and onwards north-westerly to the point of commencement.

#### SECTION XXI—KULESA

Commencing at a beacon about one mile west of the apex of a sharp north-westerly bend of the Tana River immediately above the hamlet of Tanga (or Voi);

thence bounded by a straight line easterly to a beacon on the right bank of the river at that apex;

thence due south-east by a straight line across the river to its intersection with low-water mark on the left bank of the river;

thence up-stream by that low-water mark to a point due west of a beacon near the apex of a sharp easterly bend next below Gongoni;

thence by a straight line to that beacon and onwards to a beacon approximately one mile east of the former;

thence south-westerly by a straight line to a beacon on the left bank of the river near the apex of a sharp easterly bend about one mile south of Kulesa;

thence due west by a straight line to its intersection with low-water mark on the left bank of the river, and onwards by that low-water mark, up-stream, to a point due north-west of a beacon on the right bank near the apex of the south-easterly bend next above that last mentioned;

thence by a straight line to that beacon and onwards westerly to a beacon approximately due south of the point of commencement, and onwards by a straight line northerly thereto.

#### SECTION XXII—CHUNONI

Commencing at a beacon on the right bank of the Tana River, near the apex of the westerly bend next above Chunoni; thence bounded by a straight line to a beacon approximately one mile west;

thence south-easterly by a straight line through a beacon on the right bank of the river about one furlong below the village of Garden, to low-water mark on that bank of the river;

thence up-stream by that low-water mark to a point due west of a beacon on the left bank near the apex of an easterly bend about midway between Garden and Mnazini;

thence by a straight line across the river to that beacon and onwards by a straight line north-easterly to a beacon about one mile east of Mnazini;

thence north-westerly by a straight line through a beacon on the left bank of the river, near the apex of an easterly bend next above the point of commencement, to low-water mark on that bank of the river;

thence down-stream by that low-water mark to a point due east of the point of commencement;

thence by a straight line across the river thereto.

#### SECTION XXIII YUNDA AND KIBUSU

Commencing at a beacon on the right bank of the Tana River, near the apex of a southerly bend about one mile below Merifano,

thence bounded by a straight line in a southerly direction through a beacon on the right bank of the river near the apex of the first sharp westerly bend below Kibusu to its intersection with low-water mark on the opposite side of the river;

thence down-stream by that low-water mark to a point due south-east of a beacon on the left bank of the river in Malkachalalo Hamlet;

thence by a straight line to that beacon;

thence north-westerly by a straight line between that beacon and another on the right bank of the river in Kibusu Village to its intersection with low-water mark on that bank;

thence up-stream by that low-water mark to a point due north of the beacon at the point of commencement;

thence by a straight line thereto.

#### SECTION XXIV—NGAO AND GOLBANTI

Commencing at a beacon on the left bank of the Tana River opposite the Nyika Settlement at Migeni;

thence bounded by a straight line north-easterly to a beacon near the western extremity of Lake Somiti or Shungwaya;

thence by a straight line through that lake to a beacon on its south-eastern shore near its north-eastern extremity;

thence south-easterly by a straight line to a beacon at the north-east corner of the Ngao Communal Shamba;

thence by the eastern boundary of that shamba southerly to its south-eastern corner marked by a beacon;

thence south-westerly by a straight line through a beacon on the left bank of the Tana River (at a point nearly due west of the Ngao Mission House) across the river to its intersection with low-water mark on its right bank;

thence by that low-water mark down-stream to a point due east of a beacon about one furlong below Golbanti;

thence westerly by a straight line for approximately one mile to a beacon;

thence northerly by a straight line to a beacon on the southern edge of the Shakababo Swamp;

thence northerly by a straight line still across that swamp to the western bank of the irrigation canal (or Bunta) which connects it with the Tana River;

thence by that bank of the canal to its intersection with low-water mark on the right bank of that river;  
thence up-stream by that low-water mark to a point due south of the point of commencement;  
thence by a straight line thereto.

SECTION XXV—ODA AND MUYE MKUU

Commencing at a beacon on the right bank of the Tana River at the eastern end of the village of Oda;

thence bounded by a straight line for approximately one mile southwards to a beacon;

thence north-easterly by a straight line to a beacon on the right bank of the Tana River at the apex of a westerly bend just below the village of Hemani;

thence due east by a straight line to low-water mark on the same bank of the river, and onwards up-stream by that low-water mark to a point due north-east of the beacon at the point of commencement;

thence by a straight line thereto.

The foregoing boundaries are delineated on Sheet 70 of the before-mentioned deposited plan.

SECTION XXVI—MALALULU, ZIUBAKI, NDURA AND TANGA

Commencing at low-water mark on the right bank of the Tana River at a point due east of a beacon at the north-east corner of Masabubu Government Camp;

thence due west by a straight line to its intersection with the line bounding the zone that includes all points on the right bank of the Tana River, distant one mile from low-water mark thereof;

thence in a generally southerly direction by that bounding line to a point due west of a beacon on the same bank of the river just below Mambosasa;

thence by a straight line through that beacon to its intersection with low-water mark on the opposite (left) bank of the river;

thence down-stream by that low-water mark to a point due west of a beacon near the apex of the easterly bend of the river next below Mambosasa;

thence by a straight line through that beacon to its intersection with the line bounding the zone that includes all points on the left bank of the river distant one mile from low-water mark thereof.

thence in a generally northerly direction by that bounding line to a point due east of the point of commencement;  
thence by a straight line due west thereto.

SECTION XXVII—NDERA

Commencing at a beacon on the right bank of the Tana River, to the north of Kongolani;

thence bounded by a straight line due west to its intersection with the line bounding the zone that includes all points on the right bank of the river distant one mile from low-water mark thereof;

thence southerly by that bounding line to a point due west of a beacon on the right bank of the river near the apex of a sharp southerly bend about a mile below Kinladu;

thence due north by a straight line to its intersection with low-water mark on the opposite (left) bank of the river;

thence down-stream by that low-water mark to a point due south of a beacon on the same bank of the river, near the apex of the northerly bend next below the southerly bend above mentioned;

thence by a straight line to that beacon;

thence due east by a straight line to its intersection with the line bounding the zone that includes all points on the left bank of the river distant one mile from low-water mark thereof;

thence northerly by that bounding line to a point due east of the point of commencement;

thence by a straight line thereto.

The foregoing boundaries are delineated on Sheet No. 71 of the before-mentioned deposited plan.

SECTION XXVIII—TAVETA

Commencing at the easternmost corner of L.R. No. 5865;

thence proceeding by straight lines each terminating at a beacon on the following bearings and for the following distances successively:—

181° 48' 48"	10,094.2 feet
217° 35' 45"	5,998.0 ..
175° 38' 35"	7,883.6 ..
175° 16' 20"	7,989.6 ..
242° 54' 40"	5,101.4 ..
241° 13' 38"	2,902.3 ..

and onward from the last beacon to the intersection with the Lumi River;

thence down-stream by that river for about 5,000 feet to the intersection with a straight line on a true bearing of  $242^{\circ} 27' 56''$  from a beacon on the left bank;

thence by that straight line for a distance of about 45 feet to that beacon;

thence by a straight line on a true bearing of  $62^{\circ} 27' 36''$  for a distance of 3,489.7 feet to a beacon;

thence by straight lines each terminating at a beacon on the following approximate bearings and for the following approximate distances successively:—

$218^{\circ} 04'$	3,604 feet
$164^{\circ} 12'$	2,888 ..
$126^{\circ} 26'$	3,592 ..
$100^{\circ} 58'$	2,037 ..
$150^{\circ} 11'$	2,327 ..
$159^{\circ} 39'$	2,358 ..
$180^{\circ} 57'$	2,873 ..

thence by a straight line bearing  $254^{\circ} 30'$  for 1,079 feet to a beacon near the edge of Lake Jipe;

thence by the same straight line extended to its intersection with the edge of that lake;

thence northerly and westerly by the lake edge to its intersection with the Kenya-Tanganyika Territory boundary at the mouth of the Ruru River;

thence generally westerly and northerly by part of that territorial boundary to the westernmost corner of L.R. No. 5865 on Lemrika Hill;

thence easterly by part of the southern boundary of that portion to the northernmost corner of L.R. No. 6732;

thence southerly, easterly and northerly by the western, southern and eastern boundaries of L.R. No. 6732 to the north-eastern corner of that portion;

thence northerly by the eastern boundary of L.R. No. 5827 and by part of the generally eastern boundary of L.R. No. 5865 to the south-east corner of L.R. No. 4118 (Taveta Trading Centre);

thence easterly by the southern boundary of L.R. No. 7251 to its south-east corner;

thence northerly and north-westerly by the eastern and north-eastern boundaries of that portion to its northernmost corner;

thence south-westerly by the north-western boundary of the same portion to its intersection with the eastern boundary of L.R. No. 4118 (Taveta Trading Centre);

thence north-westerly by the north-eastern boundary of the latter portion to its intersection with the generally northern boundary of the Railway Reserve of the Voi-Moshi branch of the Kenya and Uganda Railway, which also forms part of the generally eastern boundary of L.R. No. 5865;

thence north-easterly by part of the generally eastern boundary of L.R. No. 5865 to its intersection with the Lumi River;

thence easterly by the same boundary to the point of commencement;

*Excluding and excepting—*

The areas within the foregoing boundaries known as L.R. Nos. 1188, 1192, 4884 and 7267 are not part of the Native Land and are excluded therefrom.

SECTION XXIX—DABIDA AND SAGALLA

Commencing at the northernmost corner of L.R. No. 3881;

thence south-westerly by the north-western boundary of that portion to its intersection with the northern boundary of the Railway Reserve of the Voi-Moshi branch of the Kenya and Uganda Railway;

thence north-westerly by that railway reserve boundary to its intersection with a straight line bearing true north through a point 7,500 feet due west of the northernmost corner of L.R. No. 6925;

thence due north by that straight line for five miles;

thence north-easterly by a straight line to the south-west corner of L.R. No. 4718;

thence easterly by the southern boundary of that portion to its south-east corner;

thence north-easterly by part of the eastern boundary of the same portion to its intersection with the south-western boundary of L.R. No. 5951;

thence south-easterly, easterly and north-westerly by the south-western, southern and eastern boundaries of the latter portion to its north-east corner;

thence due east by a straight line to its intersection with the western boundary of the railway reserve of the main line of the Kenya and Uganda Railway;

thence south-easterly by that railway reserve boundary to its intersection with the north-east boundary of L.R. No. 6866;

thence north-westerly by the north-east boundary of that portion to its northernmost corner;

thence south-westerly by the western, and south-easterly by the southern boundary of the same portion to the intersection of the latter boundary with the western boundary of the main line railway reserve;

thence south-easterly by that railway reserve boundary to its intersection with the northern boundary of L.R. No. 4957;

thence westerly by that boundary to the Trigonometrical Beacon Redcliff, the north-west corner of L.R. No. 4957;

thence south-easterly by the western boundary of L.R. No. 4957 to its intersection with the northern boundary of the Railway Reserve of the Voi-Moshi branch of the Kenya and Uganda Railway;

thence by a straight line bearing  $154^{\circ} 38' 32''$  for 686.6 feet to a beacon;

thence by a straight line bearing  $101^{\circ} 01' 52''$  for 10,616 feet to a beacon;

thence generally north-easterly by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

$14^{\circ} 54' 20''$	1,295.0 feet
$87^{\circ} 59' 14''$	3,021.1 ..
$29^{\circ} 50' 16''$	1,857.3 ..
$354^{\circ} 50' 10''$	3,055.4 ..
$45^{\circ} 15' 42''$	464.6 ..
$10^{\circ} 58' 39''$	777.2 ..
$04^{\circ} 13' 32''$	2,361.4 ..
$68^{\circ} 32' 13''$	962.5 ..
$28^{\circ} 45' 00''$	727.3 ..
$71^{\circ} 55' 14''$	1,621.5 ..

to a point on the right bank of the Voi River;

thence northerly by a straight line bearing  $0^{\circ} 31' 03''$  to its intersection with the southern boundary of Voi Township on the right bank of the Voi River;

thence easterly and north-easterly by the Township Boundary to its intersection with the generally western boundary of L.R. No. 6937;

thence generally south-easterly by the latter boundary to the southernmost corner of L.R. No. 6937;

thence due south by a straight line for 36,960 feet to a beacon;

thence due west by a straight line for 21,130 feet to a beacon;

thence north-westerly by a straight line bearing  $329^{\circ} 38' 30''$  for 67,240 feet to a beacon on the south or right bank of the Voi River;

thence by that straight line extended to its intersection with the Voi River;

thence westerly by the Voi River up-stream to its intersection with the northern boundary of the Railway Reserve of the Voi-Moshi branch of the Kenya and Uganda Railway near the Voi River railway bridge;

thence south-westerly by that railway reserve boundary to its intersection with the north-eastern boundary of L.R. No. 3380/2;

thence north-westerly and northerly by part of the north-eastern boundary of that portion to its intersection with the Voi River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 3880/2;

thence south-westerly by that boundary to its intersection with the Mwatati River;

thence southerly by that river down-stream for a distance of about two miles to its intersection with a straight line on a bearing of  $88^{\circ} 27' 00''$  from a beacon on its right bank;

thence westerly by that straight line to that beacon and onwards by a straight line bearing  $268^{\circ} 27' 00''$  for a distance of 6,188.5 feet to a boundary beacon of the same portion;

thence westerly by a straight line bearing  $91^{\circ} 17' 04''$  for 30,329.3 feet to a beacon on the north-eastern boundary of L.R. No. 3881;

thence north-westerly by that boundary to the point of commencement.

*Excluding and excepting—*

The areas within the foregoing boundaries known as L.R. Nos. 925, 1046, 1077, 1078, 1194, 1195, 1196, 1197, 1199, 1200, 1201, 2338, 3894, 5059, 6945, 6946R and 7053 are not part of the Native Land and are excluded therefrom.

The following areas are not part of the Coast native land and are specifically excluded therefrom:—

- (a) The Kenya and Uganda Railway with all Station and other Railway Reserves.
- (b) Mamburui Plots Nos. 273, 279 and 280; Mombasa Mainland North Group XIII (Sokoki) Plots Nos. 2 and 3; Mombasa Mainland North Section II. Plots Nos. 646 to 650 inclusive.
- (c) Plots 9-14 Group VI, Mfauganyiko.
- (d) All land in private ownership; and all land which has become or may in future become the subject of a Certificate of Title issued under the Land Titles Ordinance, 1908.

**SECTION XXX.—KASIGAU NATIVE LAND**

Commencing at a beacon situated on a true bearing of 321° 43' 21" and at a distance of 14,340.3 feet from the Trigonometrical Beacon "Kasigau";

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

07° 18' 54"	9,119.2 feet
95° 18' 45"	23,947.2 ..
184° 36' 12"	21,823.9 ..
225° 20' 12"	17,233.5 ..
289° 50' 16"	10,671.9 ..
311° 23' 22"	16,218.2 ..
41° 26' 34"	16,935.7 ..

to the point of commencement

**SECOND SCHEDULE  
NATIVE LAND UNITS**

- (1) The Kikuyu.
- (2) The Masai.
- (3) The Kamba.
- (4) The Kerio.
- (5) The Nandi.
- (6) The Kavirondo.
- (7) The Lumbwa.
- (8) The North Pokomo.
- (9) The Coast Lands.

**OBJECTS AND REASONS**

This Bill, together with the Crown Lands (Amendment) Bill, 1938, is designed to give effect to the recommendations of the Kenya Land Commission which was appointed to inquire into and report upon the claims and needs in respect of land of the native population in the Colony and Protectorate of Kenya, and certain other matters.

It is not possible to gauge the amount of expenditure which will be involved if the provisions of this Bill become law.

## THE CROWN LANDS (AMENDMENT) BILL, 1938

This Bill together with the Native Lands Trust Bill, 1938, is designed to give effect to the recommendations of the Kenya Land Commission which was appointed to inquire into and report upon the claims and needs in respect of land of the native population in the Colony and Protectorate of Kenya, and certain other matters.

This Bill, prior to its introduction into Legislative Council, was submitted to the Secretary of State, and was, subject to certain suggested amendments, approved by him in a despatch Kenya Confidential of the 2nd June, 1938.

No Comparative Table accompanies the Bill since it is not modelled on any Colonial Ordinance or Imperial Act. A copy of the Bill, however, showing the amendments made since the Bill was approved by the Secretary of State is enclosed for transmission to the Secretary of State.

Although His Excellency the Governor may, in view of the provisions of Clause 2 of the Bill, legally assent to the Bill in the name of His Majesty, I am, having regard to the number of amendments made to the Bill since it was approved by the Secretary of State, of the opinion that His Excellency should not assent to the Bill until it has been referred to the Secretary of State for final approval.

Nairobi,

18th August, 1938

*W. H. King*  
ATTORNEY GENERAL

COPY  
OF  
THE CROWN LANDS (AMENDMENT) BILL, 1938  
SHOWING IN RED INK THE AMENDMENTS  
MADE BY THE SELECT COMMITTEE OF  
THE LEGISLATIVE COUNCIL

Section 5 of the Principal Ordinance which it is proposed to amend:—

Interpretation—

5. In this Ordinance and all conveyances, leases and licences and in all agreements, notices and documents relating to Crown Land, unless inconsistent with the context:—

"Agricultural purpose" shall include grazing and stock-raising.

"Crown land" shall mean all public lands in the Colony which are for the time being subject to the control of His Majesty by virtue of any treaty, convention, or agreement, or by virtue of His Majesty's protectorate, and all lands which shall have been acquired by His Majesty for the public service or otherwise howsoever, and shall include all lands occupied by the native tribes of the Colony and all lands reserved for the use of the members of any native tribe.

"Director of Surveys" shall include a deputy director of surveys and any officer of the Survey Department authorised by the Director of Surveys to perform the duty in relation to which the term is used.

### A Bill to Amend the Crown Lands Ordinance

BE IT 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, 1938, 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  
Chapter 140

2. This Ordinance shall not come into operation until Orders have been made by His Majesty in Council providing for the establishment of a Native Lands Trust Board and a Highlands Board, and shall thereafter come into operation on such date as the Governor shall by proclamation in the Gazette appoint.

Date of commencement.

3. Section 5 of the Principal Ordinance is hereby amended by the insertion therein of the following definitions:—

Amendment of section 5 of the Principal Ordinance.

"the Highlands" mean the areas of land the boundaries of which are set out in the Seventh Schedule to this Ordinance;

"Highlands Board" means the Board which may be established as the Highlands Board in accordance with the provisions of any Order of His Majesty in Council;

"Native Lands" mean the areas of land the boundaries of which are set out in the First Schedule to the Native Lands Trust Ordinance, 1938;

No. of 1938

"Native Lands Units" mean the sub-divisions of land into which the Native Lands are divided, which sub-divisions are described in the Second Schedule to the Native Lands Trust Ordinance, 1938;

No. of 1938

"Trust Board" means the Board which may be established as the Native Lands Trust Board in accordance with the provisions of any Order of His Majesty in Council.

"European" shall mean a person of European origin.  
 "Farm" shall mean an area leased for agricultural purposes.  
 "Licensed surveyor" shall mean a surveyor registered under the Land Surveyors Ordinance.  
 "Livestock" shall include horses, cattle, sheep, goats, swine, camels, mules, donkeys, ostriches and poultry.  
 "Purchaser," "lessee," and "licensee" shall include personal representatives, heirs and assigns.  
 "Principal Registrar" shall mean the Principal Registrar of Crown Lands.  
 "Race" shall mean persons of European, Asiatic, or African origin as the case may be.  
 "Registrar" shall mean a registrar of Crown lands and shall include the Principal Registrar.  
 "Registry" shall mean the Registry of Crown Lands.  
 "Township" shall include a township within the meaning of the Townships Ordinance, a municipality established under the Municipal Corporations Ordinance and an area reserved for a township.

4. The Principal Ordinance is hereby amended by inserting therein, next after section 53, the following words and sections as Part VI:—

Insertion of Part VI in the Principal Ordinance.

*Reservation of Land for Special Purposes*  
 "PART VI  
 LANDS FOR NATIVE USE AND OCCUPATION

*Native Reserves and Temporary Native Reserves*

54. The areas of Crown land, the boundaries of which are set out in the Fourth Schedule to this Ordinance, shall be reserved for the use and enjoyment of the native tribes specified in the said Schedule, in satisfaction of their economic needs, and shall be known as the native reserves.

Definition of native reserves.

55. The areas of Crown land, the boundaries of which are set out in the Fifth Schedule to this Ordinance, shall be temporarily reserved for the use and enjoyment of the native tribes specified in the said Schedule and shall be known as the temporary native reserves.

Definition of temporary native reserves.

56. (1) Where the Governor is satisfied that, as a result of a diminution in the numbers of a tribe, or for economic reasons, any area of land in the native reserves is no longer required for the use and enjoyment of the tribes referred to

Governor may vary boundaries of native reserves and temporary native reserves

in the Fourth Schedule to this Ordinance, or where the Governor is satisfied that any area of land in the temporary native reserves is no longer required for the use and enjoyment of the tribes referred to in the Fifth Schedule to this Ordinance, he may, by Proclamation, alter the boundaries of the native reserves or of the temporary native reserves, as the case may be, and with effect from the date of publication of such Proclamation any area of land which may be excluded from the native reserves or from the temporary native reserves in consequence of such alteration shall cease to form part of the native reserves or the temporary native reserves, as the case may be.

(2) The Governor shall, before exercising his powers under the provisions of this section, consult the Trust Board and, if the Trust Board refuses to give its consent to the action proposed, the Governor shall refer the matter to the Secretary of State whose decision shall be final.

Governor's power to set aside land for native reserves and temporary native reserves.

57. (1) Where the Governor considers it desirable, he may, from time to time, with the approval of the Legislative Council and subject generally to the provisions of this Ordinance, by Proclamation set aside other areas of Crown land as native reserves or temporary native reserves for the purpose of satisfying the economic needs (whether temporary or permanent) of any of the native tribes of the Colony, and with effect from the date of publication of such Proclamation any area so set aside shall form part of the native reserves or the temporary native reserves, as the case may be, and the provisions of this Part relating to the native reserves or the temporary native reserves, as the case may be, shall thereupon apply to such areas, save that a rent shall be payable for the occupation of such areas, computed on the fair economic value of the land.

(2) If any such area of Crown land is situate in the Highlands, it shall not be set aside except with the consent of the Highlands Board.

57A. (1) The Governor may, with the advice of the Trust Board, grant to such native tribes for such terms and subject to such conditions regarding occupation, use and development as he may deem expedient or as may be prescribed, permits to occupy the temporary native reserves.

Permits to occupy temporary native reserves

(2) No permit so granted shall be revoked without the consent of the Secretary of State, to whom any proposal for

any such revocation shall be referred by the Governor together with the comments of the Trust Board upon such proposal.

58A. Save in regard to matters wherein express provision is made in this Part of this Ordinance, and to the exceptions hereinafter in this section contained, the native reserves and the temporary native reserves shall be subject to the provisions of the Native Lands Trust Ordinance, 1938, as if the expression "Native Lands" appearing therein contained a reference to the native reserves or to the temporary native reserves as the case may require: Provided that:—

(a) the native reserves and the temporary native reserves shall be under the protection of, but shall not vest in the Trust Board;

(b) ~~section 22 of the Native Lands Trust Ordinance, 1938,~~ shall not apply to the native reserves or to the temporary native reserves except in regard to the ~~setting apart of land for townships, trading centres and markets;~~

(c) sections 6, 7 (4), 7 (5), 24, 25, 26, 28, 29, 30, 47, 48, 49 and 68 and the proviso to section 23 of the Native Lands Trust Ordinance, 1938, shall not apply to the native reserves or to the temporary native reserves.

#### Native Leasehold Areas

58B. The areas of land, the boundaries of which are set out in the Sixth Schedule to this Ordinance, shall be reserved for the use and occupation of natives, and shall be known as the native leasehold areas.

58C. (1) The Governor may grant leases of land in the native leasehold areas to any native group, family or individual for such terms and upon such conditions as may be specified in such leases or as may be prescribed.

(2) Any rental payable in respect of a lease of land in the native leasehold areas shall be paid into the general revenues of the Colony.

(3) Subject to the consent of the Trust Board and to the provisions of sub-section (3) of the next succeeding section, the Governor may, for such term and upon such conditions as he may deem expedient, sanction the transfer of a lease in the native leasehold areas from a native lessee to a non-native.

Application of  
Native Lands  
Trust Ordinance,  
1938.

No. of 1938

No. of 1938

No. of 1938

*The reference to  
section 60 in this  
paragraph has been  
deleted as suggested  
by the Secretary of State.*

Definition of  
native leasehold  
areas.

Leases to  
natives.

Transfer of  
leases to  
non natives.

58D. (1) ~~The Governor may grant, for a term not exceeding ten years, leases to non-natives of land in such areas of the native leasehold areas as, in the opinion of the Chief Native Commissioner after consultation with the Provincial Commissioner, are surplus to the immediate or future requirements of the natives.~~

Leases to non-natives.

"(1) The Governor may grant, for a term not exceeding ten years, leases to non-natives of land in such areas of the native leasehold areas as, in the opinion of the Chief Native Commissioner after consultation with the Provincial Commissioner, are surplus to the requirements of the natives at the time the lease is granted and which will be surplus to the requirements of the natives during the currency of the term of the lease."

(2) Subject to the consent of the Trust Board and to the provisions of sub-section (3) of this section, the Governor may grant, for such term, not exceeding 99 years, and upon such conditions as he may deem expedient, leases to non-natives of land in such unalienated areas of the native leasehold areas as, in the opinion of the ~~Chief Native Commissioner~~, are available for such purpose. In the selection of such areas due regard shall be had to the amount of land which is required and is likely to be required for leasing to natives, not only at the time when a lease is granted, but also during the currency of the term of the lease.

- (3) The Trust Board shall not in any case consent to—
  - (a) the transfer of a lease to a non-native under the provisions of section 58C of this Ordinance; or
  - (b) the grant of a lease to a non-native under the provisions of sub-section (2) of this section,

unless the Board is satisfied that such transfer or such lease is desirable in the interests of the natives. Where the Board withholds its consent, the Governor may refer the matter to the Secretary of State, whose decision shall be final.

58E. (1) For the purpose of effecting exchanges of land the Governor may, with the consent of the Trust Board, resume possession of any area of land in the native leasehold areas, which area shall thereupon cease to form part of the native leasehold areas, and in exchange for such area may make an addition of Crown land to the native leasehold areas. The Crown land so added shall in every case be equal in value and, so far as may be possible, equal in size, to the area of land of which possession has been so resumed, and shall form part of the native leasehold areas.

Power to resume possession for purpose of exchange.

(2) No such addition shall be made of Crown land situate in the Highlands, save with the consent of the Highlands Board.

58F. ~~Notwithstanding anything in this Ordinance contained, the Governor, in cases where the offences of treason or rebellion against His Majesty have been proved to have~~

Forfeiture for treason or rebellion.

*The Highlands*

the Highlands.

58F. The areas of Crown Land, the boundaries of which are set out in the Seventh Schedule to this Ordinance, shall be known as "the Highlands", and shall be subject to the protection and control of the Highlands Board in accordance with the provisions of any Order of His Majesty in Council and of this Ordinance and of any other law for the time being in force in the Colony.

*The Northern Frontier District and the Turkana District*

534 (1) The areas of Crown Land, the boundaries of which are set out in the Eighth Schedule to this Ordinance, and which are therein respectively described as the Northern Frontier District and the Turkana District, shall be areas in which the native tribes at present residing therein shall have a prior interest. The Governor may, from time to time, with the approval of the Secretary of State, by proclamation vary the boundaries of the said areas, and where any such variation has been made the Eighth Schedule to the Ordinance shall be read and construed subject to the variations specified in such Proclamation.

(2) Where the Provincial Commissioner considers it desirable that any specific area of land within these areas should be used for a township, trading centre, market, school or hospital, or for any other purpose which in his opinion is likely to benefit the natives resident in these areas, he may, by notice in the Gazette, set aside such area for such purpose:

Provided that in the case of land required for residential sites or townships the Provincial Commissioner shall not set aside such land save with the consent of the Governor.

(3) Where any land has been set aside under the provisions of sub-section (2) of this section, the Governor may grant a lease of such land for such term and upon such conditions as he may deem expedient:

Provided that, where any land has been set aside for a purpose other than a township, trading centre, market, school or hospital, the Governor shall not grant a lease of such land except with the consent of the Trust Board, and, if the Trust Board does not give its consent to the lease, the Governor may refer the matter to the Secretary of State whose decision shall be final.

(4) No compensation shall be payable in respect of the setting aside and leasing of land under this section except for buildings and crops destroyed or damaged and for disturbance or other loss or expense caused by such setting aside or leasing.

(5) Notwithstanding the priority of the interests of the tribes in the areas mentioned in this section the Crown shall be entitled to resume any part of the land for any of the purposes specified in section 527 of this Ordinance.

Power to set aside land.

Power to grant leases.

been committed by any native tribe, group, family or individual, and in addition to any other punishment lawfully inflicted in respect of an offence so committed, may order that any land in the native leasehold areas held or occupied by any such tribe, group, family or individual, be forfeited to His Majesty. Every such order of the Governor shall be subject to the approval of the Secretary of State.

535 (1) The Governor may grant to any native tribe permits to occupy areas of Crown land which are adjacent to the Native Land Unit provided for such tribe under the provisions of the Kenya (Native Land) Order in Council, 1934.

(2) No such permit may be granted for the occupation of any land situate in the Highlands, save with the consent of the Highlands Board.

(3) Every permit granted under the provisions of this section shall be subject to such conditions in regard to the occupation, use and development of the land to which the permit relates as may be prescribed.

536 (1) The Governor in Council may, by Proclamation, exclude from the native reserves, the temporary native reserves or the native leasehold areas any land which may be required for any of the following purposes—

- (a) public railways, tramways or roads, or for a tramway or road of access;
- (b) public reservoirs, aqueducts, canals, watercourses or water-pipe lines;
- (c) public sewerage works;
- (d) public quays, wharves or landing places;
- (e) public aerodromes and landing grounds;
- (f) the development of electric power for public purposes from any lake, river or stream;
- (g) buildings or works, together with the necessary curtilage thereof, which are to be erected in connexion with any of the foregoing purposes;
- (h) outspans;
- (i) Government stations or camps;
- (j) hospitals, schools, or any other institutions erected by Government;
- (k) afforestation purposes;

Permits to occupy other Crown Land.

Power to exclude from temporary native reserves, native reserves, and native leasehold areas for public purposes, etc.

(1) any other purpose which the Governor may declare to be a public purpose;

and in the case of the native leasehold areas the Governor in Council may, in addition, in like manner exclude therefrom any land which may be required for a township, trading centre or market.

(2) The Governor may, by notice in the Gazette, declare what is a public purpose for the purposes of this Part of this Ordinance.

(3) No compensation shall be payable in respect of an exclusion of land under this section except for buildings and crops destroyed or damaged and for disturbance or other loss or expense caused by such exclusion. Compensation.

56. The Governor may, with the advice and consent of the Trust Board, make Rules providing for the management, administration and control of the native reserves, the temporary native reserves and the native leasehold areas, including the occupation, use and development of such reserves and areas, and the measures, in addition to the penalties provided in section 58A of this Ordinance, to be taken upon failure to comply with such Rules, and generally for carrying into effect the purposes and provisions of this Part of this Ordinance. Rules.

*The Northern Frontier District and the Turkana District*

58A (1) ~~The areas of Crown land, the boundaries of which are set out in the Eighth Schedule to this Ordinance, and which are therein respectively described as the Northern Frontier District and the Turkana District, shall be areas in which the interests of the native tribes at present residing therein shall have priority over all other interests.~~ The Northern Frontier District and Turkana District.

(2) Where the Provincial Commissioner considers it desirable that any specific area of land within these areas should be used for a township, trading centre, market, school or hospital, or for any other purpose which in his opinion is likely to benefit the natives resident in these areas, he may, by notice in the Gazette, set aside such area for such purpose. Power to set aside land.

Provided that in the case of land required for residential sites or townships the Provincial Commissioner shall not set aside such land save with the consent of the Governor.

~~(2) Where any land has been set aside under the provisions of sub-section (2) of this section, the Governor may grant a lease of such land for such term and upon such conditions as he may deem expedient:~~

~~Power to grant leases.~~

~~Provided that, where any land has been set aside for a purpose other than a township, trading centre, market, school or hospital, the Governor shall not grant a lease of such land except with the consent of the Trust Board, and, if the Trust Board does not give its consent to the lease, the Governor may refer the matter to the Secretary of State whose decision shall be final.~~

~~(4) No compensation shall be payable in respect of the setting aside and leasing of land under this section except for buildings and crops destroyed or damaged and for disturbance or other loss or expense caused by such setting aside or leasing.~~

~~(5) Notwithstanding the priority of the interests of the tribes in the areas mentioned in this section the Crown shall be entitled to resume any part of the land for any of the purposes specified in section 587 of this Ordinance.~~

Forfeiture for treason or rebellion.

~~General.~~

~~582. Nothing in this part of this Ordinance contained shall be deemed to affect the operation of the Mining Ordinance, 1933, save that the native reserves and the temporary native reserves shall, for the purposes of that Ordinance, be deemed to form part of the native lands.~~

Operation of the Mining Ordinance, 1933.

~~583. Where any of the provisions of this Part conflict or are inconsistent with any of the provisions of any other Part of this Ordinance, the provisions of this Part shall prevail.~~

Construction.

~~584. Every omission or neglect to comply with, and every act done, or attempted to be done, contrary to, the provisions of this Part of this Ordinance or of any Rules made thereunder, or in breach of the conditions and restrictions subject to or upon which any lease, licence or permit has been issued, shall be deemed to be an offence against this Ordinance, and for every such offence for which no penalty is specially provided the offender shall be liable, on conviction by a magistrate, to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.~~

Penalties.

The definition of "Crown lands" in Chapter 1 of the Revised Edition which it is proposed to amend:—

"Crown lands" shall mean all public lands in the Colony and which are for the time being subject to the control of His Majesty, and all lands which shall have been acquired by His Majesty for the public service or otherwise howsoever, and shall include all lands occupied by the native tribes of the Colony and all lands reserved for the use of the members of any native tribe.

Land in occupation of natives.

Section 86 of the Principal Ordinance which it is proposed to repeal:—

86. (1) The Governor may grant leases or areas of land containing native villages or settlements without specially excluding such villages or settlements, but land in the actual occupation of natives at the date of the lease shall, so long as it is actually occupied by them, be deemed to be excluded from the lease.

(2) Any land within an area leased which has been in the occupation of natives shall, on ceasing to be occupied, pass to the lessee:

Provided that the Senior Commissioner for the time being of the Province in which such land is situated shall certify that the natives have ceased to occupy such land of their own will and accord and without any duress on the part of the lessee.

(3) Any doubts that may arise as to whether any land is or is not included in any native settlement or village, or in lands allotted for that purpose, shall be decided by the Senior Commissioner.

(4) Either the lessee of the land or the natives, if dissatisfied with the decision of the Senior Commissioner, may appeal to the Governor.

584. For the purposes of this Part of this Ordinance the expression "native" shall have the meaning assigned to it by the Interpretation (Definition of "Native") Ordinance, 1934, save that it shall include a Somali.

Definition of "native".  
No. 55 of 1934.

5. The Principal Ordinance is hereby amended by adding thereto at the end thereof the Schedules set out in the Schedule hereto.

Addition of Schedules to the Principal Ordinance.

6. The definition of "Crown land" in section 3 of the Principal Ordinance and the definition of "Crown lands" in section 2 of the Interpretation and General Clauses Ordinance (Chapter 1 of the Revised Edition) are hereby amended by the addition to each such definition of the following words:—

Amendment of the Principal Ordinance and the Interpretation and General Clauses Ordinance, Cap. 1.

"Save only the lands declared to be Native Lands by the Native Lands Trust Ordinance, 1938."

No. of 1938.

7. Section 86 of the Principal Ordinance is hereby repealed.

Repeal of section 86 of the Principal Ordinance.

SCHEDULE  
FOURTH SCHEDULE

NATIVE RESERVES

The Native Reserves, which are described below, are delineated and bordered yellow with red hatching on Boundary Plan No. 123, deposited at the Land Survey Records Office, Nairobi.

Freehold areas which lie within the boundaries described below are not part of the Native Reserves and are excluded therefrom whether specifically mentioned or not.

Where a river or stream is described as forming a boundary the centre line of its course shall be the boundary unless otherwise stated.

(1) NGELESMA *(for the use and enjoyment of the Ngomas tribe)*

Commencing at the northern corner of L.R. No. 2689/R; *Kanuuwa tribe*  
thence proceeding by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

38° 09' 43"	...	7,600.7 feet
340° 56' 19"	...	5,917.7 "
330° 09' 18"	...	7,466.4 "
343° 30' 57"	...	5,811.7 "
325° 24' 42"	...	6,837.9 "
22° 23' 45"	...	41,377.8 "
24° 41' 39"	...	24,101.4 "
24° 23' 20"	...	29,830.3 "
21° 13' 38"	...	1,045.1 "
22° 25' 20"	...	2,754.9 "
343° 17' 25"	...	6,321.3 "

thence by a straight line south-westerly to the summit of the hill Morillo;

thence by a straight line still south-westerly to the height on the Laikipia Escarpment shown 4457 on the Topographical Sheet North A 37/S (latitude 0° 24' 50" north, longitude 36° 07' 30" east, approximately);

thence by a straight line south-easterly to the point of commencement.

(2) ESAGERI *(for the use and enjoyment of the Kamaria tribe)*

Commencing at the eastern corner of L.R. No. 488;  
thence proceeding by a straight line on a true bearing of 46° 03' 57" for a distance of 6,613.6 feet to a beacon;

thence by a straight line on a true bearing of 138° 27' 00" for a distance of 2,881.7 feet to a beacon;

thence by a straight line on a true bearing of 30° 32' 11" for a distance of 8,746.4 feet to a beacon on the south-western boundary of L.R. No. 602;

thence south-easterly by that boundary to its intersection with the Molo River;

thence up-stream by that river to its intersection with the north-eastern boundary of L.R. No. 486/1;

thence by the north-eastern and north-western boundaries of that portion to its westernmost corner on the north-eastern boundary of the Sclaters Road Reserve;

thence across that road reserve by a straight line on a bearing of 223° 01' 18" for a distance of 209.0 feet to a beacon on the north-eastern boundary of L.R. No. 487/26/4;

thence north-westerly by that north-eastern boundary to the northernmost corner of that portion;

thence south-westerly by the north-western boundaries of L.R. Nos. 487/26/4, 487/27, 487/28/4 to the westernmost corner of the last portion;

thence still south-westerly by the north-western boundary of L.R. No. 487/29 for a distance of about 750 feet to a beacon;

thence generally westerly, northerly and again westerly by a series of cut and beacons lines to the intersection with the eastern boundary of L.R. No. 502 (Mount Londium Forest Reserve);

thence due north by the eastern boundary of that Forest Reserve for a distance of about 8,400 feet to the north-eastern corner of that reserve;

thence due west by the northern boundary of that Forest Reserve to its intersection with the Esageri River;

thence down-stream by that river to its intersection with the generally northern boundary of L.R. No. 5261.

thence generally westerly by that northern boundary and the generally northern boundary of L.R. No. 5242 to the intersection of the latter with the Enarosura River;

thence down-stream by that river to its confluence with the Esageri River;

thence up-stream by that river to its intersection with the south-western boundary of L.R. No. 493.

thence south-easterly by that boundary and by the south-western boundary of L.R. No. 5641 to the south-eastern corner of that portion;

thence north-easterly by the south-eastern boundaries of L.R. Nos. 5641, 6262, 5226, 5249 and 488 to the point of commencement.

(3) TAVETA *(for the use and enjoyment of the Taveta*

Commencing at the easternmost corner of L.R. No. 5865;

thence northerly by the eastern boundary of that portion to its northernmost corner;

thence westerly by the northern boundary of the same portion to its intersection with the Kenya-Tanganyika Territory boundary;

thence northerly by part of that Territorial boundary to the Trigonometrical Beacon Chala;

thence easterly by part of the same boundary to its intersection with the edge of Lake Chala;

thence southerly, easterly and north-easterly by that lake edge to its intersection on the north-eastern side of the lake with the Territorial boundary;

thence northerly by part of that Territorial boundary to a point due west of the point of intersection of the southern boundary of L.R. No. 6730/2 with the Lumi River;

thence by a straight line to that point of intersection;

thence down-stream by the Lumi River to its intersection with the southern boundary of L.R. No. 7287;

thence easterly by that southern boundary for a distance of about 170 feet to a beacon and onwards for a further distance of about 445 feet;

thence due south by a straight line to its intersection with the northern boundary of Voi-Moshi main road;

thence westerly by that northern boundary to its intersection with a straight line on a bearing of  $171^{\circ} 50' 00''$  from the easternmost corner of L.R. No. 4881;

thence southerly by that straight line on that bearing for about 40,000 feet to a beacon;

thence by a straight line on a true bearing of  $330^{\circ} 39' 54''$  for a distance of 17,710.6 feet to a beacon;

thence by a straight line on a true bearing of  $242^{\circ} 27' 56''$  for a distance of 3,489.7 feet to a beacon and onward to its intersection with the Lumi River.

thence up-stream by that river for about 5,000 feet to its intersection with a straight line on a true bearing of  $241^{\circ} 13' 38''$  from a beacon on the left bank;

thence by that straight line for about 84 feet to that beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

$61^{\circ} 13' 38''$	...	2,907.3 feet
$62^{\circ} 54' 40''$	...	5,101.1 ..
$355^{\circ} 16' 20''$	...	7,989.6 ..
$355^{\circ} 38' 35''$	...	7,883.6 ..
$37^{\circ} 35' 45''$	...	5,998.0 ..
$1^{\circ} 48' 48''$	...	10,094.2 ..

to the point of commencement.

(4) NORTH YATTA *(for the use and enjoyment of the North Yatta*

Commencing at the junction of the Tana and Thika Rivers on the eastern boundary of L.R. No. 1992;

thence proceeding down-stream by the Tana River to its junction with the Kithioko River;

thence up-stream by that river to its junction with the Ngomolo River;

thence up-stream by that river to its intersection with the straight line joining the Trigonometrical Beacons Ndalai and Thatha;

thence by that straight line for a distance of about 28,016 feet to the latter Trigonometrical Beacon.

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

$266^{\circ} 40' 51''$	...	52,766.9 feet
$278^{\circ} 03' 23''$	...	5,241.8 ..
$7^{\circ} 04' 56''$	...	30,815.5 ..
$277^{\circ} 31' 09''$	...	15,782.2 ..
$276^{\circ} 15' 46''$	...	2,000.0 ..

to the eastern corner of L.R. No. 7047;

thence by the northern and western boundaries of L.R. No. 7047 to the intersection with the northern boundary of L.R. No. 2305;

thence westerly by part of the northern boundary of that portion to its intersection with the Thika River.

thence down-stream by that river to the point of commencement.

(8) YATTA PLATEAU *for the use and enjoyment of the Kamba tribe*

Commencing at the intersection of the south-eastern boundary of L.R. No. 2304 with the Athi River;

thence proceeding by the south-eastern boundaries of L.R. Nos. 2304, 2301, 2296 and the eastern boundary of L.R. No. 2295 to the north-eastern corner of the last portion;

thence by a straight line on a true bearing of approximately  $92^{\circ} 48'$  for a distance of about 391 feet to a beacon on the eastern boundary of the road reserve which forms the eastern boundary of L.R. No. 2294/R;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

146 33 56"	3,772.4 feet
98 03 23"	25,111.2 "
86 40 51"	250.3 "
176 40 07"	16,223.0 "

to its intersection with the head-water of Muita Chana (Siano) River;

thence down-stream by that river to its intersection with the northern boundary of the Machakos Kitui Road;

thence south-easterly by that road boundary to its intersection with the Athi River;

thence up-stream by that river to the point of commencement.

## FIFTH SCHEDULE

## TEMPORARY NATIVE RESERVES

The Temporary Native Reserves, which are described below, are delineated and hatched yellow on Boundary Plan No. 157, deposited at the Land Survey Records Office, Nairobi.

Freehold areas which lie within the boundaries described are not part of the Temporary Native Reserves and are excluded therefrom whether specifically mentioned or not.

*When* a river or stream is described as forming a boundary the centre line of its course shall be the boundary unless otherwise stated.

(1) CHURO *for the use and enjoyment of the Kamba tribe*

Commencing at the summit of the hill Ol Doinyo Lengere (name)

thence in a generally southerly direction by a series of straight lines—through the heights shown 4241, 4263, 4291, 4320, 4070 and 4141 on the Topographical Sheet North A 37/S to a beacon on a small hill about one mile east of Old Baringo Boma;

thence by a straight line on a true bearing of  $43^{\circ} 49' 38''$  for a distance of 6,209.3 feet to a beacon;

thence by a straight line on a true bearing of  $75^{\circ} 32' 50''$  for a distance of 21,782.3 feet to a beacon;

thence by a straight line on a true bearing of  $45^{\circ} 24' 57''$  for a distance of 29,541.8 feet to a beacon;

thence by a straight line on a true bearing of  $31^{\circ} 50' 42''$  for a distance of 45,104.9 feet to a beacon;

thence by a straight line on a true bearing of  $20^{\circ} 32' 21''$  for a distance of 5,256.1 feet to a beacon;

thence by a straight line on a true bearing of  $58^{\circ} 55' 12''$  for a distance of approximately 7,000 feet to the Awaya River;

thence down-stream by that river to a point on a true bearing of  $83^{\circ} 30' 18''$  from the point of commencement;

thence by a straight line to the point of commencement.

(2) LEGISIANAN *for the use and enjoyment of the Kamba tribe*

Commencing at the north-west corner of L.R. No. 1650; thence southerly by the western boundary of that portion to its south-western corner;

thence south-westerly by the north-western boundary of L.R. No. 1651 to the western corner of that portion;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 3816/R, 3815/R, 3814/R to the north-western corner of the last portion;

thence northerly by a straight line to the Trigonometrical Beacon Legisianan;

thence northerly, easterly and north-easterly by part of the western and the generally north-western boundary of L.R. No. 5259/2 to the point of commencement.

(3) KITUI *for the use and enjoyment of the Kamba tribe*

Commencing at the Trigonometrical Beacon Thatha; thence by a straight line on a true bearing of  $266^{\circ} 40' 51''$  for a distance of 52,516.5 feet to a beacon;

thence by a straight line on a true bearing of  $176^{\circ} 40' 07''$  for a distance of 16,223 feet to its intersection with the head-water of Muita Chana (Siano) River;

thence down-stream by that river to its intersection with the northern boundary of Machakos Kitui Road;

thence north-easterly by that northern boundary to its intersection with the Tiva River;

thence by that river up-stream for a distance of about 4½ miles;

thence by a straight line to a cairn on its right bank;  
 thence generally north-westerly by a line defined by a series of cairns to the Trigonometrical Beacon Mwakini;  
 thence generally north-easterly by a line defined by a series of cairns to its intersection with the straight line joining the Trigonometrical Beacons Thatha and Ndalaŕ;  
 thence north-westerly by that straight line to the point of commencement.

(4) TESTA (for the NE and upper part of the Tiva (river))

Commencing at the intersection of the eastern boundary of Maktau Station Reserve with the northern boundary of the railway reserve of the Vpi-Moshi branch of the Kenya and Uganda Railway;

thence south-easterly by that railway reserve boundary to its intersection with a straight line bearing true north through a point 7,500 feet due west of the northernmost corner of L.R. No. 6925;

thence due north by that straight line for five miles;  
 thence north-easterly by a straight line to the south-west corner of L.R. No. 4718;

thence northerly by the western boundary of that portion for about 11,000 feet;

thence due west by a straight line to a point due north of the point of commencement;

thence due south by a straight line to the point of commencement.

#### SIXTH SCHEDULE NATIVE LEASEHOLD AREAS

The Native Leasehold Areas, which are described below, are delineated and crossed hatched brown on Boundary Plan No. 157, deposited at the Land Survey Records Office, Nairobi.

Freehold areas which lie within the boundaries described are not part of the Native Leasehold Areas and are excluded therefrom, whether specifically mentioned or not.

When a river or stream is described as forming a boundary the centre line of its course shall be the boundary unless otherwise stated.

#### ISILO

Commencing at the Trigonometrical Beacon Lendili;  
 thence easterly by a straight line to the Trigonometrical Beacon Mukogodo;

thence south-easterly by the straight line between that trigonometrical beacon and the western corner of L.R. No. 2791 for a distance of about 63,000 feet;

thence due east by a straight line to its intersection with the Ngare Siolo (Isiolo River);

thence down-stream by that river to its intersection with the Nyeri-Archer's Post Road in the vicinity of the K.A.R. Wagon Camp;

thence north-easterly by the straight line from that point of intersection to the southern of the two principal summits of Shaba Hill, for a distance of about 80,000 feet;

thence due north by a straight line to its intersection with the E. Usao Nyiro;

thence up-stream by that river to a point due north of the Trigonometrical Beacon Lendili (the point of commencement);

thence due south by a straight line to the point of commencement.

#### SEVENTH SCHEDULE

##### BOUNDARIES OF THE HIGHLANDS

The Highlands, which are described below in six sections, are delineated and bordered red on Boundary Plan No. 133, deposited at the Land Survey Records Office, Nairobi.

*Specific Exclusions.*—All proclaimed Municipalities, Townships and Trading Centres are excluded from the Highlands; and any area which shall in future be declared by proclamation to be a Municipality, Township or Trading Centre shall be deemed also to be excluded from the date of such proclamation.

*Note.*—Where a river or stream is described as forming a boundary the centre line of its course shall be the boundary unless otherwise stated.

Successive portions of the boundary are numbered in order on Boundary Plan No. 133. The descriptions hereunder of those successive portions have corresponding numbers in the right hand margin to enable them to be readily followed on the plan.

## Descriptions.

## SECTION I

Commencing at the westernmost corner of L.R. No. 6439: (1)

thence by the south-western boundary of that portion to its intersection with the Kamakotwa River;

thence down-stream by that river to its junction with the Kimili (Kabis) River;

thence down-stream by that river to its junction with the Nzoia River;

thence down-stream by that river to its intersection with the south-western boundary of L.R. No. 4099;

thence by the latter boundary to the westernmost corner of L.R. No. 4121;

thence by the south-western boundaries of L.R. Nos. 4121 and 4122 to the southernmost corner of the latter portion (Senya Hill);

thence by the north-western boundaries of L.R. Nos. 6176 and 4130 to the south-western corner of the latter portion (Bwanga); (2)

thence by the southern boundaries of L.R. Nos. 4130 and 4126 to the south-eastern corner of the latter portion;

thence by part of the southern boundary of L.R. No. 5598 for a distance of about 9507 feet to its intersection with an unnamed watercourse;

thence up-stream by that watercourse to a beacon at its source;

thence by a straight line on a true bearing of  $187^{\circ} 09' 57''$  and for a distance of 3,060.0 feet to the north-western corner of L.R. No. 6954;

thence by the western boundaries of L.R. Nos. 6954 and 6955 and by the western, south-western and south-eastern boundaries of L.R. No. 6956 to the westernmost corner of L.R. No. 3134;

thence by part of the south-western boundary of L.R. No. 3134 for a distance of about 775 feet to its intersection with the unnamed river which forms the north-western boundary of L.R. No. 7140;

thence up-stream by that unnamed river for a distance of about 6,800 feet to a point on a true bearing of  $341^{\circ} 33' 28''$  from a beacon situated on the right bank;

thence by a straight line to that beacon and onwards by a straight line on a true bearing of  $161^{\circ} 33' 28''$  and for a distance of 2,663.6 feet to a beacon;

thence by a straight line on a true bearing of  $180^{\circ} 27' 17''$  and for a distance of 2,507.3 feet to the north-western corner of L.R. No. 6957;

thence by the western and south-western boundaries of that portion to the intersection of the latter with the river which forms the generally western boundary of L.R. No. 3160;

thence by that river up-stream to its intersection with the southern boundary of L.R. No. 3160;

thence by that southern boundary to the north-western corner of L.R. No. 6958; (3)

thence southerly and easterly by the western and part of the southern boundary of L.R. No. 6958 to the intersection of the latter with the river which forms the western boundary of L.R. No. 6959/2;

thence by that river up-stream to its intersection with the south-western boundary of L.R. No. 6960/2;

thence south-easterly by that boundary to the southern corner of that portion;

thence south-easterly by part of the south-western boundary of L.R. No. 4363 for a distance of 3,570 feet to a beacon;

thence easterly by a straight line on a true bearing of  $94^{\circ} 38' 34''$  and for a distance of about 3,217.2 feet to a beacon on the south-western boundary of L.R. No. 3161;

thence by part of the south-western boundary of that portion, and the south-western boundaries of L.R. Nos. 3150, 3149, 3148 and 3147 to the south-eastern corner of the last portion;

thence northerly by the eastern boundaries of L.R. Nos. 3147 and 3151 and onwards across the road reserve to the southernmost corner of L.R. No. 3120;

thence still northerly by the eastern boundaries of L.R. Nos. 3120, 4112, 3156, 6427 and 6426 to the north-eastern corner of the last portion; (4)

thence easterly by part of the southern boundary of L.R. No. 755/2/2 and the whole of the southern boundaries of L.R. Nos. 5323 and 755/4/R to the south-eastern corner of the latter portion (Eldalat);

thence by the generally western boundaries of L.R. Nos. 5731, 766/1, 766/2, 766/3, 749, 748, 747, 6467, 6609, 6608, 6478, 693/1, 689, 3063, 4137, 4281 and 686 to the southern corner of the last portion (Olessos); (5)

thence by the north-western boundary of L.R. No. 6457/R and onwards across a road reserve to the northernmost corner of L.R. No. 1484;

thence by the north-western boundaries of L.R. Nos. 1484, 6775, 1481/R and part of 1478A to its intersection with the Kepsimbegwa River;

thence down-stream by that river to its junction with the Choiminj River;

thence down-stream by the latter river to its intersection with the northern boundary of L.R. No. 1371;

thence by the northern boundary of the latter portion to its north-western corner;

thence by the western boundary of L.R. No. 1371 to its intersection with the Kamarya River;

thence down-stream by that river to its junction with the Kanjura River;

thence down-stream by that river to its intersection with the south-western boundary of L.R. No. 7057; (6)

thence by that south-western boundary to the southernmost corner of that portion;

thence by the south-western boundary of L.R. No. 1468 to its intersection with the Ainomotua River;

thence up-stream by that river to its intersection with the western boundary of L.R. No. 3071;

thence by the generally western boundaries of L.R. Nos. 3071, 1617 and the north-western boundary of L.R. No. 1613 to the south-western corner of the last portion;

thence south-easterly by part of the north-eastern boundary of L.R. No. 6086 to the north-western corner of L.R. No. 1580/1;

thence by the north-western boundaries of L.R. Nos. 1580/1 and 1580/2 to the south-western corner of the latter portion and onwards by the same straight line to its intersection with the southern boundary of the Kenya and Uganda Railway Reserve;

thence easterly by that southern boundary to the north-western corner of L.R. No. 3102;

thence by the north-western boundary of the portion to its intersection with the Nyando River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 3979;

thence by that north-western boundary to its south-western corner;

thence by the southern boundaries of L.R. Nos. 3979 and 3978/2 to the south-eastern corner of the latter portion;

thence by part of the eastern boundary of L.R. No. 3978/2 for a distance of 5,751.54 feet to the Chemutum Salt Lick;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

296° 26' 20"	...	4,154.0 feet
206° 26' 20"	...	600.0 ..
296° 26' 20"	...	900.0 ..
26° 26' 20"	...	900.0 ..
116° 26' 20"	...	5,045.3 ..

to a beacon on the south-eastern boundary of L.R. No. 3978/2;

thence by part of the south-eastern boundary of L.R. No. 3978/2 and the whole of L.R. No. 3977 to the south-western corner of L.R. No. 643/1;

thence by the southern boundary of L.R. No. 643/1 to its intersection with the Nyando River;

thence up-stream by that river to its junction with the Tugenon River;

thence up-stream by that river to its intersection with the western boundary of the Lumbwa-Kericho Road Reserve; (7)

thence generally south-westerly by that road reserve boundary to its intersection with the north-eastern boundary of Kericho Township (L.R. No. 631);

thence north-westerly, south-westerly and south-easterly by part of the north-eastern, the north-western, and part of the south-western boundary of that township to the intersection of the last mentioned with the north-western boundary of the Sotik-Kericho Road Reserve;

thence generally south-westerly by that road reserve boundary (which road forms the generally north-western boundaries of L.R. Nos. 5467 and 4098) to its intersection with the Kitho (or Jamji) River;

thence down-stream by that river to its junction with the Chepkoiisi River;

thence up-stream by the latter river to its intersection with the southern boundary of L.R. No. 5436;

thence easterly by that boundary to the south-eastern corner of the latter portion;

thence northerly by the eastern boundary of that portion to its intersection with the southern boundary of L.R. No. 6001/1;

thence easterly by the latter boundary to its intersection with the Koruma River;

thence up-stream by that river to its intersection with the eastern side of the Sotik Kercho main track 25-foot reservation;

thence southerly by a cut and beacons straight line to its intersection with the Chepkoiisi (Kiptiget) River which forms the northern boundary of L.R. No. 6020;

thence down-stream by that river to its junction with the Dare (Itare) River;

thence up-stream by the latter river to its intersection with the straight line joining the Trigonometrical Beacon Posta with the south-western corner of L.R. No. 553;

thence south-westerly by a straight line to the Trigonometrical Beacon Posta; (8)

thence by a straight line in the direction of the Trigonometrical Beacon Kaboret to its intersection with the Kipsonoi River;

thence north-easterly by a straight line to the south-western corner of L.R. No. 4600;

thence by the generally south-eastern boundaries of L.R. Nos. 4600 and 4598 to the north-eastern corner of the latter portion;

thence by part of the generally south-eastern boundary of L.R. No. 4597 for a distance of approximately 2,800 feet to its intersection with a cut and beacons line;

thence south-easterly by that cut and beacons straight line which is on a true bearing of  $100^{\circ} 29' 29''$  for a distance of 12,354.2 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:

12° 29' 29"	7,899 feet
23° 37' 13"	11,760.2 ..
60° 56' 43"	3,294.6 ..
74° 52' 34"	11,498.2 ..
126° 00' 55"	3,486.4 ..
199° 01' 32"	6,135.2 ..
117° 13' 37"	24,163.7 ..
145° 23' 35"	9,007.8 ..
112° 04' 02"	3,048.3 ..

to a beacon on the western boundary of L.R. No. 3990;

thence southerly and easterly by part of the western boundary and the whole of the southern boundary of the latter portion to its south-eastern corner;

thence generally southerly by the generally western boundary of L.R. No. 1316 to the southernmost corner of that portion; (9)

thence north-easterly by part of the south-eastern boundary of the latter portion for a distance of 30,283.7 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

140° 38' 53"	1,016.8 feet
151° 04' 32"	500.9 ..
122° 16' 52"	534.8 ..
121° 01' 39"	760.95 ..
123° 56' 06"	736.4 ..
121° 34' 27"	841.95 ..
122° 45' 25"	392.9 ..
132° 05' 08"	350.1 ..
140° 54' 00"	632.54 ..
131° 33' 01"	878.73 ..
133° 15' 19"	763.3 ..
153° 19' 31"	462.85 ..
111° 15' 07"	644.04 ..
56° 55' 52"	12,829.1 ..
63° 26' 56"	16,082.5 ..

to a beacon at the northwestern corner of L.R. No. 1771;  
 thence by the western boundary of L.R. No. 1771 to the  
 north-western corner of L.R. No. 6233;

thence by the south-western boundary of L.R. No. 7265  
 to its intersection with the Marmoret River;

thence down-stream by that river to its intersection with  
 the western boundary of L.R. No. 411;

thence by part of the western, the whole of the south-  
 eastern, and part of the eastern boundaries of that portion  
 to the intersection of the last boundary with the Marmoret  
 River;

thence down-stream by that river to its intersection with  
 the north-western boundary of L.R. No. 410/2;

thence by the north-western and the south-western  
 boundaries of that portion to the westernmost corner of L.R.  
 No. 1381;

thence by the western boundary of that portion to the  
 northernmost corner of L.R. No. 1380;

thence southerly by the generally western boundaries of  
 L.R. No. 1380 to the southernmost corner of that portion;

thence southerly and easterly by the generally western  
 and southern boundaries of L.R. No. 2662 to the south-eastern  
 corner of that portion;

thence south-easterly by a cut and beacons straight line  
 for a distance of approximately 54,758.3 feet to a beacon on  
 the Kijabe-Narok Road; (10)

thence south-easterly by a straight line to the westernmost  
 corner of L.R. No. 375;

thence by the south-western boundaries of L.R. Nos. 375  
 and 373 to the southernmost corner of the latter portion;

thence north-easterly by the generally south-easterly  
 boundaries of L.R. Nos. 373 and 374 to the easternmost  
 corner of the latter portion;

thence south-easterly by part of the south-western bound-  
 ary of L.R. No. 378 to its southernmost corner;

thence by part of the south-eastern boundary of L.R. No.  
 378 for a distance of 16,194.4 feet to a beacon on the western  
 boundary of the Kikuyu Escarpment Forest Reserve;

thence generally southerly, easterly, northerly, again  
 easterly and generally southerly by a series of cut and  
 beacons straight lines which form a part of the western and

generally southern boundary of the aforesaid Forest Reserve  
 (L.R. No. 4448) to its intersection with the northern boundary  
 of the Limoru-Naivasha main road reserve;

thence easterly by that road reserve boundary to its inter-  
 section with the western boundary of the Kenya and Uganda  
 Railway Reserve;

thence southerly by that reserve boundary to its inter-  
 section with the northern boundary of Limoru Railway Station  
 Reserve;

thence southerly by the generally western boundary of  
 that station reserve to its intersection with the western bound-  
 ary of the Kenya and Uganda Railway Reserve;

thence southerly by that railway reserve boundary to its  
 intersection with the north-western boundary of L.R. No.  
 173/1;

thence southerly by the generally western boundary of  
 L.R. No. 173/1, and south-easterly by the south-western  
 boundary of L.R. No. 173/2 to the southernmost corner of  
 the latter portion;

thence north-easterly by the south-eastern boundary of  
 L.R. No. 174 to its intersection with the western boundary  
 of the Kenya and Uganda Railway Reserve;

thence southerly by that railway reserve boundary to a  
 point due west of the southernmost corner of L.R. No. 4713;

thence due east to that southernmost corner;

thence by the south-eastern boundaries of L.R. Nos. 4713,  
 5831 and 4493 to the easternmost corner of the last portion;

thence south-easterly by the generally south-western  
 boundaries of L.R. Nos. 5851/5, 5851/9 and 164/3 to the  
 northernmost corner of L.R. No. 170/1/2;

thence southerly by the western boundary of the last  
 portion to its intersection with the Mutigutu River;

thence down-stream by that river to its intersection with  
 the south-eastern boundary of L.R. No. 5878;

thence north-easterly by the south-eastern boundaries of  
 L.R. Nos. 5878, 3564, 2950/1, 2950/5/2/3, 2950/3 R, 5916  
 and 152 to the easternmost corner of the last portion; (12)

thence south-easterly by the south-western boundaries of  
 L.R. Nos. 132/1/1/2, 245/1, 245/2 R, part of 134/3/R, the  
 whole of 134/6 and again part of 134/3/R to the south-  
 eastern corner of the last portion;

thence north-easterly by the generally south-eastern boundaries of L.R. Nos. 134/3/R, 134/7, 134/4/R, 5876, 4640 and 126 to the intersection of the last with the Kamiti River;

thence up-stream by that river to its intersection with the eastern boundary of L.R. No. 3696,

thence northerly by the eastern boundaries of L.R. Nos. 3696 and 3698 to the north-eastern corner of the latter portion; (13)

thence northerly by part of the eastern boundary of L.R. No. 3700 to the southernmost corner of the Kikuyu Escarpment Forest Reserve (south-eastern portion).

thence easterly, northerly and westerly by the generally eastern and northern boundaries of that Forest Reserve to the north-eastern corner of L.R. No. 241/3,

thence westerly by the northern boundary of L.R. No. 241/3 to the north-western corner of that portion;

thence by part of the eastern, the northern, generally western and southern boundaries of L.R. No. 3960 to the south-eastern corner of that portion;

thence by part of the western boundary of L.R. No. 241/3 for a distance of approximately 855 feet to its intersection with part of the northern boundary of the Kikuyu Escarpment Forest Reserve (south-western portion);

thence westerly by that forest reserve boundary to its intersection with the eastern boundary of L.R. No. 4768;

thence northerly by part of that boundary and westerly by the northern boundary to the northernmost corner of that portion;

thence southerly by the western boundary of L.R. No. 4768 to its intersection with the northern boundary of the Kenya and Uganda Railway Reserve;

thence south-westerly by that railway reserve boundary for approximately 3,200 feet to its intersection with a cut and beaconed line which forms the boundary of the Kikuyu Escarpment Forest Reserve;

thence generally northerly by that cut and beaconed line for a distance of about 6,000 feet to its intersection with the eastern boundary of the Kenya and Uganda Railway Reserve;

thence by a straight line on a true bearing of  $315^{\circ} 15' 40''$  to a beacon on the western boundary of that railway reserve;

thence by a straight line on a true bearing of  $266^{\circ} 37' 30''$  for a distance of about 3,523 feet to a beacon;

thence by a straight line on a true bearing of  $356^{\circ} 37' 30''$  for a distance of about 3,537 feet to a beacon;

thence by a straight line on a true bearing of  $88^{\circ} 48' 33''$  for a distance of about 886 feet to a beacon;

thence by a straight line on a true bearing of  $89^{\circ} 57' 25''$  for a distance of about 506 feet to a beacon;

thence by a straight line on a true bearing of  $86^{\circ} 31' 20''$  for a distance of about 2,181 feet to a beacon on the western boundary of the Kenya and Uganda Railway Reserve;

thence southerly by that reserve boundary for a distance of about 3,300 feet to a point on a true bearing of  $315^{\circ} 15' 40''$  from a beacon on the eastern boundary of the Kenya and Uganda Railway Reserve;

thence by a straight line to that beacon;

thence easterly, northerly, westerly, southerly and south-westerly by a cut and beaconed line, which forms part of the boundary of the Kikuyu Escarpment Forest Reserve, to its intersection with the north-eastern boundary of the Kenya and Uganda Railway Reserve;

thence north-westerly by that reserve boundary for a distance of about 700 feet to a beacon in the vicinity of Escarpment Station;

thence by a straight line on a true bearing of  $13^{\circ} 01' 00''$  for a distance of 13.6 feet to a beacon;

thence by a straight line on a true bearing of  $22^{\circ} 31' 14''$  for a distance of 990.5 feet to a beacon;

thence by a straight line on a true bearing of  $266^{\circ} 43' 25''$  for a distance of 2,725.5 feet to a beacon on the eastern boundary of the Kenya and Uganda Railway Reserve;

thence northerly by that reserve boundary for a distance of about 370 feet to a beacon;

thence by a straight line on a true bearing of  $86^{\circ} 39' 03''$  for a distance of about 403 feet to a beacon;

thence by a straight line on a true bearing of  $356^{\circ} 39' 03''$  for a distance of about 653 feet to a beacon;

thence by a straight line on a true bearing of  $86^{\circ} 39' 03''$  for a distance of about 2,384 feet to a beacon;

thence by a straight line on a true bearing of  $37^{\circ} 44' 20''$  for a distance of about 1,147 feet to a beacon;

thence northerly, north-easterly, north-westerly and south-westerly by a cut and beaoned line, which forms part of the boundary of the Kikuyu Escarpment Forest Reserve, to its intersection with the eastern boundary of the Kenya and Uganda Railway Reserve; (14)

thence northerly by that railway reserve boundary for a distance of approximately 8,000 feet to its intersection with the north-western boundary of L.R. No. 388/1;

thence by the north-western and north-eastern boundaries of that portion to its easternmost corner;

thence by part of the south-eastern boundary of L.R. No. 388/1 for a distance of approximately 2,200 feet to a beacon;

thence south-easterly by part of the generally south-western boundary of the Kikuyu Escarpment Forest Reserve (northern portion) to its intersection with the Kimaiti River; (15)

thence northerly by the generally eastern boundary of the Kikuyu Escarpment Forest Reserve (northern portion) and the Aberdare Forest Reserve to the intersection of the western boundary of L.R. No. 5143 with the Muringato River; (16)

thence down-stream by that river to its intersection with the south-eastern boundary of L.R. No. 5152;

thence by a straight line on a true bearing of  $46^{\circ} 08' 10''$  for a distance of about 3,430 feet to a beacon;

thence by a straight line on a true bearing of  $114^{\circ} 58' 15''$  for a distance of 3,155.3 feet to a beacon;

thence by a straight line on a true bearing of  $118^{\circ} 51' 06''$  for a distance of 1,872.0 feet to a beacon;

thence by a straight line on a true bearing of  $73^{\circ} 25' 32''$  for a distance of 1,228.4 feet to a beacon on the western boundary of the portion known as Njengu Salt Lick;

thence by a straight line on a true bearing of  $350^{\circ} 07' 27''$  for a distance of 1,423.1 feet to a beacon on the generally western boundary of the Nyeri-Rumuruti Road Reserve;

thence generally south-easterly by that road reserve boundary to the north-western corner of L.R. No. 6948;

thence southerly by the western boundary of that portion for a distance of 764.1 feet to a beacon;

thence by a straight line on a true bearing of  $304^{\circ} 51' 17''$  for a distance of 2,032.5 feet to a beacon;

thence by a straight line on a true bearing of  $253^{\circ} 25' 32''$  for a distance of 1,258.5 feet to the north-eastern corner of L.R. No. 4166;

thence north-westerly and south-westerly by the north-eastern and the north-western boundaries of that portion to the intersection of the latter with the Muringato River; (16)

thence down-stream by that river to its junction with the Muraria River;

thence up-stream by that river to its intersection with the south-western boundary of L.R. No. 1105/2;

thence south-easterly by the generally south-western boundary of that portion and the generally western boundary of L.R. No. 1105/1 to the intersection of the latter with the Chania River;

thence down-stream by that river to its intersection with the western boundary of Nyeri Township (L.R. No. 1108);

thence by part of that boundary and by the southern and part of the eastern boundary of that township to the intersection of the last with the Chania River;

thence down-stream by that river to its intersection with the western boundary of L.R. No. 1119;

thence by that boundary and by the southern, and part of the eastern boundary of that portion to the intersection of the last with the Chania River;

thence down-stream by that river to its junction with the Muringato River; (17)

thence up-stream by that river to its junction with the Amboni River;

thence easterly by a cut and cleared line to the intersection of the eastern boundary of L.R. No. 3469 with the Nairobi River;

thence down-stream by that river to its junction with the Sagana River;

thence easterly and northerly by the generally southern and eastern boundaries of the Mount Kenya Forest Reserve to the intersection of the south-eastern boundary of L.R. No. 4634 with the Marania River; (18)

thence down-stream by that river and onwards by the Siolo River to its intersection with the northern boundary of L.R. No. 2794.

thence westerly by the northern boundaries of L.R. Nos. 2794 and 2792 to the north-western corner of the latter portion;

thence by the western boundary of L.R. No. 2792 and the north-western boundary of L.R. No. 2791 to the western-most corner of the latter portion; (19)

thence by part of the north-eastern boundary of L.R. No. 5181, by the north-eastern boundary of L.R. No. 6307 and by the generally northern boundaries of L.R. Nos. 2789 and 2788 to the north-western corner of the last portion;

thence north-westerly by a straight line to the north-eastern corner of L.R. No. 5162;

thence by a straight line on a true bearing of  $345^{\circ} 01' 14''$  for a distance of 20,743.1 feet to the Trigonometrical Beacon Masul;

thence north-westerly by a straight line for a distance of about 17,000 feet to the summit of *Oi Doinyo Kimanjio*;

thence westerly by a straight line for a distance of about 19,000 feet to a point situated on the north-eastern boundary of and at a distance of 1,500 feet from the northernmost corner of L.R. No. 3213;

thence by that north-eastern boundary to that northern-most corner;

thence by a straight line on a true bearing of  $338^{\circ} 36' 30''$  for a distance of 306.0 feet to a beacon;

thence by a straight line on a true bearing of  $237^{\circ} 15' 37''$  for a distance of 17,700.0 feet to a beacon;

thence by a straight line on a true bearing of  $243^{\circ} 13' 57''$  for a distance of 6,565.2 feet to a beacon;

thence by a straight line on a true bearing of  $334^{\circ} 28' 14''$  for a distance of 1,046.2 feet to a beacon;

thence by a straight line on a true bearing of  $258^{\circ} 02' 32''$  for a distance of 3,187.1 feet to a beacon and onwards by the same straight line to its intersection with the *Uaso Nyiro* River; (20)

thence down-stream by that river for a distance of approximately twenty-five miles to its junction with an unnamed stream;

thence up-stream westerly by that stream to its source;

thence by a straight line due west to its intersection with the top edge of the cliffs forming the eastern edge of the *Angata Wergoi*;

thence north-westerly by the top edge of these cliffs to the Trigonometrical Beacon *Bergoi*;

thence generally westerly and south-westerly by a series of straight lines defined by cairns, crossing and re-crossing the *Oi Keju Mara (Seya) River* to a beacon ("Cairn") on the eastern bank of the northernmost and largest lake of *Sogota Marima*;

thence south-westerly by a straight line to a cairn on the western bank of that lake;

thence generally south-westerly by a series of straight lines defined by cairns to its intersection with a cut and beaconsed straight line; (21)

thence westerly by that cut and beaconsed line to its intersection with the *Amaya River*;

thence down-stream by that river for a distance of approximately two miles to its intersection with a cut and beaconsed straight line; (22)

thence by that straight line on a true bearing of  $238^{\circ} 55' 12''$  for a distance of approximately 7,000 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively

$200^{\circ} 32' 21''$	5,256.1 feet
$211^{\circ} 50' 42''$	45,104.9 ..
$225^{\circ} 24' 57''$	29,541.8 ..
$255^{\circ} 32' 50''$	21,782.3 ..
$223^{\circ} 49' 38''$	6,209.3 ..
$166^{\circ} 46' 05''$	19,104.2 ..
$163^{\circ} 17' 25''$	6,321.3 ..
$202^{\circ} 25' 20''$	2,754.9 ..
$201^{\circ} 13' 38''$	1,045.1 ..
$204^{\circ} 23' 20''$	29,830.3 ..
$204^{\circ} 41' 39''$	24,101.4 ..

to a beacon at the north-western corner of L.R. No. 2463.

thence by straight lines, each terminating at a beacon on the following true bearings and for the following distances successively:—

202° 23' 45"	41,377.8 feet
145° 24' 42"	6,837.9 ..
163° 30' 57"	5,811.7 ..
150° 09' 18"	7,466.4 ..
160° 56' 19"	5,917.7 ..
218° 09' 43"	7,600.7 ..

to a beacon at the north-eastern corner of L.R. No. 2689/R (23)

thence westerly by the northern boundary of that portion to its intersection with the Ghusa Luggi (En Diloi) River;

thence up-stream by that river to its intersection with the northern boundary of L.R. No. 2687;

thence westerly by part of the northern boundary of L.R. No. 2687 and the northern boundary of L.R. No. 2682 to the north-western corner of the latter portion;

thence southerly by the western boundaries of that portion and of L.R. No. 3630 to the south-western corner of the latter portion;

thence by the western boundaries of L.R. Nos. 2680 and 1168 to the south-western corner of the latter portion;

thence westerly by part of the northern boundary of L.R. No. 1650 to the north-western corner of that portion;

thence southerly by the western boundary of that portion to its south-western corner;

thence south-westerly by the north-western boundary of L.R. No. 1651 to the western corner of that portion;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 3816/R, 3815/R and 3814/R to the north-western corner of the last portion;

thence northerly by a straight line to the Trigonometrical Beacon Legisianan;

thence by a straight line to the north-eastern corner of L.R. No. 5260;

thence by the generally northern boundary of that portion to the north-eastern corner of L.R. No. 3843;

thence westerly by part of the northern boundary of that portion to the south-eastern corner of L.R. No. 3844. (24)

thence by the eastern and the northern boundaries of the latter portion and the northern boundaries of L.R. Nos. 3732/R and 5672 to the intersection of the last with the Molo River;

thence down-stream by that river to its intersection with the north-eastern boundary of L.R. No. 662;

thence by the north-eastern, north-western and south-western boundaries of that portion to the intersection of the last with the Molo River;

thence up-stream by that river to its intersection with the north-eastern boundary of L.R. No. 486/1;

thence by the north-eastern and north-western boundaries of that portion to its westernmost corner on the north-eastern boundary of the Sclafers Road Reserve;

thence across that road reserve by a straight line on a bearing of 223° 01' 18" for a distance of 201.0 feet to a beacon on the north-eastern boundary of L.R. No. 487/26/4;

thence north-westerly by that north-eastern boundary to the northernmost corner of that portion;

thence south-westerly by the north-western boundaries of L.R. Nos. 487/26/4, 487/27, 487/28/4 to the westernmost corner of the last portion;

thence still south-westerly by the north-western boundary of L.R. No. 487/29 for a distance of 750 feet to a beacon;

thence generally westerly, northerly and again westerly by a series of cut and beacons lines to the intersection with the eastern boundary of L.R. No. 502 (Mount Londiani Forest Reserve);

thence due north by the eastern boundary of that Forest Reserve for a distance of 8,400 feet to the north-eastern corner of that reserve;

thence due west by the northern boundary of that Forest Reserve to its intersection with the Esageri River;

thence down-stream by that river to its intersection with the generally northern boundary of L.R. No. 5261; (25)

thence westerly by that generally northern boundary and the generally northern boundary of L.R. No. 5242 to the intersection of the latter with the Enarosura River;

thence down-stream by that river to its intersection with the north-eastern boundary of L.R. No. 497/3/3;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 497/3/3 and 497/4 to the northernmost corner of the latter portion;

thence by a straight line to the eastern corner of L.R. No. 497/3/1 and onwards by the north-eastern boundary of that portion to its intersection with the Tiggeri River;

thence up-stream by that river to its intersection with the eastern boundary of L.R. No. 503 (Lembus Forest Reserve);

thence northerly by part of the eastern boundary of that reserve to its north-eastern corner;

thence westerly by the northern boundary of that reserve to the south-eastern corner of L.R. No. 5690/R;

thence northerly by the eastern boundary of that portion for a distance of about 624 feet to its intersection with Kinoinoi River;

thence down-stream by that river to its intersection with the north-eastern boundary of L.R. No. 5690/R;

thence north-westerly by part of that north-eastern boundary to the southernmost corner of L.R. No. 7210;

thence northerly and south-westerly by the eastern and north-western boundaries of the latter portion to the north-eastern corner of L.R. No. 5687;

thence westerly by the northern boundary of the latter portion to the southernmost corner of L.R. No. 6445;

thence north-easterly by the south-eastern boundaries of L.R. Nos. 6445 and 6446 to the easternmost corner of the latter portion;

thence by part of the north-eastern boundary of the latter portion for a distance of 561.4 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

33° 01' 17"	...	2,847.2 feet
57° 23' 37"	...	1,776.1 ..
104° 32' 54"	...	7,436.7 ..
60° 08' 36"	...	5,890 ..

to its intersection with the Kinoinoi River;

thence down-stream by that river for a distance of approximately 4,300 feet to a point on a bearing of 84° 26' 17" from a beacon on its left bank;

thence by a straight line on a true bearing of 274° 26' 17" for a distance of 3,456 feet to a beacon;

thence by a straight line on a true bearing of 258° 18' 33" for a distance of 8,029.9 feet to its intersection with the northern boundary of the Kenya and Uganda Railway Reserve;

thence generally westerly by that railway reserve boundary for a distance of approximately 3,000 feet to a point on a bearing of 80° 39' 41" from a beacon at the south-eastern corner of L.R. No. 6453;

thence by a straight line to that beacon;

thence northerly by the eastern boundary of L.R. No. 6453 for a distance of approximately 6,416 feet to a beacon at the south-western corner of L.R. No. 908/R (South Elgeyo Forest Reserve);

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

90° 01' 27"	...	2,178.6 feet
188° 12' 52"	...	3,731.8 ..
65° 48' 10"	...	9,002.7 ..
90° 01' 27"	...	3,345.7 ..

to a beacon at the south-eastern corner of L.R. No. 908/R (South Elgeyo Forest Reserve);

thence northerly by part of the eastern boundary of that Forest Reserve for a distance of approximately 32,600 feet to its intersection with the Mindarila River;

thence down-stream by that river to its intersection with the eastern boundary of L.R. No. 6664;

thence northerly by part of that boundary and the eastern boundary of L.R. No. 1727 to the north-eastern corner of the latter portion;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

53° 56' 28"	...	9,965.2 feet
53° 57' 36"	...	8,529.6 ..
346° 01' 39"	...	3,990.8 ..
310° 49' 25"	...	2,716.7 ..
13° 00' 46"	...	3,448.6 ..
303° 54' 03"	...	15,672.2 ..

to a beacon on the north-eastern boundary of L.R. No. 907/R (South Elgeyo Forest Reserve);

thence north-westerly and westerly by part of the north-eastern and the northern boundary of that forest reserve to its intersection with the eastern boundary of L.R. No. 902/2;

thence northerly by part of that eastern boundary and the eastern boundary of L.R. No. 1561 to the north-eastern corner of the latter portion;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 3975 and 4473 to the north-eastern corner of the latter portion;

thence by a straight line on a true bearing of  $325^{\circ} 02' 22''$  for a distance of 18,588.4 feet to a beacon;

thence by a straight line on a true bearing of  $329^{\circ} 15' 15''$  for a distance of 12,623.6 feet to a beacon on the eastern shore of Lake Serioit;

thence due west by a straight line to its intersection with the low-water mark of that lake;

thence northerly by that low-water mark and the eastern bank of the Arobobutch River to its intersection with the southern boundary of L.R. No. 876;

thence easterly by the southern boundaries of that portion and of L.R. Nos. 874 and 875/1 to the intersection of the last with the Kapkitoi River;

thence down-stream by that river which forms the eastern boundary of L.R. Nos. 875/1 and 875/2 to its intersection with the eastern boundary of L.R. No. 873/2;

thence northerly by the eastern boundaries of L.R. Nos. 873/2 and 873/1/2 to the north-eastern corner of the latter portion;

thence westerly by part of the northern boundary of L.R. No. 873/1/2 for a distance of 2,321.2 feet to a beacon;

thence by a straight line on a true bearing of  $351^{\circ} 18' 24''$  for a distance of 848.32 feet to a beacon;

thence by a straight line on a true bearing of  $59^{\circ} 06' 16''$  for a distance of 1,425.0 feet to a beacon;

thence by a straight line on a true bearing of  $132^{\circ} 24' 22''$  for a distance of 1,826.6 feet to a beacon on the eastern boundary of L.R. No. 5755;

thence northerly by part of the eastern boundary of that portion to the south-western corner of L.R. No. 4592;

thence by the southern, generally eastern and northern boundaries of that portion to the intersection of the last with the eastern boundary of L.R. No. 3771;

thence northerly by that eastern boundary for a distance of about 17,375 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

230° 44' 47"	474.5 feet
262° 13' 13"	634.6 ..
342° 17' 52"	659.9 ..
305° 52' 36"	839.8 ..
17° 45' 28"	420.7 ..

to a beacon at the north-eastern corner of L.R. No. 5347;

thence westerly by the northern boundary of that portion to its intersection with the Moyben River;

thence up-stream by that river to its intersection with the northern boundary of L.R. No. 4635;

thence westerly by that boundary to the south-eastern corner of L.R. No. 3046;

thence by the eastern and northern boundaries of that portion to the intersection of the latter with the Charangai River;

thence up-stream by that river to its intersection with the northern boundary of L.R. No. 2227;

thence westerly by that boundary to its intersection with the eastern boundary of L.R. No. 2226;

thence northerly by part of that eastern boundary and the eastern boundaries of L.R. Nos. 3047 and 2210 to the north-eastern corner of the last portion;

thence westerly by the northern boundary of L.R. No. 2210 to its intersection with a river which forms the north-western boundary of that portion;

thence down-stream by that river to its intersection with the north-eastern boundary of L.R. No. 2225;

thence by that north-eastern boundary to the north-eastern corner of L.R. No. 2222;

thence by part of the northern boundary of that portion for a distance of 5,851.8 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:

347° 26' 43"	5,745.5 feet
60° 41' 49"	2,601.1 "
279° 19' 13"	3,362.8 "
22° 16' 18"	2,038.8 "
65° 21' 24"	5,191.8 "

to a beacon;

thence by a straight line on a true bearing of 338° 11' 30" to a beacon at the westernmost corner of L.R. No. 2980.

thence easterly and northerly by the generally southern and eastern boundaries of L.R. No. 2980 to the northernmost corner of that portion;

thence northerly by the eastern boundary of L.R. No. 3020/1/R to the north-eastern corner of that portion;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 3020/1/R, 2173/2, 3017 and 2167/R to the northernmost corner of the last portion (Cherangani);

thence north-westerly by the north-eastern boundaries of L.R. Nos. 5595, 5559, 6904, 2160, 2158, 2156/3 and 5783 to the northernmost corner of the last portion;

thence westerly by the generally northern boundaries of L.R. Nos. 5783, 6684 and 2130/1 to the north-western corner of the last portion;

thence southerly by the western boundary of L.R. No. 2130/1 to its intersection with the Kabega River;

thence up-stream by that river to its junction with an unnamed river;

thence by that unnamed river which forms part of the north-eastern boundary of L.R. No. 5771 to its intersection with the south-eastern boundary of L.R. No. 5789;

thence by part of the south-eastern and the north-western boundary of L.R. No. 5789 and the north-eastern boundaries of L.R. Nos. 5788, 5529 and 2167/1 to the northernmost corner of the last portion;

thence southerly by the western boundary of L.R. No. 2167/1 to the north-eastern corner of L.R. No. 2037;

thence westerly by the generally northern boundaries of L.R. Nos. 2037, 2035 and 2033/R to the north-western corner of the last portion.

thence northerly by part of the eastern boundary of I R No. 4146/2/R to the north-eastern corner of that portion;

thence south-westerly by part of the north-western boundary of L.R. No. 4140/2/R to its intersection with the road reserve, across the road reserve and onwards to its intersection with the Swain River;

thence up-stream by that river, which forms the Kenya-Uganda Boundary, to the point where it emerges from the crater of Mount Elgon;

thence south-easterly by a straight line to that source of the Kimocho River which is situated immediately to the south or south-west of Kottobos Peak (Mount Elgon);

thence down-stream by that river to its intersection with a cut and beaoned line which forms the generally north-western boundary of Mount Elgon Forest Reserve;

thence generally south-westerly by that cut and beaoned line to its intersection with the Lwagaga (Lwakaka) or Malawa (Malaba) River;

thence down-stream by that river, which forms the Kenya-Uganda Boundary, to its intersection with a cut and beaoned line which forms the generally south-eastern boundary of the Mount Elgon Forest Reserve;

thence generally north-easterly by that cut and beaoned line to the point of commencement;

Including in addition the following farms in the vicinity of Eldama Ravine: L.R. Nos. 488, 489, 490, 499, 5276, 6262, 5641 and 493

#### SECTION II

Commencing at the southernmost corner of L.R. No. 3596 (Koma Rock);

thence north-easterly by the south-eastern boundaries of L.R. Nos. 3596, 3595 and 2360 to the north-eastern corner of the last portion;

thence by a straight line across the road reserve to the south-eastern corner of L.R. No. 2709;

thence north-easterly by the south-eastern boundaries of that portion and of L.R. No. 1530 to the south-western corner of L.R. No. 1846 2;

thence easterly by the generally southern boundary of L.R. No. 1846/2 to its intersection with the Mutonyi River;

thence down-stream by that river to its junction with the Kalala River;

thence down-stream by the latter river to its junction with the Athi River;

thence down-stream by that river to its intersection with the south-eastern boundary of L.R. No. 2304;

thence by the south-eastern boundaries of L.R. Nos. 2304, 2301, 2296 and the eastern boundary of L.R. No. 2295 to the north-eastern corner of the last portion;

thence by a straight line on a true bearing of approximately 92° 48' for a distance of about 391 feet to a beacon on the eastern boundary of that road reserve which forms the eastern boundary of L.R. No. 2294/R;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:

146° 33' 56"	3,772.4 feet
98° 03' 23"	20,069.4 ..
07° 04' 56"	30,815.5 ..
277° 31' 09"	15,782.2 ..

to the north-eastern corner of L.R. No. 7047;

thence by the northern and western boundaries of L.R. No. 7047 to the intersection of the last with the northern boundary of L.R. No. 2305.

thence westerly by part of the northern boundary of that portion to its intersection with the Thika River. (30)

thence down-stream by that river to its junction with the Tana River;

thence up-stream by that river to its junction with the Maragua River;

thence up-stream by the latter river to its intersection with the north-western boundary of the Kenya and Uganda Railway Reserve; (31)

thence generally south-westerly by that railway reserve boundary to its intersection with the western boundary of the Thika-Fort Hall Road Reserve;

thence southerly, south-westerly and again southerly by that reserve boundary to a point due west of the south-western corner of L.R. No. 1959/2;

thence by a straight line to that south-western corner;

thence south-westerly and northerly by the south-western and the generally eastern boundaries of L.R. No. 1959/2 to the south-eastern corner of L.R. No. 325/7 (325/6/2);

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

12° 22' 03"	1,580.0 feet
2° 13' 19"	549.4 ..
331° 01' 11"	385.5 ..
17° 14' 39"	296.3 ..
350° 12' 34"	576.9 ..
329° 41' 58"	561.5 ..
36° 38' 27"	980.1 ..
25° 58' 26"	494.1 ..
0° 36' 00"	416.3 ..
348° 06' 55"	293.3 ..
342° 30' 52"	770.4 ..
70° 41' 47"	255.6 ..
57° 19' 11"	824.3 ..
96° 36' 39"	390.1 ..
124° 22' 07"	646.6 ..

to a beacon on the western boundary of L.R. No. 1965;

thence southerly by a part of the western boundary of that portion to its intersection with the Thaba Thaba River;

thence down-stream by the Thaba Thaba River to its intersection with the western boundary of L.R. No. 6917;

thence southerly by that western boundary to the north-eastern corner of L.R. No. 3511;

thence by the north-eastern boundary of that portion to its intersection with the Thara River;

thence up-stream by that river to its intersection with the western boundary of that road reserve which forms the western boundary of L.R. No. 319/3; (32)

thence generally southerly by that western boundary of that road reserve to its intersection with the Makindi River;

thence up-stream by that river to its junction with the Thugi River;

thence up-stream by the latter river to its intersection with the north-western boundary of L.R. No. 3557;

thence south-westerly by the north-western boundaries of L.R. Nos. 3557, 298/12 and 298/10 to the intersection of the last with the Thika River;

thence up-stream by that river to its intersection with the western boundary of L.R. No. 2955/1/2/3;

thence generally south-westerly by the western boundary of L.R. No. 2955/1/2/3, the northern boundary of L.R. No. 2955/1/2/2 and the north-western boundary of L.R. No. 2955/1/1 to the intersection of the last with the Chania River; (33)

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 295/3;

thence south-westerly by that boundary and onwards by the same straight line to its intersection with the Karamenu River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 295/1/R;

thence south-westerly by the north-western boundaries of L.R. Nos. 295/1/R, 295/2/R and 295/7 to the intersection of the last portion with the north-eastern boundary of L.R. No. 290/2/1;

thence north-westerly by part of that boundary and the whole of the north-eastern boundary of L.R. No. 290/1 to the northernmost corner of the latter portion;

thence south-westerly by the north-western boundaries of L.R. Nos. 290/1, 4907 and 291/1 to the intersection of the last portion with the Thirikira River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 294/1/2;

thence south-westerly by that boundary to its intersection with the Theta River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 247/1;

thence south-westerly by that boundary and the north-western boundary of L.R. No. 244 to the intersection of the latter with the river which forms the north-eastern boundary of L.R. No. 115/3;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 115/3;

thence south-westerly by that boundary and the north-western boundary of L.R. No. 3678 to the intersection of the latter with the Ruiru River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 114/2;

thence by that boundary and part of the northern and the whole of the north-western boundaries of L.R. No. 113/1 to the intersection of the last with the Mukuyu River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 6000;

thence south-westerly by that boundary and part of the north-western boundary of L.R. No. 6710 to the north-eastern corner of L.R. No. 6763;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 6763, 4924, part of 4888, and the whole of 98/1 to the north-western corner of the last portion;

thence north-easterly and north-westerly by part of the south-eastern and north-eastern boundaries of L.R. No. 4888 to the northernmost corner of that portion;

thence south-westerly by the north-western boundary of the latter portion and of L.R. No. 4889 and 4890/4 to the intersection of the last with the Kamitu River; (34)

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 3728;

thence south-westerly by the north-western boundaries of L.R. Nos. 3728, 3729/3 and 5858 to the intersection of the last with the Kiu River;

thence down-stream by that river to its intersection with the north-western boundary of the Kiambu-Fort Hall Road Reserve;

thence south-westerly by that road reserve boundary to its intersection with the Riara River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 81/3;

thence south-westerly by that boundary to its intersection with the Gatharaini River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 86/3;

thence north-westerly and south-westerly by the generally north-eastern and north-western boundaries of L.R. No. 86/1 to the north-western corner of L.R. No. 86/2;

thence south-easterly by the generally south-western boundaries of L.R. Nos. 86/2, 86/1 and part of 86/3 to the northernmost corner of L.R. No. 85;

thence by the north-western boundary of L.R. No. 85 to its intersection with the northern boundary of L.R. No. 23;

thence by the northern boundaries of L.R. Nos. 23 and 22 to the intersection of the latter with the Kashi River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 22;

thence south-westerly by that boundary to its intersection with the Rai Ruaka River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 21/1;

thence south-westerly by that boundary to its intersection with the Karura River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 18/2/2;

thence south-westerly by part of that boundary and the north-western boundary of L.R. No. 7008 to the easternmost corner of L.R. No. 3861;

thence by the north-eastern boundaries of L.R. Nos. 3861, 3862 and part of the north-western boundary of the latter portion to the easternmost corner of L.R. No. 2951/1/2;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 2951/1/2, 2951/1/3, 2951/1/4, 2951/1/5 and 2951/3 to the northernmost corner of the last portion;

thence south-westerly by the north-western boundary of the last portion to its intersection with the Gethathuru River;

thence up-stream by that river to its intersection with the western boundary of L.R. No. 189 R.

thence south-westerly by the generally north-western boundary of that portion, of L.R. No. 4065 and again of 189 R to the north-western corner of L.R. No. 189/A/2 R (Government Farm Extension);

thence by the western, southern, and eastern boundaries of that portion and the eastern boundary of L.R. No. 4077 to the intersection of the last with the southern boundary of the Kenya and Uganda Railway Reserve;

thence easterly by that railway reserve boundary to a beacon on the western boundary of L.R. No. 4393;

thence south-westerly by a straight line to the north-western corner of L.R. No. 5;

thence southerly, south-easterly and south-westerly by the western and south-western boundaries of that portion to its intersection with the Nairobi River;

thence up-stream by that river to its intersection with the western boundary of L.R. No. 3734;

thence southerly by part of that boundary to the northern corner of L.R. No. 330;

thence by part of the north-western and part of the south-western boundaries of the latter portion to the intersection of the latter with the Kerichwa Kubwa River;

thence by a straight line due south for a distance of approximately 302 feet to a beacon on the south-western boundary of the Dagoreti Road Reserve;

thence south-easterly by that road reserve boundary to its intersection with the northern boundary of the Ngong Road Reserve;

thence south-westerly by that road reserve for a distance of approximately 10,840 feet to its intersection with the eastern boundary of the Ngong Road Forest Reserve;

thence northerly, easterly, northerly, westerly, southerly, north-westerly and again southerly by the generally northern boundary of that Forest Reserve to the intersection of the last with the Mutoini River which forms the northern boundary of L.R. No. 191;

thence up-stream by that river to the intersection with the north-western boundary of L.R. No. 195/3;

thence south-westerly by part of that boundary to the north-eastern corner of L.R. No. 196/7;

thence by the northern and part of the north-western boundary of that portion to the north-eastern corner of L.R. No. 197;

thence north-westerly by the north-eastern boundary of that portion to the north-eastern corner of L.R. No. 2377; (35)

thence by the north-eastern, and north-western boundaries of L.R. No. 2377 to the intersection of the latter with the Mbagathi River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 197;

thence south-westerly by part of that boundary to the south-western corner of that portion;

thence south-easterly by the south-western boundaries of L.R. Nos. 197 and 5842 to the northernmost corner of L.R. No. 1161.

thence by the north-western and the south-western boundaries of that portion and the south-western and part of the south-eastern boundary of L.R. No. 192/1/2 to the western-most corner of L.R. No. 193/3;

thence by the south-western and part of the south-eastern boundary of the last portion to the north-eastern corner of L.R. No. 4942;

thence south-easterly and easterly by the western and southern boundaries of L.R. Nos. 4942, 4944, 5932, 5892, 5830, R. 6967 and 6939 to the intersection of the last with the Mpagathi River;

thence down-stream by that river till it becomes the Athi River and onwards to its intersection with the generally western boundary of L.R. No. 7274;

thence southerly by that generally western boundary to its intersection with the Khengola River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 7263;

thence south-westerly and south-easterly by the north-western and south-western boundaries of that portion to the intersection of the latter with the north-western boundary of the Kenya and Uganda Railway Reserve;

thence south-easterly by that railway reserve to its intersection with the western boundary of Konza Trading Centre;

thence by part of the western, the whole of the southern and part of the eastern boundaries of that trading centre to the intersection of the last with the southern boundary of that railway reserve;

thence generally southerly by that railway reserve boundary to its intersection with the western boundary of Sultan Hamud Trading Centre;

thence by part of the western, the whole of the southern and part of the eastern boundaries of that trading centre to the intersection of the last with the south-western boundary of the Kenya and Uganda Railway Reserve;

thence south-easterly by that railway reserve boundary to a point on a true bearing of  $201^{\circ} 26' 09''$  from a beacon on the north-eastern boundary of that railway reserve and at a distance of about 2,640 feet from the intersection of the western boundary of Emali Trading Centre with the north-eastern boundary of the Kenya and Uganda Railway Reserve;

thence by a straight line to that beacon;

thence by a straight line on a true bearing of  $21^{\circ} 26' 09''$  for a distance of about 9,420 feet to its intersection with the Mwani River;

thence up-stream by that river to its intersection with the eastern boundary of L.R. No. 1758 2;

thence north-westerly by the generally north-eastern boundary of that portion to the north-eastern corner of L.R. No. 1757;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 1757, 1756, 1755, 1754 and 1751 to the northernmost corner of the last portion;

thence northerly by the generally eastern boundaries of L.R. Nos. 1743, 1696/2, 1696 1, 1742, 1741 and 5933 to the northernmost corner of the last portion;

thence northerly by the eastern boundaries of L.R. Nos. 7225/2, 7225/1 and 7226 to the north-eastern corner of the last portion;

thence westerly by part of the northern boundary of that portion to its intersection with the Kamutwa River;

thence down-stream by that river, which forms the south-eastern boundary of L.R. No. 4937, to the intersection with the eastern boundary of that portion;

thence northerly by that eastern boundary and the generally eastern boundary of L.R. No. 1491 (south-western portion of Machakos Township) to the north-eastern corner of that portion;

thence westerly by the northern boundary of L.R. No. 1491 to its intersection with the Murongoni River;

thence up-stream by that river to its intersection with the southernmost corner of L.R. No. 4932;

thence northerly by the eastern boundaries of L.R. Nos. 4932, 1420/1, 1423/2, 5942, 361/1, 361/2, again 361/1, 3605, 3607, 3603, 3602 and 2365 to the point of commencement;

*Excepting and Excluding* a portion in the vicinity of Fort Hall, the boundary of which is described as follows:—

Commencing at a beacon situated on the western boundary of L.R. No. 1965 at a distance of 1,639.8 feet from its northernmost corner;

thence southerly by part of the western boundary of that portion for a distance of 6,130.9 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

304° 22' 07"	555.0 feet
276° 36' 59"	462.6 ..
237° 19' 11"	853.0 ..
250° 41' 47"	237.8 ..
342° 30' 52"	162.9 ..
337° 38' 08"	117.9 ..
314° 09' 59"	665.8 ..
14° 54' 59"	495.7 ..
342° 29' 29"	152.6 ..
304° 32' 43"	500.0 ..
313° 45' 50"	2,051.7 ..
55° 34' 05"	685.5 ..
16° 52' 15"	501.7 ..
14° 30' 27"	471.8 ..
14° 34' 17"	2,377.8 ..
14° 29' 51"	376.7 ..
97° 53' 14"	903.6 ..
142° 00' 19"	587.9 ..
131° 09' 58"	405.0 ..

to a beacon at the point of commencement.

#### SECTION III

Commencing at the easternmost corner of L.R. No. 183/R. (41)

thence generally north-westerly by the north-eastern and northern boundaries of L.R. No. 183/R and the northern boundary of L.R. No. 1641 to the intersection of the last with the south-eastern boundary of the Kenya and Uganda Railway Reserve.

thence northerly by that railway reserve boundary to its intersection with the southern boundary of L.R. No. 222 (Railway Quarry Reserve);

thence by the southern, eastern and northern boundaries of that portion to the intersection of the last with the eastern boundary of the Kenya and Uganda Railway Reserve;

thence by a straight line on a true bearing of 275° 33' 28" to its intersection with the western boundary of the Kenya and Uganda Railway Reserve;

thence south-westerly by that railway reserve boundary to its intersection with the north-western boundary of L.R. No. 231 (Kikuyu Trading Centre);

thence south-easterly by part of the northern boundary of that portion to the south-eastern corner of L.R. No. 1871/9;

thence northerly by the generally eastern boundary of L.R. Nos. 4871/9 16 and 4955/5-10 to the northernmost corner of the last portion;

thence by the north-eastern and north-western boundaries of L.R. No. 4870 to the intersection of the latter with the eastern boundary of the Kenya and Uganda Railway Reserve; (42)

thence northerly by that railway reserve boundary to a point on the production of the northern boundary of L.R. No. 4885;

thence westerly by a straight line to the north-eastern corner of L.R. No. 4885 and onwards by part of the northern boundary of that portion and the northern boundary of L.R. No. 4495 to the north-western corner of the latter portion;

thence westerly and southerly by part of the northern boundary and the western boundary of L.R. No. 4885 to the south-western corner of that portion which is on the eastern boundary of the Muguga Forest Reserve (L.R. No. 4447); (43)

thence north-westerly and southerly by the generally north-eastern and generally western boundary of the Muguga Forest Reserve to the north-western corner of L.R. No. 4025;

thence south-easterly by the south-western boundary of that portion and of L.R. Nos. 4026, 4027 and 1057 to the south-western corner of the last portion; (44)

thence southerly, south-easterly and northerly by a series of cut and beacons lines (which form the boundary of the northern portion of the Dagoreti Forest Reserve L.R. No. 2256/6) to the intersection of the last with the southern boundary of L.R. No. 1057; (45)

thence easterly by part of the southern boundary of L.R. No. 1057 and the southern boundaries of L.R. Nos. 182/2/1 and 182/2/2 to the south-eastern corner of the last portion;

thence north-easterly by the south-eastern boundary of L.R. No. 182/2/2 to its intersection with the Niongana River;

thence down-stream by that river to its intersection with the western boundary of L.R. No. 7219;

thence by the western, southern, south-eastern and eastern boundaries of L.R. No. 7219 to the intersection of the last with the Niongana River;

thence down-stream by that river to its junction with an unnamed river which forms part of the north-eastern boundary of L.R. No. 7219;

thence up-stream by that unnamed river to its intersection with the south-eastern boundary of L.R. No. 1054;

thence north-easterly by part of that boundary and the south-eastern boundaries of L.R. Nos. 5945 and 183/R to the point of commencement.

Excepting and excluding the portions of <sup>the Kikuyu Native Reserve</sup> known as L.R. Nos. 178 and 1126 in the vicinity of Kikuyu Station

#### SECTION IV

Commencing at the intersection of the south-western boundary of L.R. No. 958 with the Nyangoris River; (46)

thence up-stream by that river to its intersection with the north-eastern boundary of L.R. No. 957;

thence by the north-eastern boundary of that portion to its northernmost corner.

thence by part of the south-eastern boundary and the whole of the north-eastern boundary of L.R. No. 3668 to the intersection of the latter with the Leldayet River;

thence down-stream by that river to its intersection with the eastern boundary of L.R. No. 4783/2;

thence northerly by that boundary to its intersection with the Kipsonoi River;

thence down-stream by that river to its intersection with the south-western boundary of Chemagel Township (L.R. No. 7288);

thence south-easterly, north-easterly and generally westerly by the south-western, south-eastern and northern boundary of that township to the intersection of the last with the Kipsonoi River;

thence down-stream by that river to its intersection with the northern boundary of L.R. No. 940; (47)

thence westerly and southerly by the northern and western boundaries of L.R. No. 940 to the north-western corner of L.R. No. 941/6.

thence southerly by the western boundary of that portion and the western boundaries of L.R. Nos. 941/2/2, 941/LR. 941/5, 941/4, 942 and 7091 to the south-western corner of the last portion.

thence by the western boundary of L.R. No. 7090 for a distance of 8,846.1 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:

270° 00' 00"	9,132.2 feet
199° 59' 27"	2,741.7 ..
181° 27' 37"	2,867.9 ..
141° 25' 32"	3,388.4 ..
116° 12' 40"	2,453.6 ..
172° 53' 38"	1,312.2 ..
144° 31' 20"	2,748.1 ..
144° 53' 29"	2,652.7 ..
161° 37' 42"	3,156.0 ..
203° 41' 02"	3,018.8 ..
188° 44' 22"	5,639.0 ..
206° 51' 37"	1,545.5 ..
262° 38' 18"	2,044.8 ..
209° 38' 47"	4,749.4 ..
234° 20' 24"	3,050.7 ..
209° 27' 51"	3,530.5 ..

181° 27' 37"	:
141° 25' 32"	:
116° 12' 40"	:
172° 53' 38"	:
144° 31' 20"	:
144° 53' 29"	:

to the north-western corner of L.R. No. 4400 R.

thence by the generally western boundaries of L.R. Nos. 4400/R and 5473/3 to the northernmost corner of L.R. No. 5471;

thence by the north-western and south-western boundaries of that portion and the south-western boundaries of L.R. Nos. 5472, 7126, 5448/2, 3644/6 and 3644/7 to the southernmost corner of the last portion (Gelegele); (48)

thence by the straight line towards the Trigonometrical Beacon "Abossi" for a distance of about 18,413 feet to a beacon;

thence by a straight line on a true bearing of 6° 11' 03" for a distance of about 9,299 feet to a beacon;

thence by a straight line on a true bearing of 42° 50' 17" for a distance of about 6,442 feet to a beacon.

thence by a straight line on a true bearing of 11° 19' 22" for a distance of about 3,181 feet to a beacon.

thence by a straight line on a true bearing of 27° 23' 40" for a distance of about 8,577 feet to a beacon.

thence by a straight line on a true bearing of 31° 32' 23" for a distance of about 6,398 feet to a beacon;

thence by a straight line on a true bearing of 17° 47' 33" for a distance of about 3,583 feet to a beacon at the southern-most corner of L.R. No. 948;

thence by the south-eastern boundary of that portion and the south-eastern boundary of L.R. No. 3677 to the intersection of the latter with the Sisi River;

thence up-stream by that river to its intersection with the south-western boundary of L.R. No. 955;

thence south-easterly by that south-western boundary and the south-western boundary of L.R. No. 958 to the point of commencement.

#### SECTION V

Commencing at the north-western corner of L.R. No. 1906 at the Trigonometrical Beacon Kipsugur; (49)

thence southerly by the western boundary of L.R. No. 1906 to the north-eastern corner of L.R. No. 1900;

thence by the northern and western boundaries of that portion and the western boundary of L.R. No. 1762 to its intersection with the Mchomekek River;

thence up-stream by that river to the intersection with the eastern boundary of the Kisumu-Kapsabet Road Reserve;

thence south-westerly by that road reserve boundary to its intersection with the western boundary of L.R. No. 1891;

thence southerly by the latter boundary and the western boundary of L.R. No. 1890 to the south-western corner of the latter portion. (50)

thence south-easterly by the south-western boundaries of L.R. Nos. 1890, 1898 and 1897 to the south-eastern corner of the last portion.

thence north-easterly by the south-eastern boundaries of L.R. Nos. 1897 and 1896 to the northernmost corner of the latter portion;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 1895 and 1894 to the intersection of the latter with the Mchomekek River;

thence down-stream by that river to its intersection with the south-eastern boundary of L.R. No. 1763;

thence north-easterly by that boundary to its intersection with the Yala River;

thence down-stream by that river to its intersection with the eastern boundary of the Kisumu-Kapsabet Road Reserve;

thence north-easterly by the generally south-eastern boundary of that road reserve to its intersection with the south-western boundary of L.R. No. 1902.

thence by that south-western boundary and the southern boundary of L.R. No. 1902 to the south-eastern corner of the latter portion. (51)

thence north-easterly by the generally south-eastern boundaries of L.R. Nos. 6734 and 6736 to the north-eastern corner of the latter portion.

thence northerly and westerly by the eastern and northern boundaries of L.R. No. 1904 to the north-western corner of that portion;

thence northerly and westerly by the eastern and northern boundaries of L.R. No. 1906 to the point of commencement. (49)

#### SECTION VI

L.R. Nos. 187, 188/1, 188/2, 190, 226, 228, 229, 230, 227	In the vicinity of Fort Smith.
L.R. No. 1058	Adjoining Dagoreti Township.
L.R. No. 1127	In the vicinity of Government Farm extension Kabete.
L.R. No. 232	In the vicinity of Kikuyu Station.
L.R. No. 2256/7	Lower portion of the Dagoreti Forest Reserve south-west of Dagoreti Township.
L.R. No. 236	R.C. Mission, West of Kiambu Township.
L.R. Nos. 1064, 1065 and 1066	A.I. Mission, Kambui.
L.R. No. 1760	Water Works Reserve.
L.R. No. 325/8 (325/6/3)	West of Maragua Railway Station.
L.R. No. 7167	Tana-Maragua Power Station.
(That portion which lies to the north of the Maragua River.)	

## EIGHTH SCHEDULE

BOUNDARIES OF THE NORTHERN FRONTIER DISTRICT AND THE  
TURKANA DISTRICT

The areas which are described below, are delineated, edged brown, on Boundary Plan No. 159, deposited at the Lands Survey Records Office, Nairobi.

*Northern Frontier District*

Commencing at the mouth of the River Turkwel in Lake Rudolf;

thence northerly by a straight line through the summit of North Island and onwards to its intersection with the boundary of Abyssinia;

thence easterly by the Kenya-Abyssinian boundary to its intersection with the north-western boundary of Italian Somaliland;

thence south-westerly, southerly and south-easterly by the north-western, western and south-western boundaries of Italian Somaliland to the intersection with the northern boundary of Lamu District;

thence westerly and south-westerly by the generally northern boundary of the latter district to its intersection with the generally eastern boundary of Tana River District;

thence westerly, northerly, north-westerly and westerly by the generally eastern and northern boundaries of the latter district to the junction of the Mackenzie and Tana Rivers;

thence north-westerly and south-westerly by the north-eastern and north-western boundaries of the latter district;

thence in a generally north-westerly direction by the generally northern or north-eastern boundaries of North Nyeri and Laikipia Districts to the most southern point of Turkana District, on the Amaya River;

thence northerly by the eastern boundary of Turkana District to the point of commencement.

*Excluding and excepting*

Such portion of the North Pokomo Native Land Unit as lies within the above boundaries, and as described in the First Schedule.

The Isiolo Native Leasehold Area as described in the Fourth Schedule.

*Turkana District*

Commencing at Teleki's Volcano at the south end of Lake Rudolf;

thence in a southerly direction to the western slopes of Mount Ajuk;

thence generally southerly along the top of the lava escarpment which forms the eastern edge of the Sogota Valley until such escarpment merges into Mount Lorogi;

thence generally southerly along the western slope of Mount Lorogi to the falls on the Amaya River, about 36° 24' E. and 0° 55' N;

thence by that river down stream to a point due east of Ol Doinyo Lengere (the most easterly point of the Baringo District);

thence due west by a straight line to Ol Doinyo Lengere; thence north-westerly along the north-eastern boundary of the Baringo District to its intersection with the Kerio River;

thence generally north-westerly by the generally north-eastern boundary of the West Pokot District to its intersection with the Turkwel River;

thence by that river down stream to where the latter enters Lake Rudolf;

thence generally southerly by the western shores of Lake Rudolf to the point of commencement.

## OBJECTS AND REASONS

This Bill, together with the Native Lands Trust Bill, 1938, is designed to give effect to the recommendations of the Kenya Land Commission which was appointed to inquire into and report upon the claims and needs in respect of land of the native population in the Colony and Protectorate of Kenya, and certain other matters.

It is not possible to gauge the amount of expenditure which will be involved if the provisions of this Bill become law.

AIR MAIL

WHEN REPLYING  
PLEASE QUOTE  
No. S. D/LEG.CO.26/5/8/52  
AND DATE



THE SECRETARIAT  
NAIROBI  
KENYA

20th August, 1938

The Chief 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 forward twelve copies each of the under-mentioned publications : -

- Select Committee Report on the Crown Lands (Amendment) Bill, 1938;
- Select Committee Report on the Native Lands Trust Bill, 1938;
- Select Committee Report on the Transport Licensing (Amendment) Bill, 1938;
- Registrar General's Annual Report, 1937;
- Annual Report of the Commissioner for Local Government, Lands and Settlement, 1937;
- Report on the operation of the Income Tax Ordinance, 1937;
- Return of Land Grants under the Crown Lands Ordinance, from 1st April to 30th June, 1938;
- Statement required under the Electric Power Ordinance, Section 150, for the year ended 31st December, 1937;
- Schedule of Additional Provision No. 2 of 1938;
- Sessional Paper No. 3, 1938 : Central Roads and Traffic Board Report on Programme of Road Improvement.

*Registered on  
relevant pp.*

19.  
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R E P O R T  
OF  
THE SELECT COMMITTEE OF THE LEGISLATIVE  
COUNCIL APPOINTED TO CONSIDER AND  
REPORT UPON THE PROVISIONS OF A  
BILL TO AMEND THE CROWN LANDS  
ORDINANCE

Your Excellency.

47

We, the members of the select committee appointed to consider and report on the provisions of the above Bill, have the honor to submit our Report.

We met at the Attorney General's office on the afternoon of 14th July 1960 for the purpose of discussing the Bill. We recommend that the Bill be amended in the following respects:-

1. That Clause 3 be amended -

- (a) by deleting therefrom the definition of "Highlands";
- (b) by substituting in the words "Native Lands" for the words "Native Lands" which appear in the sixth line thereof;
- (c) by substituting the word "is" for the words "includes" which they appear in the definition of "Highland Board" and in the definition of "Trust Board";
- 2. That Clause 4 be amended -
- (a) by deleting therefrom the heading "Lands for Native Use and Occupation" which appears immediately below the heading "Part VI", and substituting therefor the heading "Reservation of Land for Special purposes";
- (b) by deleting from the proposed new section 56 the marginal note to sub-section (2) thereof, and inserting the same marginal note opposite to the proposed new section 57;

- (c) by deleting therefrom paragraph (b) of the proposed new section 58A, and by substituting the words "native lands" for the words "Native Lands" which appear in the sixth line of that section;
- (d) by deleting therefrom sub-section (1) of the proposed new section 58B and substituting therefor the following -

"(1) The Governor may grant, for a term not exceeding ten years, leases to non-natives of land in such areas of the native leasehold areas as, in the opinion of the Chief Native Commissioner after consultation with the Provincial Commissioner, are surplus to the requirements of the natives at the time the lease is granted and which will be surplus to the requirements of the natives during the currency of the term of the lease."

- (e) by substituting the words "Trust Board" for the words "Chief Native Commissioner" where they appear in the sixth line of sub-section (2) of the proposed new section 58B;

- (f) by deleting therefrom the proposed new section 58C and substituting therefor the following -

**The highlands.**

"The Highlands.  
58F. The areas of Crown Land, the boundaries of which are set out in the Seventh Schedule to this Ordinance, shall be known as "the Highlands", and shall be subject to the protection and control of the Highlands Board in accordance with the provisions of any Order of His Majesty in Council and of this Ordinance and of any other law for the time being in force in the Colony."

- (g) by renumbering the proposed new sections 58G, 58H and 58I as 58F, 58I and 58J respectively;
- (h) by renumbering the proposed new section 58J as 58G;
- (i) by substituting the word "Areas" for the word "Lands" which appears in the fourth line of sub-section (1) of the proposed new section 58G (renumbered as 58H);

- (j) by inserting the heading "General" immediately above the proposed new section 58G (renumbered as 58H);
- (k) by deleting the word "other" which appears in paragraph (j) of sub-section (1) of the proposed new section 58I (renumbered as 58I);
- (l) by substituting the number "58H" for the number "58" which appears in the seventh line of the proposed new section 58I (renumbered as 58I);
- (m) by deleting from the proposed new section 58J (renumbered as 58G) sub-section (1) thereof and substituting therefor the following -

"(1) The areas of Crown Land, the boundaries of which are set out in the Eighth Schedule to this Ordinance, and which are therein respectively described as the Northern Frontier District and the Turkana District, shall be areas in which the native tribes at present residing therein shall have a prior interest. The Governor may, from time to time, with the approval of the Secretary of State, by proclamation vary the boundaries of the said areas, and where any such variation has been made the Eighth Schedule to the Ordinance shall be read and construed subject to the variation so specified in such Proclamation.7;

- (n) by substituting the number "58I" for the number "58H" which appears in the last line of the proposed new section 58J (renumbered as 58G);
- (o) by deleting therefrom the heading "General" which appears immediately above the proposed new section 58K (renumbered as 58L);
- (p) by inserting the following heading and new section as section 58K -

"Miscellaneous

Forfeiture  
for treason  
or rebellion

387. Notwithstanding anything in this Ordinance contained, the Governor, in cases where the offences of treason or rebellion against His Majesty have been proved to have been committed by any native tribe, group, family or individual, and in addition to any other punishment lawfully inflicted in respect of an offence so committed, may order that any rights, permits or leases in respect of any land comprised in the areas defined in the Fourth, Fifth, Sixth and Eighth Schedules to this Ordinance, shall be forfeited. Every such order of the Governor shall be subject to the approval of the Secretary of State."

and

(q) by renumbering the proposed new sections 58K to 58N inclusive as 58L to 58 O respectively.

4. That Clause 6 of the Bill be amended by substituting the words "native lands" for the words "Native Lands" which appear in the seventh line thereof.

5. That the Schedules to the Bill be amended in accordance with the amendments specified in the Schedule to this Report.

We have the honour to be,

Your Excellency's obedient servants,

- SD. W. HARRAGIN (CHAIRMAN)
- SD. E. B. HOSKING (MEMBER)
- SD. C. E. MORTIMER (MEMBER)
- SD. FRANCIS SCOTT (MEMBER)
- SD. F. W. GAVENISH-BENITCKA (MEMBER)
- SD. ERROLL (MEMBER)
- SD. H. R. MONTGOMERY (MEMBER)
- SD. R. KASSIM (MEMBER)

Nairobi,

15th August, 1938

SCHEDULE

SCHEDULE.

- Page 10, line 1, delete word "SCHEDULE".
- Page 10, line 6, for "No.175" read "No.157".
- Page 10, line 14, after NGELESHA add "(for the use and enjoyment of the Njemps tribe)".
- Page 10, line 4 from bottom, after ESAGERI add "(for the use and enjoyment of the Kamasia tribe)".
- Page 13, line 7, after TAVETA add "(for the use and enjoyment of the Taveta tribe)".
- Page 13, line 16, after NORTH YATTA add "(for the use and enjoyment of the Kikuyu tribe)".
- Page 14, line 1, after YATTA PLATEAU add "(for the use and enjoyment of the Kamba tribe)".
- Page 14, line 21, for "the Machakos-Kitui Road" read "the old Machakos-Kitui track".
- Page 14, line 6 from bottom, for "When a river ...." read "There a river ...".
- Page 14, line 3 from bottom, after CHURO add "(for the use and enjoyment of the East Suk tribe)".
- Page 15, line 22, after LEGISLANAN add "(for the use and enjoyment of the Kamasia tribe)".
- Page 15, line 9 from bottom, after KITUI add "(for the use and enjoyment of the Kamba tribe)".
- Page 16, line 13, after TEITA add "(for the use and enjoyment of the Teita tribe)".
- Page 16, line 3 from bottom, for "When a river ..." read "Where a river...".
- Page 20, line 12, for "Choimin" read "Choimim".
- Page 23, line 26, for "1,016.0 feet" read "1,016 feet".
- Page 50, lines 9 and 10, for "Kiambu Native Reserve" read "The Kikuyu Native Land Unit".

Page 51, delete lines 8 to 13, and substitute the following:-

" 181° 27' 37"	:	2652.7 feet
141° 25' 32"	:	2667.9 feet
116° 12' 40"	:	3366.4 feet
172° 53' 58"	:	2453.6 feet
144° 31' 20"	:	1312.2 feet
214° 55' 30"	:	2748.1 feet "

Page 54, line 26, delete "the" and insert "part of the generally".

Page 54, line 27, delete "Meru District" and insert "the Kikuyu Native Land Unit".

Page 55, lines 13 and 14, delete "Baringo District" and insert "Kerio Native Land Unit".

Page 55, line 17, delete "Baringo District" and insert "Kerio Native Land Unit".

Page 56, line 19, delete "West Suk District" and insert "Kerio Native Land Unit".

THE CROWN LANDS (AMENDMENT) BILL

Your Excellency,

I wish to make it quite clear that I, as an Indian Member, do not accept the principle of this Bill, but I worked on the Select Committee to make it less objectionable.

Rahmatullah Kasim

16th August, 1938.

15th August. 1938.

Your Excellency,

We have the honour to inform you that we signed the Report of the Select Committee appointed to consider and report upon the Provisions of A Bill to Amend the Crown Lands Ordinance, subject to the following Reservation:-

1. That in the new Section 58, J. describing the Highlands, after the word "Highlands" which appears in the fourth line on page 3 of the Select Committee's Report, and the comma thereafter, the words "within which persons of European descent are to have a privileged position, in accordance with the White Paper of 1923", be inserted.

We have the honour to be,

Your Excellency's obedient servants,

FRANCIS SCOTT.

F. CAVENDISH BENTINCK.

ERROLL.

Further Reservation by Major Cavendish Bentinck:-

That the present Sections 49 and 70, which appear in "A Bill to Make Provision for the Native Lands in the Colony" should be inserted in this Ordinance, and that the necessary re-numbering of Sections be effected.

F. CAVENDISH BENTINCK.

proviso:-

R E P O R T  
OF  
THE SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL  
APPOINTED TO CONSIDER AND REPORT UPON THE PRO-  
VISIONS OF A BILL TO MAKE PROVISION FOR  
NATIVE LANDS IN THE COLONY

Your Excellency,

We, the members of the Select Committee appointed to consider and report upon the provisions of the above Bill, have the honour to submit our report.

We met at the Attorney General's Office on the afternoon of Wednesday, the 10th, and at 9.30 a.m. on Thursday, the 11th of August. We recommend that the Bill be amended in the following respects:-

1. That Clause 3 be amended by substituting the word "to" for the words "which may" where they appear in the first line of the definition of "Highlands Board" and in the first line of the definition of "Trust Board".

2. That Clause 4 be amended -

(a) by substituting the word "two" for the word "one" where it appears in the first line of paragraph

(b) of sub-clause (1) thereof, and for the word "three" where it appears in the third line of the same paragraph;

(b) by substituting the word "and" for the word "or" which appears at the end of paragraph (b) thereof;

(c) by deleting therefrom paragraphs (c) and (d) of sub-clause (1) thereof;

(d) by inserting the following paragraph as paragraph

(c) of sub-clause (1) thereof -

"(c) such additional persons, not exceeding two, as may be co-opted at any time by the Local Board;"

and

(e) by adding to sub-clause (1) thereof the following proviso:-

-2-

"Provided that, in any administrative district where there is no Local Native Council, the Provincial Commissioner shall appoint from among the native inhabitants of such district, four members in lieu of the members referred to in paragraph (b) of this sub-section."

3. That Clause 5 be amended by substituting the words and figure "section 7 of this Ordinance" for the words "this Part" which appear in the first line thereof.

4. That Clause 12 be amended by substituting the word "thirty" for the word "twenty-one" which appears in the sixth and seventh lines of sub-clause (4) thereof.

5. That Clause 15 be amended by deleting therefrom paragraph (c) thereof and substituting therefor the following

"(c) the Local Board must have been consulted and representatives of the location or section concerned must have been given the opportunity of appearing before the Local Board for the purpose of expressing their views upon the proposal which views if given shall have been recorded in writing:"

6. That Clause 17 be amended -

(a) by substituting the word "thirty" for the word "twenty-one" which appears in the second line of sub-clause (5) thereof; and

(b) by substituting the word "notification" for the word "making" which appears in the third line of the same sub-clause.

7. That Clause 18 be amended -

(a) by adding at the end of sub-clause (2) thereof the following -

"The payment of compensation under the provisions of this section shall operate to extinguish every right, title or interest vested in the private right-holder or in any person claiming under, by or through him.;"

(b) by substituting the words "Governor-in-Council" for the word "Governor" which appears in the ninth line of sub-clause (4) thereof;

(c) by substituting the word "thirty" for the word "twenty-one" which appears in the eleventh line of the same sub-clause; and

-3-

(d) by inserting the words "notification of the" between the word "the" and the word "award" which appear in the last line of the same sub-clause.

8. That Clause 19 be amended -

(a) by substituting the word "thirty" for the word "twenty-one" which appears in the second line of sub-clause (3) thereof; and

(b) by substituting the word "notification" for the word "making" which appears in the third line of the same sub-clause.

9. That Clause 20 be amended -

(a) by substituting the word "thirty" for the word "twenty-one" which appears in the second line of sub-clause (3) thereof; and

(b) by substituting the word "notification" for the word "making" which appears in the third line of the same sub-clause.

10. That Clause 22 be amended -

(a) by deleting therefrom the word "Government" which appears in the second line of paragraph (a) of sub-clause (1) thereof; and

(b) by substituting the words "Government station" for the word "station" which appears in the second line of the same paragraph.

11. That Clause 24 be amended -

(a) by relettering paragraphs (g) and (n) of sub-clause (1) thereof as (h) and (i) respectively; and

(b) by inserting the following new paragraph as paragraph (g) -

"(g) outspans, stock routes, cattle dips and labour camps;"

12. That Clause 25 be amended -

- (a) by substituting a comma for the full stop which appears after the word "access" in the sixth line of sub-clause (1) thereof;
- (b) by adding immediately after such comma the words "or for buildings or works in connexion with any of the foregoing purposes, together with the necessary cartilage of such buildings or works";
- (c) by substituting the words "If any land is so added" for the words "Any land so added" which appear in the eighth line of sub-clause (4) thereof; and
- (d) by substituting the words "who shall refer the matter" for the word "or" which appears in the fourth line of sub-clause (5) thereof.

13. That Clause 28 be amended -

- (a) by deleting therefrom sub-clause (3) thereof and substituting therefor the following

"(2) Where the setting apart is in respect of a road the whole cost of the construction of which has not been defrayed from the general revenues of the Colony and the whole cost of the maintenance of which has not been, and at the time of such setting apart is not, so defrayed, the compensation payable shall be paid from the revenues of the Local Native Council concerned and from the general revenues of the Colony; and the amount of compensation payable from the general revenues of the Colony shall bear the same proportion to the total amount of compensation payable as the portion of the cost of the road to be defrayed from the revenues of the Colony bears to the total cost of the road.";

and

- (b) by substituting the word "revenues" for the word "reevnuces" which appears in the third line of sub-clause (4) thereof.

14. That Clause 29 be amended -

- (a) by deleting therefrom sub-clause (1) thereof and substituting therefor the following -

"(1) Subject to the provisions of sub-section (2) of this section and notwithstanding anything in Part III of this Ordinance contained, the Governor, after consulting the Local Board and with the consent of the Trust Board, may exclude from the native lands any land required for any of the purposes set out in section 22 (but not for the purpose set out in paragraph (b) of sub-section (1) of that section) and in sections 24 and 25 of this Ordinance, and the land so excluded shall thereupon cease to form part of the native lands. In every case where the Local Board is consulted by the Governor for the purposes of this section, representatives of the location or section concerned and of the local natives concerned shall be given the opportunity of appearing before the Local Board for the purpose of expressing their views and such views if given shall be recorded in writing."

(b) by deleting therefrom sub-clause (4) thereof and substituting therefor the following -

"(4) No land situate in the Highlands shall be added to the native lands under the provisions of sub-section (3) of this section, or under the provisions of sub-section (4) of section 25 of this Ordinance, save with the consent of the Highlands Board."

and

(c) by deleting therefrom sub-clause (5) thereof.

15. That Clause 29 be amended by deleting therefrom sub-clause (5) thereof, and substituting therefor the following -

"(5) No land situate in the highlands shall be added to the native lands under the provisions of sub-sections (2) and (4) of this section, save with the consent of the Highlands Board."

15A. That Clause 31 be amended by substituting a semi-colon for the full stop which appears at the end thereof and by adding, immediately after such semi-colon, the following -

"but, where any land in the native lands has been set apart for the purpose of being so leased, it shall not be necessary again to set apart the land for the purpose of granting any renewal of the original lease."

16. That Clause 32 be amended by renumbering sub-clause (6) as (7) and by inserting the following new sub-clause to be numbered (6) -

"(6) The Chief Native Commissioner may delegate to any Provincial Commissioner the power conferred upon him by sub-section (1) of this section in respect of any lease granted for a term of one year or less."

17. That Clause 34 be amended by substituting the words "stand premium and/or rent" for the word "rent" which appears in the second line thereof.

18. That Clause 35 be amended by adding thereto the following sub-clause -

"(5) Nothing in this section contained shall be deemed to apply to leases granted under the provisions of the Mining Ordinance, 1933."

No. 61 of 1933

19. That Clause 37 be amended by substituting the words "may, notwithstanding the provisions of the Courts Ordinance, 1931, commence a suit in a First Class Subordinate Court" for the words "may commence a suit in the Supreme Court" which appear in the twelfth line thereof.

No. 46 of 1931

20. That Clause 38 be amended -  
(a) by deleting therefrom the proviso to sub-clause (1) thereof and substituting therefor the following proviso -

"Provided that no licence referred to in paragraphs (a), (b) or (c) of this sub-section shall, except with the consent of the Trust Board, be granted for a period exceeding twelve months at any one time."

(b) by substituting the word "Commissioners" for the word "Commissioner" which appears in the third line of sub-clause (2) thereof;

(c) by substituting the marginal note "Grazing and forest produce" for the marginal note "Forest produce" which appears opposite sub-clause (2) thereof;

(d) by inserting the words "making canals, aqueducts, weirs, dams and/or any other works required for the supply and use of water," between the word "pipes"

and the word "setting" which appear in the fourth line of sub-clause (4) thereof;

- (e) by substituting a colon for the full stop which appears in the eighth line of sub-clause (4) thereof and by adding the following proviso immediately after such colon -

"Provided that, where the native land concerned is the subject of a mining right under the Mining Ordinance, 1933, or of a lease granted under the provisions of the Crown Lands Ordinance or of this Ordinance or of the Ordinance repealed by this Ordinance, the Provincial Commissioner shall not grant a way-leave licence in respect of such land except with the consent of the lessee or the holder of the mining right, as the case may be; and if any such lessee or holder refuses his consent, the Provincial Commissioner may appeal to the Governor in Council whose decision shall be final. In any case where a way-leave has been granted over any such land and any compensation is payable in respect of disturbance, or damage to the interests of the lessee, or holder, as the case may be, the amount of compensation shall be such sum as may be agreed upon between the applicant for the way-leave and the lessee or holder, as the case may be, and in default of such agreement, such sum as may be determined by arbitration under the provisions of the Arbitration Ordinance.";

No. 61 of 1933  
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- (f) by inserting the figure and brackets "(5)" in front of the word "Before" which appears in the ninth line of sub-clause (4) thereof;
- (g) by inserting the brackets and words "(other than compensation payable under the provisions of sub-section (4) of this section)" between the word "compensation" and the word "which" which appear in the third line of sub-clause (5) thereof;
- (h) by inserting the words "the notification of" between the word "of" and the word "such" which appear in the penultimate line of the proviso to sub-clause (7) thereof.

21. That Clause 43 be amended by substituting the words "water sanctions and/ or water rights" for the words "water permit" which appear in the fourth line thereof.

22. That Clause 49 be amended -

(a) by substituting a colon for the full stop which appears at the end of the proviso to sub-clause (1) thereof

(b) by adding thereafter the following two new provisos:-

"Provided further that a private right-holder shall not be required to remove himself until he shall have harvested any annual crops which may have been planted before the date of the coming into operation of this Ordinance:

No. 2 of 1937

And provided further that, notwithstanding the provisions of section 12 of the Native Authority Ordinance, 1937, no native, whose rights in respect of the land upon which he, or his family, or any person residing, have been extinguished under the provisions of section 70 of this Ordinance, shall be compelled to remove himself from such land except by order of the Governor made in accordance with the provisions of this section; but the provisions of this section and of this proviso shall not apply to a native who, having been ordered by the Governor to remove in accordance with the provisions of this section, either removes himself or is removed under the provisions of this section, subsequently cultivates or occupies land outside the boundaries of the native lands, the native reserves, the temporary native reserves or the native leasehold areas, as the case may be."

and

(c) by deleting from the marginal note thereof the words "into Native Land Unit".

23. That Clause 50 be amended -

(a) by deleting therefrom paragraph (b) of sub-clause

(1) thereof and substituting therefor the following paragraph -

"(b) enter upon such land for the purpose of setting up poles and carrying electric, telegraph or telephone lines across such land; and laying sewers, water pipes, electric, telegraph or telephone lines therein, and for maintaining and/or affording access to any such works and to any other works of a public nature;"

(b) by inserting the words "for that purpose" between the word "and" and the word "may" which appear

respectively in the third and the fourth lines of paragraph (c) of sub-clause (1) thereof; and

(c) by substituting the words "river, stream, spring, lake or swamp" for the words "river or stream" where they appear in the third and in the fourth lines of paragraph (c) of sub-clause (1) thereof.

24. That Clause 56 be amended by substituting the word "fourteenth" for the word "seventh" which appears in the third line of sub-clause (2) thereof.

25. That Clause 57 be amended -

- (a) by substituting the words "the District Commissioner's office and in some other" for the word "some" which appears in the third line of sub-clause (1) thereof; and
- (b) by deleting therefrom sub-clause (3) thereof and substituting therefor the following -

"(3) Any person who without lawful cause or excuse, tears, defaces, alters, injures or removes any notice so affixed, shall be guilty of an offence against this Ordinance and shall be liable on conviction by a Magistrate to a fine not exceeding ten pounds."

26. That Clause 61 be amended by adding thereto the following new sub-clause -

"(3) Travellers shall be allowed to encamp with their servants, transport and baggage on any uncultivated land in the native lands for a period not exceeding forty eight hours, and, with the consent of the District Commissioner, for a longer period, and they shall with their servants be allowed access to any spring, river, stream or lake upon the land."

27. That Clause 65 be amended by adding thereto the following new paragraph as paragraph (i) -

"(i) for the protection of trees and forest produce on land not within a forest area within the meaning of the Forest Ordinance, and for regulating the felling or removal of such trees or forest produce, as the case may be."

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28. That Clause 70 be amended -

- (a) by deleting therefrom the first and second provisos thereto;

- (b) by substituting the word "Provided" for the words "And provided further" which appear in the first line of the third proviso thereto;
- (c) by substituting the figures "1925" for the figures "1935" which appear in the margin opposite paragraph (b) of the third proviso thereto;
- (d) by deleting the words "of grazing" which appear in the first line of paragraph (c) of the third proviso thereto; and
- (e) by inserting the words "and ~~comas~~ other than land situate in the Highlands," between the word "land" and the word "in" which appear in the fifth line of sub-clause (2) thereof, and by deleting therefrom the word "the" which appears in the same line.

29. That the Schedule to the Bill be amended in accordance with the amendments set out in the Schedule to this Report.

We have the honour to be,

Your Excellency's obedient servants,

- SD. W. HARRAGIN (CHAIRMAN)
- SD. E. B. HOSKING (MEMBER)
- SD. C. E. MORTIMER (MEMBER)
- SD. FRANCIS SCOTT (MEMBER)
- SD. F. W. CAVENDISH-BENTINCK (MEMBER)
- SD. ERROLL (MEMBER)
- SD. H. R. MONTGOMERY (MEMBER)
- SD. R. KASSIM (MEMBER)

Nairobi,

15th August, 1938

\* Subject to the reservations set out in the attached Report.

SCHEDULE.

Page 35, line 20, add "UNIT" after "LAND".

Page 35, line 21, add "unit" after "land".

Page 35, line 4 from bottom, for "Limuru" read "Limoru".

Page 49, line 24, add "UNIT" after "LAND".

Page 52, line 23, for 7,899.0 feet" read 7,899 feet".

Page 53, line 4, for "1,016.0 feet" read "1,016 feet".

Page 54, line 15 from bottom, add "UNIT" after "LAND".

Page 54, line 12 from bottom, add "unit" after "land".

Page 54, line 9 from bottom, before "native" insert "the" ;  
after "land" add "unit".

Page 55, line 11, for "the Machakos-Kitui Road" read  
"the old Machakos-Kitui track".

Page 58, line 11 from bottom, add "UNIT" after "LAND".

Page 58, lines 6 and 5 from bottom, delete

"to its intersection with a straight line  
between the summit of the hill Karokor and"

and substitute

"by that river to where it emerges from the  
Turkwell Gorge at Lokwien thence south-  
easterly by a straight line to".

Page 66, delete (a) in line two and delete line five.

Page 69, line 2, add "UNIT" after "LAND".

Page 69, line 3, add "unit" after "land".

Page 74, line 15, add "UNIT" after "LAND".

Page 78, line 2, add "UNIT" after "LAND".

Page 78, line 18 from bottom, delete "LANDS" and substitute  
"LAND UNIT".

Page 78, line 17 from bottom, delete "These lands" and  
substitute "This land unit".

Page 103, line 16, delete "4881".

15th August. 1938.

Your Excellency,

We have the honour to inform you that we signed the Report of the Select Committee of the Legislative Council appointed to consider and report upon the Provisions of a Bill to Make Provision for Native Lands in the Colony, subject to the following Reservations:-

1. In our opinion, Clause 18, sub-Clause 2, requires the following amendment:-

The deletion of the penultimate and last lines of Sub-Clause 2, (from the word "of" to the word "value"), and the substitution thereof of the following:-

"of the value of the natives' interest in the land, plus fifteen per centum of such value. The maximum compensation payable under this section being calculated on the basis of the full agricultural value of the land, plus fifteen per centum of such value".

We have the honour to be,

Your Excellency's obedient servants,

FRANCIS SCOTT.

F. CAVENDISH BENTINCK.

ERROLL.

Further Reservation by Major Cavendish Bentinck:-

That Sections 49 and 70 be removed from this Bill, and be inserted in "A Bill to Amend the Crown Lands Ordinance 1938", and that the necessary re-numbering of Sections be effected, i.e. that Sections Nos. 50 to 69 become 49 to 68, and Section 71 becomes Section 69.

F. CAVENDISH BENTINCK.