

1911

EAST AFR. PROT.

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WELE FOREST CONCESSION

Reports that there are a very large number of native claims in proposed concession. Although it may be possible to find 2,000 acres practically free from such rights, the concessionaire thinks one of proving this and its suitability for tropical agriculture should rest with the concessionaire.

W. Fiddes

At the instigation of the Governor, in order to get over a temporary difficulty as to land titles and native rights, we offered Lord Walerton ~~separately~~ in our letter of the 10th of January on Gov. 26966 a preliminary area of 2000 acres clear of native rights. I certainly understood that the onus would be on the government of indicating such an area, and that it would not be necessary for the concessionaire to fight the question of native rights upon that area. If this were the only point in question, I think we should have to tell Sir P. Girouard that he must indicate such an area and not throw upon Lord Walerton the burden of selecting it and disposing of native claims. Lord Walerton has, however, asked that the area assigned should be suitable in character for rubber cultivation in respect of soil, water, and accessibility. We asked the Governor in selecting the area to meet this desire so far as he might be in a position to do so. The Governor replies that he

is

is not prepared to accept this responsibility, and in that I think we must support him. It is conceivable, however, that Lord Waleron, in order to obtain satisfaction on this point, would be quite willing to take responsibility for the selection of the area within limits indicated by the Governor and thus incidentally take over ~~some share of~~ the responsibility for getting rid of native rights within the area. *Microfilm 22/10*

I think we had better give him the substance of paragraph 2, paragraph 4 (with the exception of the first two sentences) and paragraph 5 of this despatch and say that the Secretary of State is prepared if he desires it to request the Governor to select 2000 acres clear of native rights, but that in this case he cannot give any guarantee as to the suitability of the area for rubber cultivation in respect of soil, water and accessibility and that if Lord Waleron attaches paramount importance to these considerations Mr. Harcourt can only suggest that he should, as the Governor proposes, send out a representative to the Protectorate who could arrange with the Governor the precise area to be allotted and the disposal of any native rights within that area.

*W.P. new to note*

*Harb*

WEST AFRICA PROTECTORATE.

GOVERNMENT HOUSE, P.O. II  
NAIROBI.

No. 639

BRITISH EAST AFRICA.

November 10th, 1911.

Sir,

With reference to your despatches  
Nos. 193 and 545 of the 6th and 29th September  
respectively on the subject of the Mwali Forest  
Commission, I have the honour to report that I  
recently had a further opportunity of visiting  
a large portion of this area on a inspection  
of a proposed water supply for Mombasa.

2. My attention has been even more clearly  
drawn to the fact that there are a very large number  
of native claims throughout the block which it is  
proposed to concede to Lord Waleran and his asso-  
ciates. It may be quite possible to find 2,000  
acres as proposed, but I do not think the onus  
should remain upon Government of saying whether  
such land is suitable for rubber cultivation in  
respect of soil, water, and accessibility. Such a

RIGHT HONOURABLE

THE SECRETARY OF STATE FOR

INDIA

DOWNING STREET,

LONDON, W.C.2.

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guarantee on the part of Government would in the case of failure undoubtedly lead to serious complications, and I therefore suggest that if these two thousand acres are to be selected at once an expert on behalf of the Company should be detailed to locate the area.

3. You are probably aware that in the joining concession of 350,000 acres, now controlled by the East African Estates, Ltd., (of which Lord Cobham is the chairman, and the Duke of Westminster, Lord Belper, and Lord Plymouth, I understand, the principal directors) it has been quite impossible up to date for Government to find any land for the concessionaires. In consequence of this their General Manager on the spot has arranged personally, by compensating the natives, the acquisition of some 2,000 acres, now more or less planted with rubber and sisal after five years' work. These 2,000 acres are, as I am told, now operated by a subsidiary company called, I believe, the Gazi Rubber Estates. The choice of this land and its capabilities for the production of rubber or sisal has remained with the concessionaire - a proceeding which I think is entirely desirable in the present instance.

4. In the case of the land acquired by the East African Estates from the natives there is no absolute security of title as the Recorder of Titles, and the Land Court are not dealing as yet

with

with any areas south of Bombasa. The land however is stated to belong to people of Arab origin, and possibly their claims will be upheld in Court. The case of Lord Valeran's concession there is a further difficulty. The people within this concession are not Arabs, but members of the Wadigo tribe who, I am informed, will resolutely oppose parting with any of their coconut plantations. These plantations are dotted all over the area in question, even in groups as small as 4 or 5 trees. The cost of surveying these out would be very onerous upon the concessionaire, but, failing agreement on the part of the natives there would appear to be no other solution of the matter.

5. It may be possible, as I have stated above, to find 2,000 acres, practically free from any such native rights, but I think the onus of proving this and its suitability for tropical agriculture should rest with the concessionaire. Government will be quite prepared, as a special case, to secure arbitrators to deal with any claims and thereafter to survey and issue title to the area chosen.

I have the honour to be,

Sir,

Your humble, obedient servant,

GOVERNOR.

38733  
G. A. P.  
S. J.



15 Dec. 1911

Regt. Gen.  
Gen. W. W. Wood

My house

MINUTE.

- Mr. Butler Dec
- Mr. Fisher 11
- Mr. H. Just
- Mr. C. Lusk
- Mr. A. Anderson
- Mr. W. W. Wood
- Mr. Harcourt

Secy. Gen. Harcourt  
to inform you  
reference to the letter  
from the General

on 29th Dec 1911  
 G. A. P.

29th Dec 1911  
 has now received from  
 G. A. P.  
 further despatch relating  
 to the matter  
 G. A. P.

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opportunity of visiting a  
large portion of the <sup>district</sup> area  
concerned, and that his  
attention has been even  
more clearly drawn to  
the fact that there are a  
very large number of  
rubber plantations throughout  
the area. It may be  
pointed out that the  
best means of access to  
the various areas of  
the area is by road,  
but Sr. P. Guonard  
is prepared to  
accept the responsibility  
of saying whether such  
land would be suitable  
for rubber cultivation  
with respect to soil, water  
and accessibility. He  
states that

an expert in the area

should be invited to

locate the area

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the local people

to a special difficulty

which exists in the case

of the area. The

people who are not

Arabs, but members of

the waste tribe, who

Sr. P. Guonard is prepared

will probably agree

parting with any of their

cocoa nut plantations

These plantations are

scattered all over the area

in question, even in

groups as small as four

or five trees. The cost of

surveying out these

plantations

with no...  
and you...

issue like - to the area  
chosen

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DRAFT

engineer who then you are  
prepared to follow the  
procedure indicated by  
the Gov and to

MINUTE.

- Mr.
- Mr.
- Mr. Frates
- Mr. H. Justice
- Mr. C. Lucas
- Mr. J. Anderson
- and Lucas
- Mr. Hargreaves

20156  
 This is virtually  
 what had been  
 originally suggested  
 But I do  
 not think that he then  
 had any idea of  
 responsibility on his  
 part for all mineral  
 values rights  
 which are serious  
 differences

Send out a representative  
 to see the area on  
 your behalf

GA



Case 38733-11

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Feb 1912

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The Lord Kaleran

I am sorry to write

your attention to the letter

addressed to you on the

15th of December & to date

that he would be glad to

reply thereto at

your early convenience

Yours truly

MINUTE

Mr. Vennings

Mr. Butler

Mr. Pidgeon

Sir H. Smith

Sir J. ...

Lord ...

Mr. Harcourt