



249

EAST AFR. PROT.  
26966

C. O.  
26966  
31 AUG 1906



910  
Aug  
Previous Report

Mulle Forest concession

Extract for Sir P. ... report on  
visit to East Province ... 26/11/06

Fiddan

Please see Governor 26773 and Mr. Read's minute and memorandum upon it. It was there decided that this question should be laid before the Concessions Committee, I presume with a view to deciding what should now be said to Lord Kaleran, to whom we have promised a further communication as the result of our <sup>consultation</sup> ~~consultation~~ with the Governor. It is a little difficult to know what to say to him. The Committee may be able to make some further progress. At present I feel that all we can do is to point out to him the difficulties which the Governor has stated as stated in the passages marked with blue brackets in 26773 and 26966. Tell him that it seems impossible to advance the matter further by correspondence with the Governor; point out that the Governor states that a visit of Lord Kaleran to the Protectorate would be of no avail

at present; say that the Governor is coming home towards the end of the year; and suggest that, in all the circumstances, it would perhaps be better if the matter were left to be discussed then with the Governor personally.

I gather from Mr. Read's second minute on Governor/24203 that Lord Waleran is himself inclined to this course.

I lay Mr. Read's memorandum, Governor/23773, Governor/26966, and this minute before the Concessions Committee.

Sept 13

Mr Fiddes.

See now the attached letter to me from Lord Waleran.

I think it had better be answered officially.

The map which Mr. Read showed Lord Waleran was, I have no doubt, that enclosed in Governor/21896. This map, as I explained in the Minutes on that paper, is very nearly identical with the map which was formally communicated to him in 1903. I see no objection to his having a copy made of this map, provided that it is clearly explained to him that it shows the areas affected by native rights only so far as they were known to the Governor when he wrote his despatch of the 16th of June, and that it must not be taken as indicating the final position of the Government in the matter. I think after all that it would be desirable to send Lord Waleran a copy of the despatch of the 16th of June (the last paragraph) in order that he may realise how Sir Percy Girouard feels. We might supplement this by giving the substance of the marked passages in 26966 and 26966 as proposed in my earlier Minute on this subject, explaining that we are unable to send him copies of

these further communications from the Governor because they deal with other matters in addition to Lord Waleran's concession. We should write at the same time as proposed at (a) in my Minute above.

In all the circumstances I now doubt whether it is worth while going to the Concessions Committee to settle this proposed interim communication to Lord Waleran. Their aid will more appropriately be invoked when we have got the Governor and Lord Waleran together, and it is a question of arranging actual terms of settlement.

afab

Sept 10

Sp. com.

Min. 17

17

Mr Butler

This question was considered by the Concessions Committee at the XXXVIII meeting held on 22 Dec 1910. An extract from the minutes is attached.

W Read.

I submit a draft based on the material parts of the minute.

have marked A, B, C, & D.

The printed memo. referred to on  
pp. 4 & 5 of the minute will be found  
attached to.  $\frac{900}{23773}$

of a B.

Dec. 20

H. J. D.

29/11

Extract from the Minutes of the XXXVIII<sup>th</sup>

Meeting of the Tassaraia Committee

Held on 22nd October 1910

Subject 1. The Governor stated that he understood that they were absolutely committed to Lord Salaran in this matter, and the Committee agreed that the Colonial Office was bound by the terms of Colonel Seely's letter of the 11th April, 1910 (attached to 10269/10). He further said that, at the time the Concession was granted, no mention was made of the fact that the country was covered with cocoa nut palms which were in many cases a wife property. In some cases the native owns the palm although not the ground in which it stands and it would be dangerous to grant any absolute rights until the question of native titles was settled.

Lord Salaran had been told <sup>by the Government</sup> in an interview that the question of such titles must be decided before definite action as regards his concession could be taken. It was first necessary for the Arbitration Board (so called for want of a better term) to ascertain from the natives exactly to what lands the laid claim: the surveyors would follow the Arbitration Board and place beacons delimiting the claims, and finally the Land Titles Court would investigate the claims and regularise the titles.

owing to lack of money it would not be possible for the Land Court <sup>and surveyors</sup> to work south of Mombasa for at least eighteen months, but if the concessionaires could employ licensed surveyors Mr MacDougall might be sent at an earlier date to settle the question of native rights within the area of the Concession. It appeared however that money was not available for <sup>a complete survey by the Company</sup> this purpose and it was suggested to Lord Valeran that he might in the first instance arrange for a limited area <sup>(say 2000 acres)</sup> to be surveyed and start work on it pending the settlement of the larger questions involved. He has however now left for the Continent and will not return before February.

The Governor said nothing could be done until the concessionaire agreed to the surveys, though he might in the first place be granted the limited area suggested with a title clear of native rights. It was enquired whether Lord Valeran could not be granted such limited area on conditions to be arranged, and he promised the balance of the 100,000 acres when the surveys were completed. The Governor said that the grant of the full 100,000 acres could not be guaranteed for the area in question was <sup>surrounded</sup> ~~surrounded~~ by another large concession of 50,000 acres and if the whole area were given the concessionaire might have to go on barren, arid land. It was impossible to give him land elsewhere in the Protectorate.

The concession was promised before the question of native titles was fully understood and although 28,000 acres on this account had been deducted already from the area originally promised, it had since been found that the above mentioned native rights in coconut palms &c. tied the hands of the Government in the matter. The Governor explained that originally the Arabs worked the holdings by slave labour but, on the abolition of slavery, the holdings were abandoned and no information as to the original titles and boundaries was therefore available.

European and Indian settlers had later bought up land from the free slaves but the Courts would, <sup>of course,</sup> not recognise titles so acquired. These facts were productive of much trouble which was increased by the <sup>of titles</sup> delay in obtaining sanction for the work of settlement for which <sup>about</sup> 12000 had however recently been allotted.

It was then suggested that Lord Waleran should be informed that he could be granted an area of 2000 acres as a commencement and that the question of the grant of further areas would have to be settled locally after the Arbitration <sup>Board</sup> ~~Committee~~, the Surveyors and the Land Titles Court had completed their operations. The Governor pointed out that the concession was a valuable one, that Lord Waleran could not find the money to develop the whole area of 100,000 acres at once; and that he would be glad to accept a definite grant of a limited area to begin with. If the suggested area of 2000 acres were planted with rubber it might be expected to produce 240000 of produce for export, if planted with coconuts the export value would be about £8000 or £9000.

Mr.

Mr. Com<sup>ce</sup> assumed and the Governor agreed that, in the case of an initial grant of a limited area, no formal deed or lease would be necessary and that a working understanding committed to writing would suffice.

It was then recommended that

"Lord Waleran should be offered immediate possession of an area of 2000 acres clear of native rights as a commencement."

The Committee then proceeded to consider the conditions on which this grant should be made. It was agreed that they should be based on the terms specified in the Colonial Office letter of the 31st August 1908 (para<sup>graph</sup> 2 of Memorandum)

The Committee

- (a) The initial area 2000 acres.
- (b) (c) and (d) should
- (e) The Governor said that locally the condition was considered unworkable especially as it included all produce e.g. maize, and it was difficult to see how the royalty could be computed. As regards collection an expert he said that it was proposed to abolish the existing export duties. Mr. Read pointed out that the royalty system was in force in Uganda although it was true that export duties were levied there. The Committee finally recommended that the clause should stand.
- (f) may stand.

(g)



(g) Sir E.P. Girouard said that water existed in every direction but that it was necessary to exempt the headquarters of ~~the two~~ rivers from use for agricultural purposes as they formed the catchment area of the ~~Mombasa~~ water supply. It was agreed that the proviso in the clause safeguarded the Government in this matter and that the clause might therefore stand.

(h) There appeared to be some difficulty in regard to this clause as although the area of the Valeran concession contained few forests it did include the valuable Mwele Forest and it was of course impossible to give any timber rights in respect of a properly demarcated Government Forest. The point would not however affect the grant of the 2000 acres suggested but would come up later. It was therefore agreed that Lord Valeran might be promised "reasonable facilities for acquiring under the Forest Regulations such timber as he requires".

(i) May stand.

(j) After discussion it was agreed to recommend that "the concessionaires should be called upon to expend not less than £1000 within two years upon the development of the first grant of 2000 acres".

(k) This point will not arise in connection with the first grant.

**Signature**

170  
20066  
REC'D  
AUG 31 1910

The experts are of opinion that in so far as possible the land about the headwaters of this river and the Karusi and its affluents, where they issue from the Shimba hills (which extend from Kasin right up to the Death forest) should be kept free from surface contamination. To effect this would entail a further diminution of the area of the Wispacker-Kallister concession. My visit to the Shimba hills also allowed of an examination of a portion of these two large concessions, which I understand have been transferred to Lord Waldran.

The day is so hot & I  
 sit in a room  
 and think about things  
 I have done in the  
 past. I feel very  
 lonely and  
 I hope to see you  
 soon.

I have been thinking  
 about you a lot lately  
 and how much I  
 miss you. I hope  
 you are well and  
 happy. I will  
 see you when I  
 next see you.

[ The first point that strikes one is the fact that the natives have planted cocoa-nut trees in bunches over a very large area indeed. These cocoa-nut trees have a definite annual value in the production of copra, and in this regard resemble the possession by villagers in Egypt of date palms. The actual amount of cultivation in so far as I could see is not great, and doubtless some arrangement could be come to with the natives with regard to the land, itself. The relinquishing of the cocoa-nuts on the other hand must be a question of compensation.

In addition to these rights the natives have for many years collected rubber, and more particularly, gum copal, in the forests.]

It has been notified to me that the Colonial Department has committed itself to finding 100,000 acres in this vicinity. A glance at the map will show that if we are to find 100,000 acres for this concession, and also 300,000 acres for the East African Estates, we shall not have an easy task, unless we include arid scrub land which the concessionaires will probably not wish to accept.

I received a cablegram from Lord Salisbury asking what any extending should be considered in the direction of Uganda, which is at the most westerly point of the old concession. As this is the very area in which we shall have to find the bulk of the land promised to the East African Estates, I think there will be some difficulty in meeting Lord Salisbury's request. Of course the titles to these two huge concessions are at present practically valueless, and will remain so until native rights can be determined and surveyed off. As soon as this is effected, the result of these two concessions will be that every acre of available land on the Coast, south of Mombasa, will have been

Lord Wateran has asked if he may come out in the autumn in order to regulate the affairs of his concession. I am the last person who would desire to see any delay in progress on the Coast. I must however emphatically say that his visit would be of no avail whatever until the question of titles is settled, and that if this settlement must be based upon revenue balancing expenditure, I fear it will be very long delayed.

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

Sd/- E. P. C. FINCHAM.

GOTTSCHALK.



forwarding

write his desk ~~of the~~  
the map,  
~~the of June and that~~

it must not necessarily  
be taken as indicating

the final position of the  
post in the matter. An

extract from  
copy of the map, above  
which is dated the 10<sup>th</sup> of June last  
is also sent

for your info. I am to  
specify that the map may be referred to the  
2<sup>d</sup> in a slipcase  
F.A. 1717

cannot remove the  
State, but the greater

care is necessary when  
alternating land, in the

Coast - to protect water  
rights, which are not present

between & at present  
undisputed, but it is

possible for the local part  
when alienating areas of  
reasonable dimensions -26-  
& protect such rights  
sufficiently, but that he  
does not consider that  
in a case of <sup>the</sup> large area  
the part adequately fulfills  
its obligations to the nation  
by the insertion in the  
case of a general clause  
proving later rights; and  
that further must <sup>be added</sup>  
show the nation to be  
entirely satisfied and  
clearly & definitely defined.  
He proceeds to say that  
in any case of the land



which it was  
originally ~~bound~~ with  
proposed to lease  
land to Henry Dinkler

and Macallister, it stands  
to make perfectly clear  
that, not only is there

Excluded from <sup>the</sup> land based  
all land as defined

by <sup>the</sup> plans already ~~the~~ supplied

and shown as native land,

but that <sup>between</sup> ~~there~~ are ~~some~~

to them, all rights and

enjoyed by them over the

remainder of the land.

It is ~~further~~ ~~stated~~ that

it is ~~intended~~ that such

rights include in places

rights to what will ~~be~~

and ~~other~~ ~~concerns~~, <sup>to</sup> ~~the~~ ~~effect~~ of.

as he understands, you  
 intend to do some of the  
 better, it is inevitable  
 that further work must  
 be done. The process of taking  
 the is of some...  
 that a change should  
 be made...  
 continuing as...  
 to give a...  
 for...  
 decision...  
 of...  
 for...  
 the...  
 by...  
 but... after...

DRAFT.

MINUTE

- Mr. F. Jones
- Mr. A. Smith
- Mr. C. Lee
- Mr. P. Brown
- Mr. D. White
- Mr. G. Black
- Mr. H. Green
- Mr. I. Blue
- Mr. K. Red
- Mr. L. Purple
- Mr. M. Yellow
- Mr. N. Orange
- Mr. O. Pink
- Mr. P. Grey
- Mr. Q. Brown
- Mr. R. Black
- Mr. S. Green
- Mr. T. Blue
- Mr. U. Red
- Mr. V. Purple
- Mr. W. Yellow
- Mr. X. Orange
- Mr. Y. Pink
- Mr. Z. Grey

Warning by two f<sup>o</sup>s

See P. forward adds

that he cannot find any

insurance that <sup>other lands</sup> can be

found to compensate

you for lands you think

you may be excluded by

reason of water rights.

In many cases he decides

it inadvisable to combine

two here while the

directions of survey, <sup>of</sup> ~~and~~

water rights, & of Crown rights

have been finally settled.

3. In a <sup>another</sup> ~~particular~~

Communication See P. # 112

forward state that

his subject, admiss are  
for the purposes of water supply  
of spum that, in so far

As possible the land about

the headwaters of the  
M<sup>o</sup> River and the

Massena and its affluents

where they issue from the

Chinle Hills ~~between~~

~~from~~ ~~heads~~ ~~up~~ ~~to~~

~~to~~ ~~the~~ ~~west~~ ~~front~~ ~~of~~ ~~them~~

to help fill from surface

contamination, and that

to effect the same result

as for the diminution

of the area of the

Commission <sup>should</sup> ~~is~~ ~~in~~ ~~the~~ ~~proposed~~

to have the same distribution

to the Alliance ~~the~~ ~~same~~

Some communication has been  
made & says "The  
first point that strikes  
me is the fact that the  
planters have planted  
Coccoloba into in bunches  
over a very large area  
to date. These Coccoloba  
trees have a definite  
annual value in the  
production of copra, and  
in the regard recall the  
experience by Malaysia &  
Ceylon of date palms. The  
actual amount of cultivation  
is not far as I could see  
is not just and doubtless  
some arrangement could be

come to settle his nation  
 with regard to the  
 land itself. The extinguishing  
 of the Cocoa title on  
 the other hand must be

a question of compensation

"In addition to these  
 rights the nation have for  
 many years collected  
 taxes, and have particularly  
 from Copah, in the present  
 to settle agreed to give papers  
 next to the Protestant,  
 the present adds that  
 your visit would be of no  
 avail whatever would  
 the question of land titles

DRAFT.

MINUTE.

Mr.

Mr.

Mr. Fiddes.

Mr. Just.

Mr. Cor.

Sir C. Lucas.

Sir W. Bromwood.

Ed. Seely.

Lord Crewe

to the Coast had been  
settled

5. Had Court is unath

to have you copies of

the correspondence referred to  
above

~~to be sent to the~~  
~~Secretary of the~~

that like other bodies

in addition to the other

that is mentioned

6. It appears to be possible

at present to address

the matter further by

and with the former. But  
the

will proceed to (a)

you are aware of

has been the end of

the present year and

had I am unable suggest

that in all the cases,

it would be better

if the matter were left

to be discussed there and

to be forwarded  
to you personally

20th  
J. Hamilton  
7.5.11.

Francis J. Hamilton

Gov/26966/1910.  
East Africa Protectorate.



DRAFT

Right Honourable

Downing Street,

Lord Waleran

*7 Waterloo Place  
S.W.*

*90 Jan 11*

MINUTE.

Mr. Butler. Dec 29 Mr. Lord,

Mr. Reid 29

X Mr. Fiddes. 3

Mr. Just

Mr. Cox

Sir C. Lucas.

Sir F. Hopwood.

X Col. Seely.

Lord Curzon

X Mr. Harcourt.

I am directed by Mr Secretary

Harcourt to inform you with reference to the

letter from this office of the 24th of September,

that he has now, in consultation with Sir Percy

Girouard, given further consideration to the

question of the Mwele Forest Concession.

The reasons for the delay in definitely grant-

ing this Concession were explained to you in

the letter from this office referred to above.

It is understood that you have seen Sir Percy

Girouard, and that he also has made clear to

you

*msg 97 2374*



you the difficulties <sup>involved</sup> imposed by the existence of native rights as now known <sup>and</sup> by the necessity of safeguarding certain sources of water supply for Mombasa, and ~~generally~~ the impossibility of giving any clear title in the district in question <sup>generally</sup> pending the settlement of land titles in the coast strip of the Protectorate. Machinery for the settlement of these titles has now been set up, but it will be a considerable time before the titles in the district covered by the Wwele Forest Concession are cleared in the ordinary course. The procedure could be greatly expedited if you were able to employ licensed surveyors to survey the area covered by the Concession and so enable the Arbitration Boards or the Land Court <sup>titles</sup> finally to determine the titles to land and the native rights within the Area. It is understood, however, that you are not prepared to incur this expense.

2. In the circumstances Mr. Harcourt can

only suggest that you should be granted in the first instance a small area, clear of native rights, sufficient to enable you to make a beginning of the development of the Concession. There appears to him to be the less objection to this course as it would in any case be impossible for you to begin development over the whole area of the Concession for ~~very~~ many years to come. Such a preliminary grant of a small area would be coupled with the promise to grant an additional area, so as to bring the ~~area~~ <sup>area</sup> as nearly as possible up to 100,000 acres, as soon as the settlement of coast titles enables this to be done. It is regretted however, that it is not possible to guarantee the precise amount of 100,000 acres ~~as~~ <sup>as</sup> ~~soon~~ <sup>as</sup> ~~it~~ <sup>it</sup> ~~is~~ <sup>is</sup> ~~possible~~ <sup>possible</sup> ~~to~~ <sup>to</sup> ~~be~~ <sup>be</sup> ~~done~~ <sup>done</sup> ~~in~~ <sup>in</sup> ~~the~~ <sup>the</sup> ~~future~~ <sup>future</sup> ~~as~~ <sup>as</sup> ~~soon~~ <sup>as</sup> ~~as~~ <sup>as</sup> ~~the~~ <sup>the</sup> ~~settlement~~ <sup>settlement</sup> ~~of~~ <sup>of</sup> ~~coast~~ <sup>coast</sup> ~~titles~~ <sup>titles</sup> ~~enables~~ <sup>enables</sup> ~~this~~ <sup>this</sup> ~~to~~ <sup>to</sup> ~~be~~ <sup>be</sup> ~~done~~ <sup>done</sup>. <sup>and</sup> ~~it~~ <sup>it</sup> ~~is~~ <sup>is</sup> ~~regretted~~ <sup>regretted</sup> ~~however~~ <sup>however</sup> ~~that~~ <sup>that</sup> ~~it~~ <sup>it</sup> ~~is~~ <sup>is</sup> ~~not~~ <sup>not</sup> ~~possible~~ <sup>possible</sup> ~~to~~ <sup>to</sup> ~~guarantee~~ <sup>guarantee</sup> ~~the~~ <sup>the</sup> ~~precise~~ <sup>precise</sup> ~~amount~~ <sup>amount</sup> ~~of~~ <sup>of</sup> ~~100,000~~ <sup>100,000</sup> ~~acres~~ <sup>acres</sup> ~~as~~ <sup>as</sup> ~~soon~~ <sup>as</sup> ~~as~~ <sup>as</sup> ~~the~~ <sup>the</sup> ~~settlement~~ <sup>settlement</sup> ~~of~~ <sup>of</sup> ~~coast~~ <sup>coast</sup> ~~titles~~ <sup>titles</sup> ~~enables~~ <sup>enables</sup> ~~this~~ <sup>this</sup> ~~to~~ <sup>to</sup> ~~be~~ <sup>be</sup> ~~done~~ <sup>done</sup>. <sup>and</sup> ~~it~~ <sup>it</sup> ~~is~~ <sup>is</sup> ~~regretted~~ <sup>regretted</sup> ~~however~~ <sup>however</sup> ~~that~~ <sup>that</sup> ~~it~~ <sup>it</sup> ~~is~~ <sup>is</sup> ~~not~~ <sup>not</sup> ~~possible~~ <sup>possible</sup> ~~to~~ <sup>to</sup> ~~guarantee~~ <sup>guarantee</sup> ~~the~~ <sup>the</sup> ~~precise~~ <sup>precise</sup> ~~amount~~ <sup>amount</sup> ~~of~~ <sup>of</sup> ~~100,000~~ <sup>100,000</sup> ~~acres~~ <sup>acres</sup> ~~as~~ <sup>as</sup> ~~soon~~ <sup>as</sup> ~~as~~ <sup>as</sup> ~~the~~ <sup>the</sup> ~~settlement~~ <sup>settlement</sup> ~~of~~ <sup>of</sup> ~~coast~~ <sup>coast</sup> ~~titles~~ <sup>titles</sup> ~~enables~~ <sup>enables</sup> ~~this~~ <sup>this</sup> ~~to~~ <sup>to</sup> ~~be~~ <sup>be</sup> ~~done~~ <sup>done</sup>. <sup>and</sup> ~~it~~ <sup>it</sup> ~~is~~ <sup>is</sup> ~~regretted~~ <sup>regretted</sup> ~~however~~ <sup>however</sup> ~~that~~ <sup>that</sup> ~~it~~ <sup>is</sup> ~~is~~ <sup>is</sup> ~~not~~ <sup>not</sup> ~~possible~~ <sup>possible</sup> ~~to~~ <sup>to</sup> ~~guarantee~~ <sup>guarantee</sup> ~~the~~ <sup>the</sup> ~~precise~~ <sup>precise</sup> ~~amount~~ <sup>amount</sup> ~~of~~ <sup>of</sup> ~~100,000~~ <sup>100,000</sup> ~~acres~~ <sup>acres</sup> ~~as~~ <sup>as</sup> ~~soon~~ <sup>as</sup> ~~as~~ <sup>as</sup> ~~the~~ <sup>the</sup> ~~settlement~~ <sup>settlement</sup> ~~of~~ <sup>of</sup> ~~coast~~ <sup>coast</sup> ~~titles~~ <sup>titles</sup> ~~enables~~ <sup>enables</sup> ~~this~~ <sup>this</sup> ~~to~~ <sup>to</sup> ~~be~~ <sup>be</sup> ~~done~~ <sup>done</sup>. <sup>and</sup> ~~it~~ <sup>it</sup> ~~is~~ <sup>is</sup> ~~regretted~~ <sup>regretted</sup> ~~however~~ <sup>however</sup> ~~that~~ <sup>that</sup> ~~it~~ <sup>is</sup> ~~is~~ <sup>is</sup> ~~not~~ <sup>not</sup> ~~possible~~ <sup>possible</sup> ~~to~~ <sup>to</sup> ~~guarantee~~ <sup>guarantee</sup> ~~the~~ <sup>the</sup> ~~precise~~ <sup>precise</sup> ~~amount~~ <sup>amount</sup> ~~of~~ <sup>of</sup> ~~100,000~~ <sup>100,000</sup> ~~acres~~ <sup>acres</sup> ~~as~~ <sup>as</sup> ~~soon~~ <sup>as</sup> ~~as~~ <sup>as</sup> ~~the~~ <sup>the</sup> ~~settlement~~ <sup>settlement</sup> ~~of~~ <sup>of</sup> ~~coast~~ <sup>coast</sup> ~~titles~~ <sup>titles</sup> ~~enables~~ <sup>enables</sup> ~~this~~ <sup>this</sup> ~~to~~ <sup>to</sup> ~~be~~ <sup>be</sup> ~~done~~ <sup>done</sup>. <sup>and</sup> ~~it~~ <sup>it</sup> ~~is~~ <sup>is</sup> ~~regretted~~ <sup>regretted</sup> ~~however~~ <sup>however</sup> ~~that~~ 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~~guarantee~~ <sup>guarantee</sup> ~~the~~ <sup>the</sup> ~~precise~~ <sup>precise</sup> ~~amount~~ <sup>amount</sup> ~~of~~ <sup>of</sup> ~~100,000~~ <sup>100,000</sup> ~~acres~~ <sup>acres</sup> ~~as~~ <sup>as</sup> ~~soon~~ <sup>as</sup> ~~as~~ <sup>as</sup> ~~the~~ <sup>the</sup> ~~settlement~~ <sup>settlement</sup> ~~of~~ <sup>of</sup> ~~coast~~ <sup>coast</sup> ~~titles~~ <sup>titles</sup> ~~enables~~ <sup>enables</sup> ~~this~~ <sup>this</sup> ~~to~~ <sup>to</sup> ~~be~~ <sup>be</sup> ~~done~~ <sup>done</sup>. <sup>and</sup> ~~it~~ <sup>it</sup> ~~is~~ <sup>is</sup> ~~regretted~~ <sup>regretted</sup> ~~however~~ <sup>however</sup> ~~that~~ <sup>that</sup> ~~it~~ <sup>is</sup> ~~is~~ <sup>is</sup> ~~not~~ <sup>not</sup> ~~possible~~ <sup>possible</sup>

circumstances that there would probably be no difficulty in giving you a clear title to, and immediate possession of, an area of 2,000 acres, the development of which would afford scope for the employment of a reasonable amount of capital and for operations on a considerable scale. The conditions on which this preliminary grant could be made would be as follows:-

- (a) The area to be about 2,000 acres.
- (b) The term of the lease to be 99 years.
- (c) The rent for the first 33 years to be 1d. per acre, to be payable yearly in advance, the first payment being due on the day when the area is defined, or as soon as the Syndicate occupies any part of the area, whichever date is earlier.
- (d) The rental to be reasonable on a basis of 5 per cent of the unimproved value of the land, subject to maxima of 3d. and 2/6d. per acre, respectively, at the thirty-third and sixty-sixth year.
- (e) A royalty of 2½ per cent to be payable on all produce intended for export, based on the value of such produce at the

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the part of export, except where a royalty or export tax is payable on such produce under the general law, when such royalty or export duty only will be payable.

- (f) The lease to carry full agricultural and grazing rights.
- (g) The lessees to have the right to make use of the water on the leased area, subject to such conditions and limitations as the Government may impose in the public interest.

The question of cut timber on this area would not arise, as no forest land would be included in the 2,000 acres. You would, however, be granted reasonable facilities for acquiring under the forest regulations such timber as you might require in connection with the development of the 2,000 acres.

- (i) You would have the right to erect houses and other buildings on the land; such houses or buildings to revert to the Government eventually, compensation being given if the land reverts to the Government at the end of the thirty-third or sixty-sixth years of the term, but not in the event of its reverting under other circumstances.

*In conclusion the recommendation should be made that the above should be included in the draft of the preliminary grant.*

- The Concession to*
- (j) You would be required to expend not less than \$1,000 within the first two years upon the development of the area of 2,000 acres.
  - (k) The question of the right to sub-let would not arise in connection with this preliminary grant.

4. If you are prepared to accept this proposal, it is suggested that this letter and your reply may properly constitute a *written* agreement upon which you could proceed to the development of the 2,000 acres to be allotted, the execution of a formal document in connection with the Concession being left until the question of titles <sup>and native rights</sup> have been cleared up and the larger area promised has been definitely assigned.

I am, etc.,

(Signature)

Ev 26 966 10  
Cap

6.

273

8 April 1944

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Major Waterman

My Lord,

I am directed by Mr. [unclear]

Harcourt to state that he would  
be glad to receive a reply to

the lt. address to you on the  
10th of June  
subject of

possession of an area of 200  
acres of land in the East  
with a view to [unclear] the

development of the [unclear]

Facet  
Concession

MINUTE

Mr. Kenning 57

Mr. Beattie 57

Mr. Piddar

Mr. Just

Mr. Cox

Mr. Lucas

Mr. [unclear]

Mr. [unclear]

10/8/44



*Just for a start*

*X*

n

