



EAST AFR. PROT.
FED. MALAY STATES
39363

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26 DEC 10



1910
26 Dec
previous Paper
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26999

Land Grants

Notes of interview bet. Sir P. Fremantle & Sir W. Taylor
Lake Road, part of F.M.S. regarding conditions prevailing
grant of rubber & other agricultural lands in F.M.S.
Copies of enactments, Rules, pamphlets &c. enclosed.

W. Butler

Witness as the title of the interview
between Sir W. Taylor & Sir P. Fremantle
who was anxious to obtain some info
about the F.M.S. practices with regard to granting
land producing rubber & other tropical products
as a guide to formulating regulations

for the East

Sir P. Fremantle will be doubtless the

author of the notes which were also with

subsequent Paper

to see the 70 ...
as I understand that he wants to
bring the matter before the Commission
Committee

MS 30/1

Since entering the ...
that a ...
them ...

It is to be obvious that we have
this year ...
which ...
provision for acquisition of ...
certain ...
the ...
in ...
to have ...

in accordance
with the
recommendations
of the Commission
Committee
MS
attached
to ...
that ...

We can't let
the ...
any ...
can't ...
of ...

W. P. ...

Mr. P. ... should have ...
the notes of the interview ... should see
W. Taylor's letter ...
See ... in ...
which ...
Batterbaums ... should be put

of AB

of R
of

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Notice of an inter river between

the of primaries the W People later
accident final of the Dept and
the subject of the ambitions to which
parts of the matter has also experimentally
last of the matter to the Dept 1899

The W People explained at the
inter that according to the policy
theory of land tenure all private
is held in the later being a short
holders of land is never part of the
only a partial have subject to
program of land after the introduction of
20 years the later being a land
program introduced in September 1909

This theory applies to all land
in the Federal States to be con
the smallest later set

was provided
1903 that after
was the Govt
to notify that
in leases should
subject to
direct
action of not
notification in
was therefore
accordance with
the policy of
was department

rate of interest only & my
with notes are charged.

The rubber land is not charged
at dollars (dollar = 2/6) per acre
dollar only being charged for the
and for coconut land
of five acres land is usually let
to private hire but some being a
small part for rubber purposes
of 2 or 3 acres this amount
sometimes made, this being the
of 1000 & 2000 acres had been by land
the cultivation of rubber being as a
amount that in the case of rubber
the land of coconut land sometimes
for plants might be returned to small
of rubber but I was to Mr Taylor
amount of 1000 acres

THE

for rubber land, and 5000 for
coconut land should be all
and also for rubber plantation
Being mentioned by Mr P. James as
to the effect of the new program as to
the amount of rubber for Mr Taylor says
that if he had for that at all in
the demand for land. But, by the
providing land to him Mr P. James
he admitted that, he was satisfied the
exp. the new program was made
which to have in the production of
Being asked as to the willingness of
the Bank to be paid to land
money for rubber cultivation, Mr W.
Taylor says that the job advances
money (if satisfied of course as to the
amount of rubber process at 6/6 per acre

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MALAY STATES DEVELOPMENT AGENCY.

111 & 113, QUEEN VICTORIA STREET,
LONDON, E.C.

C O

39383

PHONE: 5227 City

ADDRESSES: MALAYA, SINGAPORE

2nd December 1910



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Dear Mr. Batterbee,

With reference to the inquiries made by Sir Percy Girouard, at our interview yesterday, as to the conditions on which land (agricultural) is alienated in the Federated Malay States,

I send you herewith

1. Copies of the Land Enactment, with the Rules made thereunder, now in force in the various states of the Federation. I enclose separately the Rule made in September 1909 about the revision of rents at intervals of thirty years.
2. A pamphlet by Mr. R. G. Watson, dealing with the Land Law and Land Administration of the Federated Malay States.
3. Copy of the Manual of Statistics relating to the Federated Malay States, published annually.

All the information desired by Sir Percy Girouard is, I think, given in Mr. Watson's pamphlet. The rates charged for premium and quit rent of agricultural lands are given in pages 7 and 8 of the pamphlet. The provision as to agricultural lands not exceeding 20 acres in extent covers practically all the native (Malay) landholders; a Penghulu (Headman) might have in some cases a larger holding but no one else.

Similar information, in a more condensed

form

H.S. Batterbee Esq.,
Colonial Office,
Downing Street.

Accession - 142-20

MALAY STATES DEVELOPMENT AGENCY

111 & 113, QUEEN VICTORIA STREET,
LONDON, E.C.

PHONE: 5287 City

CABLE: "MALAWAKIL" LONDON

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form is given in Part I, of the Manual of Statistics.

In both the Pamphlet and the Manual of Statistics you will find information as to the rates charged for survey fees, and in paragraphs 11 & 15 of the Pamphlet you will find reference to the conditions imposed and obligations incurred under the provisions of the Land Enactment.

There is no limit as to area that may be alienated, but the Government of the F.M.S. does not encourage the alienation of very large extents of land and you will see from section 32 of the Land Enactment, that for a proprietor to hold more than 640 acres requires the approval of the Resident General. This approval has not been withheld when it is necessary or desirable for purposes of Estate cultivation, but a larger area should be given. In earlier days very wide grants were made in Pahang but of late the policy of the Government has been to get rid of such large concessions, to get them cancelled by agreement or otherwise.

We have, besides what I am sending you, Enactments etc., dealing with Labour on Estates but I did not gather that you want information about this. Should you want such information I can send you copies.

Yours sincerely,

H. Taylor

Memorandum as to the conditions in which
grants of land bearing rubber, and other tropical
products, are made in the colonies and protectorates,
with special reference as to any provision for
the limitation of the amount of land granted.

To deal first with the Eastern colonies.
In Ceylon all agricultural Crown lands are sold by
public auction with minimum upset price of five pounds.
No single piece of land having 1000 acres in extent or
over 5000 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 Malaya States freehold is never
granted but only a perpetual lease subject to revision
of rent every 25 years, the Malay theory of land
tenure being that all land is vested in the native
chief or King. For rubber land the rent charged is 2
dollars (dollar = 2/6) per acre, 1 dollar only being
charged the first 500 acres and for coconut land
half these rates. Land is usually let by the square
mile, 50 acres being a very usual grant for rubber
purposes. Grants of 2 or 3 times this amount are some-
times given, there being no limit laid down by law, but
the cultivation clause acting as a sufficient check
on the size of estates. In the case of coconut land
somewhat larger grants are usual.

In the New Malay States Sir John Anderson has pro-
posed that possessions should be limited by restrict-
ing the tenure to 99 years' lease and by a limitation

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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 the position is dominated by that fact.

In British Guiana there is a considerable amount of Crown land, and land suitable for rubber cultivation is let on the following terms (Crown Lands Regulations 1919) - Lease for 99 years. No rent during the first ten years, but 20 cents (1 dollar - $\frac{2}{5}$) from 11th to 10th years inclusive and 50 cents for remainder of lease. During first ten years of lease lessee to pay one penny for all rubber whether obtained from indigenous or cultivated trees. The lessee to plant each year $\frac{1}{25}$ part of the land leased with rubber trees, with an average of not less than 20 trees to an acre, until he has planted not less than $\frac{10}{25}$ of the land. No 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 his absolutely.

In West Africa

In West Africa generally, all land is in the hands of the native chiefs and concessions are obtained from the chiefs direct subject to the approval of the Government (Judicial or Executive).

In the Coast and Sierra Leone, under the Concessions Ordinances of these colonies, concessions to be valid must be certified by Concessions Boards, and the validity of no concession will be recognized when, in the case of land producing timber, rubber or other agricultural products, exceeds 25 square miles in extent, and no person shall hold at one time more than 40 square miles of such land.

In Southern Nigeria, under the Native Land Acquisition Ordinance, the discretion as to non-ferrous concessions is given to the Executive, but no limit of area is imposed. The ordinance is confined to the Eastern and Central Provinces, and in the Western Province no legislation appears to exist.

In Northern Nigeria, under the Land and Native Rights Proclamation application for a Concession of native land must be made in the first instance to the Government (and not the native chief). Right of occupancy only is granted subject to payment of rent every seven years, but no limit of area is imposed. It is fair to add that the Proclamation contemplates native holdings rather than concessions to Europeans.

Colonial Office

1911

BRITISH ARCHIVES

Memorandum as to the conditions on which grants of land bearing rubber, and other tropical produce, are made in various colonies and Protectorates, with 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 £2000 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 viz tea.

In Federated Malay States freehold is never granted but only a perpetual lease subject to revision of rent every 30 years. - the Malay theory of land tenure being that all land is vested in the native chief or king. For rubber land the rent charged is 4 dollars (dollars = 2/1) per acre, 1 dollar only being charged the first six years, - and for coconut land half these rates. Land is usually let by the estate file, 500 acres being a very usual grant for rubber purposes. Grants of 2 or 3 times this amount are sometimes made, there being no limit laid down by law, but the cultivation clause acting as a sufficient check on the size of estates. In the case of coconut land perpetual leases are usual.

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

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In Federated Malay States freehold is never granted but only a perpetual lease subject to revision of rent every 30 years. - the Malay theory of land tenure being that all land is vested in the native chief or king. For rubber land the rent charged is 1 dollar (dollar - 3/4) per acre, 1 dollar only being charged the first six years - and for coconut land half these rates. Land is usually let by the square mile, 640 acres being a very usual grant for rubber purposes. Grants of 2 or 3 times this amount are sometimes made, there being no limit laid down by law, but the cultivation clauses acting as a sufficient check on the size of estates. In the case of coconut land somewhat larger grants are usual.

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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 the position is dominated by that fact.

In British Guiana there is a considerable amount of Crown Lands and land suitable for rubber cultivation is let on the following terms (Crown Lands Regulations 1910) - Lease for 99 years. No rent during the first ten years, but 20 cents (1 dollar - 4/2) from 11th to 15th years inclusive and 50 cents for remainder of lease. During first ten years of lease lessee to pay sum of 2 cents a pound for all rubber whether obtained from indigenous or cultivated trees. The Lessee to plant each year 1/25 part of the land leased with rubber trees, with an average of not less than 50 trees to an acre, until he has planted not less than 10/25 of the land. No 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 his absolutely.

In West Africa

In East Africa, speaking generally, all land is in the hands of the native chiefs and concessions are obtained from the chiefs direct subject to the approval of the Government (Judicial or Executive);

In Gold Coast and Sierra Leone, under the Concessions Ordinances of these colonies, Concessions to be valid must be certified by Concessions Court, and the validity of no concession will be recognised which, in the case of land producing timber, rubber or other agricultural products, exceeds 20 square miles in extent, and no person shall hold at one time more than 40 square miles of such land.

In Southern Nigeria, under the Native Lands Acquisition Ordinance, the discretion as to confirming concessions is given to the Executive, but no limit of area is imposed. The Ordinance is confined to the Eastern and Central Provinces, and in the Western Province no legislation appears to exist.

In Northern Nigeria, Under the Land and Native Rights Proclamation application for a concession of native land must be made in the first instance to the Government and not the native chief. Right of occupancy only is granted subject to revision of rent every seven years, but no limit of area is imposed. It is fair to add that the Proclamation authorises native holdings rather than concessions to Europeans.

Memorandum as to the conditions on which grants of land bearing rubber, and other tropical products, are made in various colonies and Protectorates, with special reference to provisions for limitation of area.

It is first with the Eastern Colonies. In Ceylon all reserved and Crown lands are available for public auction with minimum plot size of 1/4 acre, no single piece of land beyond 1000 acres in extent or over 20000 in value can be granted without special reference to the Secretary of State. Average size of rotation in small holdings is 1000 sq. ft. of cultivation necessary for agricultural purposes of rubber and tea.

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In British Guiana there is a considerable amount of Crown lands, and land suitable for rubber cultivation is let on the following terms (Crown Lands Regulations 1910) - leases for 29 years. No rent during the first ten years, but 25 cents (1 dollar - $\frac{1}{2}$) from 11th to 15th years inclusive and 50 cents for remainder of lease. During first ten years of lease lessee to pay sum of 2 cents upwards for all rubber whether obtained from indigenous or cultivated trees. The lessee to plant each year $\frac{1}{25}$ part of the land leased with rubber trees, with an average of not less than 50 trees to an acre, until he has planted not less than $\frac{10}{25}$ of the land. No 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 his absolutely.

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TOTAL EXPOSURES →

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THE WRITING IN THIS
VOLUME IS TOO CLOSELY
BOUND INTO THE VOLUME
TO REPRODUCE IN ENTIRETY

From	Date	Subject
E. Afr. Synd. Hb.	20 Jan	Jan. Legislature & employees of Nairobi Union, Castle Co.
Brit. Ind. Stand. Bd.	23 Mar	Strength on industrial goods
E. Afr. Colate. Bd.	2 May	Concession
National Bank of India	14 June	Govt. Banking Treasurers
National Bank of Ind.	27 "	"
Union Castle Co.	1 July	Attainment of serv. fund at retirement
J.W. Synd.	14 "	Industrial development scheme
E. Afr. Colate. Bd.	12 "	Concession
Gov. of Kenya	2 Oct	Industry
J.W. Synd. Bd.	5 "	Industrial development scheme
E. Afr. & Uganda Colate.	12 "	Inst. Employ in liability Act
Min. of Ind. & Commerce	13 "	Lawrence of Indians
U. C. Bd.	14 "	Ministry
Union Castle Co.	14 "	Retention of sheep
E. Afr. Colate. Bd.	14 Nov.	Bacon factory
J.W. Synd. Hb.	11 "	Concession of Jubilee
E. Afr. Cotton Synd.	24 "	Cotton Cultivators
John Sch. Prof. Med.	14 Dec.	Mr. Jackson
Gov. of Kenya of Bank	30 Dec.	Industry

Industrial

Auderson Co.	12 May	Discovery of coal
Atk.	10 Nov.	Amalgamation of E. A. P. & Uganda
Bleek M.	11 May	Death of J.B. Cairnsworth
Bleek Co.	11 "	Death of J.B. Cairnsworth
Curren S.	17 Nov.	Govt. employment
Cross J.H.	2 June	Compensation claim
Chewers S.L.	17 Feb.	Transfer
	9 Mar.	Resignation
Close G.F.	5 Sept.	Survey Dept.

From	Date	Subject
Walter J. G.	12 July	Concession on Tana River
Gagan J. G.	12 July	General
Walter J. G.	12 July	Tana River concession.
	14 "	
	22 "	
Walter J. G.	25 May	Emp. Employment
Walter J. G.	25 "	Maingi concession
Frostfield, Wm.	27 June	Concession to the S. Afr. Agency Ltd.
Walter J. G.	27 Sept	Kenia Forest.
Walter J. G.	12 Oct.	Ruthe concession
Geddes J.	16 "	Poluan James concession
Gagan, Capt. G.	4 May	Cancellation of concessions
	25 "	
	4 June	
Geddes J.	27 "	Concession S.A. & S. Afr. Agency
Gage J.	- Oct.	Claims
Walter J. G.	13 Dec.	Abyssinian frontier
"	15 "	Water supply, Mombasa
"	16 "	Messrs. Langham & Gagan's Concessions
"	17 "	Concession to Nairobi Electric Co.
"	17 "	Concession to S. Afr. Cotton Synd.
"	20 "	Lease on Tana River
"	20 "	Concession to S. Afr. Synd.
"	24 "	S. African Salutes Ltd.
"	24 "	Status of Protectorate
"	24 "	Nairobi - Thika Tramway
"	24 "	Nairobi - Thika Tramway
"	23 "	E. P. Webb's concession
"	23 "	Railway stuff
"	26 "	S. Abyssinian frontier