

DESPATCH

EAST AFR PROT.  
No. 35047

C. O.  
35047  
3 OCT 07



1907  
20 Aug  
previous Paper  
subsequent Paper  
1/1315

(Subject.)

Mr Power Esq

Application for Land

Encloses sheet for 35,000 acres on slopes of ...  
attached plan in accordance with ...  
... it is intended to ...  
... for a ...  
... for ...

(Message)

Mr. Beach

Letters 41315

There are several exceptional features about this offer.  
1. The extent 35,000 acres. ...  
... we have ...  
... we have ...  
... 10,000 acres in the ...  
... Mr. Power's ...  
... who was granted ...  
... 25,000 acres a lease for 99 years ...  
... of his ...  
... 5,000 sheep ...  
... has not yet fulfilled ...  
This option is fully met

by the fact that a number of people  
was interested in the best funds  
which it is proposed to use, & the  
proposal of Mr. Cobb to maintain  
a number of white men feudal  
employees & afterwards as  
tenants on the land.

2) The next to be considered  
is that ordinarily applicable to  
feudal land. But Mr. Cobb  
speaks of Agricultural land  
questions on the land & the  
rate for agricultural land is  
usually double the feudal  
rate.

(3) The term of the lease 99 years  
(at the original rate). We have  
noticed under the description  
of a feudal lease at the original  
rate to 21 years. The lease  
being only granted at a nominal  
interest rate. say 6 times the  
original rate. The Gov. has  
now pointed out that this appli-  
cation was made before the new  
rule as to feudal leases was  
made.

(4). The amount of freehold to be granted  
4000 acres. 257  
not given in the Highlands are  
then 1000 acres in freehold in  
any case - even the Darling was  
not given it was

On the whole I am inclined to  
grant the application on the  
generally on the terms asked  
by Mr. Cobb. because I think that  
is a genuine application & not  
a speculation as - 4000 (4)  
there is the better you know for  
further consumption & because it  
is an indubitable fact present in  
refutable, facts

I shall have charge agricultural  
rent for land & the  
agricultural price for land sold  
if as appears the land is fit  
for agriculture. I shall land  
to be sold 4000 on

5,000

4000 is what  
he proposed to think, and I  
do not suggest any restriction  
at all

35047



C O  
35047

Governor's Office,

Nairobi,

August 29th 1907.

AFRICA PROTECTORATE.

No. 370

(Incl. 1/6.)

My Lord,

I have the honour to transmit herewith a letter from the Commissioner of Lands enclosing an application on the part of a Mr. Powys Cobb for an area of 35,000 acres on the slopes of the Mau. A plan of the land is attached.

2. I have seen Mr. Powys Cobb both here and in England and have been favourably impressed with him. In recommending his application for Your Lordship's favourable consideration, I venture to lay particular stress on the facts that it is intended to invest trust funds and that the area applied for is peculiarly well suited for European colonization.

Commissioner of  
Lands  
No. 370  
Mr. Powys Cobb  
6th

The Principal Secretary of State  
for the Colonies,  
Downing Street,  
London, S.W.

26940-4122-N-2  
Not reproduced

colonization.

I have the honor to be

With the highest respect,

My Lord,

Your Lordship's most obedient,

Wm. Pitt

*Wm. Pitt*

No. 331/SI.

C 7  
3504  
OCT 07

OFFICE OF THE COMMISSIONER OF LANDS,

NAIROBI,

18th ALBERT, 1909.

Your Excellency,

I have the honour to report the case of Mr. S. Poyne Cobb's application, and to request that it may be forwarded for the orders of the Secretary of State.

Mr. Cobb is a Welsh gentleman of means and position, who with his brother, Mr. S. Wheatley Cobb, is anxious to invest certain trust funds in a large estate in the highlands in this country. The persons interested in the trust funds consist of some 8 or 9 relations, and it is the wish of the applicants to associate with them Mr. Emery (who has a 5000 acre farm near Kola), Mr. Emery-Lavin, and Mr. Will Williams, who are all prepared to put money into the scheme.

He says that the persons interested in the application are not only the two Messrs. Cobb, but a number of individuals.

Mr. Cobb while in this country travelled over a considerable area, and eventually hit upon the land shown on the accompanying plan which is copied from one he made himself after a rough survey. The area has not formed the subject of any previous application. It consists of extensive grassy slopes on the summit and slopes of the Mau range, surrounded entirely by forests. I re-

quested

HIS EXCELLENCY  
THE GOVERNOR

NAIROBI

NAIROBI

(No. 221/SI.)

C. O.  
3504  
OCT 07

DEPARTMENT OF THE COMMISSIONER OF LANDS,

NAIROBI,

1914, AUGUST, 1907.

Your Excellency,

I have the honour to report the case of Mr. S. Poynt Cobb's application, and to request that it may be forwarded for the orders of the Secretary of State.

2. Mr. Cobb is a Welsh gentleman of means and position, who with his brother, Mr. S. Wheatley Cobb, is anxious to invest certain trust funds in a large estate in the highlands in this country. The persons interested in the trust funds consist of some 2 or 3 relations, and it is the wish of the applicants to associate with them Mr. Henry (who has a 5000 acre farm near Cold), Mr. Henry Lavin, and Mr. Will Williams, who are all prepared to put money into the scheme.

It may be seen that the persons interested in the application are not only the two Messrs. Cobb, but a number of individuals.

3. Mr. Cobb while in this country travelled over a considerable area, and eventually hit upon the land shown on the accompanying plan which is copied from one he made himself after a rough survey. The area has not formed the subject of any previous application. It consists of extensive grassy glades on the summit and slopes of the Mau range, surrounded entirely by forests. I re-

quested

HIS EXCELLENCY

THE GOVERNOR

EAST AFRICA PROTECTORATE

NAIROBI.

requested Mr. Battiscombe, Acting Conservator of Forests, to inspect the area, and enclose a copy of his report dated 19th. July.

The Provincial Commissioner was asked whether he considered that the land should be reserved for any special purpose. A copy of his report is also attached.

4. To understand Mr. Cobb's scheme it will be necessary to read his letter of the 8th. June a copy of which is sent herewith. He wishes in effect to be allowed to take up some 55,000 acres of grazing land on a 99 years lease with option to freehold 1000 acres for every 5000 acres received; and he agrees to spend at least £1000 for every unit of 5000 acres, and to bring out from home for the working of the estate a good class of men, who would at first work on a salary, and afterwards, if found satisfactory, be given the option to take up farms on the estate as tenants on favourable conditions.

5. Mr. Battiscombe's report shows that there is a large area of good grazing land surrounded by forest, a narrow belt of trees cutting through it from North to South. He is of opinion that the woodland may with advantage be leased, provided that the swamps which feed the rivers are excluded, and the bush which grows on the forest is reserved.

Some valuable supply of the larger open tracts. As to the smaller glades, he thinks they should be kept by the Forest Department, being let for short terms by that

Department



Page 3.

Department if convenient.

6. The Provincial Commissioner, Mr Bagge, considers that the land is not needed for Native tribes, and supports Mr. Cobb's application.

I am told that the area was once occupied by the Masai, and that some 30 years ago the Masai and other tribes drove them out, since when the land has not been occupied. It would be detrimental to forest conservancy to allow natives to now enter on this area, while on the other hand if occupied by a white settlement it will be easier to ensure the preservation of the surrounding forest.

7. After a careful consideration of the whole question I am of opinion that Mr. Cobb's application should be supported. He is of the best type of British country gentleman, and I feel sure that his experience and enterprise could be of much benefit to East Africa.

The application having been made prior to the date when the announcement was published regarding 21 years leases, it should be treated on the terms heretofore ruling for grazing leases, i.e. at a rental of half anna per acre for 21 years. I have reason to believe that Mr. Cobb would not be prepared to invest the trust funds if the lease was for a shorter term.

The exact amount of the total area to be granted may be left indefinite until the tract has been surveyed; the maximum may be fixed at 55,000 acres. I recommend that within this maximum all the open land which can be given without injury to the forest should be granted. As proposed by Mr. Battiscombe (according to Mr. Cobb's

own

Page 4.

own suggestion) the swamps that feed the rivers, and the bush near the forest must be reserved. It will probably be found on closer inspection that most of the belt which cuts through the downs on the escarpment is hardly worth keeping; in many parts it is said to be very narrow. As to this I suggest that only those parts be kept which can be easily conserved. This strip and isolated patches may be made over to the lessees.

The smaller Glades within the forest proper should remain under the control of the Forest Department, but the lessees should have the right to cut roads to their property through the forest, on the alignment being approved by the Chief Conservator.

8. I support Mr. Cobb's request that the lessees be allowed to acquire 1000 acres of freehold out of every 5000 acres granted, provided that the freehold be not given until development has taken place. It is usual to allow each grantee 1000 acres of freehold; in this case we may give more because several persons are interested in the undertaking.

I would require the lessees to spend at least £1000 on development on every 5000 acres within 5 years from the date of the grant, freehold being granted as suggested above only after the required development has taken place.

I have the honour to be,

Your Excellency's

most obedient, humble servant,

*J. H. Murray*

COMMISSIONER OF LANDS.

6

INDEBTEDNESS RECEIPT  
No. 261 of 1907

Copy of the letter of Mr. J. P. Cobb dated 24th March 1907 to  
Mr. J. P. Cobb, Commissioner of Lands.

C O  
39047

3 OCT 07  
June 8, 1907

In continuation of the conversation upon the points raised by the  
Secretary of the Administration in his letter of the 22nd ult. which  
took place at the interview which you accorded to me on the 20th ult.  
and in compliance with your request that I should state my land ad-  
vance proposals in as definite form as I was able to do in my  
letter of March 16th ult., I now beg to do so.

On behalf of my brother, Geraldley Cobb, and myself, acting as  
Trustees of our late Father's Estate, we make application for the  
grant of that area of Government Land in the Province of Waiverua,  
shown upon the accompanying sketch, and as being open grass land  
completely surrounded by hill trees or forest, less such portions  
thereof as may, on a detailed survey being made, prove to be un-  
suitable for agricultural operations by reason of their being  
swamps, or bush-covered, or for any other cause. In the usual pro-  
portions of freehold and leasehold, namely 1 acre of freehold  
to every 4 acres of leasehold, at the current Government rates now  
in force.

The position of the boundary for which I apply, may be lo-  
cated on the existing survey maps by the bearings of the lines,  
shown on the accompanying sketch, and the station Pili, near  
Meretta Station and the same, and the bearings of the lines which  
are respectively 238 and 241.

I estimate the area of the property for which I apply, to be  
approximately 45,000 acres, of which 5000 to 10000 acres are swamps  
or bush covered and, since there are unlikely to be of an agricul-  
tural

agricultural value, they are excluded from this application. Hence the area applied for may approximate 50,000 acres. Of the total area bounded by our line of forest about 7000 acres lie in the large and two small terraces on the Eastern face of the Mau escarpment, about 3000 acres lie in the upper portion of the valley of the Nakuru (of course) river, and the remainder lies upon the summit of the Mau with a general S.W. slope.

I have ascertained by enquiry in your office that no part of this area had been previously applied for.

In my letter of March 18th. last to His Excellency the Governor, a copy of which I attach, I explained at some length the reasons which caused us to consider this Protectorate as a possible country in which to make investments. The results of my observations since I have been in the country are that I adhere to my previous views in the main, & stirred by a deep sense of disappointment that the country is in an even earlier phase of the experimental stage than I had anticipated. It does not appear that evidence exists that one single industry will flourish. The possibility of successful farming for example is a matter on which no definite opinion can be expressed even by those who have studied the matter most closely, for there is not sufficient evidence to prove that one single crop or animal nor one single animal crop can be grown with commercial success, whereas the other way there is abundant evidence that devastating diseases and parasites are only too prevalent.

In opposition

agricultural value, they are excluded from this application. Hence the area applied for may approximate 25,000 acres. Of the total area bounded by our circle of forest about 7000 acres lie upon the large and two small terraces on the Eastern face of the Mau Department, about 3000 acres lie in the upper portion of the valley of the Nakuru (or Nakuru) river, and the remainder lies upon the summit of the Mau with a general S.W. slope.

I have ascertained by enquiry in your office that no part of this area has been previously applied for.

In my letter of March 16th. last to His Excellency the Governor, a copy of which I attach, I explained at some length the reasons which caused us to consider this Protectorate as a possible country in which to make investments. The results of my observations since I have been in the country are that I adhere to my previous views in the main, qualified by a deep sense of disappointment that the country is in an even earlier phase of the experimental stage than I had anticipated. It does not appear that evidence exists that one single industry will flourish. The possibility of successful farming for example is a matter on which no definite opinion can be expressed even by those who have studied the matter most closely, for there is no evidence that we have to prove that one single crop or animal nor one single kind of crop can be grown with commercial success, and as regards the other, and there is abundant evidence that devastating diseases and other evils which are only too prevalent.

In opposition

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Page-3.

In opposition to what is I think the weight of public opinion in the Protectorate, hold the opinion that the tendency of the experiments made for points to ultimate success, and therefore that the genuine investor who is prepared to lock up his money for many years and to be content eventually with a modest return upon his capital, may finance the development of an estate, provided it is of sufficient area to carry a capital which will permit of heavy equipment and the trying of many experiments. On the other hand I am profoundly impressed with the belief that the development of the Highlands presents so many doubt and difficulties that settlement by small men aided by strong financial support would result in ruin in a majority of cases and in stagnation in most of the remainder.

Our last scheme proposals are designed to meet these difficulties, and to avoid the dangers which caused the complete failure of a recent Upland land settlement scheme.

The class of man whom we propose to bring out was dealt with fully in my letter of March 1944, and so I will not again refer to that point.

These men would be our employees during their first three years on the estate. During this period they would assist in the work of developing the property, which will mainly consist of re-planting, erecting houses, building and fences, and conducting experiments in raising various kinds of stock and crops. During this period it will be open to them to avail themselves of any opportunity which the development of the estate may offer for the employment of any capital they may possess.

For

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Page 4.

For example they would be permitted to graze stock free upon the land.

Upon the expiration of the first three years, it is hoped that the estate will be sufficiently developed to admit of its being divided up into a number of tenant holdings. Our idea being to establish an estate upon the lines followed in England. Hence we propose that our tenants should hold their farms in accordance with the law existing in England. Up to the end of 1906 (which includes compensation to the tenants for unexhausted improvements), with the important variation, namely that we propose to substitute for a fixed annual rent a percentage on annual net profits, our object being to establish a more complete community of interest between landlord and tenant. Those men who had been our employees for the last three years would have the offer of becoming our tenants and those who accepted would take precedence of all others.

The particular area of land to which this application refers is, as submit, especially suitable for our proposed scheme:-

1. The isolation of its position will give our experiments a fair chance of freedom from interruption caused by infection being brought in from neighbouring farms.
2. The distance from any strong native population will give some security from cattle stealing.
3. The high altitude, 12,000', should ensure a climate favourable to English families.

4. The cost of opening lines of communication render the area unattractive to small farmers. These lines will consist of two roads, one from Hiamawitza Station to the S.E. corner of the property and the other from Hiamawitza Station to the N.E. corner. These roads will have to ascend 4,000' and 2,000' respectively through country which presents many difficulties such as steep gradients, dense forest and scrub and several bad torrent gorges.

5. The lie of the land and the distribution of swamps and scrub bush render it difficult to divide the area into 5,000 acre farms without allotting to some holdings an overwhelming amount of land which would be valueless until drained and cleared; consequently such holdings would remain unoccupied because it will be many years before extensive reclamation work becomes commercially possible to the small farmers.

The general features of the scheme which I desire to bring particularly to your notice are:-

1. That it contains two factors which are essential for the development of the country, namely capital and a white population, for I adhere to the pledge given in my letter of March 16th. that we will invest £20,000 in an estate of 50,000 acres and energetically develop it, and active development on the lines I have described, entails the settlement of a white population at least as numerous as would be provided by dividing up the area into 5000 acre blocks.
2. That since the success of the investment is dependent upon the success of the tenantry, it is plain that we should be at great pains to select a good type of man and treat them with consideration.



Page.6.

3. That by employing the men for three years upon the Estate we take the best means of insuring that, when the Estate is ready for the tenants, the tenants will possess sufficient knowledge of local conditions to get the best out of the land.
4. That the greatest degree of ~~the~~ fixity of tenure, short of the objectionable system of dual ownership, is guaranteed to the tenant by a system which causes the landlord to depend for his profits upon the abilities of the tenant. Hence the landlord would be very loath to disturb a good tenant and raise his claims for unexhausted improvements. Experience in England fully proves the important part played by this factor.
5. That the interest of the Protectorate would be served by the small farmer having the financial support of a landlord behind him. I think the fortunes of agriculture in England have repeatedly owed much to this very support.
6. That the possession of the Estate will be strengthened, and additional openings afforded to the men we bring out by the various other enterprises in which we mean to embark. I am already in possession of a large purchase of a black sett of cows, and have a forest area where I propose to erect saw mills, and I feel confident that we shall develop in other directions if the progress of the country does not prove too disappointingly slow.

f. That the grant asked for is not for a single individual but for the Trustees of an Estate whose beneficiaries number eleven persons. Moreover this application covers that of Mr. M. Gray for himself and for Mrs. Drury-Lavin whose power of attorney he holds, and that of Mr. H. Williams who is the first of the men who has come out under the settlement scheme, and who in addition invests capital in the Estate and thereby requires a direct proprietary interest in it. Hence the area applied for by each individual is small.

g. That the area now applied for has not been recognized as one open to settlers, and therefore the granting of this application would not reduce the quantity of land which was known by the Government to be at its disposal by one acre.

h. That as Trustees we are free of the taint of speculation and can claim to be genuine investors, who, being in no frantic haste to snatch a profit, can afford to carry out experiments, which must be of value to the country, with a view to discovering the kind of farming which will give eventually the best results.

i. In making this application I withdraw that which Mr. M. Drury made for an area in Sotik in March last, and which registered in your office as 20,000 acres.

In respect of the Sotik application I have deposited Rs. 2000. I shall be obliged if this sum may now be set against the deposit which should accompany this present application.

Page 8.

application and that the balance may be paid to the credit of Mr. Drury's account at the National Bank of India, Nairobi.

I am down here enquiring into the prospects of the coast plantations; my object being to ascertain if what is claimed as the greater wealth of the tropical region cannot be utilised to further strengthen the financial position of an estate in the white man's country, the Highlands.

I propose returning to Nairobi on Tuesday and shall then hope to have the pleasure of further discussing our scheme with you.

My address next week will be the Norfolk Hotel Nairobi.

P.S.

In accordance with your instructions I have made enquiries in the Survey Office & find that the land which is the subject of this application has not been previously applied for.

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38/107

Gov  
55047

E.A.P.

272

DRAFT

to P. C. G. G.

[ Nythfa  
Brecon ]

MINUTE.

Mr. Uthic 12/12

Mr. Reed 12

Mr. Just.

X Mr. Antrobus. 4<sup>o</sup> f. o

Mr. Cox.

Mr. Lucas.

Sir F. Haywood.

Mr. Churchill.

The Earl of Elgin.

20/12

16<sup>th</sup> December 17

Sir  
I am directed by  
the Earl of Elgin  
to inform you that  
he has had under  
his cover your  
letter of the 8<sup>th</sup> June  
addressed to the  
Comrs of Lands in  
the E. A. P. on the  
subject of your application  
- for a lease &  
grant of lands in the  
Mass Encampment.

2 Lord Elgin is

626 15

\* 11/2 in 10, 29

268

is willing to ~~cede~~  
~~financially disposed towards~~  
to you ~~application~~  
your release & he has  
accordingly ~~advised~~  
that he ~~appears~~

the Gov. ~~has~~  
of his ~~having~~  
an agreement ~~drafted~~  
granting you ~~a lease~~  
of ~~the~~ ~~land~~ ~~of~~ ~~about~~  
35,000 acres of  
land, at the usual

rate, on your agreeing  
to pay at least  
\$1000 on each 5000  
acres within 5 years,  
thereby allowing you

to acquire 1000 acres  
at the usual price  
of \$1000  
is the required amount  
has been set on every  
block of 5000 acres

3 You would also be  
required to maintain  
at least

35047

35047

DRAFT

E. A. P. No. 67

For Mr. Patten  
By J. P. Patten

MINUTE.

Mr. Wells 12/12

Mr. Reed 12

Mr. Just

X Mr. Andrews

Mr. Cox

X Mr. Ladd

Mr. F. Hammond

Mr. Churchill

The Secretary

P.O. to Mr. Patten

2 P/6

40. 62. 15

x. no 429 no 500 278

Dear Sir

Sir  
I have the honor  
to acknowledge the receipt of  
your despatch No 376  
of the 29<sup>th</sup> inst. & to  
transmit to you for  
your info. the enclosed  
copy of a letter which  
I have caused to be  
addressed to Mr.  
E. P. Cobb from which  
you will see that  
I apprehend of your  
relating into agreement

will be for the best and  
welfare of the land on  
the Main Encampment  
on the terms which  
you desire

2. If as you are aware,

I am in general opposed  
to the grants of such large  
areas in the highland  
districts; but, in view

of the necessities of the  
land & Mr Colby's

generally boni fide  
intention & ability to  
improve, I was not

prepared to reject the  
proposals, supported as  
they are by yourself  
& by the Council of Lords

L  
23

ENCLOSURE No. 2  
-In Despatch No. 10 of August 21

### ROUGH EYE SKETCH

OF A PORTION OF

### THE MAU

APPROXIMATE SCALE  $\pm$  1 MILE  
CONTINUED ON 2nd SHEET

A recent correction of the Survey Map of this district alters the height of Shorro Mt. from 6837 to 6942. The contours between the mountain & the Escarpment & the lakes should be increased by three.

