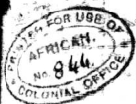


EAST AFR. PROT.

No. 34189

34189

REC 15 SEP 06



No. 449

(Subject.)

1906

Land Grants &

previous Paper.

Submits observations on Col Malcolms letter of 4 March

(Minutes.)

Mr. Read

Yes. I believe that Col. Malcolms is now going to the farms to see what work has been done. H. J. R.

This seems satisfactory. I understand from par 3 that action will now be taken to compel farmers who have taken up land to comply with the Crown Lands Regulations respecting development.

I'm asking if you appear said action being taken

W.M. 14/9

W. M. 14/9

18/9

W. M. 14/9

Opinion that all in the right

direction. Prof. as the passed

by the

2 8 11

34189



Commissioner's Office;

Nairobi,

August 15th 1906.

EAST AFRICA PROTECTORATE

(No. 449.)

(Incl. 2.)

C O
34189
Recd
REC 15 SEP 06

My Lord,

I have the honour to acknowledge the receipt of Your Lordship's despatch No. 334 of the 14th June last, and to submit minutes by the Commissioner of Land and the Land Officer on the points raised by Colonel Malcolm in his letter of the 14th March to Sir W. Ommalley in so far as they relate to the land question.

2. As Your Lordship is aware, this question has from the first been beset with difficulties. The large area was opened up to European settlement before any survey had been made, and before we had any staff with the experience necessary to deal with the many complicated questions

Montgomery
August 6th.
Berthon Wright
August 4th.

H. Principal Secretary of State

for the Colonies;

Downing Street.

questions which arose in connection with the applications for land which were received. In fact, a flood of settlers poured into the country before we were ready for them. Under the circumstances difficulties were bound to arise and some mistakes to occur, but on the whole I think as much has been done to arrive at a solution of the land question as was possible with the means available in the Protectorate at the time. Colonel Malcolm visited East Africa at what I may call a transition period so far as the land is concerned. Our difficulties had been recognised, both locally and by Your Lordship; a Committee had sat in Mombasa to consider all the questions connected with the land, and had submitted an exhaustive report; and action was being taken at home on several of the principal recommendations made, including the organization of a proper survey, the appointment of a Land Commissioner, and the strengthening of the Land Office. Colonel Malcolm thus saw the country before it was possible to give effect to the recommendations which had been made, of the nature of which he was probably not aware, and a

venture to think that he could hardly have had time to make himself fully acquainted with all the problems which surround so hurried a settlement as that which had to be made in East Africa.

3. Mr. Barton-Wright is on the main correct in what he says about unoccupied farms. I had been but a month in the country, the conditions of which were new to me, and I wished to understand something of the land question and see part of the area under settlement before approving of a general notice which had been issued to settlers warning them that action would be taken against all who failed to comply with the regulations. I had no objection to individual notices in most cases, and of this the Land Officer was well aware; but the whole land question being under consideration it did not seem to me that the time was the most opportune for such a general notice as that referred to; which was likely to have, and actually did have, a somewhat disturbing effect. The case is now different: a reply has been given to the petition of the Colonists' Association; in many points their requests have been granted in whole or in part; they know where they stand; the Land Commissioner has had an opportunity of

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sub-lease portions of their holdings in their own interests. A certain number of 640 acres farms, too, which revert to Government owing to non-fulfilment of the conditions, will afford an opening to intending settlers, and I need hardly say that if Colonel Malcolm has any such in view, we shall be happy to give all the assistance we can to persons recommended by him.

7. The matter of Railway rates has lately been under consideration by Your Lordship, and certain concessions have been given in the carriage of sheep. No question has, so far as I am aware, been raised lately, as to the cost of transporting horses and cattle; on this point I am asking the Manager of the Railway for his views. In paragraph 9 of his letter Colonel Malcolm does not put the question of unskilled labour fairly. It is a fact that porters cannot be obtained at Nairobi under the prices quoted by him, but this is owing to no action of ours. It is due to the large demand by private shooting parties, to which I have referred in a previous despatch, and when pressed for time the Administration often has to engage Nairobi porters at this rate, not because it wishes to do so, but because they will not come for less. We are doing what we can to discourage

these prices, and as an instance in point I may mention that I am now on tour in the Kenya Province, and that with the exception of a few Swahilis, who were necessary for pitching tents, I obtained all my porters from this Province at 1s. 4/- per mensem, and had them sent into Nairobi to meet me.

10. Paragraph 10 requires no comment as the importance of having good men in the positions of Magistrates and Collectors is obvious, and I presume the concluding remark is not meant to refer to this Protectorate.

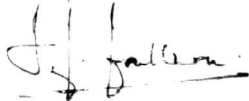
I have the honour to be,

With the highest respect,

My Lord,

Your Lordship's most obedient,

humble servant,



For H. M. Commissioner.

6

Subs 100 No

375

COPY.

Aug 15 1906

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14/06
1906

MEMORANDUM

I asked the Land Officer to give me a note on three parts of Colonel Malcolm's letter which relate to the land question.

I am sure that Colonel Malcolm's intentions in writing the letter were excellent; and we are all glad to know where we are going wrong. But he has made the mistake so many people do after spending a short time in the country; he has generalized from a few cases which have come to his notice.

Mr. Barton Wright's note sufficiently sets out the objections. As to paragraph 3 (c) we are about to issue notices telling all concerned that the time has now come to enforce the regulations.

Sd/- J. Montgomery,

Nairobi,
August 6th 1906.

7

200 sq. miles
1000 acres
acres

MEMORANDUM

Respecting (a). The first case of a large grant to the East Africa Syndicate was made by the Home authorities. I would state that I placed on record a strong protest against such large grants being given and advocated even at that time, three years back, a maximum grant of 10,000 acres. The second large grant was that of Lord Delamere given with the approval of the Foreign Office. A reasonable answer can be given for both these grants there were no settlers in the country, and special inducements were thought necessary to induce people to come in and spend money in experimenting. The other three large applications granted Chamberlain, Flemmer and Bowker came so closely after Delamere's that the same reasoning may be applied. The last large application that of Dr. Doering's is one where application is tied down by certain onerous covenants concerning development and in this case I saw and still see no reason against the concession having been made.

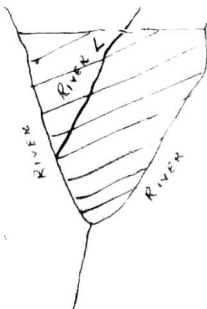
(b) Unless the terms of the Land Laws are strictly enforced it is impossible to prevent this, and in this connection I would state that I have not been allowed to take such action.

(c) His Excellency had given me definite instructions that I am not for the present (this was in January) to take any action against such offenders. I had on my own

initiative

initiative taken such action previously in the case of certain non occupied farms, but this action was not carried on owing to these instructions.

5. Colonel Malcolm is somewhat inaccurate in his facts one of the first rules I made was that land was not to be allowed ^{on} both sides of a stream also that river frontage should not exceed half the depth of block granted. This rule has as far as practicable been followed, although not blindly common sense principles having been observed. I will quote an example:-



The shaded area represents a 5,000 acre farm it crosses River L and land is granted on both sides. Also the river frontage is very large compared with area, but here no harm is done as the whole of the land between the streams is taken up and no waterless land is left vacant and useless.

Colonel Malcolm makes the statement that owing to the porous nature of the ground the making of dams is impossible etc. this as the result of a flying visit seems a somewhat bold statement to make though I have been some time in the country I would feel very diffident in making such an assertion, had he qualified his statement by saying without considerable expense and added in many localities the opinion expressed might be allowed to pass uncriticised. His further comment on the absence of springs would indicate

that his statement is the country was short of water.

The reply to 6. apart from the fact that native die

disaffection among the natives had made it temporarily unsafe for settling can be best answered by the Home Office who sent our definite orders that further applications on the Guaso Nyiro Plateau were not to be entertained.

With regard to 7 the answer is a simple one; naturally the best land in neighbourhood of line was taken by first comers with the result that later comers are forced further and further away unless they are prepared to pay enhanced prices and buy from the first comers.

Sd/- B. Wright.

Nairobi,

August 4th 1906.

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EAF

C.D.
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D. 12

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DRAFT.

13th November 1906

MINUTE.

- Mr. Little
- Mr. Peas
- Mr. Antrobus
- Mr. Cox
- Mr. Lucas
- Mr. Graham
- Sir M. O'Malley
- Mr. Churchill
- The Earl of Ellen

11/11/06

See the receipt
of the Jackson deep
No. 449 of the 25th of
August last relative
to certain points raised
by Col H.H. & his colleagues
with regard to the
question of granular
- etc - EAF

2 I approve the action
which I gather from
the 3rd para of that
deep is now being
taken

~~2 I approve the
action which is
now being taken
in the main
that action which
is now being taken
is to be completed
as soon as possible~~

25-16

obtained grants of
land to satisfy
with the Crown lands
regulations respecting
occupation
the development of
these holdings.

I have, &c
Yours,
W. G. L.