



EAST AFR. PROT.
26999

C. O.
26999
RECD
31 AUG 10

Change and
tenure

1910

21 Aug.

Revised Paper.

25/8/10

Malindi concessions

Asks that the 20,000 acres defined in the agreement in the Forties may be transferred to her name or into that of another nominal State as to negotiations is Messrs. Bousquet Desires appointment to go into matter is 60 officials

This should be brought before the
Executive Cte. at once

at me
H. J. R.
2/12

W. Butler.

This was considered at the meeting of the Executive Committee yesterday.
Extract from minutes.

The Committee decided to recommend that, having special regard to the attitude taken up by the Governor of the East in the matter of Concessions, the Secretary of State should

* of copy sent to Mr. G. S. G. 21/8/10
Copy sent to P. G. G. 21/8/10

UNCLASSIFIED
DATE 11/11/00

Government Paper.

CO/
39265

W. B. Fildes :

I attach a copy of a memo which Mr
Batterbee has prepared on $\frac{C.O.}{39363}$ (below).

In pursuance of the Committee's recom-
mendation, the memo should now be
communicated to Sir P. Girouard,
who should be invited to submit on
his return to the P.C. (for of course he
will wish to consult his experts), proposals
for locating the point of lands in the
tropical districts to much smaller areas
than have been granted in the past, for
getting better terms from the concessionaires?

W.B.F.

Jan 6

18

671

W.B.F.

W. B. Fildes

By proposal

21. 10. 11.

Memorandum as to the conditions on which grants of land bearing rubber, and other tropical produce, are made in various colonies and protectorates.

A special reference to provisions for limitation of area.

To deal first with the Eastern colonies, in Ceylon all agricultural crown lands are sold by public auction with minimum upset price of £1 per acre. No single piece of land beyond 1000 acres in extent or over £2500 in value can be granted without special reference to the Secretary of State. Average size of estates is small owing to amount of cultivation necessary for agricultural products of Ceylon e.g. tea.

In Federated Malay States freehold is never granted but only a perpetual lease subject to revision at intervals of 20 years. A good theory of land tenure being that all land is vested in the native crown existing. The Government land is not enclosed but a large holding - 2000 per acre, 1 dollar per acre. On the first six acres the Government land is held on a 99 year lease. The remaining 1994 acres are held on a 99 year lease. A very small grant for rubber purposes. Grants of 1000 acres are sometimes made, there being no limit laid down as to the cultivation of rubber as sufficient to cover the size of estates. In the case of reserved land somewhat larger tracts are usual.

In the New Malay States Sir John Anderson has proposed that concessionaires should be limited by restricting the tenure to 99 years' lease and by a limitation

of

of the area to be granted. I understand that the precise limit of area has not yet been decided.

I do not refer in detail to the Straits Settlements as the greater part of the land there has already been alienated and is in private hands.

The West Indies In the older and settled West Indian colonies there is very little Crown land left, but the great majority of the land is freehold land in the hands of private owners and its position is dominated by that fact.

In British Guiana there is a considerable amount of Crown lands, and land is let for rubber cultivation on the following terms (Crown Lands Regulations 1911) - lease for 25 years, 10 years during the first ten years, but at certain intervals - ~~from~~ from 11th to 15th years, and 10 cents for remainder of 10 years. During the first ten years of lease lessee to have sum of 2000 dollars for all rubber trees obtained from indigenous or cultivated trees. The lessee to plant within 10/25 part of the land leased with rubber trees, with an average of not less than 20 trees to an acre, and to have planted not less than 10/25 of the land. A limit is imposed by law on the size of the grant, apart from the cultivation clause. At any time after 10 years the lessee has the right to purchase the freehold of the land leased at the price of 4 dollars an acre, and on the payment of that price the land becomes absolutely.

In West Africa

The Minutes of the XXVIIIth
Meeting of the Land Commission (Committee)
held on 22nd December 1910

Subject 2. It was pointed out that the Government now had an absolutely free hand as regards this concession and that Sir Kenneth Mackenzie had been told that any application in connection with it should be addressed direct to the local authorities of the East Africa Protectorate. It was further pointed out that Sir Kenneth Mackenzie was not in the position to act as principal and that, in the circumstances, it would be folly to grant him an area of 20,000 acres. The Governor said it would strengthen his hands locally if he were bound down by definite instructions from the Colonial Office that the area of grants of rubber land should be limited to a maximum of (say) 2000 acres; that higher rents should be charged; and that more onerous development conditions should be imposed. The Governor contrasted the conditions subsisting in the Federated Malay States and the East Africa Protectorate and said that he had been in consultation with Sir W. Taylor who is in charge of the Malay States Development Agency in London. In the East Africa Protectorate concessions embracing large areas of land had been granted at merely nominal rents e.g. 1/- an acre, whereas in the Malay Peninsula smaller areas only are granted and in some cases a rent of as much as 8/- an acre was obtained. It would of course be necessary to differentiate between applications for rubber lands and applications for concessions for other purposes e.g. cotton and fibre. In the case of cotton lands it was the practice to grant areas of 10,000 acres.

L.P.C.

Extract from the Minutes of the XXVIIIth
Meeting of the Concessions Committee
held on 22nd December 1950

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P.R.D.

It was then Resolved:-

To recommend to the Secretary of State that the Governor of the East Africa Protectorate should be invited to submit proposals for limiting future concessions to much smaller areas than have been granted in the past, and for obtaining better terms from the concessionaires. Precedents should be noted from the practice in other parts of the Empire and for this purpose a memorandum should be prepared in the Department for submission to the Secretary of State and communication to the Governor. It was further agreed that for the purposes of this particular concession and in anticipation of any general limit of area the Governor should tell Sir Kenneth Mackenzie that the policy of granting such large areas for rubber cultivation was under revision and that he could not entertain an application for more than 2000 acres and that no grant of this area could be promised until the question of land titles is settled.

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Loynes & Sons

109

144, QUEEN VICTORIA STREET.

LONDON. E.C.

TELEPHONE
4000 BANK

26999

August 31. 1910.

The Under Secretary of State.

Colonial Office.

LONDON. S.W.



MALINDI CONCESSION. 1899, 1910.

Sir,

I beg to acknowledge receipt of the letter of the 23rd inst. informing me that the Agreement of Feb. 28/10 between the Crown Agents for the Colonies & Mr Foulkes has become void owing to his failure to carry through his undertaking.

In the second paragraph of the letter, however, it states that "technically" the Commission granted to Lady Mackenzie also lapses, and that if another be desired, application should be made to the local authorities in British East Africa.

I must, however, ask you please to reconsider this suggestion for not only would it be practically impossible for me now to go to Nairobi for this purpose, and start the matter afresh, but it would be exceedingly hard on Lady Mackenzie and her friends who provide all the funds to acquire the 20,000 acres if solely through the fault of Mr Foulkes the result of all our heavy expenditure & labour were nullified & rendered abortive. Though technically the Commission was for the purposes of that agreement, Mr Foulkes, and have already explained in my letter of my 13th inst. and in the case of my portion of the land, the same was made plain to Messrs Lubbock, Standley & Randall when they signed the agreement. He has failed to carry

5818.30

T. A. 26999

through that Agreement, and also his contract with Lady Mackenzie, and consequently I beg leave on her behalf to ask that the 20,000 acres defined in that Agreement be transferred into her name, or into that of another nominee for the reasons I have stated in my letter of the 12th inst.

I therein mentioned that I had received an offer through Messrs Southam Bros, of 6 Sandwick Street, F.C., the well-known East India, Ceylon, and East African merchants, from a Company now owning & working land in the A. to take over at once part of the land referred to, and develop it under the same conditions as were imposed on Mr. Foulkes. I am now arranging terms with them, and the matter will, I am told, be settled almost at once, as it is of the utmost importance to Lady Mackenzie's interests that this request be kindly granted if possible.

I beg to submit with all deference that it would be unfair now to deprive her & her personal friends of the rights they have acquired at so great an expense & trouble solely through the fault of her agent when she trusted, but who has ruined the whole business through his incompetency & mismanagement.

I venture to ask as a favour that I may be allowed to go into the matter with the Officials at the Colonial Office in order to arrange something on the lines I suggest as soon as possible, equitable to all parties, and agreeable to the Secretary of State for the Colonies. I will gladly keep any appointment that may be given me for this purpose.

I am, Sir, &c.

Your obedient servant,

Alannah Mackenzie of Catwells

M/ 26999 Sub.



DRAFT

Sir Kenneth Mackenzie, Bart.

9 Sept 1900.

MINUTE

- Mr. Parkes
- Mr. Butler
- Mr. Fiddes
- Mr. Just
- Mr. Cox
- Sir C. Lucas
- Sir R. Hodgson
- Col. Seely
- Lord Crewe

Sir,

I am pleased to acknowledge the receipt of your letter of the 25th of August, relative to the Malindi Concession in the East, and to inform you that it is impossible to reconsider the decision conveyed to you in the letter from this Dept. of the 25th of August, viz. that, if it is desired that another concession be granted in the place of that which has now

of Sir K. Mackenzie's
 31 Aug. of this
 day to Gov. for info
 is ref to our Dept.
 of 1 Sept on M
 26999

of 552 Draft
 5509-30
 + M. 26999 + 26969

now lapsed, application
should be made to

the local authorities

in the fact that ~~it~~ has been furnished with
copies of all the correspondence with you & with
2 of our members

to state that there was
no suggestion in that

letter that you should
yourself go out to

Nairobi, but only
that you should go

into communication
with the local authorities.

3. I am to add
that Lord Curzon

considers that no
careful purpose would

be served by any
personal interview at
the moment at the

of

In East
86999

21 Jan 1904

Dear Sir,
I have the pleasure to have
received a communication
relating to the Commission
constituted on the 22nd of Dec
last, which you attended
and at which Sir Thomas
the suggestion of the terms
in which ~~the~~ parts
of land having value
and other special features
to be taken
into consideration
I am to be
pleased to hear of
your interest in a city
of a large garden,
which has been proposed

DRAFT.

Mr. P. Finlay

MINUTE

- Mr. P. B. 16/
- Mr. P. B. 17/
- Mr. P. B. 17/
- Mr. Just.
- Mr. Cas.
- Sir C. Lucas
- Sir F. Hopwood.
- Col. S. G.
- Mr. Harcourt.

do not think that the
Commission can properly
be asked to act on the
basis of the 5. d. 3.
P.F.A.B.

