



EAST AFR. PROT.
21896

21895
18 JUL 10

Number of previous Papers 350

1910
21 June

MEMORANDUM FOR THE COMMISSION

Regrets unable to hold out any hope of arriving at a final settlement at any rate until the Titles Court has commenced. Said map on 18th is marked the areas affected by native rights. There can be no question of removing the natives or of leasing the patches of forest. Reports as to finding land in the neighbourhood to make up for the land occupied by the natives.

Number of previous Papers
Govt
18359

W. Reed.

See also Govt
21897

The areas marked as native land ^{on private property} on this map within the MacAllister & Wespacker concessions are practically identical with those so marked on the map enclosed in Govt 21083/08. (The one difference which can detect is that a rectangular area marked as native on the south eastern boundary of the Wespacker concession in the earlier map is not so marked on the map enclosed in this despatch). The map enclosed in Govt 21083/08 again is

avoided all rows 27 July
Extract (map for station) (and Volume 25/26/27/28/29/30)

Subsequent Papers
Govt
23473

copy of the map enclosed in
C.G.W. 32397/08, to which Sir P. Girouard calls
attention in C.G.W. 21897, & which he says
should be considered together with the
present map.

The map enclosed in C.G.W. 21023/08 was
communicated to Lord Wateran at the
time, & it has been understood ever
since that the areas marked as native
land (or private property) on that map
should be excluded from his concession.
It was, in fact, the exclusion of these
areas which reduced the area of his
concession from 125,000 acres (the total
area of the Macallister & Diepacher con-
cessions) to 100,000 acres.

This being so, the fact which Sir P.
Girouard is making may be correspondingly
discounted. The one new fact which he
has sprung upon us is apparently the
existence of native rights in the small
patches of forest (six in all, according to
the map), lying outside the areas
marked as native land. The total area

of these forest patches is comparatively
small, & the matter ought to be capable
of adjustment with Lord Wateran.
In fact, I see no reason why we should
not get at least as far with him as
with the ^{East} African Estates; & the other
concessionaires with whom Sir P. Girouard
says no final arrangement can be
made until the Land Titles Com. has
been at work on the area. The ^{East} African
Estates have their agreement formally
completed & one already operating
under it, & it is difficult to see why
Lord Wateran cannot be allowed to
do the same. I suspect the Govt. of
magnifying difficulties in order to
exert pressure in the matter of the
Coast Land titles, which is still outstanding
with the Treasury.

I think we ought to telegraph
him as in the draft herewith.

BB 23 July 23. 23/11
C 20 VH 98/267
HAB
HAB
257

44, HANS MANSIONS,
S.W.

July 26 1912

Mr. Butler,

Do you know if Lord
Rivers has received the

Governor's report about

the March Frost South

Africa? I understand he

was going to call on the

telegram Lord Bunsen was
 by despatch & I was so
 informed of it in London
 when it arrived.

I am leaving for
 on Friday - if the
 information has arrived

should be glad to hear that
 I shall be away to seek
 my address will be
 Hotel Bernasconi
 Rue des Mairies
 France

if it has not arrived & comes

while I am away, would
 you kindly forward it to

me

J. Bunsen
 Wallman

Copy of reply sent with approval Read 3

Downing Street,
27th July, 1910.

Dear Lord Wateren,

We have received the despatch from the Governor, but it is not altogether clear to us, and we have been compelled to send him a telegram with a view to elucidating it. He will answer by telegram and I should hope that we shall then be in a position to communicate with you as promised.

In the meantime I have had your continental address put on record here.

Yours sincerely,

(S^d) F. Butler

Right Honourable
The Lord Wateren.

21336

GOVERNMENT HOUSE,

Nairobi, 13 JUN 10

EAST AFRICA PROTECTORATE.

June 16th 1910.

No. 680
(Incl. 1)

951

My Lord,

W
173

MBP

I have the honour to acknowledge the receipt of Your Lordship's telegram of 14th instant informing me that Lord Waleran is prepared to proceed to East Africa to settle the details of the concession, but that he desires an assurance on my part that a final settlement will be arrived at within a reasonable time.

2. As Your Lordship is aware, the whole land question at the Coast is in such a complicated state that I regret I can hold out no hope of arriving at a final settlement in this matter until the Titles Court has at any rate commenced, if not completed its enquiries. It is true that a large portion of the land originally assigned to Messrs. Diespecker and Macallister is entirely free from native claims, but as Mr. Grenfell pointed out in his letter of February 1st 1909, enclosed in Your Lordship's despatch No. 90 of February 19th, the most valuable part of the concession, viz the fertile slopes of the Chimba Hills covering an area

THE RIGHT HONOURABLE

THE EARL OF CREWE, K.G.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET, LONDON, S.W.

area of about 20,000 acres, has been reserved for the natives. This land is occupied by the Shimba-Digo tribe, who have lived on it and cultivated it for generations, whilst the remnant only contains small patches of workable soil for tropical agriculture, being for the most part barren and in places rocky.

3. As requested, I enclose a map of the land, on which are marked the areas affected by native rights, as far as we know them. There can be no question of moving the natives or of leaving the patches of forest, which, as I pointed out in my despatch No. 46 of January 29th last, are regarded as sacred places by the natives, containing as they do the graves of their ancestors, and in which they have long enjoyed the right to tap the rubber vines and copal trees. I have moreover assured the natives that their rights in these forests will be respected on condition that they allow the Forestry Department to regulate the cutting of timber, &c., a condition which they have readily agreed to.

4. With regard to the possibility of granting areas in the neighbourhood in compensation for the land occupied by the natives and the small forests in order to make up the 100,000 acres which we are committed to grant to Lord Waleran, such an area can be found due West of Mwele and North and West of Meka and Mkenyani, but this land is, I fear, specifically reserved. The proposal contained in enclosure No. 1 of Your Lordship's despatch No. 619

of

of October 14th 1909, to permit the lessees to extend to the South West and to include Jebel Mountain in their grant cannot be entertained as this area must be reserved for the East African Estates Limited, in case the unoccupied and un-owned land lying to the South of Ras Mwaka Senge which has been leased to this Syndicate is eventually found to be less than has been granted to them. Should Lord Waleran ask for the land to the North of the Diespecker block, I would remind Your Lordship that it is from the River called Wando on the enclosed map that Mombasa will some day receive its water supply. There are besides many native claims to be considered before this area can be alienated.

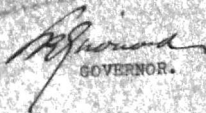
5. I do not recommend the course suggested by Lord Waleran in his letter of May 13th 1909 - enclosed in Your Lordship's despatch No. 619 - viz: that, as in the case of the Uplands Syndicate (East African Estates Limited) a satisfactory arrangement may be effected with the natives. Experience has shown that leaving arrangements of this nature to be settled by the lessees generally involves disagreement between the parties concerned. One such case has already occurred between the representatives of the Estates Limited and the people of Gazi, owing to encroachments on the part of the Agents of the Syndicate on land which is claimed as privately owned. Such disagreements will continually recur until we know definitely what

land

land belongs to the natives and what may be alienated by the Government.

6. I would venture to refer to the great stress which Your Lordship has laid on the drawing up of a formal treaty with the Masai. Our proposals in regard to the latter would involve no such injustice as would be done to these Shimba natives if their ancestral possessions were taken from them and their immemorial right to collect rubber and copal bartered to a Syndicate. This Government would indeed stand convicted of a grave breach of faith, if it permitted such a thing to be done.

I have the honour to be
Your Lordship's humble,
obedient servant.


GOVERNOR.

Gov. E. A. P.

21896



gulf

plabas
27 July

x 5
area 23 4/5

for code

DRAFT

Telegram

Areas marked as

Ground
Nairni.

native land in

MINUTE.

Waterman's concession

Mr. Butler July 23

Mr. Read. 23

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* Mr. Fiddes. 23

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Mr. Just

your despatch of 16 June 1907

Mr. Cox

Sir C. Lucas.

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* Sir F. Hopwood. 25/7

* Col. Seely.

cautera

identical with areas

* Lord Crewe.

C 26 VII

marked on map

for conson

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enclosed in

deturms

your predecessor's despatch

narrowly

of 14 May 1905 No 234

(21083/05)

