



LAND OFFICE  
31456

C. O.  
31456

Thompson, James  
& Jones

Land claim of Wakham family

1914

17 Aug.

Sends further letter send from S.D. Wakham  
appealing agst terms of settlement  
proposed by govt.

Various Paper

22800

The Thompson Ln of Fiddes

Pl me x x in print of  
judgement Gov/11454 - the  
boundary shall deal with the areas  
(i.e. now Riverside) were in question.

(1) The Court held in 1906 that payment  
of compensation creates did not  
constitute a claim for same. It  
during practically the whole of the 9  
years they have been on the  
land they have known the Court  
was against them

(2) The Govt has always expressed  
its willingness to grant a lease  
as soon as boundaries were  
determined.

(3) The lands in respect of which

Who advised what? - 14 Sept 1914  
Cargone for Govt 15 Sept 1914  
Govt response dated 27 July 1914  
Cell 30918

Subsequent Paper

55223/4





Riverside, Nairobi  
British East Africa  
11<sup>th</sup> July 1914

C 7  
31456

To  
The Right Hon<sup>ble</sup> Lewis Harcourt  
Secretary of State for the Colonies  
Downing Street

Sir,

Since writing to you on the 18<sup>th</sup> May last, we have received a letter from the Attorney General of E. S. Africa, a copy of which we enclose.

With reference to this, we would ask your consideration of the following facts:-

As we have said in our original petition to you in November, 1913, there are seven of us and we have been in East Africa since 1899. Up to April, last year, by hard & constant work, we were able to make a living & nothing more. For twelve & thirteen years, we were unable to take a holiday, or have a change of climate. However, when the Government of E. S. Africa took proceedings against us last year, we were so to speak, just "finding our feet", but to show how near the margin we were, we had no money to engage counsel, to conduct our case. This was decided against us, and we had to borrow from the Bank, at heavy interest, even the necessary Court fees to lodge our appeal. The Government immediately evicted us from the land awarded them by the Court, & from which we derived a large portion of our income. What that income was, you can judge, when the Attorney General said he would compensate the Court award of rents & profits for nine years.

years

with interest at 9% for 750 £.

506

How severely has the adverse judgment of last year, & the consequent loss of the land of which we had had possession for nine years, affected us, you will understand when we say that, prior to April 1913, we were entirely free of debt, & to-day, we owe nearly 1000 £, to pay which we have only the coming crop from a small area of coffee. We are not able to meet all our creditors, & these are having recourse to law. Judgments are being given against us, one after another, & after fifteen years of honest endeavour, we are faced only with the prospect of bankruptcy. We enclose documents to prove these statements.

With these facts in mind, would you consider the Attorney General's offer. In other words, it gives us 94 acres more, permits a bond 100 £, & insists on the payment of the balance - about 800 £. Where can we get this amount? We can only see one way, & that is, for the Government to sell what land they have given us, & take the proceeds. We would here ask you to note one point. Had the Government leased this land, (about 700 acres) to anyone, in the ordinary way, would it have received, in rent, anything like 750 £ in 9 years? The rent, ordinarily, for 100 acres, per annum, is 1 £. The difference is the result of our work & energy, which the Government will benefit by. We would ask if it is the desire of His Majesty's Government to thus acquire all our land & the fruits of all our work.

We would further ask you to consider the following facts:- We paid full compensation to all the native occupiers in the area now claimed by us, a thing which very few of the settlers of B.S. Africa did. Most of them got the natives moved into the Reserves, & then leased the land from Government. We applied, in the usual way, for 640 acres, & even now we challenge the local Administration, to advance one single valid reason for refusing that application. On all sides of the area we applied for freehold grants were given to a thousand of whom only, has developed the land, the remaining grants were speculated with by the original lessees, who never did any development, & have now been broken up & mostly re-sold in plots.

Further, owing to the Government's indefinite attitude in allowing us to occupy all this land for 9 years, though not admitting our claim & giving us surveys & title deeds, we were involved in several law-suits, & taking the expenses of these, with the compensation paid to natives, we submit that this land has already cost us over 1000 £. & passing, we would mention that on four or 5 occasions we prosecuted natives for trespass, stealing timber & cutting our fences on the land now taken by the Government, & on the evidence of our documents & the fact that we were in possession, the local Magistrates & District Commissioners imprisoned & fined these natives. What the effects now are, on the minds of the local natives, you can imagine they were imprisoned & fined by

Government officials for offences against what they were told, was our property, & now the good day it is not ours. Even the Government Forest Department paid us for timber, cut by them on this land, & used in the construction of a Government canal. A further serious result of this indefinite attitude of the Government is that we, under the impression the land was, or would be ours, made no attempt to secure any other land in the highlands, so that to day, after undergoing the hardships of pioneering, we are practically on the same footing as the newest arrival in the country, & owing to the change in the land-laws, we would now have to purchase by public auction, what we could have secured formerly by a mere application. We were one of the first settlers to prove this country suitable for coffee, some of our trees being 12 years old, & the only result we get from our experiments is that, if we wish to plant sufficient to make a living, we must buy land, the price of which has ~~risen~~ immeasurably by our own efforts.

We would submit one more point to you. We own in East Africa, the following land:-  
 60 acres freehold (purchased from natives) on the Tana River, planted with rubber.  
 160 acres freehold, in the Hyambon district planted with coffee, and 180 acres, partly planted with coffee, near Nairobi. The Govt. now offer us 94 acres more, making a Total of 494 acres. As we have said there are seven of us, and it is generally admitted that 160 acres is the minimum size of a homestead for one person. Even if we got all the land

we claim, i.e. 983 acres, we would still, each  
 hardly, hold 160 acres, & we were prepared to  
 meet the local authorities, by withdrawing our  
 claim to over 100 acres, that had, through some  
 mistake, been again leased to other persons,  
 & taking only the area the Government had the  
 entire disposal of. This offer was declined.  
 We want no land to speculate with, or hold  
 undeveloped, with the hope of selling it in the  
 future. The local authorities can tell you  
 whether we have ever sold even an acre of  
 land. We only ask for sufficient to make  
 a home & a living for ourselves, and we are  
 confident that, in submitting ourselves to  
 your sense of justice, we, the very first bona-  
 fide settlers of East Africa, will obtain the  
 little we ask for.

We are, etc.

Your most obedient humble servant,

J. B. Watson  
 J. B. Watson  
 J. B. Watson  
 J. B. Watson  
 J. B. Watson  
 J. B. Watson  
 J. B. Watson

- (1) Letter from Attorney. Genl
- (2) Judgment divorce for Rs 510/22
- (3) Judgment divorce for Rs 17/38
- (4) Lawyer's letter re debt of Rs 293/14

6/10  
Attorney General's Office,

Nairobi,

British East Africa.

10th June 1914.

Gentlemen,

Attorney General v/S P.F. Watcham.

With reference to the above action I have to inform you, without prejudice, that the Government is prepared to settle the case on the following terms:-

- (1) Your client to be granted an area of Crown land adjoining their Riverside property of such extent as will bring that estate up to a total of 160 acres.
- (2) Your client to be allowed an abatement of the amount to be decreed under the judgment in respect of rents and profits equal to the proportion which 100 acres bears to the total area claimed.
- (3) Your client to be allowed a reduction of the total costs of the action equal to the proportion which 100 acres bears to the total area claimed.

2. I shall be glad to be informed if your client consents to the withdrawal of the appeal on the above terms.

I have, &c.,

(Sd) J. V. PALL.

Attorney General.

Messrs Tonks, Daly & Figgis.

Advocates,

Nairobi.



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ESP

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11th  
11th Sept 1914

Gentlemen,

I am directed by  
Mr. Secretary Harcourt to  
ack. the recd. of your  
letter of the 19<sup>th</sup> of August,  
on the subject of the claim  
of the heavy & heavy  
Walden Island in the  
East Africa Protectorate,  
and to inform you

DRAFT

Thompson, Secretary, Secs

MINOTE.

Mr. Secretary 12/9/14

Mr. Fiddes

Sir H. Just.

Sir J. Anderson

Lord Emmott

Mr. Harcourt

\* No 31456

that he is not prepared  
to entertain the  
matter.

2. The original and  
documents which had  
accompanied the  
enclosure in your letter

are returned in original  
for the United Kingdom

Remain with  
keep (S)  
The original documents  
as original

Copy for Secy 15/8/14  
Copy for Secy 27/8/14

early  
five to be printed & circulated  
with L.C. Gov. & copy for info  
of 31456 & 1256  
Conclusion