

EAST AFR PROT.

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28588
Recd &
10 AUG 07



N^o 28588

No. 1

(Subject.)

1907

Crown Lands Ordice.
Term of Leases of Grazing Land

per Paper

No copy notification issued re - it comes in Col. Owen. Comm
to do the Ordice with Comm of Lands that under present
conditions of 1864 term should not be enforced. Propose
to authorize Crown Adminstr. to draft provisions for new Crown Lands
Ordice based on original proposal of Comm of Lands.

(Minister.)

PRINTED FOR PARLIAMENT
Cd. 4177 JUNE 1908

Mr. Read
See on 29225

M/13/2

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3/4

per Paper

C.O
28588
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REG. 10 AUG 07

Governor's Office

Nairobi,

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July 16th 1907.



PRINTED FOR PARLIAMENT
OCT. 4/17 JUNE 1908

My Lord,

I have the honour to solicit a reference to the concluding portion of paragraph 8 of Your Lordship's despatch No. 229 of the 23rd April dealing with the proposed amendments to the Crown Lands Ordinance of East Africa.

In view of the expression of opinion given by Your Lordship in the matter of the restriction of the period of leases for pastoral purposes and looking to the fact that the subject has already been so extensively considered in Ordinance and debate and passed in the Legislative Council for submission to Your Lordship, it was considered advisable to issue the notification, a copy of which is enclosed, regarding the terms on which pastoral

Creation
Legislation
Secretary
Crown

H. Principal Secretary of State
For the Colonies,
Downing Street,
London, E.C.

No. 499

6 10-2157-15

leases which in future are wanted. These orders have been received with marked disapproval by all classes of the white community, and, as pointed out by Colonel Montgomery with considerable alarm by the great majority of the

In this connection I enclose a copy of the communication I have received from the Traders' Association, and of a delegate from the Commissioners of Lands giving cover to two letters from Mr. Newland, of the City of Newland and the Company, the most progressive firm in Nairobi, and one which has the confidence of all classes. These letters are temperately written and I think deserve consideration. I have also is a copy of a letter addressed by Captain Board to the "Star" in which he is noted as being highly defensible. I have referred to the actions of several of the Adm. Enactments regarding the question of pastoral leases, especially those of New South Wales, Victoria, Western Australia, and Tasmania, and although these undoubtedly restrict such leases in the way we have now adopted here - Tasmania indeed goes further and appears to allow only a

land of 14 years with no special right of re-lease to the
 tenants. I concur with the opinion expressed by the
 Commissioner of Lands that, under the peculiar conditions
 of the new country and particularly in view of the diffi-
 culty of stocking and the many risks to which stock
 is exposed, it would be hard to apply rigidly
 the provisions of the Act for grazing lands worked in
 the ordinary course of agriculture.

I have, however, favourably considered these views
 and I would be glad to give effect to the proposed new
 provisions if approved. I would Advocate be authorized to
 meet the provisions for the restoration of lands based on the proposals
 originally made by the Commissioner of Lands in the
 despatch of the 10th December 1921, and in the
 paragraph 2 of his present despatch of

the instant.

It is the honour to be,
with the highest respect,

My Lord,

Your Lordship's most obedient,
humble servant,

James Sullivan

Order / *no*

C.O.
28588
REC'D
10 AUG 07

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NOTICE.

In accordance with instructions received from the Secretary of State for the Colonies, it is hereby notified that the amount of

of acres of homestead farms will be ordinarily restricted to 300 acres, the whole area being allotted

(3) the term of leases of grazing land will be for 21 years subject to renewal for a further period of 21 years at the prevailing rate of rent if any development has taken place.

J. H. B. [Signature]
Commissioner of Lands.

Ch

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From Messrs. Newland, Tarlton & Co.,
to The Commissioner of Lands,
East Africa Protectorate,
Nairobi.

With reference to the notice appearing in the
last issue of the Official Gazette, under which the
period for which Grazing Areas are leased is reduced
from 99 years to 21 years, we beg to hand you herewith
a letter which we have addressed to H.E. The Governor.

For perusal and recommendation.

We shall be glad if you will have the letter
to be forwarded to the Hon. Secy. in due course, with
such comments as you may deem advisable.

We are, Sir, Yours faithfully,

For Messrs. Newland, Tarlton & Co.

W. J. TARLTON.

Nairobi.

June 21st 1907.

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Nairobi,

June 30th 1907

H. E. the Governor,
East Africa Protectorate,
Nairobi,

Your Excellency,

With reference to the notice appearing in the current number of "the Official Gazette", whereby the term of leases of Grazing Areas is reduced from 99 to 21 years, we have the honour to bring to your notice that the introduction of this measure has given rise to a wide spread feeling of uneasiness throughout the whole community in this country.

We have ascertained the feelings of a considerable section of the Nairobi populace, and also heard expressions of opinion by the settlers at Molo, Njoro, Nakuru, Naivasha, and elsewhere. In addition to this, we have discussed the matter with numerous gentlemen connected with the Government Service.

Without exception, everyone with whom we have come into touch, has expressed himself unfavourably toward the alteration which H. M. Government has seen fit to bring about, and coupled with this expression of dissatisfaction has been a desire to support Your Excellency in a policy which will, it is hoped, be directed against any measure which is detrimental to the interests of the country in general, and the farming section in particular.

The objections to the shorter term of leases are numerous, and varied, but the gist of two of these

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will we trust, satisfy Your Excellency that just cause for complaint exists. These two objections are—

(1) The courage and enterprise of the settler, who in the hope of acquiring cheap land, which, by his labor, he makes valuable, receive a severe check, for the thought of the length of the voyage, in the case of the settler, who desires to leave his children at home, and the expense seems particularly severe, by the time his new children children come of age, the land which their father had striven to make valuable, reverts to the Crown.

(2) Before this country can hope to compete on an equal footing in the stock markets of the world, pure bred stock must gradually be produced, by breeding from imported animals with the native stock, to start with, and eventually breeding up again to the pure breeds. This is of necessity a very slow process, and twenty one years is none too long a period in which to bring about the desired change.

Whether by petition to Your Excellency, deputation, or Public Meeting, we desire to identify ourselves with you and all constitutional agitators against a regulation which we feel to be ill advised. The matter is pressing, and urgent, and should we think be taken up by every European resident in East Africa, not under the auspices of any political faction, or sect, but by every right thinking man who has the good of the country at heart.

As the head of the deputation, to whom we look, not only for guidance, but protection, we respectfully beg that Your Excellency will give this matter early and careful consideration, and favour us with your advice as to the proper and constitutional manner in which to assist you in bringing about an alteration in the law.

We have, etc.,

for Neilson, Charlton & Co.

Wm. D. J. Charlton

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Stock Club

East Africa.

June 20/107.

... conversation the other day that
 ... my view of the ... I am writing
 ... it for Australia. As I
 ... Commissioner in Africa for
 ... and be likely to be asked
 ... the
 ... of the Protectorate.
 ... intention to suggest to
 ... that the favour-
 ... could be ... here for grazing
 ... to take up arms and bring
 ... Australia with a few cattle and horses. I
 ... to take the risk
 ... give only
 ... to 40 years. I feel
 ... prepared to
 ... that
 ... for any years to come on
 ... diseases
 ... and herd and
 ... favourable circumstances ... and patience
 ... for any
 ... expected to have ver-
 ... have expired, and this
 ... permanent homes is
 ... those of us who have decided to

live

and our lives in the Protectorate. It is barely necessary
 to mention the difficulties to be faced in the way of native
 stock animals as you are aware of the bearing these have
 on the situation. The position seems to me to be this: we
 need capital: the new regulation means that we shall
 need it. In 1904 I took a prominent part in getting the
 grazing land increased to 99 years - now in 1907 I
 find the reversal to the old order of things.
 Every day the old world ideas are being
 reformed. These difficulties can only be
 overcome if we have capital. I have spent
 a year of four years in developing the stock industry
 and we have been led to ask myself whether my hopes of seeing
 the country in a good position are not vain. I would ask you
 to urge the progress of the country to do all in your
 power to get the 99 years lease restored at all events until
 the Protectorate is proved as a stock country.

Yours truly,

V. N. NISLASS.

live our lives in the Protectorate. It is barely necessary
 to mention the difficulties to be faced in the way of nature
 and animals as you are aware of the bearing these have
 on the situation. The position seems to me to be this: we
 need land and capital: the new regulation means that we shall
 have them. In 1904 I took a prominent part in getting the
 grazing land increased to 99 years - now in 1907 I
 have the reversal to the old order of things.
 Every day the old world ideas are being
 reformed. These are the most difficult: they can only be
 done by those who have experienced them. I have spent
 a part of four years in developing the stock industry
 and would be willing to ask myself whether my hopes of seeing
 the country in a more prosperous position are not vain. I would ask you
 to urge the progress of the country to do all in your
 power to get the 99 years lease restored at all events until
 the Protectorate is proved as a stock country.

Yours truly

V. H. NEWELL

OFFICE OF THE COMMISSIONER FOR LAND,

NAIROBI,

12th. July, 1907.

Your Excellency,

In para. 8. of despatch No. 220 dated 23rd April the Secretary of State, in commenting on my report on the revision of the Crown Lands Ordinances, said:-

"I may here observe that I think the terms of leases of land for pastoral purposes should not in general exceed 21 years, with an option of renewal for a further term of 21 years at the then prevailing rent for such leases."

I had remarked in my report (para. 14), on the rates at present charged for land, and said that I thought that as the existing rates for grazing land were so low, it might be advisable to give leases first for 21 years, with the option to renew for the remainder of the 42 years at an enhanced rent. My object was to allow persons taking up grazing farms in a new country a low rent to begin with (at present a half penny or a penny an acre according to position)

To the GOVERNOR,

and to

EAST AFRICA PROTECTORATE,

NAIROBI.

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and to raise the rate after 21 years, but still to allow the grantee to retain his land for the full term of 99 years. I did not specify the enhanced rent; but my intention was to advocate that the enhancement should be stated when the land was granted, so that the grantee would know exactly what he would have to pay.

For instance it might have been stipulated that the rent would be increased by half as much again, or possibly doubled. The essence of the idea was that the person who took up a grazing farm would know when he obtained his land that, provided he carried out due development, he would keep it for 99 years, paying a low rent to begin with, and a somewhat enhanced one after 21 years.

The directions of the Colonial Office under stringent conditions, and I earnestly hope the Secretary of State will reconsider his course.

The public has been informed that grants will usually be given in future in accordance with instructions quoted above, and many protests have been made.

I forward herewith two which have been sent by me. One is from the firm of Newland, Tait, addressed to Your Excellency. The other a letter from Mr. Newland the head of the firm, before setting out for Australia. Both are enclosed. Your Excellency is aware that a similar has been made by the Colonists' Association, with the hesitation in saying that the new order is

with considerable alarm by the great majority of settlers.

Two facts should be borne in mind. First - practically all grazing land near the railway has already been granted on 99 years lease. We can hardly expect that applications will be made for the more remote lands on more stringent conditions. The second is a very important one. The pastoral farmer has exceptional difficulties to contend with. Not only the diseases of stock very rife; it is exceedingly difficult for any but the richest men to stock their farms with an appreciable number of cattle. The Masai, who are by far the largest cattle owners, can hardly ever be induced to sell their animals. The Masai will never sell any thing but what has broken down. The other tribes also keep every head they can get.

Thus the settler has to import stock at a heavy cost with the knowledge that it may succumb to some disease, which it is much more liable than the indigenous cattle. Other reasons could be mentioned for the inferior treatment, but I trust I have said enough to show that it would be a mistake to introduce the system suggested by the Colonial Office.

The country is still in its infancy with many natural difficulties for the settler. So long as we insist on the development of each grant, it is good policy to give the land on easy terms for 99 years.

Only

only thus can we hope to attract the best class
of settlers.

The introduction of the shorter pastoral
lease will I fear set back the settlement of
the country.

I have the honor to say
YOUR EXCELLENCE'S
most obedient, humble servant,

W. J. Murray
COMMISSIONER FOR LANDS.

A "MINE OF IMBECILITY."

THE EDITOR OF THE STAB

In the future the terms of leases of grazing land will be for 21 years, subject to renewal for a further period of 21 years at the then prevailing rate of rent if due notice has been taken place.

This is the tenor of the notice in the

... that it was one of the ... notices at our ... for Lands

The ... of the ... who has not even borrowed ... with which he deals ... grazing land ... of chemical ... which has never even ... who thinks that if due ... the ... term, who ... New Zealand and ... who believes ... possible lands of ...

... attempt ... European immigration ... of an ignorance ... even in ... of Downing Street and the ... half acre plot

The explanation is ... betrays ... We are ... the latter explanation

The genesis of the application of the 21 years lease to B. E. A. is probably traceable to ... Ordinance, whereby backlands which have a potential future ... there is some ...

The lease ... in ... grazing ... the speculator

... with a casual glance at the New Zealand Act of 1930. The essential features however of this Act have rather complicated and of a purport not easily intelligible to the ... in land economics have been completely ignored.

I understand that H. E. and the Commissioner for Lands are now busy collecting the various Colonial Land Ordinances. Such things are highly indigestible without the salt of knowledge of the land conditions from which such ordinances are born, and the pepper of

In East Africa on the other hand the prime factor is the slow transportation of oxen and enthusiasm who are seeking a home. They are unconcerned by flocks or herds, and splotch with the idea of preparing a depot upon which they hope some day to accumulate stock by the slow and precarious process of waiting for the vast native reserves to be overstocked, for punitive expeditions or the opening of close districts and the granting to white settlers of the privileges enjoyed by Somalis, Maasais, Masai, and the special friends of Sub-Commissioners.

In Asia you also cannot find grass for their stock, here they cannot find stock for their grass.

The positions are divergent as the Poles. Yet in New Zealand (the very laboratory of progressive land legislation) the home of Henry George's "Commons" a densely settled country with a million inhabitants, where farming land sells up to £60 per acre by the Land Act of 1902 the thirty years lease on a five per cent rental with a reversionary clause was supplanted by a 999 years lease on a half per cent

In East Africa on the other hand the prime factor is the slow transportation of oxen and enthusiasm who are seeking a home. They are unconcerned by flocks or herds, and splotch with the idea of preparing a depot upon which they hope some day to accumulate stock by the slow and precarious process of waiting for the vast native reserves to be overstocked, for punitive expeditions or the opening of close districts and the granting to white settlers of the privileges enjoyed by Somalis, Maasais, Masai, and the special friends of Sub-Commissioners.

A few days before the arrival of Mr. MacDonald, the first man of experience who has ever joined this Administration, on the eve of the formation of a Legislative Council, without warning, consultation, or apparently even the usual pretension of consulting a specialised draughtsman, this Mine of Imbecility is exploded beneath our feet.

By now it is all over the world and once more East Africa has become a merry land to those who have not been fooled into investing capital in the country.

Will the Commissioner for Lands inform us whether he really believes that a man will turn as he from the leased passages and free land grants of the governing Canada, to pay an import duty of 15% upon himself for the privilege of occupying East Africa, where taxes, duties, and the light of every candle justifies a sort of fifteenth century ... he may save a farthing out of this wilderness, or perhaps what it becomes produced he may hand it back to the Government as a gift?

Has not the law drawn upon the Commission ... East Africa is not a ... The East African ... by ... and the flocks and herds head by head. Has the Commissioner for Lands not presumed that the real value of East African grazing land is nil, and that when the lease expires the lessor will have given nothing and the lessee will have given all?

It is too silly to admit of serious criticism. Discussing land economics with people not conversant with the meaning of "union"

renewal for a further period of 21 years at the then prevailing rate of rent if the development has taken place."

Thus the Gazette of June 15th 1907

When I read the preliminary notice to the Star a special notice a hyperbolic dig at our agents for Lands

The main classes of the amateur, the independent amateur who has not even purchased a paper on the subject with which he deals, the amateur who believes that grazing land is a finite quantity capable of chemical analysis, who confuses improved with unimproved pasture or who, more likely has never even heard the terms, who thinks that "if the development has taken place" is the English language and a proper legal term, who works up Australia, Canada, New Zealand and the Argentine, who believes the World is waiting for the small hanging for the past 20 years, and the present, and the future.

...and the present, and the future... of the country to European immigration... outcome of an ignorance... credible, even in regards to... of Downing Street... half acre plot

The... explanation is inadmissible... the interests of the employees... the... except the...

The... of the... the 21 years... the... of the... the... value... in the... for... grazing

Such... a... where the... of the... of... of... for the...

... a... of the... of the... of the... of the... of the... of the...

I... that... and the... for... are... of... of... of... of... of...

of... for the vast... reserves to become overstocked for punitive expeditions or the opening of close districts and the granting to white settlers of the privileges enjoyed by Somalis, Mauchis, Masai, and the special friends of Sub-Commissioners

In Australia men cannot find grass for their... their...

The... are... as the... in New... the... of... of... a... of... of... of...

In East Africa... of the... the... and the... of... with a... of... of... of... of... of... of...

A few days before... of Mr. Mac Donald, the... of... who... the... of... of... of... of... of...

By... it is all over the World... the... who have not been fooled into investing... in the Country

Will the... for... whether he really believes that... will... of... of... of... of... of... of...

... of... of... of... of... of... of... of... of... of... of... of...

It is too silly to admit of serious criticism... of... of... of... of...