

EAST AFR. PROT.

13984
REC'D
OFFICE



13984

Word 1

Date
1912

Fort Ternan Estate

May

Expresses thanks for the extension of time in which to complete the development of the 5000 acres, but appeals against decision regarding forfeiture of the 1000 acres forming the southern portion which were specially granted by for in acres explained.

Previous Paper

3/13/12

Mr. G. Fuller

You will see from Mr 13739 + p:ps

that we have done our best to clear up this matter with the local authorities, but in the face of 13739, I do not see how we can press them further. Mr. P. promised to whom I have talked about the matter, does not appear to have a very high opinion of the desirability of the matter, and the best is to leave the matter left in the hands of the local authorities.

18/3/12

18 June

Subsequent Paper

18523

There seems therefore to be nothing for it but to wait for the promised reply.

deep: altho' W. M. represent that
the delay will probably ruin both his
scheme & himself.

He said that he wd like to have an
official C: stating how far the fact is
prepared to meet him - & I gathered that
he hoped to keep his books together
with the funding the amount of the
debt. I think that we can do this
provided that we make the position
clear with regard to the 1000 acres.
H. J. R.

8/1

See Davidson

I understand that the gentleman
has made two lists of names. Reed & Butler
some of the names to them of late.

They have certainly done a good deal for him
in the way of interesting

the trustees & question in the House.
We can only act as proposed.

as proposed.

H. J. R.

The impression left on my mind is not very
satisfactory, but I have not the material to
judge properly. We must wait for despatch.

E. 8. 5

as proposed by W. Reed

H. J. R.

104. Morshhead Mansions,
Morshhead Road,
LONDON, N.W. May 5th 1912.

429

905
RECORDED

10
7004
100
MAY 17

To the Right Honourable Lord Emmot, P.C.

Under Secretary of State for the Colonies

Colonial Office,

LONDON.

My Lord,

Referring to the correspondence and the different discussions I had with the Honourable Mr. Reed and Mr. Butler of the Colonial Office with regard to my property at Fort Ternan in British East Africa (as per enclosed map), I beg your Lordship to accept my grateful thanks for being allowed another four months for the definite completion of the development thereon.

To my great sorrow and indescribable disappointment, I hear that the 1000 acres, forming the southern part, shall be forfeited for not having fulfilled the development in time. These 1000 acres have been specially granted to me by His Excellency the Governor Sir Percy Girouard in order to make the cultivation of the estate independant from the watersupply in dry seasons by giving me access to the Nyando River, and also to give me suitable land for the growing of black Wattle.

X Not reproduced

1912-20

It is intended to plant 600 acres of wattle on this land. It is only by this additional block of land of 1000 acres that the estate receives a real value. The larger piece of the property, the 5000 acres, I have purchased for cash from a private person with the knowledge of the Land Office in 1910.

It is true that part of the development of the estate has been delayed - but through no fault of mine as has been explained to the Land Office as well as to the Colonial Office. The reason for this delay are the dissolution of my former partnership in the first instance, and a nervous breakdown in the beginning of this year. Both matters have been duly reported to the Governor and to the Land Office by letters posted on February 2th. The estate has been occupied by a European manager all the time and a good deal of money was and is still being spent, amounting in fact to more than sufficient to cover the requirements of the Land Law. If in spite of this fact the work so far done does not suffice, this is more the fault of the manager than mine, but all the same I am responsible and prepared to complete speedily all that has still to be done.

Having every confidence in the promises so freely given by the East African Government not only to me, but to all other persons, I regard it as my most important duty to do all the necessary in connection with the flotation

of my contemplated two Companies here at home, than to bother about completing that little work which is only required by the Land Law on the estate. I thought this latter part of so much less importance because I kept the Land Office informed of my doings and I showed my intention to fulfill the conditions by having the estate occupied, by having sent out already building material etc. etc. I never dreamt that there could be held such a narrow-minded view of the situation as is being done now, to my great surprise, by the Land Office. For what is the good of inviting settlers to the country and afterwards disappoint and ruin them by refusing them to let them complete their intended work. I plainly confess: I would never have believed after all what has been promised and the amount of work I have done already in the colony - that there could be such a thing as 'red tape' in its worst meaning as has been shown now.

I have trusted to the promises given so readily because they came from Government Officials, and knowing what I had done in the country, and they know it too, but where am I now? - -

There is every possible chance that the Company which I have under flotation will not come off if I loose the 1000 acres which form so valuable a part of the property on account of the expected returns therefrom, so that I cannot do witho

them, I put this question frankly:— Is it more important to the colony to carry out the Law to the letter or have the Law fulfilled and the colony developed at the same time?

As the Land Office have granted me four months time to complete the development of the 5000 acres, I absolutely fail to see why the same is not done with regard to the 1000 acres which were "specially" granted by the Governor on my application, His Excellency being, of course, convinced that they were necessary to help me in carrying out my contemplated project.

Or must I take it "as a special punishment" for my good intention to assist in the development of the country and for the good work done and the large amount of money spent already in this colony? — —

It is necessary for me to point out to your Lordship that, if these 1000 acres are taken away from me, and I in consequence fail to float my Company I shall be a broken man and my family too. But this is not all:— There have been ordered for about £1500 — Building Material and Machinery, all ready for shipment — the Land Office has been informed of this and money has been lent to me by friends to assist me in completing my plans. They are all waiting for me and will lose me

as far as possible to take action against the Government to recover our losses. A friend of mine, a M.P., would not believe me when I explained the facts to him and has asked me to keep him well informed of everything following hereafter.

I am still full of confidence that your Lordship will find a way to prevent a disaster. I therefore heartily beg your Lordship to take immediate steps and to assure me quickly that the 1000 acres will not be forfeited, so that I can go on with the flotation of the Company and with the development which has to be done within four months which will soon expire.

I have spent apart from the Plantation business another £4000 for prospecting work, done during 1909/10 in B.E.A., and have still a Mining Outfit (Machinery etc) stored in that country. The same is intended to be used for development work for Coal there, for which purpose another Company with a Capital of £6000 ready in cash will be formed. But I shall only go on if I can still place confidence in the promises given me.

I must say quite frankly:- If the Government of British East Africa does not care to have settlers in the Colony who are ready to give their backs to the wall in the development of the country with every faith in the promises

given them and also in the future of the protectorate - like myself - then it is better to tell me that I should not waste any more money and time by trusting to what has been promised me, which, as it appears to me after the experience I am now having with the Land Office, is not meant to be kept. Where is the logic in granting an extension for the development of the 5000 acres but not for the 1000 acres locally and otherwise not to be separated from the first ?

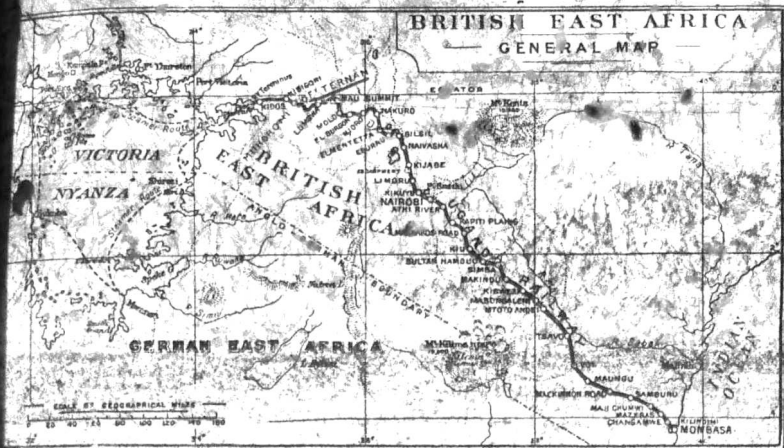
Two years ago I was asked by the Governor to write down my views regarding a contemplated new Mining Law, which has since been published, as I was thought a specially suitable person to speak with authority on this subject on account of my experience of over twenty years in all parts of Africa. I have done so, and I am proud to say that all the important points contained in my draft are now embodied in the new Law - although the Mining Commissioner only 3 months before strongly opposed my points - . Therefore I think I am, after all, not quite so useless as some people take me for and treat me, and I sincerely hope to get the opportunity of proving my capability and serious intentions to the benefit of the colony.

Trusting that your Lordship may be induced to give my urgent entreaty your favourable consideration,

I have the honour to be your Lordship's
most humble and obedient servant,

Arch. Marquardt

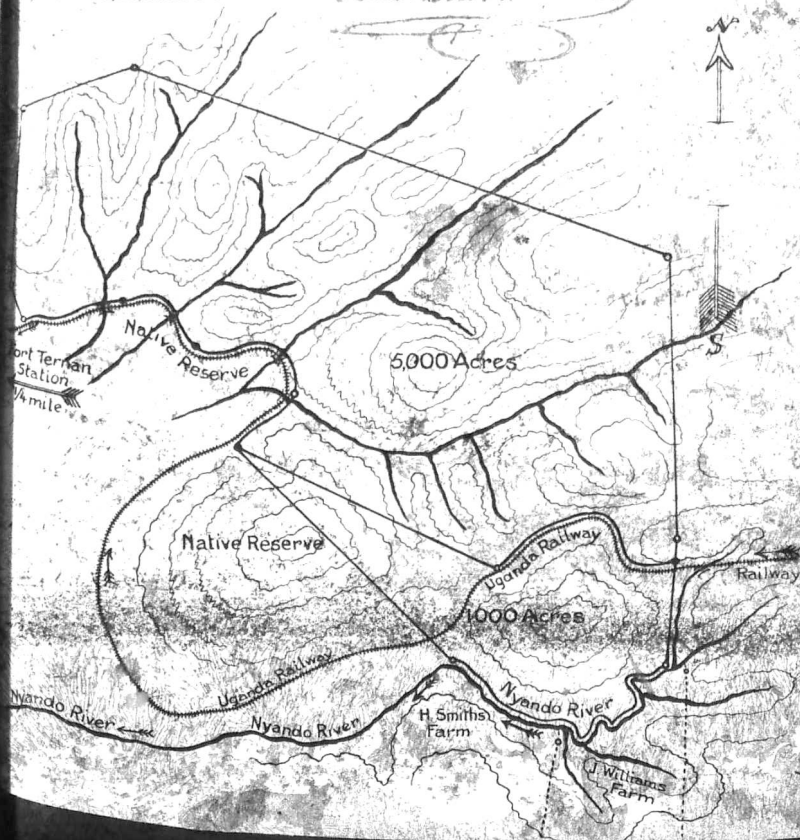
BRITISH EAST AFRICA
GENERAL MAP



FORT TERNAN ESTATE

6,000 Acres

Fort Ternan Estate



13984

my 13982 East

436

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|----------|
| C. D. |
| R. G. M. |
| D. C. |



~~SC~~

DEFT.

F. Marguodt, Esq.

9 May 1915

ref 915

W. Butler &

W. Reed &

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Sir,

I am directed by Mr. Lee Harcourt to acknowledge the receipt of your letter of the 1st of May^{*} relating to ~~the~~ ^{your} holdings of ~~certains~~ land near Fort Terran in the ^{as shown} East ~~of~~ ~~which you are interested~~

2. ~~I am to inform~~

you that the ~~object~~ ^{purpose} of the East has recommended

13984

that you should be granted an extension of

time of four months within which

-11913-20

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to complete the development
conditions attached to
the 5000 acres which
you purchased from
Mr Harrison, and
that Mr Harcourt is
willing to approve
of an extension of
four months being
granted to you accordingly
in respect of that
portion of the land

3. As regards the
remaining portion of
1000 acres ~~granted~~
~~to you under suspension~~
~~of the 5000 acres~~
state the daily
recommend
~~that~~

recommend
~~that~~ that this area (which
was granted to you under
suspension of the
should be forfeited. 437

Before arriving at a
final decision in the
matter, Mr Harcourt
proposes to await the
arrival of a dispatch
which the ^{Department} ~~is~~ ^{is}
sending ^{on the subject.} A further
communication will
be made to you
on the receipt of this dispatch
on this subject
~~see above~~

Yours
truly
J. H. Harcourt

J. H. Harcourt
Secretary