

EAST AFR. PROT
37060

36060
REC'D
SEP 21 1914



Governor
Elfield 764

MWELE FOREST CONCESSION

1914

8th August

Submits observations as to Lord Waleran's claim to land elsewhere.

Last previous Paper.

26819

~~The Telegram~~
~~has been~~

Sir G. F. Fisher

- As regards the southern part - none of it will go to the E. Afr. Settlers. [As I pointed out in my minute on 22640, there has probably been some confusion with the westerly extension of the concession at one time applied for. This extension is not land of the "type" of the "Bunyoni" concession and has therefore been included in the settlement and the 50,000 acres.]
- As regards the area generally, there are no signs of native encroachment.

So far as these two considerations go, there is no reason to suppose that the Commissioners are worse off than when they first knew that not more than 100,000 acres out of the 128,000 acres would be available

Mr. 547-109 of sub-ident. 1 Oct 1914

Last subsequent Paper.

50012

3. As regards the Shimba Hills the position
does not seem different. The Governor
expresses says

(1) A request by the P.W. D. for the reversion
of 340 acres was asked by the Survey Dept.
before the Debecker concession was granted,
though no express reservation was contained
in the lease. [The lease gave the Govt
power to resume non-forest land]. He
implies that it is reasonable to
resume any land in this district area
reserved for the waterworks

x hat been
out of the

But (a) there is nothing to show that
Capt. Debecker was ever aware of this
reservation &

(b) the case is wholly altered by the
water reservation scheme of
1910. In 26142/10 Sir P. Girouard
definitely said that the new proposals
would entail a further diminution of
the D. M. concessions. In the circumstances,
it is useless to go back to 1906.

As a matter of fact, we are now in
the thick about this Shimba Hills
land than on any other point. On the
map in 21896/10 a large area is
coloured as being affected by native
rights, & we do not know what stand
the concessionaires stand to lose in
connection with water. It is very doubtful
if any case loss in connection with
native rights. We must wait for the
balance sheet unless the Govt. can
give us some rough idea.

(2) As this written part is admitted to be infeasible, no claim for consideration can be admitted in respect of it. I think this is honestly inconsistent with para: 6 of the despatch. Lord Waterman must make the best of his bad bargain, but the Govt is to be at liberty to ignore, as part of that bargain, land which is useless to Lord Waterman.

In any case, the Governor will have to be reminded that he are committed to finding 100,000 acres somewhere. Sir P. Gwynne was told so definitely in 1910, & to the extent of the area of any land reserved in the Shumba district, the concessionaires will have to be compensated by an equal area elsewhere.

1757/10

On the main point - the proposal to relinquish the concession altogether in exchange for more compact land elsewhere - I see no prospect of ever persuading the Govt to change the attitude he has taken up.

? I form W. Goldman, with reference to a letter on 26/19/14, that a despatch has been received from the Govt, from which it appears that he is not at present in the

to furnish the plan they ask for or
to state what parts of the original
concession are still available & what
is the estimated area of such compact
which suitable for development, but
that no part of the western half has
been mapped in the area belonging to the
East African States Ltd. Say that the demarcation of
areas by this proceeding is as rapid as possible.

✓ Each recd, read copy of our letter to
Mr Goldman, & point out, that with
reference to the land in the Shamba hills,
that under the pledge to give 100,000 acres
any deficit caused by the Govt's
reclamation of land will have to be made
good elsewhere.

W.C.S. 24.8.14

Laque

6. 26.9.14

Had W: & Mr Goldman are not
likely to be anxious to press
on with the matter under present
conditions.

As proposed?

H. J. R.

28/9/14

Stone

29.9.14

29.9.14

36060

GOVERNMENT HOUSE
NAIROBI,
BRITISH EAST AFRICA.

REC'D
FEB 21 1914
SER 14

EAST AFRICA PROTECTORATE.

(No. 764)

August 15th, 1914.



2888

304

Sir,

I have the honour to acknowledge the receipt of the correspondence ending with your despatch No. 655 of the 10th of July, on the subject of Lord Waleran's Mwele Forest Concession.

2. It appears from your telegram of the 24th of July that Lord Waleran's claim to be granted land elsewhere is based on the allegations that (a) part of his concession has been merged in the area belonging to the East African Estates, Limited, (b) that part in the vicinity of the Shimba Hills has been reserved for Government purposes, and (c) that other areas have been found to be the property of the native

+ No. 26879

THE RIGHT HONOURABLE

LEWIS HARCOURT, P.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET, LONDON, S.W.

native tribes.

3. As regards (a) no part of the southern half of the concession has been merged in that belonging to the East African Estates, Limited. On further enquiry I find that the statement made in paragraph 9 of my despatch No. 543 of the 2nd of June requires some modification, and that the land now the subject of the Diespecker-McAllister concession will not, if surrendered, automatically pass to the East African Estates, Limited, but will remain reserved in any event.

4. As regards (b) the Director of Public Works so long ago as the 3rd of August, 1906, asked the Land Officer to reserve an area of some 320 acres in the neighbourhood of the Shimba Hills for the purposes of the Bombasa Water Supply. This request was duly noted on various maps by the Survey Department, although not specifically reserved in the lease dated the 19th of September, 1906, in favour of Captain Diespecker. By Lord Waterman's own showing, however, in his letter of the 27th of May last, enclosed in your despatch No. 540 of the 5th of June, the expert sent by him to report on the district stated that the area round the Shimba Hills

SN 19492

|| N 19492

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3/2
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F 1922-40

19492

Hills was impracticable, and I am not prepared, therefore, to consider this reservation as in any way entitling him to consideration.

5. As regards (c) I have already informed you that the demarcation of native rights in the area, the subject of this correspondence, is proceeding as rapidly as circumstances will permit. I am, however, informed by the officer responsible for this work that there are no signs that the natives have within recent years encroached on territories which do not rightly belong to them, and that the present position is, therefore, exactly as it was when the concession was accepted by Lord Waleran. I regret that I am unable to furnish you at present with the plan asked for by the concessionaires nor can I as yet state what parts of the original concession are still available and what is the estimated area of each compact block suitable for development.

6. I am not aware what land in the direction of Kilimanjaro is available for alienation, but in any case I am strongly opposed to Lord Waleran's proposal. I am not disposed to provide him with a marketable security in lieu of an area of land which he thought it worth

worth



worth while to acquire in the past but which he now finds to be less attractive than he expected.

sc.
I have the honour to be,

Sir,

Your humble, obedient servant,

A. Conway Bejred

GOVERNOR.

CF

Gov. 36060/1914 E.A.P. 2890

R
D. 1

1 October 1914



Sir 393

DRAFT.

C.S. Goldman Esq. M.S.

With reference to the letter from this Office of

the 25th of July,

I am directed to

inform you that a

despatch⁺ has been received from the

of the E.A.P. from

which it appears that he is not at present able to furnish

the plan ~~concerning~~ information for which

you asked, or to

state what parts of

MINUTE.

Mr. ~~Harper~~ 30/9/14
Mr. ~~Bottomley~~ 28/7/14

Mr.
Mr.
Sir G. Fiddes.
Sir H. Just.
Sir J. Anderson.
Lord Islington.
Mr. Harcourt.

On the subject of the Muelle Trust Coconuts,

[G
26879]

x 26879 not
bring in

+ 36060

Copy Gov 397 - Oct 14

drafts

P.F.O.

The original concessions
are still available and
what is the estimated area
of each compact block suitable
for development; but that
no part of the southern
^{of the Colony} half has been merged in
the area belonging to the
East African Estates Limited.

2 I am to add that the
demarcation of native rights
is proceeding as rapidly as
possible.

I am &c

36060

Gov. 36060/1914

2889

DRAFT.

EAR

399



1 October 1914.

dnod 50012

EAR

(No. 897)

Mr. McPhele.

Sir,

I have the honour to acknowledge the receipt of your despatch No. 764 of the 15th of Augth and to ~~inform you that~~ transmit to you, for your info^{rmation}, the accom^{panying} copy of a letter^s to Mr. S. S. Goldman^{M.P.} on the subject of the Mwele Forest Concession.

30/9/14

30/9/14

EAR 36060

+ N 36060

Det. (afterwards)

2. I have to point

out with ^{regard} reference to the part of the original area which the land ~~is~~ lies in this Shimba Hills, that I am reminded that under the pledge to give to concessionaires an area of five 100,000 acres any deficit required

(P.T.O.)

drafts

by the government's
reservation of land
will ^{have} require to be
made good elsewhere.

I have to

~~W. L. HARSDER.~~