

EAST AFR. PROT.

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C. D.
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REC.
REG. 10/11/14

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Govt

1914

October

Various Paper.

B.E.A. STEAM SAW MILLS

The copies of letters from the Conservator of Forests Expresses opinion that they have been liberally treated. Returns enclosed in despatch.

403

L. G. Bidder

My letter has been used to answer on second L. of 3rd of Sep. on $\frac{5}{28003}$ & I do not know whether he still considers that to be a grievance, but

if true with regard to previous correspondence that Mr. Hammond has now received a report from the forest & sees no ground for interfering with the ^{action of} ~~conservator~~ ~~has been~~ ~~advised~~ ~~by~~ the birds with the letter & copy of our L.

Copy of letter sent to the 14/11/14

to the first of July

A. J. R.

7/12/14

alone

Pa. R. A.

47250

GOVERNMENT HOUSE,
NAIROBI.

REC'D
REG. 30 NOV 14

BRITISH EAST AFRICA.

October 21st, 1914.

AFRICA PROTECTORATE.

No. 899

363

Sir,

I have the honour to acknowledge the receipt of your despatch No. 709 of the 25th of July with enclosures on behalf of the British East Africa Steam Saw Mills and to transmit herewith for your information copies of two letters from the Conservator of Forests replying to the points raised.

2. I am of opinion that the Company have been liberally treated, that they have access to as much timber as they can work, and that they have no cause for complaint.

3. The enclosures to Mr. Sheen's letter of the 16th of July are returned herewith.

I have the honour to be,

Sir,

Your humble, obedient servant,



GOVERNOR.

THE RIGHT HONOURABLE
LEWIS HARCOURT, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON, S.W.

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FOREST DEPARTMENT,
NAIROBI,
BRITISH EAST AFRICA.

September 29th

47238

REC'D

SEP 30 1914

803

Hon'ble Acting Chief Secretary.

NAIROBI.

Re: Complaint on behalf of the British East Africa Saw Mills against the Conservator of Forests by Mr. J. E. Sheen.

Ref. Your Memo No. 4164 of the 13th Inst.

The correspondence forwarded with Colonial Office despatch 40,769 of the 25th July is referred prior to His Excellency's ruling conveyed to the B. E. A. Saw Mills Co. in your letter No. 4164 of the 6th February 1914.

No new arguments or facts are advanced by Mr. Sheen to support his complaint as to the unfair treatment of the firm.

On the 13th February 1914 the B. E. A. Saw Mills were informed that a working circle would be marked out for them and that as long as the timber is it were worked to the satisfaction of the Government no other rights would be granted to any other person in the area included in the working circle.

4. An area of 7,000 acres has been defined which will be managed so as to produce a sustained annual yield of timber.

5. The actual working of the timber was only commenced in January of this year.

6. The timber in the "Forest of Coke" was reserved for the firm in 1911 but was not cut there for the first time in December 1913.

To my certain knowledge the S. E. A. has never been in the timber since the milling business was abandoned and the workers have been instructed to ^{give} every reasonable facility in working the same.

The Special Timber License issued to the S. E. A. in 1911 was granted to the firm for a period of years but was applied for by them but over which they were under the impression they had a prior right.

This assumption is apparently based on Mr. Hutchins' letter dated the 27th November 1910 which it is clearly stated that the right of the S. E. A. was not to be intruded upon.

Special Timber Licenses were cancelled on the 1st February 1914.

As matters are now the S. E. A. are in the same position with regard to the working of the forest in the working single ^{year} granted a Special Timber License. The obligation now is that the timber to be satisfied of the Government.

10. In the interview granted to Mr. Brink on the 9th January 1913 His Excellency fully discussed the position of affairs and pointed out to him that it was the obvious duty of the Government to further the interests of any commercial undertaking and for this reason Mr. Brink should place some confidence in the Government.

11. As a proof that the B. E. A. Saw Mills receive preferential treatment from the Department I may mention that in their case the payment of Royalty for sawed trees is not insisted upon before such trees are felled as is the case with every other saw-milling firm or company.

Instead of the prepayment of Royalties I have allowed them to make a monthly settlement of their account and in many cases when I have been assured that they have been hard put to for ready money I have sanctioned the account Royalty being held over until they were in a better position to settle it, allowing them in the meanwhile to go on cutting sawed timber.

12. I am quite unable to agree with Mr. Sheen that the B. E. A. Saw Mills are most unfairly used by the resident Conservator of Forests.

They have ample timber supplies; every endeavour is made to help them in large outlays for the extraction of the timber; arrangements have been made for their employees to cultivate land within the Forest Reserve near their mills in order to encourage the labourers to,

remain

remain permanently with them and assistance is given to them in the matter of the settlement of their Royalty account.

13. The copies of letters passed between the P. E. A. San Hiller and the land office in the correspondence returned herewith do not have any bearing on the subject of timber supplies or negotiations with this Government.

S. J. Hiller
Conservator of Forests.

In Despatch No. 8970 of Oct. 21/19

Forest Department,

Nairobi,

October, 16th, 1913.

B. E. A. Saw Mills.

373

The correspondence forwarded by Mr. Ebeen to the Colonial Office refers to three separate matters

- (1) Application for a plot of land in Nairobi.
- (2) Application for an area of Forest in the "Forest of Dean".
- (3) Application for a Special Timber Licence in respect of an area North of the Railway line at Escarpment.

2. The negotiations for acquiring a plot of land in Nairobi do not concern this Department, except in so far as Mr. Hutchins recommended to the Land Office that the firm should receive preferential treatment in the matter of acquiring a lease for the erection of their mills. I enclose a copy of Mr. Hutchins' letter to the Hon'ble Commissioner of Land.

3. "Forest of Dean".

In a letter dated 22nd June 1910 Mr. Hutchins informed the Manager of the B.E.A. Saw Mills that an area of 280 acres in the Forest of Dean had been laid out for their timber working in 1907.

Subsequently this arrangement was modified by Mr. Hutchins' action in January 1911 by his publishing a notice in the Official Gazette inviting

tenders

tenders for the purchase of 228,518 c. feet of
timber standing on the area divided into 4 sections,
in the Forest of Dean.

It was stated in the Notice that:-

"The following mills now working
"in the vicinity of the Forest
"will be granted an advantage of
"20% over and above the amount of
"any other tenders.

"B. E. A. Saw Mills.

"Messrs Waters, Nicolson & Devin".

The action of the C.C.F. in inviting tenders
for working the timber was resented by the B.E.A. Saw
Mills and representations were made to the then Acting
Governor on their behalf by Messrs. Tonks and Grant,
Solicitors. The matter was referred to the Crown
Attorney who ruled that as a definite assurance had
been implied by Mr. Ketchum that an area of 250 acres
in the Forest had been reserved for the firm he was of
opinion that they were justified in their contention
that it was unfair to ask them to compete by Tender
for the right to work the timber.

5. As a consequence of His Excellency's orders
based on this finding the firm were informed in April
1911 that 250 acres of timber in the Forest of Dean
was at their disposal, at the ordinary rates of
Royalty subject to reductions for unsound timber.

As a matter of fact no tenders were received
other than one by the B.E.A. Saw Mills.

6. In their letter to the A.C.F. dated 17th
June 1910 the firm state that they estimated that the
forest being worked by them together with the Forest
of

of Dean and an area of forest near the Kiboko Swamp, Limuru, would only be sufficient to keep their Mill supplied for 2 years. It is interesting to note that they only commenced felling trees in the Forest of Dean so recently as 2 December last; this goes to show that they have not been hampered for want of timber.

Area North of the Railway Line
at Escarpment.

7. On the 12th May 1912 a Rule under Forest Ordinance, 1911 was published providing for the issue of Special Timber Licences; this Rule was cancelled in February 1913.

8. On 18th May 1912 Mr. W. E. D. Knight applied for a Special Timber Licence in respect of an area of forest near the Lari Forest Station; I recommended that His Excellency should sanction the Licence being issued and this was accordingly done.

9. In a conversation in July 1912 with Mr. Brinck, the representative of the B. E. A. Saw Mills in Nairobi, I informed him that I was prepared to allow a Forester to accompany a member of the firm on a tour in the forests on the Eastern side of the Kikuyu Escarpment between the Pasi and Chania Rivers in order to assist him with his advice and knowledge of the district in selecting suitable forest for working timber. The tour was made in August.

10. On the 4th September I received an application from the B. E. A. Saw Mills for a Special Timber Licence in respect of all the forest to the North of the Railway line between the stations of Kijabe and the Native Reserve beginning near Kijabe.

and going back as far as Kerita Hill e.g. the main bamboo forest. They also applied for a licence to fell MUSAHI trees between the area above mentioned and the Thika River.

11. My reply is letter No.14 in the correspondence forwarded.

12. I forward a copy of a letter received from B.E.A. Saw Mills in reply to the above.

13. Letter No.15 is my reply thereto; the two previous applications were Mr. Knight's and Messrs. Dashwood, Lenon, Ellis & Co's for a bamboo concession for paper - pulp making.

My reasons for stating that "it was in the interests of the Government not to grant the area of forest applied for to any party" were:-

(1) I was, and still am, of opinion that it would be bad policy to lock up a large area of forest in close proximity to the Railway line for one firm while there is practically no other forest in the District available for the supply of timber, fuel, etc.

(2) An area of 50,000 acres of Bamboo forest had been earmarked in connection with the application of Messrs. Dashwood, Lenon, and others for a bamboo concession for paper - pulp making; and it was necessary to ensure a supply of fuel in the event of the concession being granted and factories erected.

14. In reply to this letter the firm wrote a letter (No.20) in which they referred to certain premises made then by Mr. Hutchins in 1908 (see letter No.10) but in his letter Mr. Hutchins specifically

mentions

mentions that the rights of the general public have to be guarded.

15. On the 17th October the firm addressed a letter (No. 9) to His Excellency, the reply thereto being No. 17.

16. On the 9th January 1913 His Excellency granted Mr. Brinck an interview at which I was present. At this interview, after hearing Mr. Brinck's case His Excellency asked him to state in what way his business had suffered from his not having been granted a concession. Mr. Brinck was unable to say that his business had suffered in any way.

His Excellency informed Mr. Brinck that as long as the forests remained Government Forest he would not sanction any right being granted other than those conveyed in a licence e.g. to remove timber on other forest produce which has been marked for removal and paid for.

17. On the 14th February 1913 the B.E.A. Saw Mills were informed, that an area of forest could be marked out for them as a working circle, in which no other right for the removal of timber would be given to any other person so long as they were working the forest to the satisfaction of the Government.

An area of 7000 acres has accordingly been marked off and a plan prepared showing annual coupes.

The actual felling of timber was commenced in January last.

Sd/- E. Battiscombe
Conservator of Forests.

February, 24th, 1910.

Sir,

In order to witness the setting up of the Tana River Poplar logs, I this morning visited the British East African Saw Mills. They are in a difficulty about a new site, I venture therefore to suggest, that in the interests of the Government forests which they are working, they should receive preferential treatment. I understand that favourable terms have been granted to Unge Ltd. and would point out that though it is desirable to encourage the growth of wheat, it is not a State business like Forestry.

The B.E.A. Saw Mills are at present in great need of space for development. Their present building is crammed to the roof. A fire just in a few moments, result in the loss of their whole stock. They have recently imported some new machinery (copying lathe) and they state that the importation of further machinery only awaits a satisfactory settlement of their site difficulty. There is no question that within the last 3 years the working of native timbers has made a most satisfactory advance, nor can the Government interest in this industry be questioned.

Many

The Honourable

the Commissioner of Lands,

N a i r o b i.

Many countries find it advantageous to put timber from the State forests on the market in a manufactured form. It is more in accordance with British methods to leave this to private enterprise; but I trust it may not be lost sight of that Government are directly interested in this private enterprise.

I have, etc.,

Sd/- D. R. Hutchins

Chief Conservator of Forests,

B.E.A. Saw Mills & Machine Joinery Works.

Nairobi, 7th Sept. 1912.

The Conservator of Forests
Nairobi.

We are in receipt of your letter No. 443/12 of the 6th instant, wherein you state that our application for a certain forest area cannot be entertained. Would you kindly inform us of the reasons for this refusal, which comes to us as a great surprise after our conversation when you said an application for this area would be considered. Moreover you allowed a Forester to go with our Mr. Merson to inspect the area, which he did at some expense, and loss of a lot of valuable time. There would have been no object served in inspecting the forest if an application could not be considered at all.

We note contents of para's 2, 3, 4 and 5 and we will address you again on these.

One of our subjects under discussion with Mr. Jackson, seems to have been overlooked, i.e. we have a number of Muzaiti trees marked in the area we applied for, as we are desirous of sending surveyors there to commence sawing up the timber.

Yours faithfully

SA/- A. Brinck
for B.E.A. Saw Mills.

Jan 27238/1914

Ed.

12 Dec 1914

sir,

DRAFT.

W. Steen Esq.

[S
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MINUTE.

Mr. Keaper 29/12/14
Mr. Bostrom 9.12.14

- Mr.
- Mr.
- Sir G. Fildes.
- Sir H. Just
- Sir J. Anderson.
- Lord Islington.
- Mr. Harcourt.

With reference to the letter from this Office of the 3rd of Sept. I am directed, &c. to inform you that he has now received a report from the foreman of the mill and sees no ground for interfering with the action of the local authorities in the matter of the treatment accorded to the B. E. Office Steen Saw Mills Company.

Copy for file 10 Dec 1914

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