

EAST AFR. PROT.

59985

REC'D
Her
EC:17

14/6/18. 59985

426

Carnegie May
R7

1917

Late Capt. N. Brian Brooke

29 Nov

Last previous Paper.

46052

Submit case for grant of Compensation
for loss calculated at £1000 incurred
through his land in E & P having been taken
over by Govt for purposes of these reserves

~~W. Head~~

Unofficial copy of Sept. attached
we had not previously heard of Capt. Brian
Brooke's death, so far as I can make out

The items of the claim now made
on behalf of the estate would require
examination locally, but I do not see
that any of them are affected by
the fact of his death.

The existence of grounds for a
claim was admitted in 46052/15,
but there may be some difficulty
in checking the claim after so
long a time. A lump sum payment
has decided on in Major Carnegie's
own case & would be appropriate
in this one also.

Copy to Mr. C. W. C. 14 Dec 17
C. W. C. 3505.5.18
C. W. C. 3575.5.18
C. W. C. 29 Oct 18
C. W. C. 19 Dec 18
C. W. C. 19 Dec 18

Next subsequent Paper.

B/22503/18

? Send

I send copy of Major Carnegie's
letter to the O.H.G., referring to
\$6057.50 and ask to him to
consider & report whether
a sum, or if so what sum, can
be granted to Capt. Brooks
entirely in compensation.

Kind ask: may that be in
communication with the O.H.G.

W.C.S. 7/12/17

J.S.R.
8/12/17

at once.

H. J. R.

8/21/17
Capt. H. J. Brooks called. He said
him that the claim would be fairly
treated & that he might wait patiently
- for some months.

The Pres. Govt seems to have a
bad name for "workmen's bills."

W.C.S. 20/21/18 at once

J.S.R.

Downing Street,

29 September, 1917.

I have been on a short holiday or I should have been able to reply before now to your letter about Captain Brookes' claim for compensation for losses in East Africa. I have consulted the Department concerned and am sure that they will readily give very careful consideration to the case when it comes before them. The best thing for Captain Brookes to do is to write to the Colonial Office officially making a detailed claim.

ASM

COLONEL G. R. BURN, M.P.

Mr. Williams, Sir A. Steel (Mtd)

I agree that Capt. Brooke should reply officially, making a detailed claim. You will see from G.O./46052/15 in the bundle about Major Comyn's own claim that the possibility of a claim by Capt. Brooke has been recognized and that, if the two, his position is considered the stronger (we need not say so).

Papers only received today.

Oct 22 1917

I think the enclosure in Col. B's letter to E.A. [unclear] for [unclear] letter for you [unclear]. If you approve (I do not think I need trouble you at this [unclear] [unclear]).

Mr. Williams. Sir A. Steel (Mint)

I say that Capt. Brooke should reply officially, making a detailed claim. You will see from Gov/46052/15 in the bundle about Major Comyn's own claim that the possibility of a claim by Capt. Brooke has been recognised and that, of the two, his position is considered the stronger (we could not say so).

Papers only received today.

L.C.A. 22.9.17
I put the enclosure in Col. B's letter to E.A. for despatch. Letter for you viz: if you approve. (I do not think I need trouble you at this official Comyn's) 25.

encl. referred BEAD 20/4/17

Sept 19. 17.

429

Dear Steel: Maitland

A friend of mine in
Sturminster. Capt. H. Brooke
of Fairley - Cornwall's wells.
spoke to me about the case of
his late son.

The details are all given in the
paper enclosed, & I shall be very
much obliged if you will
have the matter carefully
enquired into.

I do not want to bring it
upon the shop of C if it causes

excl. referred BEAD 20-1-

Sept 19. 17.

429

Dear Steel. Maitland

A friend of mine in
Shardersbury. Capt H. Brooke
of Fairley - Combs's wells. &
spoke to me about the care of
his latison.

The details are all given in the
paper enclosed; & I shall be very
much obliged if you will
have the matter carefully
enquired into.

I do not want to bring it
upon the shop of C if it comes

From Major Hon. R. F. Carnegie, Gordon Highrie.

To Capt. R. V. Brooke,
Thirley, Courteenwells, Aberdeenshire.

430

As a Trustee of your son, Capt. R. Brian Brooke, it seems to me only fair that the question of compensation by Government for his losses of P.V.A. incurred through the surrender of his land about 1940, should be not only raised, but submitted to the Colonial Office as soon as possible. I trust the Colonial Office will handle the subject in a fair and impartial spirit, once in possession of the facts, judging by the very courteous way in which they considered a claim made some time ago by myself. The two cases are nearly parallel.

I will describe my own case as shortly as possible, to enable you to judge whether it is worth while to submit a claim for your son. I am sorry to say that none of the papers in my possession dealing with the subject are available at present, but I remember the leading features of the case; and, of course, the C. O. will have filed their papers relating to it.

As you know, 5,000 acres of land, on a 99 years' lease, were taken up for your son in Lemck Valley, B.E.A. about 1908; at the same time that Lady Southesk and myself took up 5,000 acres each, under the same conditions, also in Lemck Valley. Both your son and myself started development of our respective land, and if this was a slow process, it was owing to our being 100 miles from the nearest railway station, without any roads even. In the face of great difficulties we erected buildings and transported iron for roofing, ploughs, incubators for ostrich farming, and many/

From Major Hon. P. E. Carnegie, Gordon Highra.,

To Major M. V. Brooke,
Fairley, Couparawellie, Aberdeenshire.

430

As a trustee of your son, Capt. H. Brian Brooke, it seems to me only fair that the question of compensation by Government for his losses in B.E.A., incurred through the surrender of his land about 1910, should be not only raised, but submitted to the Colonial Office as soon as possible. I think the Colonial Office will handle the subject in a fair and impartial spirit, once in possession of the facts, judging by the very courteous way in which they considered a claim made some time ago by myself. The two cases are nearly parallel.

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As you know, 5,000 acres of land, on a 99 years' lease, were taken up for your son in Lemck Valley, B.E.A. about 1908, at the same time that Lady Southesk and myself took up 5,000 acres each, under the same conditions, also in Lemck Valley. Both your son and myself started development of our respective land, and if this was a slow process, it was owing to our being 100 miles from the nearest railway station, without any roads even. In the face of great difficulties we erected buildings and transported iron for roofing, ploughs, incubators for ostrich farming, and many/

many other things. All had to be carried by porters for not less than 80 miles.

We also collected live stock, sheep, cattle and ostriches. When we were thoroughly settled on our land, the Protectorate Government had occasion to make certain alterations in its native policy, the result being that the Masai were eventually transferred from the Northern Reserve to the Southern Busso Nyiro and vicinity. Our land was part of the new native reserve contemplated. Sir Percy Girouard, then Governor, approached us on the subject of surrendering our land, in exchange for 50% more in the Laikipia District. It was understood that we would be able to occupy the new land almost at once. As we had no wish to hamper the Government, we agreed to vacate our land, much against our own interests, on the understanding that we were to receive the 50% more land in exchange, to be occupied as soon as practicable, and in addition we submitted claims for compensation. The Government took our land, but would not settle our claims for monetary compensation. The removal of the Masai from Laikipia was held up for several years, in consequence of a case being brought against the Government by the Masai, at the instigation of some disreputable lawyer, so I understand; the nett result being that we were no longer in a position to develop our Lemek farms, but could not occupy the new land; we had nowhere to put our live stock, and the position became intolerable.

The base dragged on until shortly before the present war, when the Masai move had become an accomplished fact, and we were promised our new deeds.

When/

When I submitted my claim for compensation to the Colonial Office, the Colonial Secretary, after careful consideration of my case, admitted that the claim was just and awarded me compensation to the amount of £1,000, to which I agreed, although my claims totalled more than double that amount if I remember rightly. After the long delay and dislocation of my business, I was glad to come to any settlement. Your son knew me quite independently of myself, and I do not know exactly what steps he took towards getting compensation. The fact remains that he never received any.

It has occurred to me, as one of his Trustees, that it is only fair to his memory and to the estate which he left behind, that this claim should be re-submitted, or rather, presented to the Colonial Secretary, as mine was, seeing that the Protectorate Government would not consider it.

He cannot now present his claim, having given his life for his Country; but I feel sure if you did so, it would receive every consideration from the Colonial Secretary.

I think his claim should be based on the following, as mine was, and our cases are almost identical. His land was just half mine, in extent; he had no opportunity, for various reasons of doing quite the same amount of development, nor had he as much live stock; but in proportion, I think he sank as much capital in his farm as I did in my own, and was extremely embarrassed in consequence of vacating his land, and all that followed.

1. Non-continuity of supposed security of tenure of land.
2. Disturbance and consequent loss of business, all plans for several years, based on the farm, being upset.

3. Outlay on Farm Buildings.
4. Removal expenses from land.
5. Loss of heavy material, such as ploughs, corrugated iron, incubators, &c., sold at a loss locally, through great difficulty of transporting to Laikipia or to any spot where it could be stored.
6. Being kept out of farming business for about 6 years, unable to develop his new land through action of the Government, and forced to sell off his stock - a very serious thing in a new Colony.
7. Loss in live stock in transit, owing to long distance it had to travel, and attacks from wild animals and thieves.

The amount of the claim, based on the above, should be, in my estimation, about as follows:-

Under heading No. 1 -	250
No. 2 -	350
No. 3 -	100
No. 4 -	50
No. 5 -	50
No. 6 -	400 (at annual loss of £100).
No. 7 -	40
	<u>£1,040</u>

I should consider £1,000 a pretty fair award, but probably his direct and indirect losses amounted to considerably more than this.

He was always a very hard worker, and put his whole heart and energy into his farming, as he did into everything which he undertook, as you know, and it was all the more bitter to him when he knew that all his labour had been thrown away through no fault of his own. He had to take up some very hard work, such as the Majadi Railway Construction, as a direct consequence of the loss of his farm. I do not think that the Protectorate Government quite realised what it meant to a man who, arriving in/

in a new country, had to launch out on almost experimental farming, under the greatest difficulties of climate, labour and locality, not to mention wild animals and diseases; all this on very slender capital; who was then asked to throw away the toil of several valuable years for the reward of 50% more land, of very uncertain value, and at that time more or less unsaleable.

How were 5,000 plus 2,500 acres to give him a fresh start? What he needed was money, not more land, when worse off than he was at the start, because it is all a matter of outlay for several years and very little profit. And then, on the top of all this, he was not allowed to occupy the promised land, nor even get his deeds for it. This may have been unavoidable, but it did not make the case of this particular settler less hard and was it just? He could not even raise a loan on his new land, not having deeds.

I think I need not add anything further, except to say that as the Colonial Office recognised the justice of my claim, it is almost certain to consider this one very favourably, the two cases being so very nearly parallel.

Aberdeen, Sept. 3rd, 1917.

From
Major the Honble R. E. Carnegie,
Gordon Highlanders,
Castlehill Barracks,
ABERDEEN.

435

19th November, 1917



The Secretary of State for the Colonies,
Colonial Office,
LONDON, E.C. 4.

Sir,

I have the honour to state that as one of the Trustees of the late Captain H. Brian Brooke, Gordon Highlanders, of Fairley, Mount Wells, Aberdeenshire, who died from wounds received in action, and also at the request of Capt. H.W. Brooke, his father, I have a certain matter connected with the estate of that officer, which I should like to be permitted to bring to your notice.

In British East Africa, about the year 1908, Capt. H. Brian Brooke took up 5000 acres of land on a 99 years lease, in the Genek Valley. I also took up land near him at the same time and place.

To put the matter as shortly as possible - at a later date, Sir Percy Girouard, then Governor, requested both Capt. Brooke and myself to relinquish our land as it was required as a Masai Reserve; on the understanding that we were each to receive 50 per cent more land in same spot, to be selected by ourselves as shortly as possible after vacating our land. We had several interviews with Sir Percy on the subject, and agreed to his proposition in so far as the extra ~~part~~ of land went, but said that we regretted that we could not accept this as a final settlement, and laid before him certain claims for monetary compensation in addition. Sir Percy would not consider these claims, and a deadlock ensued. Several years elapsed, and finally I laid my case before the Colonial Office; where there is, I have no doubt, a record of the matter. Sir L. Harcourt then Secretary of State for the Colonies, gave his personal consideration to my case, and was good enough to say that he considered my claims fair and moderate. Finally, he awarded to me compensation to the extent of £2000, to cover my losses.

I mention my own case because Capt. Brooke was in the same position, and our cases are very nearly parallel. Up to the time of his death he had made no appeal to the Colonial Office for monetary compensation, but, as far as I am aware, had put the matter into the hands of his lawyer in B. E. Africa. The object of my letter is to bring his case to your notice, in order that you may award compensation to his estate, if you think fit. I am only acting as his Trustee in the matter, and no benefit can come to me personally in the event of compensation being awarded. To my own personal knowledge Capt. Brooke started the development of his grazing farm soon after he got possession of it - and worked under great difficulties: the land being 100 miles from the nearest railway, there also being no roads, all his live stock and building material, implements etc. had to travel long distances to reach the farm: native portage being the only means of transport available, the matter was costly. Capt. Brooke erected a wooden house on his property, importing iron-roofing, incubator for ostrich farming and agricultural implements. He also owned some cattle. When he had thoroughly settled on his land, the matter arose, concerning its relinquishment, which I have mentioned. In order not to embarrass the Government, Capt. Brooke broke up his home, dispersed his cattle, and sold his farm plant where he could, at a loss, and left the land vacant for occupation by the Masai. This Masai move, however, was held/

held up for several years, and the Masai remained in Laikipia. - As Laikipia was the district where Capt. Brooke had been promised land in compensation, he was unable to occupy it, so was in the position of having laid out nearly all his available capital on a farm, which he was obliged to vacate, at a loss, and then was in the air, so as to be unable to settle again.

This practically ruined him, and he was obliged to take up work in Railway construction at Magedi, and other things. I believe he received his deeds for the land in Laikipia shortly before the war, but no compensation for his losses, which I think may fairly be claimed for his estate, based on the following:-

1. Non-continuity of supposed security of tenure of the land.	50
2. Disturbance and consequent semi-ruin, and loss of business, and total upsetting of his business plans for at least 4 years.	350
3. Outlay on farm building.	100
4. Removal expenses from land.	50
5. Loss on material after break up of farm, such as corrugated iron, implements, incubator etc., sold at a loss locally - then great difficulty of retaining same and storing at any point near Laikipia.	50
6. Being kept out of farming business for from 4 to 5 years, and unable to develop his new land, also having to sell off his stock, thro' the action of the Government in B.E.A.	400
7. Loss in live stock in transit over at least 100 miles.	40
	<u>£1040</u>

The sum of £1040 appears to me to cover his losses, in so far as I am able to estimate them, but probably his direct and indirect losses amounted to considerably more. Thinking of my own claim, although I accepted £2000 in settlement of my case, this sum did not nearly cover my losses.

Capt. Brooke was a very hard worker, and a good type of colonist, and it was a very bitter blow to him when he found that all his work had been thrown away, thro' no fault of his own. I do not think that the Colonial Government always quite realized what it meant to a man, on arrival in a new and wild country, had to launch out, unaided, in practically experimental farming, under every disadvantage of burning sun, labour, and locality, not to mention numerous diseases and the attack of wild animals and native thieves, and was then asked to mow away the toil of several valuable years, and to receive in compensation 50 per cent more land of uncertain value, and at the time practically unmarketable; of which he was unable to get even the deeds. I could not raise a loan on the land under these circumstances, and I mentioned was forced to take up odd jobs wherever he could find them. At the beginning of the war Capt. Brooke gladly gave up his employment, at the very first call for men: was wounded in B.E.A., and finally gave up his life, the result of wounds received in action in France; and I feel that it is only due to his memory as a very gallant and patriotic gentleman, that I should make this appeal.

I trust, Sir, that you will be able to give this matter the consideration which I feel sure it deserves.

I have the honour to be,

Sir,

Your obedient servant,

R. H. Arneiz
Major
Gordon Highlanders

to 59985/7 Cab

DRAFT.

Cab
Conf

Mr. Deane 1917

Sir,

MINUTE.

- Mr. Stanley, 11 Dec
- Mr. Robinson, 11/12
- Mr.
- Mr. Grindle.
- Mr. Lambert.
- Mr. Road.
- Sir G. Fildes.
- Mr. Hewins.
- Mr. Long.

(26052/15)

with ref to Sir H.C.
Beefields deap confly no 93
of the 6th of Sept 1915, I
have the honour to refer to
you the enc copy of a
letter from Messrs the Hon
R.S. Carnegie applying as
a trustee of the Lady Cables
H. Roman Brooke, for ^{the payment of} com-
pensation to the estate of
the deceased in respect of
losses sustained at the
time of his surrender of
land to the Govt for a
Marae reserve

29 Nov

I have to request
that you will take the
matter into consideration
and whether you consider
that compensation should
be granted in this case,
if so, what the amount
of such compensation should
be.

Yours truly,
[Signature]

2. I have to request
that you will take the
matter into consideration
and inform me whether you consider
that compensation should
be granted in this case,
if so, what the amount
of such compensation should
be.

(Signed) ...

659985/17 real

438

B. D.
135

Mr. R. H. Harnage

10th Dec 7

17 Dec

Release 11/12/7

Sir

I am here to acknowledge the receipt of your letter of the 29th of Nov, and to inform you that he is in communication with the Adm. of the Govt with regard to your claim for compensation from the Govt on behalf of the estate of the late Capt H Brian Brooke

A further letter will be sent to you on receipt of the Acting Government reply

(Signed) H. J. READ

drafts