1936

38274

CO533/475

KENYA

38274

COLONEL B. N. ADBAY, C.B.

COMPLAINT AGAINST OFFICIALS OF THE LAND DEPARTMENT

Previous

R. 309 1/5
R. 297

See 23129/34

Subsequent

R. 297 11/12/36
R. 309 4/12
Mr Perkin
Mr Flood "
Sir C. Bottomley —
R. Jory 21/12
Mr Perkin 16/1
Mr Flood 20/1
Sir C. Bottomley 18/1
Sir [illegible] 18
[illegible] 20
R. 299 22/1
297 28/1
[illegible] 5/2
R. 297 10/2

C.O.
NOMINAL. (A)

1. GOV'S DEPUTY(WARM).....CONF.126.....11.11.36.)
Tra.letters from Col.Abbay dated 8th & 24th of Oct., in which he complains of the treatment he has received from officials of the Land Dept. and comments thereon stating that he is satisfied that the charges are without foundation.

Colonel Abbay has been in Kenya since 1928, and from 1931 has been trying to buy a Crown Land farm. His particular grievance hitherto has been that the Land Department has consistently put difficulties in his way by placing too high an upset price on farms offered for sale by auction.

He has alleged in previous petitions to H.M. and the Secretary of State that the prices have been manipulated and that he has been deliberately victimized. (This allegation has been shown to be groundless.)

Farm No.4486/11 on which he had set his heart was offered for auction in January, 1934, at an upset price of Sh.20/- an acre, a price fixed by the Surveyor-General who was fully qualified to form an opinion on the market value of the land. At the auction Colonel Abbay declined to bid more than Sh.10/- an acre. No other bid was forthcoming so the farm was withdrawn from the sale. Colonel Abbay has rented the grazing on this farm since 1933, in addition to 1,200 acres of forest grazing adjoining the farm on which he claims to have spent £200 for a water supply. He complains, however, that he was denied permission to put in a cattle dip on farm No.4486/11. The farm has been in quarantine for East Coast Fever for a long time, but as a result of pressure from Colonel Abbay it was offered for sale in March this year at a revised upset price of Sh.10/- an acre, but subject to the then existing quarantine which it was expected would be raised in June, 1936, if no further case of East Coast Fever occurred.

What subsequently happened is described in paragraphs 8 and 9 of the Governor's despatch. Colonel Abbay gave last minute notice to the auctioneer

that further outbreaks of East Coast Fever had occurred at the farm. The farm was, however, offered for sale subject to the condition that if a further outbreak had, in fact, occurred the quarantine would be extended until it was possible to remove the cattle. Unfortunately for Colonel Abbay a Captain Townsend bid against him at the auction and secured the farm at a price of ~~over~~ Sh.22/- an acre. Colonel Abbay's last bid was Sh.22/- an acre, which as the Governor says, ~~thereby~~ disposed of Col. Abbay's previous contention that the farm was not worth more than Sh.10/- an acre.

Paragraph 10 of the despatch shows that the Land Department has tried to find farms suitable for Colonel Abbay's requirements, but none have appeared sufficiently attractive to him. In the end, Colonel Abbay has bought land privately and has now removed his cattle from farm No.4428/11. But he maintains that he has been victimized. The allegations against Mr.Mortimer (page 4 of the petition) and against other officials are, I think, without foundation. And there appears no reason for the G. to intervene.

(According to recent Press cuttings, the Commissioner of Lands mentioned during the Budget Debate that Government contemplated abolishing the practice of disposing of Crown Lands by auction and proceeding in future by way of direct grants to suitable applicants at prices fixed by a Government Valuation Board. We have heard nothing of this proposal officially.)

C.H. Bowen
11/1/36.

These minutes are referred by the Govt. Secretary to the Chief Secretary to the Government for the Land Office. Secretary of State. Attention is invited to the letter of the Colonial Secretary.

While we can appreciate that the Govt. of Kenya is heartily sick of Col. Abbay's case, can we wish that they had dealt a little more sympathetically with a few points of detail which are apt to influence a sense of grievance.

e.g. no reference is made in para 8 to the fact that (p.3) Col. Abbay had reported the further outbreak of fever to the veterinary officer, Nairobi, before the sale of the cattle.

Also no mention is made in para 9 of the statement on p.2 of his letter that, after 5 months of waiting, Col. Abbay was informed by the Police that the pond of his farm was unsuitable to assume based by a trust officer to inspect.

Then there is the further point (p.2) that permission was only established after repeated direct protests with the officer concerned. Surely it would have been a simple matter to have sent specimens to Bombay & Dar-es-Salaam for analysis.

Apart from these omissions the dep. no doubt gives a reasonably accurate picture of the difficulties of dealing with Col. Abbay.

He does not care for anything to be done, his letters being apparently inspired merely as a general protest against what he considers to have been unreasonable treatment.

? It will be sufficient for me to inform Col. Abbay that the S. of S. has received his letters.

J.J. Paskin

Col. Abbay has always been a firebrand of sorts & is regarded as quite unbalanced (v. end of No 1 on the 1934 file)

He was so regarded in India, I happen to know.

All the same he has been unlucky in places though his hot way of going about things doesn't help. It is easy to call officials liars and the last page with its serious accusation of general corruption because one official is alleged to buy butter from another's sister without paying the butter cess is too silly. Yet, if Col. Abbay goes on abusing people as he does can he wonder if they plant out to obstruct him — or at least don't help him.

? He hopes

J.E.E. [illegible]
11.12

(Sir J. Byrne tells me that he personally was quite on good terms with the Colonel who takes a delight in kicking my cousin at Bute expense)

[In the circumstances the [illegible] seems to [illegible] the [illegible] Parliamentary [illegible] in the country of 16/1/37

[illegible]]

2. GOV'S DEPUTY(WADE).....CONF.128.....23.11.36.
Trs., with comments, a further letter, dated 7.11.36, addressed to the S. of S. by Col. Abbay.

4

Colonel Abbay continues his tirade against Kenya officials. He says now that he has reported "the Director of a Department for employing uncessed milk and the case has been hushed up". The Governor makes no comments on this.

Colonel Abbay maintains that his cattle were poisoned by arsenic supplied by a Forest Officer to "forest squatters" for the purpose of poisoning baboons. He alleges that the natives in question are known, but that they have been threatened by the Forest Department ~~that~~ with a fine of 50/- and removal to the Native Reserve if they say anything about the baboon poisoning. This statement is entirely unsupported. In No.1 the Governor stated that the allegation that the death of the cattle was due to carelessness on the part of a Forest Officer was found to be entirely without foundation. The source of the poisoning was "almost certainly a cattle dip owned by an adjoining farmer and situate in the Forest Reserve a few yards outside the boundaries of the farm over which Colonel Abbay had grazing rights". Colonel Abbay says that it was six months after the poisoning that the Veterinary Department condemned the dip as a death trap, but that when, some months later, Government wanted to get his cattle off farm No.1428/11, although nothing had been done to cleanse the dip, a Government Veterinary Officer urged him to use it. This point is not covered by the Governor's despatches.

Colonel Abbay also alleges that the Land Department has condoned the non-fulfilment of development conditions by farmers and absentee landlords. The Governor has dealt with this fully,

and

and his explanations do not call for comment.

? We might invite the Governor's observations on the point at XI above.

C.A. Cranwill

21.12.1936

The points mentioned by Mr Cranwill are only one of the many points on which the Gov. has requested fuller information of the Gov. is to be asked for any further points of all I should be inclined to raise have first been answered of the investigation into the allegations and in light of the letter. [illegible] passages in the letter. On the other hand the Gov. should be informed (see para 8 of No 1) that Col. Abbay's allegation that the deaths of his cattle were due to carelessness on the part of a forest officer was found to be entirely without foundation, & that Col. Abbay was reported to have expressed qualms at the time which implied his acceptance of the view that the cattle had been poisoned by the dip.

On the whole therefore I do not think it is worth while to trouble the Gov. again but merely request him to inform Col. Abbay that his letters have been received by the S. of S.

(see C. 1809 3/36)

[In connection with paras 2 & 4 of Col. Abbay's letter in No 1, Sir C. Bottomley has enquired whether Col. Abbay had made similar allegation before. The story is (v. No 3410 in 3266/33) that shortly after Col. Abbay had applied for land in 1931, a dep. from the S. of S. was received requesting the Govt of Kenya to refrain from further alienation for the time being. As the dep. was addressed "Confd" the Govt. of Kenya was unable to inform Col. Abbay of the reason for the delay in dealing with his application. It was not until Sept. 1932 that Kenya received permission to go ahead.

This however is a small thing & although we should not spell it, it has nothing to do with his complaints in this file]

J.J. Pearce
16/1.

This reminds me very much of my native country where the actions of individual officers are trivial and used to support charges of deep malice on the part of Government. So long as we go on listening to Col. Abbay we shall never get more a wilder miscible.

I do not advise that any action be taken beyond acknowledgement.

H.J.O. Hall
18/1

Sir J. Maffey.

You have not seen these papers before, though they have passed through your forward to Secretary. Col. Abbay has some skilled hand behind him.

[illegible] field a prisoner in
all his dealings with the Government.
The only trial is that [illegible] the
breaking of his cattle. I think
the Governor had been with it
a little too freely, but he
can scarcely be responsible that
there is nothing in it.

I call as before, you
had better have some
[illegible] of telling Sir R.
Brooke Popham about Ch.
abbey.

C.O.S.
18.1.37

18/1/37
[illegible]

Done. I also found out that only [illegible] in the [illegible] gave [illegible] Ch. [illegible] [illegible] [illegible]
C.O.S.
5.2

Mr. Dep. has found the file [illegible]
is required to Sir C. Bottomley who
may like to keep them [illegible] as
a reminder to me in this case.
to Sir R. Brooke Popham.

25/1.

2 Kenya - Cuttings - 1 Minute 2 Annex -
27 JAN 1937

See marginal comment above
[illegible] 5.2.37

Minute to Sir C. Bottomley

Extract from Gazette No. 31 of 6.7.37.
Registered for record
[illegible]
C.R. Smith
17/8/37
[illegible]

KENYA.

No. 128.

GOVERNMENT HOUSE,
NAIROBI,
KENYA.

23 NOVEMBER, 1936.

CONFIDENTIAL.

Sir,

With reference to my Confidential despatch of the 11th November, I have the honour to transmit to you a further letter addressed to you by Colonel E.N.Abbay, C.B., regarding certain matters relating to his occupation of land in the North Nyeri district.

Letter dated 7th Novr.1936 MEMORANDUM.

2. In regard to the death of Colonel Abbay's cattle from arsenical poisoning, I have nothing to add to paragraph 3 of my despatch under reference. As regards Colonel Abbay's memorandum on the non-fulfilment of development conditions on agricultural lands, the Government is fully aware that there are in the Colony many farms on which either the conditions have not been completely carried out or developments have not been maintained. The Land Department has been unable, on account of shortage of staff, to maintain a close system of inspection, but has exerted reasonable pressure to obtain development wherever practicable.

During the years of depression through which the Colony has passed it has been deemed to be neither wise nor just to institute legal action for the forfeiture of farms solely on the ground of non-development. With the return of prosperity it will be possible, with greater prospect of success, to insist upon the due fulfilment of the conditions of land titles.

I have the honour to be,
Sir,
Your most obedient, humble servant,
GOVERNOR'S DEPUTY.

THE RIGHT HONOURABLE
W. ORMSBY GORE, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W. 1

Nyeri R.S.
Kenya.
7th Nov 1936.

Sir,

In continuation of my petition already forwarded, I have the honour to say that I have reported the Director of a Department for employing unskilled with, and the case has been hushed up.

I would draw attention to the way I was treated when my cows were poisoned. Thirty five valuable milch cows died in a few hours. The Veterinary Officer came, was too blind to inspect the dip but took specimens of the dead cows for the analyst, with the result previously detailed. The Police arrived and inspected the dip as it had been running, the tracks of cows going near the dip would have been plain. There were none.

After 5½ months investigation, the Police helped by a very able C.I.D. officer informed me that the cows had died from arsenic put down by boys to whom it had been given by a Forest Officer, to poison baboons.

We ascertained the names of the boys who had actually felt the poison down, but could get no further because the Forest Officers, who were concerned, refused to give evidence saying that the Forest Department had said that any boy who knew anything about baboons would be fined 50/and kept back to the Reserve.

It is noticeably that all guinea, hog and boy-monkeys of Babool Hent disappeared. The Government told the Veterinary Officer who had failed to inspect the dip, to report on it, six months after the poisoning. He ignored the fact that the Police had found no tracks near it and that therefore the dip could not be responsible; and six months after the poisoning continued the dip as a death trap. Practically and legally this report was worthless, but it was good enough to enable the Government to refuse to allow an enquiry.

Little when the Government wanted to turn me off L.A. 66/26, this same Vety Officer

came to see me twice and urged me to use the ship, which although it had deteriorated and had had nothing done to it, was no longer a death trap, apparently.
Asked for an explanation which was not forthcoming.
Altogether I have lost well over £1000 as I constituted of poison, and I have not received a penny compensation or treatment backed on inquiry and whitewashed the offenders.
The whole handling of this case in the Government side has been partisan and unfair, I submit.
The Forest officer, though stated at the Stock Conference to be responsible for poisoning sheep in North Kenya, is still at large to continue his operations. The faulty analysis has never been explained nor the Squatters Statement that they would be paid 60/ and sent back to the Reserve, if they knew about labours.
The absurdity and iniquity of the Veterinary Officer's report has no decent explanation.

so has the miraculous change of the ship from a death trap to an apparatus of safety.

As the days of miracles are over, I cannot think it may be given an explanation of these occurrences.

I have the honour to be,
Sir,
Your obedient Servant,
H. W. Abbey Colonel
(retired)

Memorandum

The regulations regarding improvements to Government Farms have not been carried out.

Adjoining the farm where I live at Wyen are two farms owned by absentee landlords.

The one to the North has no improvements with more than 100 acres, the farm to the South West is in a similar state.

A few meters away to the West is another farm, in a like state.

Close to the junction of the Nanchiro road and the Wyen-N'bobi road are two farms without improvements.

Three meters North of Nanchiro in the West of the road is a large farm, the improvements are a shoddy dip and a wretched house that one can see the stars through the walls of as one lies in bed.

The Land Department here not done their duty as regards the absentee landlady many of whom will neither

lies, but not develop their land, resulting in large areas being divided. Another curse to the country is the selling of land to rich men, who allow thousands of acres to remain in an undeveloped state.
A poor or bad farmer ruins his wife and his land through slackness. If he is a rich man the Land Department hastens to sell him more land to ruin.
They will not raise a finger to help the genuine farmer.
The land is so fertile and so cheap that anyone who can get land and works can make a living.
I do not refer to fools who try to grow sugar only.
At present the Land Department is nothing but a curse to the country.

N. W. Abbey

KENYA.

No. 126

GOVERNMENT HOUSE,
NAIROBI,
KENYA.

11 NOVEMBER, 1936.

CONFIDENTIAL.

Sir,

I have the honour to forward letters from Colonel B.N. Abbay, C.B., dated the 5th and 24th of October, in which he complains of the treatment he has received from officials of the Land Department.

Letters:
5th October
24th October

2. The history of Colonel Abbay's land transactions up to the end of May, 1934 has already been placed before you in Kenya Confidential despatches No. 133 of the 22nd September, 1933, No. 153 of the 3rd November, 1933 and No. 73 of the 30th of May, 1934. There is therefore no necessity to make special reference to the first page of Colonel Abbay's letter.

(10) on 3266/33
(17)
(5) on 3212/33

3. The charge contained in page 2 of the letter to the effect that a Forest Officer issued arsenic to natives who put it down on Colonel Abbay's grazing area has already been fully investigated by both the Police and the Veterinary Departments when it was definitely established that the mortality amongst Colonel Abbay's cattle was due to arsenical poisoning, the source of which was almost certainly a cattle dip owned by an adjoining farmer and situate in the Forest Reserve a few yards outside the boundaries of the farm over which Colonel Abbay had grazing rights. This cattle dip had been used by Colonel Abbay over a long period. The allegation that the deaths of Colonel Abbay's cattle were due to carelessness on the part of a Forest

-1-

Officer....

THE RIGHT HONOURABLE
W. ORMSBY GORE, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,

LONDON. S.W. 1

Officer was found to be entirely without foundation. After the enquiry was completed and the report issued, Colonel Abbay is reported as not having disputed the statement as to the place of origin of the poisoning and as having expressed the opinion that the cattle must have drunk the water in the dip as they were being rapidly moved therefrom. The soil lying between the dip and the river has been proved on analysis to have become impregnated with arsenic derived from the dip.

4. Colonel Abbay commenced to hire the grazing on farm No. 4428/11 at the end of 1933. The alleged refusal to permit the construction of a dip on this land is not supported by facts. In any event however, very strong reasons would have been required for such an application, if made, to be approved since the land was occupied merely on month to month tenancy. Colonel Abbay suffered no real hardship in that he was continuously using the cattle dip on the adjoining land.

5. The reference on page 3 to the race course on this farm is incorrect. Major Baynes has for some years been renting from Government a portion of an adjoining farm, No. 4428/10, and on this land had constructed a race course without permission and entirely at his own risk. The farm was recently offered for sale by public auction and, remaining unsold, was subsequently purchased by Major Baynes.

6. It is true that Colonel Abbay hired 1200 acres of forest grazing adjoining No. 4428/11 and that he put in a water supply; permission of the Director of Public Works or the Water Board was neither sought nor given for

this .....

this use of water, but the Conservator of Forests informed Colonel Abbay that so far as his Department was concerned there was no objection.

7. As stated in paragraph 3 of Kenya Confidential despatch No. 73 of the 30th of May, 1934, Colonel Abbay declined to bid when farm No. 1428/11 was offered for sale by auction in January, 1934 at an upset price of Sh.20/- per acre. The farm was not again offered until this year because it was in quarantine for East Coast Fever. Because of the pressure from Colonel Abbay for the farm to be offered for sale it was again offered on March 27th, 1936 at a revised upset price of Sh. 10/- per acre, but subject to the then existing quarantine, which it was expected would be raised in June, 1936 if no fresh case of East Coast Fever occurred. Colonel Abbay suffered no serious hardship or loss by the delay in that he resided on the farm and occupied it with his cattle continuously for nearly three years.

8. A few minutes before the time announced for the commencement of the auction sale Colonel Abbay informed Mr. Mortimer, who was acting as auctioneer, that further outbreaks of East Coast Fever had occurred on the farm and that in consequence, whether he purchased the farm or not, he would be unable to remove his cattle, since under veterinary regulations he would be unable to obtain a permit unless he had consistently dipped for a long period; that since he had not been allowed to construct a dip he was unable to comply with the regulations and would, therefore, stay on the farm as long as he pleased. Since there was no official confirmation of this statement (the local veterinary officer having been away on safari when Colonel Abbay sent in his report) Mr. Mortimer suspected that the

statement ....

statement might be merely a ruse on the part of Colonel Abbay to deter other bidders. The farm was, therefore, offered subject to the condition that if a further outbreak of East Coast Fever had, in fact, occurred, the quarantine would be extended until it was possible to remove the cattle.

There were two bidders only for this farm, Colonel Abbay and Captain Townsend. The farm was ultimately purchased by the latter at a price of over Sh. 22/- per acre. Colonel Abbay's last bid was Sh.22/- per acre, thereby disposing of his previous contention that the farm was not worth more than Sh. 10/- per acre.

Immediately after the sale Colonel Abbay made statements to the effect that he would remain on the farm as long as he wished since he would deliberately arrange for continuous outbreaks of East Coast Fever to occur.

9. The purchase of the farm by Captain Townsend created a difficult situation since he was anxious to occupy the farm as soon as possible and Colonel Abbay was determined to keep him off for as long as possible. Careful consideration was given by all the Departments concerned as to the best and quickest method of terminating the occupation of the farm by Colonel Abbay with the least possible hardship. Whilst the matter was under discussion between the Commissioner for Local Government, Lands and Settlement, the Chief Veterinary Officer and the Attorney General, Colonel Abbay visited the Land Department on the 22nd of April to enquire what was taking place. Mr. Mortimer who, in the absence of Mr. Logan, interviewed Colonel Abbay, states that in view of past experience he was extremely careful what he said. He informed Colonel Abbay that he was unable to give any indication of Government's action as discussion was still proceeding, but would inform him as soon as a definite decision had

been ....

been reached. Colonel Abbay requested a cancellation of the sale to Captain Townsend and the sale of the farm to himself at an upset price of Sh. 10/- per acre. No reply was made to this request but the statement was reiterated that as soon as the Department was in a position to state anything definite a letter would be sent. Colonel Abbay's statement on page 4 that he was told in April that the auction was cancelled and that the farm was his is incredible. Had Colonel Abbay been able to prove that the alleged assurance had been given it is inconceivable that he would have made no reference whatever to it until now.

10. On the second occasion to which Colonel Abbay refers Mr. Mortimer and Mr. Hopkins (as Acting Commissioner of Lands) saw Colonel Abbay and invited him to select any other unalienated Crown Land farm which could be made available for sale to him in order to permit of the early removal of his cattle. Various farms were suggested but none of them was attractive to Colonel Abbay.

11. It is impracticable to comply with Colonel Abbay's request to sell to him the area of forest grazing land adjoining the farm under reference since the Conservator of Forests is definitely opposed, for adequate reasons, to excising this particular land from Forest Reserve. Since the occupation of this forest land was merely temporary and had been granted to Colonel Abbay as the occupier of adjoining land, notice of termination of the agreement was given by the Conservator of Forests to expire on the 30th of June. When Colonel Abbay's removal from farm No. 4428/11 had been completed he would not have been able to continue for any length of time in occupation of the adjoining forest land, since the erection of a house would not have been permitted. Arrangements were being

made ....

made, with the consent of Captain Townsend, to construct a dip on farm No. 4428/11 to remove the last vestige of excuse for Colonel Abbay's continued refusal to comply with veterinary regulations. Before this action was started, however, Colonel Abbay voluntarily moved all his cattle on to the forest land and the Conservator of Forests granted a further grazing permit for a period of four months expiring on the 31st October, 1936, in order to give Colonel Abbay ample time to make arrangements for the removal of his cattle to another farm which he said he was purchasing privately. The dip in private ownership referred to in paragraph 3 already existed in this area and Colonel Abbay was able to arrange for its use had he wished to do so. A hundred yards of inexpensive fencing was all that was required to make its use safe. In order to assist Colonel Abbay, negotiations were proceeding with the owner of the dip for its use by Colonel Abbay, and it was proposed that Government would erect the necessary fencing. Before the arrangements were completed, however, Colonel Abbay applied for a permit to remove his cattle to another farm, and the Veterinary Department granted his request subject to conditions as to the use of a dip on the new land.

12. During the period since the sale of the farm to Captain Townsend, Colonel Abbay deliberately cut down a number of young cedar trees for fencing and did a considerable amount of damage on the property, to such an extent that Captain Townsend made a claim for compensation which has been met by the offer of remission of one year's rent.

13. Colonel Abbay has now purchased other land privately and, having satisfied the requirements of the

Veterinary .....

Veterinary Department, has removed his cattle from farm No. 4428/11 and the adjoining forest land. The movement was completed only on the 31st of October. His real grievance is that Government declined to let him have the land he wanted at the price he desired to pay. He has had his remedy in that he could, at any time, have purchased private land in the open market.

14. Nothing is known of the alleged resolution by the Nanyuki Farmers' Association expressing adverse comments on the attitude of the Commissioner of Lands.

15. As regards the question of local self-Government, a semi-judicial inquiry into the advisability of declaring the Laikipia and North Nyeri districts to be a Local Government area was postponed in the first instance because of Mr. Logan's illness, and later, pending the publication of Sir Alan Pim's Report. A Public Notice as to the holding of the inquiry at Nyeri on October 9th and at Nanyuki on October 10th was circularised locally on September 26th and Colonel Abbay, who attended the Nyeri meeting, must have been aware of this when he wrote his letter on October 6th. At both of these meetings the Acting Commissioner for Local Government, Lands & Settlement received a warm welcome.

16. I am satisfied that the Government officers concerned have done their best to deal with Colonel Abbay reasonably and fairly. These charges of improper conduct are without foundation and are characterised by a divergence from the truth shown on previous occasions by this extremely ill-balanced and contumacious gentleman.

I have the honour to be,

Sir,

Your most obedient,
humble servant,

Ashbrook

GOVERNOR'S DEPUTY.

From Colonel B.N.Abbay, C.B.

Nyeri,

Kenya Colony.

NARRO MORU,

K E N Y A.

5th October, 1936.

To The Secretary of State,

Sir,

I have the honour to request that the treatment I have received from officials of the Land Department, Nairobi, be brought to the notice of the Secretary of State for the Colonies.

Six and a half years ago I was promised a farm at the end of six months and advised to buy cattle and implements forthwith by the Land Department.

During the six months I was repeatedly informed by Mr. Mortimer that all was going on alright.

At the end of the six months I was told I could not have the farm. It is now known that for the last three months it was known in the Land Department that I was not to have the farm. I leave it to the Secretary of State to put a name to Mr. Mortimer's statements, which were singularly cruel, as he knew I was buying cattle, etc on the advice of his Department.

I have petitioned H.E. the Governor or Acting Governor three times, and each time the decision was given in my favour, but was nullified immediately by the Land Department.

At that time it was impossible to lease a farm and I hired grazing, and sixty-eight cows died from arsenic poisoning. After an enquiry of five months the Police informed me that a Forest Official had issued arsenic to natives and the latter had put it down on my grazing. The same official was responsible for sheep poisoning in North Kenya. I received no compensation, and an enquiry was refused.

The Veterinary Officer, Nanyuki, held a post mortum of the cows and sent, at my request, sealed specimens to Nairobi for official analysis.

The report stated that the cows had not died of arsenic.

As I wished to send specimens to Bombay and Durban, another analysis was made of the specimens.

The first report was quashed and a report issued saying the cows were poisoned with arsenic.

This is another instance of the difficulty of getting fair play from the officials. For the Settler justice does not exist.

I then hired the grazing on part of Government Farm L.O.4428/11, and as there was East Coast Fever on that farm I asked for permission to build a dip (cost £56). Mr. Mortimer refused me permission. I understand this refusal is now denied. I would point out that I who have spent £200 on putting in a water supply am not likely to be fool enough to not put in a dip, when I was certain to suffer heavy loss in cattle if I did not do so.

I submit that my record for veracity is far better than that of Mr. Mortimer.

As a result of this refusal, 21 cows died, and I was put in quarantine.

The remainder of the grazing on the farm was leased to a rich man, who was allowed to build a racecourse complete, Tote offices, Bar, Stands, Stables etc.

But the poor man was refused permission to build a Dip.

I have thus lost 89 cows, for which the Government are morally responsible.

I also hired 1,200 acres of forest grazing, adjoining this farm, and was given permission to put in a water supply costing £200, and was told that if anyone else wanted the grazing it would be auctioned.

In April, 1955, I applied through the District Commissioner, Nyeri, for this farm to be put up for sale.

Now though a farm can be put up after three months, and more than one auction is often held close together, and the extreme hardship and heavy loss incurred in aid by keeping a farmer off the land must be known, this farm was not put up until March, 28th, 1956. I submit that that delay was deliberate victimisation.

In March, 1956, I had another outbreak of East Coast Fever and lost 5 Heifers, and I reported it at the Office of the Veterinary Officer, Nanyuki. He omitted to report this to the Land Department, although it was obvious the auction ought not to be held, and he has apologised for his mistake. However, at the auction I informed Mr. Mortimer, who, there being a precedent

of somewhat similar kind, should have postponed the sale until I could move without great loss and expense.

It is difficult for people in England to realise the iniquity of putting a farmer in such a position as I was put by Mr. Mortimer when the farm was sold.

In April, I went to the Land Department, and asked Mr. Mortimer what I was to do. He said, that the Auction was cancelled and that the farm was mine. I went back to the farm and cut posts to fence it. Three weeks later Mr. Mortimer wrote that I was to leave the farm at once, nut offered me any farm I wanted, or words to that effect. I went and saw Mr. Mortimer, and it was clear the land offer was a paper bluff. I wanted a 1,500-acre cow farm, I was offered a 5,000-acre sheep farm. I am crocked by exploration at high altitudes. I was offered two fog-bound farms at over 8,000 feet.

I had already paid six months rent in advance for the grazing on Farm L.O. 4428/11, as usual through my bank, and it is incredible that it was not known in the Land Department.

Yet although I could not move to another farm, I was ordered off the farm I had already paid rent for.

The obvious and simple solution wasto move me onto my 1,200 acres of forest grazing, which was in quarantine, but the Land Department had lost their heads completely, and started bullying me. I was told I would be prosecuted for stealing the posts I had cut when Mr. Mortimer told me the farm was mine. The forest grazing was taken away from me - I am told (but do not know) at

the instigation of the Land Department. This action is a conglomeration of revenge, victimisation and injustice.

An attempt was made to move me onto L.O. 4428/10, a farm infected with East Coast Fever by Captain Anstey's squatter cattle and with no dip. All my cattle would have died off. I refused to be bullied, and became a passive resister, and refused to go there.

As the Government were obviously afraid to put anything on paper, they were reduced to sending Mr. Lambert, the District Commissioner, Nyeri, to see me. Attempts at bullying ceased, I was put back onto the 1,200 acres forest grazing for four months, and the Land Department were to provide safe dipping facilities, that they have failed to do so far. They have again broken faith and after further loss I had to do it.

Finally I agreed to accept the rent for the grazing back from Government, although I am risking the starvation of my cattle, I had put up a mile of fencing but was forbidden to fence; when in consequence cattle strayed I was provoked.

I submit that the whole case shows inefficiency, muddling and victimisation, and I request that the 1,200 acres of forest grazing may be put up to auction, as is the custom if more than one farmer wants it.

When it was taken from me, it was given to an auctioneer who does not own one cow, and is not a good character.

Recently a sane body - the Nanyuki farmers - passed a vote of censure on the Commissioner of Lands, because of his obstructive and anti-farmer attitude.

I would add that this district has been trying to get Local Self-Government for some time. In January, a Public Meeting was called for February, but posponed because the Director had a bad leg. Eight months have elapsed, no Deputy has attended, nor has the Acting Director done anything.

The public have been told nothing and know nothing, they have as usual, been treated with that contempt which the Land and Local Government Departments reserves for White Settlers.

I would add for the purpose of showing the mentality of officials as regards Settlers, that a Senior Official is buying butter that has paid no cess from an Official's sister, and I would suggest with due respect that the Government get in touch with the Vigilance Committee which can, if it will, throw light on what happens in the Land Department, and why retired officers and poor men cannot get Government land.

I have the honour to be,

Sir,

Your obedient servant,

B. N. Allan

Naval Retired

D.L.a.

Ngaruawahia Railway Sta
Kiriwa.
24/10/36.

Sir

With reference to my petition previously forwarded I take the honour to state that I have been informed by an official that the Forest Department deferred the granting of the lease at the request of the Commissioner of Lands. My holdings are now delineated in their small farms are a distance of one hundred and forty five miles, making their inspection impossible. It is obvious that from the moment I applied for land 6½ years ago, no effort has been made by the same Department to win me financially.

I suggest that the reason can be found if the Victoria Committee will quote the cases that I have been told by a member of that Committee came before them.

I have the honour to be,
Sir,
Your obedient Servant,
A. N. Abbey.

Sir

With reference to my letter of yesterday
that I have received a letter from Mr
[illegible] in which he says that
[illegible] the conversation
of Friday, by which Mr [illegible]
in the chair, [illegible]
the Commissioner had little more [illegible]
[illegible]
[illegible] that [illegible]
[illegible] and [illegible] to which
has been placed by the Land Department
to vain me financially.

I suggest that the matter be [illegible]
if the Legislative Committee will [illegible]
cases that have been left by [illegible]
of that Committee come before them.

I have the honour to be
Sir
Your obedient Servant
A. J. Ellis