



EAST AFR. PROT

20647

Rec'd 6 APR 14

for
Belfield 100s

1914

11 May

Last previous Paper.

Govt 40282

board, not in Jubaland

to C.P.M.

In Special Commission
was without a view of
Juba have set aside
the District of Juba
and four parts

~~such~~ ~~as~~ ~~any~~ ~~other~~ ~~district~~ ~~as~~ ~~any~~ ~~other~~ ~~district~~

For the time being we do nothing
see Govt 40282 - carrying on

people who were to be supplied
for not occupation by the
order of 1903 the same was to be
resigned to be compensated
by the Government

They first had contemplated to make the
present case would have come under this
provision if Mr Gabriel had applied
desire to do so - at some date not
specified - but was asked not to. He would
have got an acre (not stated) on an occupation
license qualifying for ultimate lease
for 99 years at a rent of 12c per acre
without revision.

The S.O.P. is asked to agree to there a
lease of 15,000 acres on this basis, but
without occupation license, ^{and} ~~and~~

Next subsequent Paper.

Govt 40282

instead of

- (a) section of provision or entry with an effect given following the occupation by force; if so, what are the consequences? (b) occupation license [of this has been standardised as regards the area or area covered but has not definitely come up for the rules pending coming of the Order] - leading to the following revision of the rules.

Below

is a revised version of
the occupation license
as it appears at present
and the revision and
changes which
have been made
in the draft of 15.2.23 pp. 48
which are allotted without
any reference to the
area covered by the
order which
is to follow
in those areas other
than in the locality
of the order?

As regards (a), the main reason for
abolition of the occupation licenses
is that they prevent people
from raising working capital or money
that they are circumvented by
borrowing. I am inclined to agree
that in view of the large number
which had to be issued at one
time it is an obstacle to the

new title title system for the rules
stand now occupation license are no longer
obligatory [same rules para 2]. We are
expecting - any day - publication of the
rule of highland farms like held
in August & unless the Govt. then
recommends the abrogation of the
occupation license condition I think
it must prevail but I think that
it may be applied in this case?

So up for (b) revision of the rules
as it stands at present. It follows
on the new version.

Again we carry them
as they stand at the moment
by local districts, & do not
fix any time for issue of new
since very elaborate

and as the feature is likely to be seen
as the effect of the leases alone &
not to the development of neighbouring
areas to the occupied areas, although
the Govt. is obliged to an adaptation

3482/1, 3502/1, which it might
be adopted?

Papers about Mr. Herbert's previous
lectures will be found below. (In
3507/1/10 "p.p.")

? Above proposal, subject to
opinion of the Law side committee as it
relates to the word of law offering to have

I think that we shall insist on
revision of rent.
With regard to (A) of Mr. Attorney's
memorandum I take it as only reasonable
to allow 5 months with you & for
the rest of the time settled on the
min will be dependent on land
transfer. We for the contemplated
considerable expense etc. - the market
of land known as with the N. F. Bank
of the will no doubt increase the
value of land along the river. I
think therefore that the fair market
value of the property should be
reasonably close to the expressed value

of the property.
It is conceivable also that the property
may some day build a home which
will be of good value to other uses
the min otherwise. I agree.

H. J. R.

107 A. T. P. 4

P.M. 12.6.14

107 A. T. P. 4

6.12.6.14.

Yes, want one revision

J. H. R.

20647
2004
S.E.A. PROTECTORATE.

GOVERNMENT HOUSE,
NAIROBI,

405

BRITISH EAST AFRICA

No. 464.



Day FIFTH, 1911.

I have the honour to inform you that I
have recently had under my consideration an
application by Mr. G. Nesmith for
of land in the said district for
G. Nesmith.

Follows. -
to this Protectorate.
possibilities in the
Province. The same
river steamers and kept on them
and purchased a small ocean-going steamer
concerned. In view of the expenditure
thus incurred he also
filled up an expedition to Abyssinia with a
view of ascertaining the possibilities of the
Juba river as a trade route, erected substantial
buildings

RIGHT HONOURABLE

LEWIS HARCOURT, P.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET,

LONDON, S.W.

- 2 -

buildings in Kisimayu and Coblenz and established stores on the river. These enterprises, including the government's considerable staff, have turned him in a total
re of some £55,000.

Nash and Gabriel are both men
the East African

Association Limited.

had £20,000 to £30,000 invested in
land or land held by leasehold
other works include a factory
with subsidiary oil refinery
located at a cost of £100,000,
two sets of oil engines
and a small oil pumping station
the equipment of which has
material value to £100,000.
opening up of the
development of the land has
been to a great extent due to their
enterprise. From the commencement of their
operations the Government has been largely
dependent on the river for its transport
to Mombasa and at the same time
conveyance of supplies to the interior. The
land is being entirely cultivated by them.

It is also I think clear from the facts
enumerated above that these gentlemen are

prepared

prepared to risk large sums of money in the prosecution of undertakings which appear to them to offer a prospect of success.

On several occasions in the past Mr Gabriel, on behalf of his friends, has intimated to the Government their desire to take up land under the usual conditions, as from their experience in the country they had become convinced that the riverine areas of the Juba River possess various possibilities, particularly

and cultivable, and of great value, and I have always endeavored to put my friends in touch with Herr Conder, and other reliable persons, who could give them information concerning the best method of proceeding. Sir Percy Girouard's opinion, with which I concur, is that Jubaland is essentially a country for the man of means, and was anxious of avoiding as long as possible the alienation of land in small holdings which might be taken up either as a speculative proposition or by persons who had not the capital necessary for proper development. It is true that a certain number of farms were at one time allocated, but before his tenure of office expired Sir Percy gave orders that no further alienation of land in Jubaland was to be

considered for the present. At the same time, however, he admitted Mr. Gabriel's claim for consideration and during his tour in Jubaland even discussed with his representative the identity of the land he should take up.

Sir - 3. The position is therefore that Mr. Gabriel pressed his claims in the hope that he could possibly have obtained the land in the terms offered him by the Agent at Foulahabab, in view of the fact that at the time of his visit to the office of the Agent

No 54 in Africa
of your M. Sov. 1948
ease with the Agent at the time of his visit to the office of the Agent

at the time of his visit to the office of the Agent

Office of the Agent

of your M. Sov. 1948

* 1941, published on page

of 1941, the power to do so in the

case of "He doesn't qualify

for "Bunny" to be allowed to do so

as he has refused to do so

because he was refused by the Agent

a member of a responsible body

unless they would co-operate with the Government

reated as a special case, he will

be heavily penalized for their unwillingness to

co-operate with the Government.

7. At the present time Mr. Gabriel, Mr. Nesbitt,

and their four friends desire to take up a block

of six farms, the total area of which will not

exceed 15,000 acres, which they wish to develop

themselves.

* No 54 in Africa

themselves. They point out that the only economical and sound method of financing the railroad is centralized, where the capital is concentrated, and the expenditure is limited to the works.

The proposal is to have the railroad organized under the name of "Central Pacific Railroad and Cotton Empire," and to be controlled by a central committee.

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I therefore ask your authority to alienate to him, without auction, an area adjoining the Juba River, and situated approximately as shown on the enclosed map, not exceeding 15,000 acres, on the terms on which he would have obtained it had it been granted to him at the time when he desired to apply for it. It is true that under the Notice already quoted a ~~burgher~~ ~~burgher~~ or ~~burgher~~ occupation licence should be granted him, but circumstances, the in view of the above considerations, render it necessary to credit all the application and of which guarantees for future settlement and payment in full the application of such a precautionary measure is in this case quite unnecessary and consistent with the only equitable action to be taken.

I have the honour to be,

Yours humble, obedient servant,

Lance Britton
GOVERNOR

* Not approved

I therefore ask your authority to alienate to him, without auction, an area adjoining the Juba River, and situated approximately as shown on the enclosed map, not exceeding 15,000 acres, on the terms on which he would have obtained it had it been granted to him at the time when he desired to apply for it. It is true that under the Notice already quoted, a written application for occupation licence should be forwarded to the Gold Commissioner, but in view of the circumstances already existing to the credit of the applicant and of their guarantee for future development, I sympathise with you in the opinion that such a retrospective measure is in this case quite unnecessary and I consider that the only equitable action would be to appropriate 15,000 acres of land.

I have the honour to be,

Very Sir,

Your humble, obedient servant,

H. L. Hawker, B.A.,
GOVERNOR.

* Not reproduced

C.O.
20547

Rec'd
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xistin, at the time I saw on
the day after C.I. was taken

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and the day before he was taken

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20647

Govt. 20047/1914

2005

413



No 581)

19 June 1914

Sir

DRAFT

Draft

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Dear Sirs
I have the honor to inform you
that I have

11 guard

99 years old man

cuts per acre now able also

the 33rd and 66th years.

2. In view of the retention

No 20647