

DESPA



EAST AFRICA

38025

38025

REC'D NOV 09

Governor. No. Jackson 613

1909

26th Oct

Last Previous Paper. 6/37722

MR F. COBB'S REPRESENTATIONS

Transmits copies of minutes by the Acting Commissioner of lands and forests of the East African Protectorate in connection with the agreement made between the British and German Governments in 1904 due to the difficulties of the German Government in the East African Protectorate the land office reports that the same should be re-passed to come to a final settlement of the matter.

Mr Deau.
The case of Mr Cobb's representations in almost too many instances of the side of the Government as represented by the minutes of the lands, of which the Government is very scrappy and inadequate. It shows very serious delay in the very definite opinion on safety is based. It appears from the correspondence of which reference is made in 37722 that the case has been very unfortunately handled so far. I am not at all sure that the greater part of the blame does not rest upon the Government Officers. There has, at any rate, at some points been very serious delay on their part in dealing with Mr Cobb's representations, however unreasonable they may have thought them.

It is a great pity that this should be so. It is quite evident that Mr Cobb is both willing and able to spend

Ans. Com. 10 Dec 39272

Subsequent Paper

39198

also cover
the 36,000 acres
is more than
was promised

It will be seen that they are scattered, and that the boundaries which he desires are, generally speaking, very irregular in shape. He has, nevertheless, requested that a surveyor should be sent up to survey the boundaries accurately, stipulating that the boundaries shall be considered as subject to revision by him when this detailed survey has been made. This, of course, is an impossible request, as it might, and very probably would, involve the greater part of the survey work being done over again. On this point I think the Land Department are right when they suggest, as they do in their letter to Mr Cobb of the 7th of July, that he must accompany the surveyor, saying that he will be supplied with a copy of the survey instructions, and that within reason every attempt ^{will} be made to meet his wishes, but that, in place of the very irregular boundaries which he has indicated on the map, straight line boundaries will be substituted, and that special stress will be laid on the importance of laying out the boundaries with due regard to the grant of land for farming purposes in future adjoining those boundaries.

I think also that the Land Department are right in the remarks which they make in the same letter with regard to the "pans" falling within the area selected by Mr Cobb. Mr Cobb originally applied for 35,000 acres of land out of a total area of 45,000 acres, of which he estimated that from 5,000 to 10,000 acres were swamp or bush land unlikely to be of any agricultural value. His wishes in this respect have, in my mind, been amply met by allowing him to choose 36,000 acres in five blocks of very irregular shape within a total area of 65,000 or 70,000

In all the circumstances I would suggest a reply to Mr Cobb on the following lines:-

Lord Crewe regrets the delay which has occurred in settling the out-standing questions connected with the grant of land to Mr Cobb, both in the interests of Mr Cobb and of the Protectorate. He is not, however, prepared to admit that the whole responsibility for the failure ~~has~~ to arrive at a settlement rests upon the Protectorate authorities, in the absence of a detailed reply from the Governor to the representations made in Mr Cobb's letter of the 18th of November. It appears that Mr Cobb's complaints are concerned with two main points. As to the grant of the right to cut timber for "estate" purposes [Lord Crewe is not aware of the reasons which weigh with the Governor in restricting the right to ten years. He will make enquiries of the Governor on the subject, but he cannot at the present stage hold out any hope that he can do otherwise than adhere to the decision already taken by the Governor in the matter.]

The second ground of complaint is concerned with the delay in fixing ^{the} precise boundaries of the blocks of land selected by Mr Cobb. In this matter the Secretary of State considers that the proposal made by the Land Department in their letter to Mr Cobb of the 7th of July offers the best prospect of a settlement of the question, namely, that Mr Cobb should as soon as possible accompany a surveyor detailed by the Land Department, rather than that a surveyor should be sent to make a survey which Mr Cobb should subsequently have the power to revise. Lord Crewe therefore considers that Mr Cobb, who, it appears from his letter of the 18th of November, intends to return to the Protectorate next month, should put

himself

(37722)

omit.
my
note below.
H.R.

Mr. Fiddes.

A

It seems to me that the local
Jr^s have not acted unreasonably in 482
limiting the right to cut timber in
the adjoining forest to a period of 10 years.
It is rather a large order to give Mr. Colb
free timber for the whole period of his
lease - 99 years; & if we do it for
him, we shall no doubt be asked to
do it for other settlers. Now, if
at any time we wished to come to
an agreement with a Co^y for the ^(systematic) ~~the~~ ~~forest~~
of the forest area in question, we should
have the greater difficulty in doing so
if we had parted with a portion of
our right to a third party for 99
years. Indeed, therefore, of writing as
proposed by Mr. Kneller in this point,
I would tell him at once that we
do not think that the local Jr^s
have been unreasonable & give our
grounds for so thinking (as above).

B

With regards to the farms we
approved of the transfer of Hockley's
farm on the understanding that it was
only 1000 acres. It now appears that
it is Walsford's farm which amounts

of about 1000 acres & that Hockleys farm
is one of 5000. If, however, we had been
asked to approve of the transfer of
Hockleys farm, we should no doubt have
agreed, & to avoid any appearance of breach
of faith, I would let him have it
now.

Otherwise I agree with Mr Butler.

H. J. R.

26/11

Col Seely
Lord Curzon

As regards A. - Mr Reed's minute,
the two formulae is, I think, correct the former
ultimately; but in the event I prefer Mr Fiddler's

As regards B I agree with Mr Reed. The
S. of. agreed to sanction the transfer of a
farm of 1000 acres. The fact that it belongs
to your sister of Hockley is not material.

The fact that it can have the same
farm and in the larger map has been
letter of 17 Sept (24526) will be for
f.c. approved.

[Enclosure 6/11]

H. J. R.

26/11

I agree with Mr Fiddler on both points.

Direct for Lord Curzon's consent accordingly.

H. J. R.

26/11

to cur

6025

9/17

38025

REC'D
NOV 09

GOVERNMENT HOUSE,

Nairobi.

October 26th 1908.

EAST AFRICA PROTECTORATE.

No. 613

(1908.7)



Mr. Comptroller
ct. 187

High. Sec. 187

My dear Sir,
In reply to my telegram of to-day's date I have to reply to your Lordship's telegram of the 17th instant regarding the position of negoti-
ations relating to the Powys Cobb concession, I have the honor to transmit herewith copies of a Minute to the Council, Acting Commissioner of
Land and a letter in correspondence on the subject.

Your Lordship will perceive that no definite agreement has yet been concluded with Mr. Powys Cobb. This is due entirely due to the diffi-
culty of the letter has put in the way of the negotiations. Every effort is being made to him to appear in person as a basis for further
negotiations and to appear to a final settle-
ment.

He is now in England and his agents in this Protectorate appear to be unable to do anything on his behalf except write glowing accounts of the means at his disposal and the advantages conferred on this Protectorate by his presence in it.

4.

H.M. PRINCIPAL SECRETARY OF STATE

FOR THE COLONIES.

DOWNING STREET,

LONDON, E.C.

7. 10. 1908 3281
434531

2920 15

4. I am far from wishing to discourage the advent of capital, of which the country stands greatly in need, but I consider that the benefit derived from it is largely discounted by the wearisome delays, protracted negotiations and voluminous correspondence, which methods like Mr. Cobb's entail.

5. I strongly second Mr. Barton Wright's recommendation that Mr. Cobb be requested to come to a prompt and speedy decision as to the areas which he actually requires.

I have the honour to be
Your Lordship's humble
obedient servant,

J. J. O'Connell
ACTING GOVERNOR.

INCLOSURE

485

In Despatch No. 13 of 190

SECRET

38025
REC
NOV 09

Mr. Poy's Cobb applied for an area, defined by a sketch, which he estimated at 45,000 acres and after deduction of certain portions which he did not want would amount to 35,000 acres. The application, which was made on behalf of himself and brother to utilise certain trust funds, of whom the beneficiaries number eleven, of which he and brother were trustees, was strongly supported by the Honorable Commissioner of Lands and his Excellency, and in due course obtained the approval of Colonial Office.

The reply of the Colonial Office approving assumed that the property was to be worked as seven 5,000 acres units and the condition was conceded that an expenditure of £1,000 on any given unit freehold to extent of 1,000 acres would be allowed, the further condition of seven white tenants to be included, but owing to a protest by Mr. Cobb this was modified, and a total expenditure of £7,000 was allowed on whole property.

After long negotiations a survey was made of the land applied for, which proved to be approximately 65,000 acres, area allowed being 35,000. On the 23rd July 1903 a plan was sent to Mr. Cobb showing surveyed area, asking him to show where he wanted his 35,000 acres. Mr. Cobb replied on the 6th August that the matter was receiving attention. The next thing which occurs is on January 31st 1904. Colonel Montgomery meets Mr. Cobb and as a result writes a minute stating that he wishes Conservator of Forests and Director of Surveys to fix matters up finally. Cobb wants to include certain bits of forest, and

of

of Lands wishes if Conservator of Forests agrees that this be done and ground surveyed. Director of Surveys very reasonably points out that Mr. Cobb can with the plans supplied answer our letter of July and make definite proposals on paper regarding his wants.

1921

On 28/1/09 Mr. Cobb writes to Commissioner of Lands asking him when surveyor is coming up, and raises fresh questions regarding timber to be allowed free of charge for development and that he be assured in possession of certain points of great natural beauty in estate.

The Commissioner of Lands admits the Director of Surveys' arguments as reasonable, and asks the conservator of Forests to arrange forest to be given on February 12th 1909. The Conservator of Forests equally reasonably points out the difficulty in suggesting what shall be cut out till he knows what Cobb has selected, and considers it unnecessary to send an official, suggesting that Cobb be allowed to include all isolated patches not exceeding 1/2 sq. mile in extent in grant.

Cobb is so informed on 2nd March 1909. Mr. Cobb replies on April 21st that until questions of principle are decided it is not possible to discuss detail. This culminates in an interview on 7.5.09, at which I was present, also the Director of Cadastral branch, when for first time Cobb roughly indicates what he wants but takes map away saying he will after consulting notes give us further details, and raises a fresh question about timber asking that this shall be given free for whole term of lease. This is referred to His Excellency, who refers to Executive Council, who allow it for ten years.

This

This is answered by Mr. Cobb's letter on 27th May, which is full of contentious matter, and is answered by me, after consultation with the Director of Surveys and Crown Advocate, on July 7th. To this we have had no definite reply, and the net result is that Mr. Cobb is enjoying the freeuse of this tract of country without the payment of any rent, and in addition his application keeps recurring in pending returns, and the discredit for delay is charged to Land Office. 3½ months have passed and I think it high time Mr. Cobb should be served with some kind of ultimatum I do not admit his right to dictate what is to be granted.

Nairobi,
October 18th 1909.

~~Sd/-~~ R. B. Wright
ctm
Ag. Commissioner of Lands.

5

INCLOSURE

In Despatch No. 413 of 26 10 1909

488

Keringet Farm,

Molo,

27th May, 1909.

The Hon'ble

The Commissioner of Lands,
Nairobi.

Land grant Mau Escarpment.

Sir,

I have the honour to acknowledge the receipt of your telegram of the 22nd instant which reads as follows:-

"You will be allowed free timber for ten years".

I presume that the above quoted telegram is the outcome of the interview which you were good enough to accord to me on the 7th instant.

While thanking you for having recognised the principle for which I then ventured to contend, I have the honour to enquire why ten years should be selected as the period for which you are prepared to grant me free timber.

Further I have the honour to enclose herewith a provisional map of the land which has been granted to me upon which, in accordance with your request made at our interview on the 7th instant, I have marked approximately the area which I desire to occupy.

I must request that the boundaries I have drawn may be regarded as provisional only and that they shall be considered as subject to revision by me when the detailed survey is made by the Surveyor who you, at the above referred interview, were good enough to say would be detailed for that purpose.

x *Handwritten signature*

I have to regret that the information I can now furnish is imperfect, but I am handicapped by the map supplied to me on July 25rd last having been of a small scale, 1:125,000.

The areas I desire to occupy are outlined with dotted red lines where not bounded by pink and are marked A, B, C, D, E.

I assume that the acreage of the large pans included in the areas selected will be deducted from the total acreage in accordance with the terms of my application and the Secretary of State's acquiescence thereto.

I would point out that the Western boundary of does not pass through timber as would appear from the map. The right bank of the Coyote stream is free of timber, and I desire that this stream, which is permanent, may be included within the area L.

The area G is only grazed. It is intended to include some important glades, but the information afforded by the map is insufficient to enable me to mark them.

The wooded strip, located in the area of which is greatly exaggerated upon the map is the subject of the arrangement arrived at in an interview which took place at the Governor's Office on March 19, 1908. In the glades within this strip I am allowed to shelter stock, but I am not allowed to cut timber, therefore it should not be included in the Forest Reserve proper nor yet in the land granted to me.

I have the honour to request that I may be informed of the approximate acreage of each individual area selected as roughly calculated by planimeter.

I have etc.

(Sd.) E. Powys Cobb.

INCLOSURE

In Despatch No. 5/3 of 1909

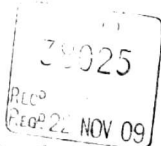
490

Land Department,

Nairobi,

7th July, 1909.

No. 4087, HW/R



Sir,

I have the honour to acknowledge the receipt of your letter of the 27th of May, and in reply to your query as to the limit of time fixed during which you were to be entitled to the use of free timber, I would say that your request was referred to His Excellency the Governor, who, after consultation with the Executive Council, decided that the grant should be limited to 10 years.

I beg to acknowledge receipt of the map showing approximately the areas desired, and would inform you that from a rough planimeter computation these include an area of some 36,100 acres. I further note that you stipulate the boundaries of these areas shall be regarded as provisional and shall be subject to revision by you when the surveyor makes the final survey. I would here mention that a survey of five blocks as suggested by you will cost considerably more than the survey of a compact block containing the same area, and I would warn you that you will be debited with the actual cost of the survey when undertaken.

I would be glad if you would advise me as to when you would be prepared to accompany the surveyor, as I do

not

W. P. Cobb, Esq.,

5, Vasco da Gama Street,

Mombasa.

8

not desire to send out a surveyor to make a survey which you reserve the power to revise, necessitating further surveys. You will be supplied with a copy of the survey instructions, and within reason every attempt will be made to meet your wishes, but I would say that in place of the very irregular curvilinear boundaries shown on the map discussed, (which is returned herewith) straight line boundaries will be substituted. I would further advise you that in the instructions to the surveyor making the survey especial stress will be laid on the importance of laying out the boundaries of the land to be granted to you with due regard to future contiguous farms.

With regard to your request that the acreage of the large pans falling within the area selected be excluded, I regret I am unable to concede to the request, or to interpret the reply of H.M.S. of S. as suggested by you. The reply of the Secretary of State was merely approving that a grant of unusual size be granted to you owing to the special covenants into which you were prepared to enter, but no reference is made to details, which would obviously be concluded by the local authorities in British East Africa.

It will be seen that many of the pans falling within the original area selected are excluded, i.e. are not included within the five blocks selected by you, but it would be as reasonable to ask us to make a detailed internal survey of these and deduct the areas, as it would be to look for and deduct any piece of land which happened to be made up of poor quality as by parallel reasoning you might ask us to do this, as your letter of application refers not merely to swamps but to any land which for any cause is unsuitable to agriculture.

With regard to your request that the Koyeta stream be included in area E, I would say that, if your statement re-

timber is confirmed by the Surveyor and he reports that the river would form a reasonable boundary, no objection would be made to making the river the boundary.

Respecting the wooded strip F, which you state is the subject of an arrangement arrived at between you and His Excellency in an interview on March the 19th, 1908, I would be glad if you would furnish me with further evidence on this point as from the files in this office I can find no record of orders by His Excellency or mention even of the point detailed.

I am, etc.

(Sd) R. B. Wright.

Acting Commissioner of Lands.

38025

Gov. 38025 E.A.P.
1909.



Discarded

In ch

DRAFT

Downing Street,

E. POWYS COBB, ESQ.

2 Dec 1909.

Sir,

MINUTE.

I am directed by the Earl of

- Mr. Butler . Nov. 30
- Mr. Read . 30
- x Mr. J. F. Fiddes 1/12
- ~~Mr. Antrobus~~ (377²)
- Mr. Cox.
- Sir C. Lucas.
- Sir F. Hopwood.
- x Col. Seely. 1/12
- x The Earl of Crews. 2/12

Crewe to acknowledge the receipt of your letter of the 18th of November relating to difficulties which have arisen in connection with the grant of land for which you have applied in the East Africa Protectorate.

2. Lord Crewe regrets both in

~~your interests and in the interests of the Protectorate~~ the delay which has occurred in settling the outstanding questions connected with the grant, but he

for conson.

Copy for Coy 10 Dec 2/12

[C/11/18/11. m 35287,
of 36165. 127722.
(without me), of
this, to the Govt for
info L/11.]

I agree with the minutes on His
which this diff. is founded. But
the Govt Dept. have been debating
& rather disappointed in dealing with
this case, & the Governor should be
so informed previously. 2/12

In this matter Lord Crewe considers that the proposal made by the Land Department in their letter to you of the 7th of July last offers the best prospect of a settlement of the question, namely, that you should, as soon as possible, accompany a surveyor detailed by the Land Department rather than that a surveyor should be sent to make a survey which you should subsequently have the power to revise. It appears from your letter under reply that you intend to return to the Protectorate shortly. ^{His Lordship} ~~Lord Crewe~~ therefore considers that you should put yourself in communication with the Land Department as soon as possible after your arrival in the Protectorate with a view to accompanying the surveyor. ^{He} His Lordship agrees that you should be supplied with a copy of the survey instructions and that, within reason, every attempt should be made by the Land Department to meet your wishes

DRAFT

acres in five blocks within a total area of 65,000 acres, and that it is not reasonable that you should expect that comparatively small areas of unsuitable land lying within the blocks so chosen should also be excluded in calculating the total acreage granted to you.

5. Lord Crewe trusts that you will ~~fall in with~~^{accept} these suggestions and that a speedy settlement of the questions at issue will result.

6. I am to take this opportunity of acknowledging the receipt of your letter of the 2nd of November relating to the proposed transfer to you of the farms of Mr. D. Hockley and Mr. T. Welsford. Lord Crewe at first agreed to the transfer of Mr. Hockley's farm under the impression that the area of the
farm

farm was 1,000 acres. It appeared subsequently that the area was 5,000 acres, and you were accordingly informed in the letter from this Office of the 17th of September that, in view of the large area already granted to you, His Lordship could not agree to the transfer of this large additional area unless you could show good reason why the grant should be made. His Lordship ~~is~~ ^{is} ~~of this opinion in the matter of~~ ^{of this opinion in the matter of} ~~the transfer of 1,000 acres to you in~~ ^{the transfer of 1,000 acres to you in} ~~the Hoxley's farm but, in view of the fact~~ ^{the Hoxley's farm but, in view of the fact} that he was originally prepared to agree to the transfer to you of an additional area of 1,000 acres, he will not object to your acquiring Mr Welsford's farm, the area of which is understood to be 1,000 acres.

(on $\frac{B}{29516}$)

See as proposed for modifying this decision

(see page 4 of 800 34224)

I am, &c.

(signed) G. P. LUCAS.

C. O.
38025
REC^d
REG^d 22 NOV 09

Original Area surveyed = 65,000 acres
 Wrongly stated to be 72,000 Area
 comprised in blocks asked for by Cobb
 A.R.C.C. = 72,000 acres, hatched in
 blue. Reference to plan will show
 these new proposals include land shown
 outside area originally surveyed. These
 extra areas for sake of clearance are
 hatched in red across the blue hatching.
 The total area of new figure which
 contains these extra unsurveyed portions
 = 78,500 acres.

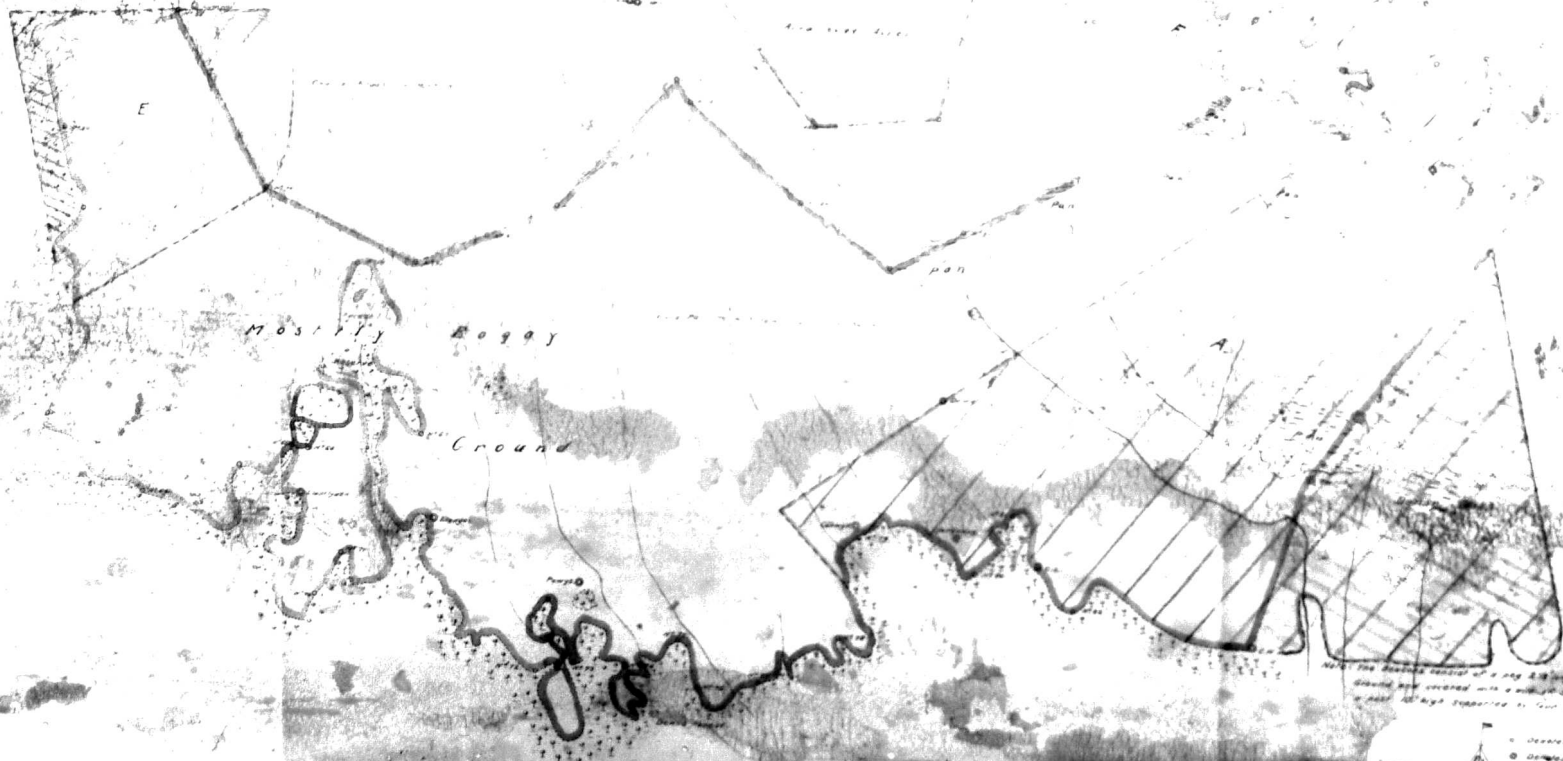
Ed/- R.B. Wright.

PLAN OF LAND APPLIED FOR BY

E. P. COBB

ON MAU ESCARPMENT

Note: Total area of blocks included within area shown = 65,000 Acres
 Area of blocks included within area shown = 78,500 Acres



Note: The blocks shown of a size 2 1/2 miles square are 1000
 square feet covered with a wall of 2 1/2 feet in
 height 100 feet long and 100 feet high.

○ Cleared Areas
 ● Original Proposals Area

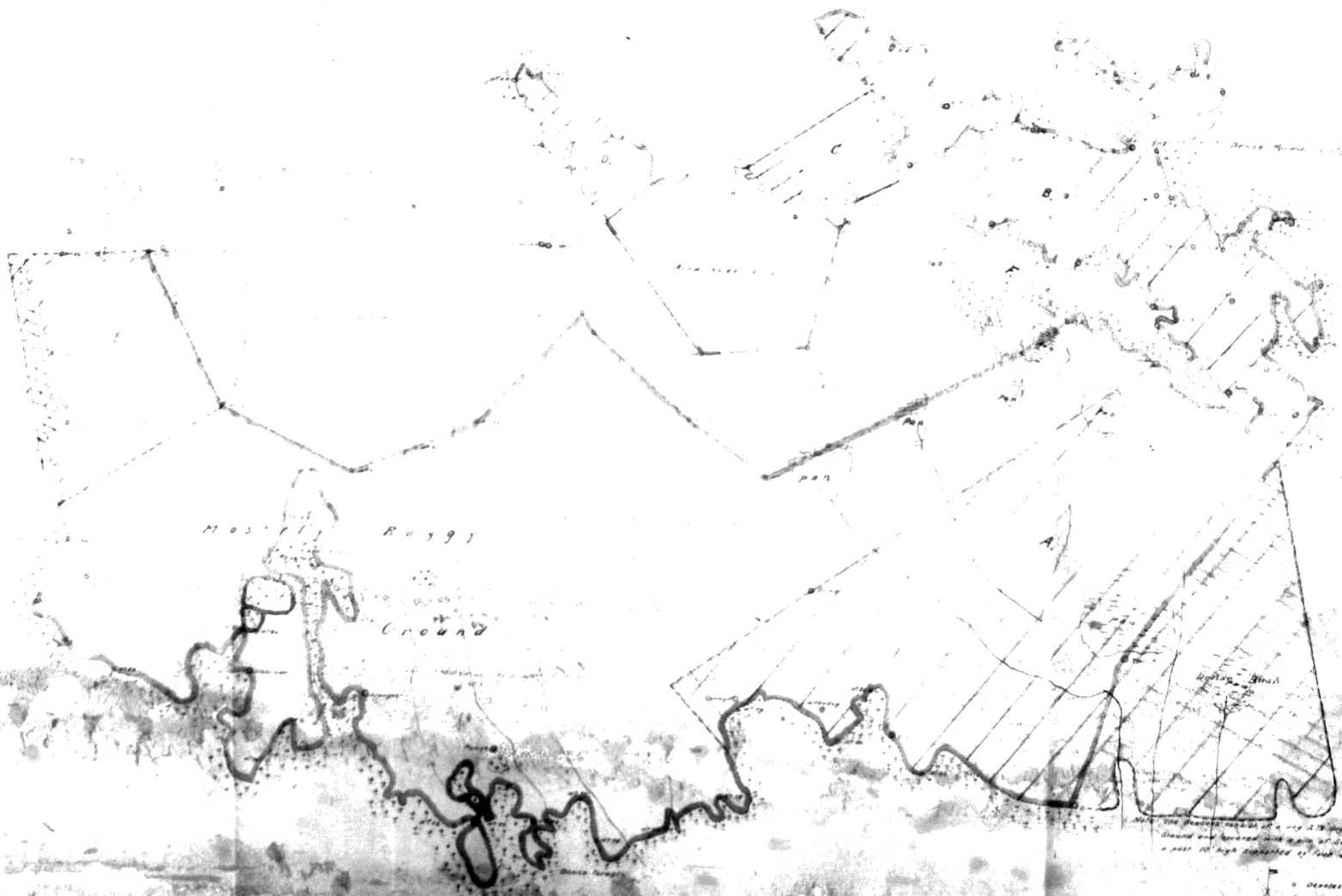
Surveyed in 1900
 Ed/- R.B. Wright

PLAN OF LAND APPLIED FOR BY

E. P. COBB

ON MAU LSEKEMENT

Note: Total area of blocks included within post survey of 85000 Acres
area of 100000 Acres included in 1861
included in 1861 40000 Acres



Scale of the plan is 1 inch = 1/2 mile
Ground was surveyed with a chain of 100 links
a post 10 high supported by two stakes

- Denotes Station
- Denotes Triangulation Point

Surveyed in June 1861 by
J. S. [Name]
J. S. [Name]