



LAST AFR. PROT
11.6.51

11571

176

HIRSH SYNDICATE
APPLICATION FOR RUBBER CONCESSION.

1910
April

Reports as to difficulty of granting such a large area as applied for. Gives information as to the rubber area throughout the Protectorate and submits proposals for conditions for the collection of rubber. Links by Hutchins' statements as to the rubber areas should be accepted with caution. Trusts details given are sufficient for the issue of instructions on the subject.

Previous Paper:
A
8957

W. Feder

I think we are bound to agree with the Govt that

(a) The highland forest, where rubber is found at all, is only an insignificant factor in the value of the forest, cannot be leased merely for rubber collecting.

(b) No concessions can be granted in forests included in Native Reserves.

The Govt points out that, excluding such forests, there remains an area of about 37,000 acres on the coast.

1910
C. C. G. 1st to Gov 22.2.4. (1910)
and C. C. G. 333. 8/June

Subsequent Paper.

15755

a possible 10,000 acres in the highlands available for the collection of rubber under lease or license has, for reasons given in paras. 6 & 7, it would be extremely difficult to give any satisfactory title to any part of the 37,000 acres, that the best of the 10,000 acres in the highlands are already the subject of application.

It is clear that even if we were disposed to consider the magnificent proposal of the Hirsch Syndicate to take up 500,000 acres, there is not the material for doing so.

I think we must tell them that the Govt. has now reported on their proposal, that the highland forests and forests in the Native Reserves must be excluded for reasons which can be given to them, so that there is left only 37,000 acres on the coast & 10,000 acres elsewhere, explaining, after the Govt., the difficulty of dealing even with these areas. We should add that if,

with this information the Syndicate desire to pursue the matter further, the S. of B. can only suggest that they should send a representative to the Protectorate to discuss with the Govt. the precise areas available, & the terms on which they are to be had.

It would be well to get this part of the business out of the way before going into the remarks made in paras. 25 & 29 of the despatch as to the treatment of rubber areas generally. I see *rien à dire* nothing to object to in the Governor's proposals in this connexion, except perhaps the suggestion that rubber forests should be put up to auction. This does not press, & can be considered with more care later. To take it up now would only delay the reply which the Syndicate no doubt very much want.

HAB
April 28.

J. after.
E.S.V.

29
E. Comins
29.4.11

W. Road Fields

I think we may now tell the

(1) that the B of B approved his proposals in para 25 as to the collection of rubber in protected forests i.e.

to be reserved themselves for their own benefit. The Southern Forest Rules referred to provide for methods of tapping close seasons, i.e. in the interest of the preservation of the forest.

They do not give an exclusive right to ~~anyone~~ ^{anyone} to ~~cut~~ ^{use} the forest. It is usable to anyone, and we must see whether we wish to do so.

(2) that there are certain objections to putting up forest areas to auction. Briefly, it would be necessary to provide that the Govt should not be obliged to accept the highest or any tender as a solvent, or

wholly to fulfil the conditions of the lease would be of paramount importance, while the highest tenders would probably be made by the most reckless or untrustworthy applicants. The rejection of ^{such} offers,

after tenders had been called invited would be liable to cause more dissatisfaction in the minds of the natives, especially in the case of the application for lease of the forest.

(3) that the B of B appears to be undesirable to alienate any large areas of purely Highland forest for the purpose of collecting rubber.

28/7

28/7/46

File 1.6

28/7



GOVERNMENT HOUSE,
NAIROBI,
BRITISH EAST AFRICA

EAST AFRICA PROTECTORATE.

April 1st 1910.

No. 176

My Lord,

*g
6/2/10
458*

With reference to Your Lordship's despatch No. 113 of the 7th ultimo, respecting an application from the Girach Syndicate for a Rubber Concession, I have the honour to confirm my telegram No. 23 of the 22nd ultimo.

2. I am fully alive to the advantages which this Protectorate would gain from the introduction of a powerful organisation, with ample resources and practically unlimited capital, but at the same time I think that we should move with extreme caution, more particularly where native interests may be involved.

3. The applications received, dated the 9th and 29th February 1910, are based in so far as that of the 9th February is concerned upon a statement in Mr. Hutchins' report that vine rubber, averaging 400 vines to the acre, exists on the Coast, and that 100 vines to the acre are usually found in the Kirwitu area, north of Mombasa.

4. Mr. Behrens proceeds to mention that this particular portion appears to cover about 120,000 acres.

THE RIGHT HONOURABLE
THE EARL OF CREWE, K.G.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON, S.W.

concessions - 47-2-20

(2)

acres. This figure he has apparently taken from the total acreage, furnished in Mr. Hutchins' report, for the lowland tropical forests, south and north of Mombasa, which he gives at 117,000 acres.

5. The Tana River and Juba River Forests may, in so far as rubber is concerned, be at once deleted; there remains an area of 37,000 acres containing in some parts valuable rubber. The actual Kirwitu area should be identified with the With Forest, which is now being delimited, and does not exceed 3,000 acres.

6. I may call Your Lordship's attention to the fact that a considerable number of planters have been devoting several years' work on the Coast to the production of plantations of rubber. I feel perfectly certain that these men already possessing a knowledge of rubber would have been only too willing to employ to have exploited these rubber forests if vines existed in anything like the profusion which the present applicants indicate. The condition, moreover, of land titles on the Coast, the dispute as to the property belonging to the Sultan of Zanzibar, native rights, &c., would make it extremely difficult to give any satisfactory title to any portion of these 37,000 acres.

7. The situation is further complicated by the fact that these forest areas are partly within the estates allotted to existing concessions, which are not yet determined owing to the condition of the land titles. I refer to the Owen Thomas and Goldmann Concession, the British East Africa Trading and Development Company's Concession, &c.

(3)

(9) The second application, dated 29th February, specifically applies for 500,000 acres, in five plots, of 100,000 acres each, with the object of exploiting rubber trees and plants thereon. From this I gather that there is no intention of cultivating rubber and that claims might be admitted for exploiting timber or other natural products.

9. Examining the remaining portions of the forest areas of the Protectorate, it will be observed that Mr. Hutchins divides them into highland extra-tropical forests and certain unexplored forests. In the Highland forests Mr. Hutchins distinctly states that though vine rubber does occur the forests are not true rubber forests. He says that vine rubber throughout the forests of British East Africa occurs up to 6,000 feet and even 7,000 and I would point out that the great bulk of the forests of the Highlands are situated at elevations varying from 6,500 to 9,000 and even 10,000 feet.

10. I do not think that any of them would pay for the exploitation of rubber, though I am perfectly willing to consider their examination for any such products.

11. Your Lordship will be aware from former correspondence and from the report upon forests that these forests do contain on the other hand very considerable quantities of valuable timber.

12. I presume that it would not be your intention to alienate huge areas of these forests with the nominal idea of collecting rubber.

13. The last forest areas mentioned in the report

are

3

are those situated in the Native Reserves of the Eastern Province, more particularly in the Nandi, Kakumwa and Limba countries. In the Nandi Native Reserve is included a certain forest area which has been dedicated to the use of the tribe. Vine rubber was discovered some years ago in this forest. Concessions were immediately asked for on several hands but have been invariably refused. The natives have been encouraged, under the guidance of District and Forest Officers, to collect and sell rubber to traders, who have now established a definite trade both by means of European and Indian firms.

14. The total estimated forest area in this native Reserve is 96,000 acres. Rubber vines of the *Landolphia Kirkii* variety are to be found throughout the forests in the reserve, and are large and plentiful in the vicinity of Kimonde River. The average number of vines per acre throughout is estimated at seven.

15. Vines in the Nandi forest are very robust and attain a circumference of 20 inches in places, the age being estimated at 30 years.

16. The method of tapping has not always been of the best, but both the Government Department and the traders concerned are fully alive to the fact of the care that has necessarily to be taken to produce the best results.

17. The rubber is collected in biscuit-shaped cakes weighing from one eighth of an ounce to 20 ounces, and is sold to traders. The rubber is both dried and cured, packed in sacks and sent to the Coast.

18. The total output of dried rubber for the last season is estimated at 25,000 pounds.

19. I think Your Lordship will agree to the necessity of preserving the inviolability of Native Reserves, and that the idea of granting exclusive concessions to a particular company over such lands cannot be thought of. Such a proceeding would closely resemble some of the methods which we are condemning in the Congo Administration.

20. The Nandi area is reported to be practically the only one which contains much indigenous rubber. In the Kakwaga forest 120,000 acres, there are a few vines less than one inch in diameter which are not tappable. We have lately discovered in this forest large quantities of wild coffee which has been favourably reported on by the Imperial Institute. To the south of the Railway line in the Native Reserves again there are areas of forest which contain rubber. I think these should be dealt with on the same lines as we have adopted for the Nandi.

21. In this regard I may state that several applicants have come forward both in the past and in the present with the idea of securing licences to work this rubber. The inevitable reply given has been that if the indigenous rubber was within the boundaries of a native reserve every facility would be given to exploit it but that no exclusive concession could be tolerated.

22. Leaving aside those forests which are practically situated in the Native Reserves, there is very little Government forest of any kind in the Vyanza Basin.

(6)

Basin. The Farasambo and Timperet Government Forests which are situated about 16 miles to the north of Fort Ternan, are reported to contain some indigenous rubber. The area is said to be not more than 7,000 acres. An applicant has already gone forward to ask for a concession in its exploitation and also the further idea of -- starting a rubber plantation in the vicinity.

23. Broadly speaking, the Forests of the Protectorate, in which indigenous rubber is to be found, may be divided into two classes;

- (1) Government Forests, and
- (2) Protected Forests.

The Government Forests containing rubber are situated either on the coast, where they may have an extent of 50,000 acres, or in the Highlands, where possibly they may run to 10,000.

The Protected Forests are situated entirely within Native Reserves in the Nyanza Province.

24. The Government Forest rights on the Coast are difficult of determination for the reasons I have adduced. The Government Forests in the Highlands are very small in extent, and the best have already formed the subject of application. The Forests in the Native Reserves are being dealt with for the benefit of the natives.

25. Applicants for the collection of rubber have requested lately that their position should be made more definite. I have therefore proposed to have two methods of operation for the rubber forests:-

Protected Forests. The rubber in Nandi to be collected

collected by the natives themselves; royalties to be paid on this rubber sufficient for the protection of the forest and for the instruction of the natives in up-to-date methods of collection; the produce to be placed at the disposal of the natives as may desire to deal with the natives. Rubber in other Protected Forests to be dealt with as in Nandi or in places where natives have not developed rubber on somewhat similar lines to the "Rubber Rules" of Southern Nigeria.

Government Forests, in which rubber may be contained to be put up for auction, a royalty being imposed on all rubber collected. Here again it would be best to give further encouragement to any holder of such lands by granting him more favourable terms should he agree to take up an additional acreage of land for the cultivation of plantation of rubber.

26. Finally, I would wish to repeat that it would appear to be undesirable to alienate any large areas of the purely Highland Forests for the purpose of rubber cultivation. I have grave doubts of the presence of rubber in any large quantities, and any such alienation might seriously affect the position with regard to the forests themselves. I would not indicate thereby that I would prevent the due examination of any such forests; but until we clearly know what they do contain I would urge extreme caution in alienating them.

27. I trust the conditions which I have exposed will convince Your Lordship that there are no huge areas of indigenous rubber open for exploitation, and that those which do exist are already subject to claims which it would not be desirable or even equitable to disturb.

collected by the natives themselves; royalties to be paid on this rubber sufficient for the protection of the forest and for the instruction of the natives in up-to-date methods of collection; the produce to be disposed of to agents or traders as may desire to deal with the natives. Rubber in other Protected Forests to be dealt with as in Nandi or in places where natives have not developed rubber on somewhat similar lines to the "Rubber Rules" of Southern Nigeria.

Government Forests, in which rubber may be contained to be put up for auction, a royalty being imposed on all rubber collected. Here again it would be best to give further encouragement to any holder of such lands by granting him more favourable terms should he agree to take up an additional acreage of land for the cultivation of plantation of rubber.

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27. I trust the conditions which I have exposed will convince Your Lordship that there are no huge areas of indigenous rubber open for exploitation, and that those which do exist are already subject to claims which it would not be desirable or even equitable to disturb.

(8)

disturb. If the Syndicate in question had in view the organisation of plantation rubber, it would have been possible to have met their requirements on a modest scale.

28. I have not been requested by Your Lordship to offer any remarks upon the Forest Report. I would urge caution in accepting many of the statements made therein as their general trend is of too optimistic a character. I may mention incidentally that Mr. Butchins has not visited the rubber or any other forests on the coast. He has only lately inspected the Nandi Rubber and proposes at once to grow several hundred thousand vines from seed. My experience of West Africa inclines me to the belief that plantations of vine rubber are not desirable or economical. Both in Southern and Northern Nigeria Government have gone in for rubber plantations of Ceara, Para, &c. to replace vines which are being exterminated. Southern Nigeria has planted out 800,000 trees and is increasing at the rate of 160,000 per annum.

29. I trust the details I have furnished will enable Your Lordship to give me your instructions upon this very important subject.

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

[Signature]
GOVERNOR.

for CAP
11971



10 March 1906

London 306

Handwritten: 15735

DRAFT

Dear General Bates,
Reynolds Co

With reference to
the letter from the Dept
of the 5th of March I am
pleased to inform you that
the Govt of the CAP has
now reported on the application
of the British Syndicate for
a better concession in the
territorial

MINUTE

- Mr. [unclear] 5/5
- Mr. Bates 5
- Mr. Piddes 6
- Mr. Just
- Mr. Cox
- Sir C. Lucas
- Sir F. Hopwood
- Col. Seely
- Lord Cromer

Yes
I am to see after
dear
2/23

The Govt points out
that the Highland front
should be included from
in this concession
concerning the
exploitation of the

Handwritten: Copy to [unclear]

47434 20
+ N. 6225

the blocks allotted
Meeting Commission
which has not yet determined
to the location of
land titles
I formed that
the best of the Commission are
already the
of application
to the Commission, the duplicate
to discuss the matter
which, had been could only
suggest that they should
had a representative to be
to discuss with his
the power and available
of the time in which they
may be based

J. V. FIDDES.
(Signature)

Gov. E. A. P.
11971

8 June 1910

DRAFT

E. A. P. (11971) 333

Sir P. Grouard

MINUTE

- Mr. Parker June 4
- Mr. Read 6 8
- Mr. Padden
- Mr. Justice 2
- Mr. Cox
- Sir C. Lucas
- Sir F. Hopwood
- Gen. Seely
- Lord Crewe

I have the honor
to acknowledge the receipt
of your despatch No
+ 176 of the 2nd of April
relating to the
exploitation of the
rubber bearing area
of the E. A. P.

I have sent to
you a separately
a copy of the further

(draft 202 on 15735
also)
4744-20
+ N. 11971

Correspondence which
has passed on the
subject of the particular
application of the
Hirsch Syndicate.

I desire now to offer
the following observations
on the more general
questions dealt with
in your despatch.

3. I am aware of
the proposal made in
par. 25 of your despatch
that in protected
forest the rubber
should be collected by
the natives themselves,
for their own benefit,
and should be disposed
of to such traders

as may desire to
deal with the natives,
and that royalties
should be levied on
the rubber sufficient
to provide funds
for the protection of
the forest and for the
instruction of the natives
in up-to-date methods
of rubber collection.

4. From your reference
to the Rubber Rules
of Southern Nigeria,
I further see you
propose that in the
protected forests in
which the natives have
not developed the
industry of collecting
rubber as they have

in the Nandi Reserve;
as a system of license
to collect rubber should
be introduced, coupled
with regulations as to
methods of tapping,
close seasons, &c., in
the interest of the
preservation of the
forest. The licenses
would, I further, be
issuable to anyone,
whether native or not,
and whether a
inhabitant of the Reserve
or not, but would
confer nothing in the
nature of an exclusive
right to collect rubber
in any portion of the

DRAFT.

MINUTE.

Mr.

Mr.

Mr. Fiddes.

Mr. Just.

Mr. Cox.

Sir G. Lucas.

Sir F. Hopwood.

Col. Seely.

Lord Crewe.

area. It should be
glad to be informed
whether I have
understood your
proposal aright, and
whether, in that event,
you are so minded that
trouble would not be
likely to arise from
the issue of licenses,
say, to Europeans,
for the collection of rubber
in a Native Reserve,
even though the license
conferred no exclusive
right. In any case
I presume that it
would be sought for
by means of the license
fees or a royalty,

or work, to raise
a fund which would
suffice to provide
work for the preservation
of the forest and for
the instruction of the
natives in methods
of rubber collection,
as in the case of the
protected forest
referred to in the
preceding part of this
dispatch.

5. With respect to
the proposals for
C.G. forest, I see
certain objections to
putting up the lease
of forest areas to
auction. It would be
necessary to provide

that the Govt. should not
be obliged to accept
the highest, or any,
tender, as solecism
and the capacity to
fulfil the conditions
of the lease would be
of paramount import-
ance, while the highest
tenders would probably
be made by the most
reckless and untrust-
worthy applicants.
The rejection of such
offers, after tenders
had been publicly
invited, would be
likely to cause
more dissatisfaction.
On these grounds I

prefer the present
system of negotiating
separately with persons
applying for leases
of your own estates.

5. With ref^{erence}
part of your despatch,
I concur in the opinion
that it is inadvisable
to alienate any
large areas of the
rural Highland
forests for the
purpose of exploiting
rubber.

I have

Yours