



DESPATCH.

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1907
June 18

(Subject)

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Governor's Office,

25233
Nairobi,

June 18th 1911

EAST AFRICA PROTECTORATE.

No. 7642

(Encl. 2)

My Lord,

With reference to Your Lordship's despatch No. 10 of 3rd January forwarding an application from Captain Diespecker for a modification of the provisions

of the Mwela forest lease with a view to facilitating the transfer of the concession to a syndicate, I have the honour to transmit herewith a report on the forest in question by the Acting Conservator of Forests with observations by the Commissioner for Lands, the Crown Advocate, the Chief of Customs and the Acting Treasurer on the proposal.

An officer has been instructed to examine the area and prepare a report on it from an agricultural point of view, which will be submitted to Your Lordship

together

H.M. Principal Secretary of State

for the Colonies,

Downing Street,

LONDON, E.C.

Commissioner for Lands
11/1/11
Crown Advocate
14/1/11
Treasurer
14/1/11
Chief of Customs
14/1/11

X No. 6269

together with my own observations in due course.

I have the honour to be,

With the highest respect,

My Lord,

Your Lordship's most obedient,

Humble servant,

Hyndent

25233

REPORT OF THE MOUNTAIN FOREST COMMISSION
16 JUL 07

I preface this report with a note made by Mr. Hutchins and sent to me by him after his return from the Protectorate.

"His Excellency's request for the lease to be extended includes a request for the lease to be extended to include the land between the forest and the village. His Excellency's request is tantamount to the alienation of the forest. In the absence of a special Act, it should be a matter of inevitable policy not to alienate any portion of the national forest reserves of the Protectorate."

Practically the only forest proper within this concession of 300 square miles consists of six distinct patches of forests varying in extent from 400 to 300 acres, on the ridge of the Shiba Hills and on Jambou Hill. These groups are:-

Longo Macanga

Nwela ndogo

Nwela ndubu

Jambou

and the small forests between Longo Macanga and

Nwela ndogo.

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Taking 750 acres as the average size of these blocks of forest, and this estimate would be a high one, the total acreage of forest is only 117,000 acres out of the total area of the concession 1,000,000 acres or a little over 11%.

The whole of the land comprised within the concession is very well wooded and there are numerous groups of trees varying in size from 10 to 40 trees; along the margin of streets also there are fairly thick belts; including these small groups and belts of trees I think it would be safe to estimate the land under forest at 3% of the whole.

The forest - Longo Maganda - was measured with the following results:-

Cubic feet per acre	5089
No. of trees "	117
Of these 117	
Mature trees	83
Immature "	34

This piece of forest, which the area is 270 acres, is a very good sample of the other pieces of forest above mentioned.

The chief species of trees are:-

Mkongho. The largest tree in the forest, many trees being measured over 100 feet in height and 70 feet of clear bole; a soft wood, could probably be used for cheap furniture, packing

case etc.

M'landarui, (*Brachylobium hirsutum*) Gum tree, produces gum. Timber hard and durable. This species is very poorly represented in this forest.

M'umbo. A hard wood, not eaten by white ants, might make a good "slipper" wood.

M'urupia. Fair sized tree, forms buttresses up to at least 1/2 of the total height of the tree, wood very hard. It is probably a *Terminalia*.

Uropea. A very tall straight galling tree, used by the natives for mats of bows.

M'uti. A large tree, develops long spreading roots on the surface of the ground.

M'urupia (Wild Guava) This tree is not a *Paidium*. A large tree with stem fluted to the top of the bole. Wood very hard - if the hardness of Olive were 1 this wood would be 5; very heavy, durable and of a dark purple colour and not eaten by white ants. Its great weight 78 lbs. per cubic foot when air dried would prevent this wood from being put to uses which its hardness and durability would otherwise warrant.

Mabaga. A very large tree, producing fairly hard wood but not durable.

Maomari switu said to have very hard black heartwood and is more durable than Mangrove wood. A tree 10 inches in diameter was felled, but there was no sign of any heartwood being formed, probably this wood develops a hard coloured heartwood late in life.

Below is a list of the trees measured in proportion as they are represented:-

- M'gonuo
- M'tarvia
- M'popoo
- M'pera switu
- M'babaga
- M'auke switu
- M'uriti
- M'omari switu
- M'band rusi
- M'lipili

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One of the most important trees of the Coast regions
 Bamba Kofe was entirely unrepresented in this forest but both
 in Mwele Mubwa and in Mwele M'dogo this tree is well
 represented. Probably if each piece of Forest were
 measured it would be found that the various species are
 represented in greatly varying proportions; for example
 at Mwele Mubwa which is just outside the concession Gum
 Kofe is the pre-dominating species while M'ongus is only
 poorly represented.

The Rubber vine, *Landolphia Kirkii* is very abundant
 all through the concession, in the forests it is more
 abundant near the edges and in brakes where it can get
 more light than in the centre where there is not much
 light. In the small groups of trees outside the forests
 the vine seems to thrive very well, and it is in such
 places that the best vines are found.

The newly found Rubber tree grows on the banks of
 streams and is very abundant, in one case it has been
 found growing on dry exposed land. Probably this tree
 will prove to be of great value for planting, it produces
 a large amount of seed which germinate easily and the tree

great advantage of being indigenous.

With regard to the collection of gum, wax and fibre mentioned by Lord Valera in his letter of 23rd August 1904, Gum Copal trees are found in fair numbers in the forests, though as already mentioned the numbers vary considerably in the different forests. The trees are fairly abundant outside the forests.

I have not seen any fibre-producing plants of any value in the concession.

The natives report that there are a good many wild bees, but not so many as nearer the sea. I only came across two wild bees nests, but no doubt I should have seen more had I searched for them.

With regard to the lease of the Mabira Forest which the Secretary of State suggests should serve as a model for any concession which may be granted to include the rights already granted to Messrs Diepecker & Macallister and with special reference to Clause 5 of the lease, I am of opinion that some of these conditions would not be suitable for any concession in this country.

Clause 5. () No concession holder should be allowed to fall any tree which has not been marked by a forest

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Officer. It is quite impossible to lay down a rule by which trees of a certain size shall not be cut.

(c) Trees that are to remain for seed-bearing purposes should not be marked, only trees to be felled should be marked.

(d) If a forest is cleared leaving only two trees per acre, artificial regeneration has to be resorted which is very expensive and very difficult of attaining owing to the dense mass of vegetation which immediately springs up. The forest should be so managed that good natural regeneration is on the ground before the final felling of the mature trees.

(e) The rotation would vary according to circumstances.

(f) The planting of all gaps etc. should be undertaken by the Forest Department.

Clauses 11, 12 & 13. These would not be necessary if all planting operations were undertaken by the Forest Department.

Having regard to Mr Hutchins' note I would propose that should the forests be included in the concession that it should be worked under conditions similar to those proposed by Mr Hutchins for the working of the Kenia forests.

Nairobi, April 16th, 1907.

S. Bathcomb
Aty Com Int

No. 121/58

INCLOSURE 205
Despatch No. 26 of June 18 1907

25233
REC
16 JUN 07

OFFICE OF THE COMMISSIONER FOR LANDS,

NAIROBI,

7th. June, 1907.

Your Excellency,

I have the honour to submit the report of the Acting Conservator of Forests on the Invele Forests, made in pursuance to the orders of the Acting Commissioner, and referred to in the despatch of the 2nd. March to the Colonial Office.

2. One important point brought out in Mr. Battiscombe's report is that whereas Messrs. Habelister and Diespacher have been given a right to collect from some two hundred square miles, the area of the forest only covers about one per cent of the whole, and even if groups of trees and belts along streams included the percentage, according to the report, does not go above two. Assuming that this may be an underestimate, it would be safe to say that the area under trees probably does not exceed 3000 or 5000 acres. Rubber is abundant throughout the area of the concession.

3. In his letter of 23rd. November 1906, Walrus asks for an extension of the existing lease on the following terms:-

(A)

HIS EXCELLENCY
THE GOVERNOR,
EAST AFRICA PROTECTORATE
NAIROBI.

- (a) Two years extension for every £1000 sunk in planting rubber and building roads.
- (b) Rent presumably to remain as at present at £2000
- (c) Lease to be given to collect other natural products of the forest (such as gum, wax and fibre), timber being excluded.

On the 18th December Captain Diespecker made other proposals as follows:-

- (a) Extension of the lease from 21 to 48 years.
- (b) Right to collect all natural products of the forest in addition to rubber. Apparently timber is included.
- (c) Not less than £2000 to be expended in developing the industry during the first 21 years.

The Secretary of State replied to Captain Diespecker that the existing lease give the lessee no rights except the collection of rubber, and in forwarding the correspondence it was suggested to Your Excellency that a concession might be granted of the Nwele Forest under the conditions laid down in the lease of the Mabira Forest in Uganda, a copy of which was sent for perusal.

4. On this point I am in agreement with Mr. Battiscombe, that it would be better in the interests of all forests to give concessions only on the terms advocated by Mr. Hutchins in his report on the Kenya forests. These are briefly that no lease be given of the land, but only the sole right to cut all exploitable timber in a given area, such timber being previously marked by a Forest Officer. But seeing how small the area of true forest is, it seems hardly worth

word, while to look upon this as a forest lease only.

6. It is important that we should be sure of what has been granted to the lessees in their existing concessions; and I asked the Crown Advocate to favour me with his opinion on this point. And I also asked him to say, in consultation with the Standing Concessions Committee, what he thought we had better do as regards any extension or amplification of the existing leases. I forward the opinions of the Crown Advocate, the Chief of Customs and the Acting Treasurer.

7. It will be seen in the first place that the existing leases are not, in Mr. Comte's opinion, so simple as they at first appear to be. It is true that they are primarily for the collection of rubber only, but conditions have been included which would make it hard to combine the operations to that extent; and if this were possible it would be difficult to ensure the development of the whole area as it should be developed.

8. We have some 200 square miles given to two persons, ostensibly for rubber only, but so tied up that development in other directions is practically checked. It may be added that this block comes inside the large area which is about to be granted to Mr. Goldsmith's Syndicate on special terms. Under existing conditions it must of course be excluded from that concession.

9. I agree with the Crown Advocate that an endeavour should be made to have the whole area thoroughly developed. So far we have only a report

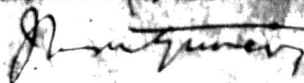
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from a forest point of view, and we know that there is not much real forest. Whether the land is good for growing other things besides timber and rubber we do not know. It should be remembered that the area of these concessions does not lie on the sea, but somewhat inland in broken hilly country. I propose appointing an Officer of the Agricultural Department to go over the ground and submit another report from the point of view of agriculture. When we have this we shall be in a better position to judge of the whole case.

In the meanwhile your Excellency may think it advisable to send this report with connected papers to the Secretary of State in case he wishes to give further instructions.

I have the honour to be
Your Excellency's
most obedient, humble servant.



COMMISSIONER FOR LAND,

ENCLOSURE ^{Vol. 3}

Despatch No. 243 of June 18, 1907.

MINUTE PAPER.

WITH REFERENCE to the note of the Commissioner for Land on the subject of the Iwale Forest Concessions B/19-4-07.

I.

1. With regard to the rights which lessees possess over the area of their concessions under leases such as have been granted to Messrs Macalister and Diespecker. The first point which must be borne in mind is that these concessions are in fact leases and not merely licences authorising the grantees to collect rubber over the area. It was at one time intended that in order to avoid tying up large tracts of country which might be suitable for other purposes than the growing up rubber producing plants, licences rather than leases should be granted authorising the grantee to collect rubber over a specified area. The Foreign Office, however, objected to that course on the ground that it might be held to conflict against the provision of the Brussels Act with regard to the granting of monopolies, and the Commissioner was instructed to grant leases of areas for the cultivation and collection of rubber. These leases grant to the lessees the sole right (subject to the reservation with regard to the natives) to occupy the areas leased. They may, however, use the land only for the purpose of collecting, removing and cultivating rubber. They may break up waste land and plant rubber producing plants, may build houses and other buildings which may be necessary in connection with their rubber business, and may make roads over which their products can be carried.

The right to enter on the land leased for the purposes

leaves of felling, collecting and carrying away timber and forest produce is reserved to the Commissioner and his assigns and the Commissioner may further resume possession of any portion of the land which is not forest land and on which rubber trees are or vines are not growing.

Subject to these reservations the lands the subject of these leases are tied up during the currency of the leases and cannot be used either by the lessees or any other persons for any purpose other than rubber cultivation.

2. With regard to future concessions I would strongly advocate the granting of these lands hereafter to individuals or companies who are willing to collect and cultivate all the natural products of the area and to cultivate the land generally in the most profitable manner and who will give proof that they have capital necessary for that purpose.

If the right to collect different products from the same area is given to various persons friction and trouble are bound to arise.

If the area is on a whole a rubber area the condition with regard to the planting of rubber vines should be inserted, but otherwise the lessees should be allowed to use the land for the cultivation of those products which they may consider to be the most profitable.

The object of the administration is, I take it, to secure that land which they may lease will be put to the most profitable use and I do not think that this object can be attained unless the persons to whom these large areas of land are granted are willing and capable of developing the areas leased to them not by the cultivation of one product only on a portion of the area suitable to the cultivation of that product but by the cultivation of all such products as can be most profitably grown on the various parts of the area.

I am making my recommendation on the assumption that in an area of 300 square miles there must be a large portion which is unsuitable for the cultivation of rubber plants but of which some portion could be profitably used for the cultivation of fibre producing plants and some for the cultivation of cotton.

Under these present leases these portions are lying waste as the lessees may not have them and it would be extremely difficult for the administration to recover possession of them and to grant them to other lessees without causing much trouble to original lessees.

If my recommendation is adopted the lessees should be required to pay a substantial rent for the area. Such a rent would ensure that the land is put to the most profitable use by the lessees. No royalties on products other than a royalty on rubber should be levied.

If the lessees wish to ~~bring~~ ^{draw} their attention to the cultivation of any particular product they should take special care not to let these portions of the land not suitable for the cultivation of that product and to reimburse themselves for the rent which they pay to the administration for the land not cultivated by themselves.

I cannot think and it would be desirable to grant leases on the coast for a longer period than 25 years.

If the lessees have done good work on the land they would have an excellent claim for a renewal of their lease but it might be necessary to resume possession of portions of the area.

ED. P. L. DUFFY,
 JACQUE ADVOCATE.
 13/4/47.

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MINUTE

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the role of the Commissioner for land of the
of the Swale Forest concessions 1911-4-1917.

the only people who have done any work so far with con-
cessions are those who have taken out the seed for Mangrove
seed and fibre.

Concessions have not been granted for rubber have come
to nothing and the only result has been that natives who
hitherto enjoyed the privilege of collecting in the forest
have been kept out of certain districts when a lease
was given.

Personally I am not in favour of granting concessions
to the first person who applies.

I consider it of the first importance to enquire into
the capability of the people who make these applications
before coming to terms with them. Many people making appli-
cations for concessions have no intention of working them
themselves or knowledge of how to work them but take them
with a view of turning a syndicate and unloading on an un-
suspecting public afterwards.

The interest of Government will be better served by
giving concessions to practical people who have previous
experience of the particular article for which they
are asking concessions and who will be able to bring to bear
on them the best approved method of working.

I would not be in favour of enlarging the conditions of
Leasehold and Dispersal's lease until they have shown
an intention of working, which up to the present has not been
done.

Two per cent

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Page, 2.

Two per cent of forest area as shown in Mr. Babbisodde's report is very small and if the timber is felled the rainfall of the district may be affected and rubber vines may disappear

ED. A. MERRILL
CHIEF OF BUREAU.

MEMPHIS
BB-2-107.

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ENCLOSURE

to David H. ... 1907

LETTER OF PAPER.

With reference to the Land Commissioner's note of 12-4-07, relative Forest Concessions.

The opinion of the Standing Concessions Committee is requested only in regard to future concessions.

Full development of a tract by natives cannot be expected, but some service should be given by intending leasees that they will work their concessions effectively within a stated period. If that is done it seems to me to be immaterial whether the lease be granted to an individual or to a company.

I agree substantially with the opinions expressed by the Group Forester in his minute of May 11, 1907.

H. E. ...

Acting Treasurer.
12-4-07.