

*Grant*

DESPATCH.

EAST AFR. PROT.

C.O.  
13505  
16 APR 08



No. 13505

No. 128  
1908  
previous Paper.

(Subject.)

*Cotton Concession on Tana R*

*lands to form Commission of Lands with means  
by Mr. Churchill resp. land applied for  
by Mr. E. Africa Corp. - Presumes that  
principles laid down in Co. resp. 570 21 Oct 07  
shd be followed.*

(Minutes.)

*Mr. Read*

*The facts in this case are  
as follows  
That Mr. Raw to whom rights  
the B. & A. Co. have succeeded, was  
granted - in our letter of  
15 Nov '06 (36,601) - a right  
to lease on certain conditions  
an area of 10,000 acres for cotton  
growing on the Tana. No  
particular area was specified.  
Subsequently Mr. Fawcett &  
his friends filed application  
for 312 sq. miles in the Tana*

*Crallie*

Subsequent Paper.

including the whole of the area from  
which the B. & A. Co. proposed to  
select their 10,000 acres.

The B. & A. Co. protested against  
the (3764/07) & they were  
told (36262) that, as their  
option to select did not specify  
a particular area it could only  
be exercised over land for which  
no applications had been received  
at the time when the option was  
exercised.

Since this letter was written, however,  
Mr. Fawcus's scheme has become  
more & more desirable: & I agree  
with Mr. Churchill's remark, in-  
cluded in this despatch, that it is  
not desirable to allow such applica-  
tions for a few enormous areas to

block the way to bona fide applica-  
tions from other people.

I hold therefore in favor of the Govt.  
that if the B. & A. Co. are prepared  
to start operations at once, the  
Fawcus applications should not  
be allowed to stand in the way.

1884/4

including the whole of the area from  
which the B. & A. Co. proposed to  
select their 10,000 acres

The B. & A. Co. protested against  
this (3764/19) & they were  
told (36262) that, as their  
option to select did not specify  
a particular area it could only  
be exercised over land for which  
no applications had been received  
at the time when the option was  
exercised.

Since this letter was written, however,  
Mr. Fawcett's scheme has become  
more & more shadowy. I figure  
with Mr. Churchill's minute, in-  
cluded in this despatch, that it is  
not desirable to allow such applica-  
tions from so enormous areas to  
block the way to local applications  
from other people.  
I hold therefore in favor of the Govt.  
that if the B. & A. Co. are prepared  
to start operations at once, the  
Fawcett applications should not  
be allowed to stand in the way  
M.H. 29/4

Mr. Antrobus.

9 Apr.

H-2-R

24/4

L. W. W.

Mr. Fawcett's scheme is no  
doubt becoming more and  
more shadowy. But what has  
been said to him? Haven't  
we told him to believe that  
no land will be granted either  
to him or any one else pending  
the investigation of the  
irrigation question by an ex-  
pert?

M.H. 25.

Mr. Antrobus

Our letter of 2nd Augt  
on 35231 in bundle below is  
the one in point. The argument  
of that letter was that as  
the Fawcett proposals involved  
extensive drainage schemes it  
must wait for the opinion of an  
expert  
M.H. 29/4

We must take care that no  
conditions are granted in this  
area which would prevent the  
Govt. from carrying out a large

scheme of irrigation, if it should hereafter prove practicable and desirable to do so. We do not propose now to send out an expert from England, but to employ Mr. Watts, the Commandant of Works, who has had experience of irrigation in India, to visit the country and report. It seems clear, however, that any scheme to be effective will have to be on a much larger scale than anything which Mr. Fawcett could undertake, and ~~that~~ it will probably be some years before any scheme will be undertaken in these circumstances. I agree that the Fawcett's applications should not be allowed to stand in the way of granting concessions such as that for which the B.S. Corp. application applies, provided that nothing is done to prejudice the carrying out of a large scheme of irrigation eventually, and I do not propose to

write to the Gov. in the above sense, and tell him to inform Mr. Fawcett, who has just sailed for E. Africa.

W. H. P. J. 8

Col. Seely -

I am in the proposed action but I should like to discuss this case with you in connection with the question of the importation of indentured labour.

J. H. S.

J. H. S.  
9.5

I am  
I shall be glad to look this over with Mr. F. H. P. J.  
C. 23.7.



13505

Governor's Office,  
Nairobi,  
March 19th 1908.

~~EAST AFRICA CORPORATION~~

No. 128

(Incl. 2)

My Lord,

I have the honour to transmit herewith a letter which I have received from the Commissioner of Lands together with a Memorandum by Mr. Winston Churchill regarding the land applied for by the British East Africa Corporation for cotton cultivation on the Tana.

Comm. of Lands  
Nov. 28th 1907

Mr. W. Churchill  
Nov. 18th 1907

2. Mr. Churchill's memorandum was written before the receipt of Your Lordship's despatch No. 570 of the 21st October. Under the circumstances I presume I am right in following the principles laid down in the despatch until I hear to the contrary.

I have the honour to be,  
With the highest respect,  
My Lord,

Your Lordship's most obedient,  
 humble servant.

*[Handwritten signature]*

H.M. PRINCIPAL SECRETARY OF STATE

FOR THE COLONIES,  
DOWNING STREET,  
LONDON, S.W.

R.

103-15

7. 28. 1908

Governor's Office  
London  
March 19th 1900

ALBANY, N.Y.

No. 10  
(1899)

My dear Sir,

I have the honor to acknowledge the receipt of your letter of the 14th inst. in relation to the proposed purchase of the land owned by the Albany Land & Water Corporation for the purpose of the Albany Water Works. I have received from the Commission of Land & Water with a memorandum by Mr. [Name] of Albany regarding the land owned by the Albany Land & Water Corporation for the purpose of the Albany Water Works.

Albany, N.Y.  
March 19th 1900

Mr. [Name]'s memorandum was received on the 15th inst. and in reply to your letter of the 14th inst. dated the 15th inst. I am glad to inform you that the Commission of Land & Water has approved the purchase of the land owned by the Albany Land & Water Corporation for the purpose of the Albany Water Works.

I have the honor to acknowledge the receipt of your letter of the 14th inst. in relation to the proposed purchase of the land owned by the Albany Land & Water Corporation for the purpose of the Albany Water Works.

Very truly,  
Yours,  
[Name]

Very truly,  
Yours,  
[Name]

ALBANY, N.Y.

ALBANY, N.Y.  
MARCH 19th 1900

Office of the Commissioner of Lands,  
Lahore.

Your Excellency,

I have the honour to refer you to the contradictory rulings contained respectively in the papers forwarded with Despatch No. 20 of the 21st October; and the right Honourable Warden Courtnill's note of the 15th. November regarding the land applied for by the British India Rice Corporation for cotton cultivation on the same.

In ordinary course the latter ruling would be held to supersede the former, but as you could not have been aware of the date of the 21st. October, your note in this regard must refer to the case before you.

I should point out that the fact that the land is held by the British India Rice Corporation does not prevent its being used for other purposes, provided that the conditions to be observed by the British India Rice Corporation are complied with.

The land is to be held by the British India Rice Corporation purely as a result of the Government's policy in this regard.

GOVERNOR,  
PROTECTORATE,  
LAHORE.

3.

Company. It is true that the Corporation is carrying on in East Africa the work also of the British East Africa Trading Association. But the grant in question has nothing to do with that Association.

3. On the general question I would state that our rule is to earmark land applied for until a decision is come to on the application. This doubtless sometimes results in keeping out a more desirable applicant; but it is the safest plan and prevents complaints of unfair treatment. For instance in the present case Mr. Fawcus might well urge that if he is not to have all the land he has applied for, he is at least entitled to the first choice out of that area.

4. The British East Africa Corporation's case can be dealt with in one of two ways. It can either be given its right to select straight away without any regard to earmarked areas, as suggested by Mr. Churchill; or it may be informed that very early orders will be given on the various applications, and that immediately after that it will be given the first right to select such area as may not be allocated to the Fawcus Syndicate.

In my mind the latter will be fairer.

I have the honour to be,

Your Excellency's

Most obedient servant,

*J. Montagu*

Commissioner of Lands.



~~In Despatch No. 17 of 1907~~

~~Copy.~~

Nakuru,

November 15<sup>th</sup> 1907.

~~No. 24.~~

The Honourable  
Commissioner of Lands.

It may be taken for granted that the application of the Fawcus Syndicate for a total of 312 square miles on the lower region of the Tana River will not be agreed to by the Secretary of State. Mr. Fawcus has already expressed a willingness to undertake so many operations of an unlimited magnitude and inexhaustible variety that the confidence of the Secretary of State in his serious purpose has been somewhat impaired.

In any case, the mere application by single individual, acting for himself or through others, for immense areas of land cannot be allowed to delay smaller allotments to bona fide people. No rights whatever are conferred upon an individual through the fact that he has applied for land, and still less can any penalty be imposed on another person by virtue of his application.

The proposal to allot Major Leggett 10,000 acres for the purposes of the British Cotton Growing Association, which it should be remembered is not a profit seeking company, should be considered at once on its merits, and it is hoped that an early settlement may be reached, in order that the planting of the cotton crop may not be delayed.

*minutes of the meeting of the C.O.*

W.S. CHURCHILL.

16 : 11 : 07.

18505 EAP

27



*Handwritten signature/initials*

28 May 08

DRAFT

EAP (No 255)

Gen. Sadler

MINUTE.

Mr. Darnley 26 May

Mr. Ellis *26/5/08*

Mr. Jull

Mr. Anstobus

Mr. Goss

Mr. Lucas

Sir F. Hopwood

Mr. Churchill

The Earl of Elgin

Sir,

I have the honor to acknowledge the receipt of your despatch of No. 128 of the 19<sup>th</sup> of March regarding the applications of the Br. East Africa Corporation and of Mr. W.P. J. Fawcett for land grants on the Tana river.

2. In the circumstances I consider that the time has come when the application of Mr. Fawcett can no longer be allowed to stand in the way of the consideration of other applications such as that of the Br. East Africa Corporation provided that no applications should be granted which would prejudice the carrying out of a large scheme of irrigation <sup>or flood prevention</sup> & should one prove desirable at a later date.

3. I request that Mr. Fawcett, who has lately sailed for East Africa, may be informed accordingly.

*Handwritten signature*

18505-15