



EAST AFR. PROT.  
No. 7413

C. O.  
7413  
2 MAR 06

Serial No. 45  
1906  
20 Jan  
previous Paper.  
4405/06

(Subject) 335

Landcases, Mwele Forest, to  
East Afr. Develop. Synd.

Forwards letter from Solicitors of Messrs  
Macalister & Disperden insisting on lease of 200  
sq. miles in terms of draft lease, a copy of which  
if right to cut timber is abandoned the cultivation of  
rubber alone will not require so large a capital.

(Minister)

Mr. Pirley  
Mr. Read

See 7405

This is a disagreeable  
business. If the law now by me  
talon on 41288 of 28 Nov  
absolutely precluded the Comm.  
from making grants whether  
purchased or reserved to any  
applicant of more than 10,000  
acres.

However at the time when Sir  
D. Stewart promised approval he  
declined from under the Forest  
Regulations to grant them  
and the F.O. had not felt like  
(The committee are  
also)

And. Thurf. at Kesh. 2/0  
Local Mgr.

Obhgade



before us...  
 of the land...  
 like any... must be strictly...  
 and read say that of course no  
 further effort from M. H. & New  
 paper in this Co. must be aban-  
 doned - And explain why what  
 a des. explaining why what  
 do explain of the grant in view  
 of the small amount of the lessee  
 the P. I. felt bound to grant it  
 And in major cautela  
 telegraph to Uganda to tell  
 them not to make any  
 application for the grant  
 with ref. to our des. on 38545  
 and in a des. explain why  
 M.H. 6/3

It seems to me that there was a distinct  
 offer of a distinct acceptance and the parties were  
 advised - The copy submitted - Off. Mem. (no. 7445)  
 which was accepted by T. & M. on 11/11/1903  
 through the Director & Controller. It was  
 otherwise arranged to substitute a copy of  
 100 or more copies to be distributed to the  
 5000 etc. (to be 50,000 in 1903) &

of 200 of use...  
 to the...  
 of 30...  
 of 30...  
 2099] 1/1

2 lines - They form parts of one transaction and  
 should be taken together - They nearly cover out the  
 amount...  
 and do not...  
 only the...  
 that agreement...  
 the only addition in 1903 was 2 & 3 that 3...  
 in the tabularium the addition of "excepting all  
 land privately owned occupied (sic) and all receipts  
 of money to each land"  
 clause 25...  
 is important - it will be implied if not expressed  
 to be retained  
 I do approve of the execution of Off. Mem. 42203 and  
 clause 20 of which D & M will have to obtain the  
 Commission's consent for their assignment to the Co.  
 If he is not satisfied with the financial position of the  
 Co. he must make reasonable conditions for giving  
 his consent but I would not suggest this because  
 I do not think that in equity he could refuse consent  
 if his conditions were not accepted - it having been  
 understood at the time that the concession was really  
 to be granted to this "Company"

J.R. 7/3

his authority  
 J. R.

W. H. H. 7/3

Mr. Read

to Sir D. Stewart of 8 July 1904 / p. 28  
 of F.O. (sent 14/7/04) already...  
 has to make...  
 the...  
 10,000...  
 then...  
 On the other hand the F.O. by their



When a man approaches in the matter, that is to the contrary  
to what is necessary in the interest of reasonable  
cooperation to the discipline of the house

B.H. 1/10

The committee

It is difficult to see how any  
ground for refusing to proceed with  
these leases - they regard that the  
Committee exceeded their instructions, if indeed  
the original instructions on p. 20 of FO print  
so emphatically were never made public  
can be regarded as a construction.

The rubber area leases were however, it seems,  
made public & the release in this case  
conformed to the conditions. I do not know  
how we could possibly rely on go against  
these public functions or the private  
instructions to the Govt. in the Dept.

I should accept the offer to analyze  
the matter in the best way

There is no doubt that

Learned as I am about the subject

74113

Commissioner's Office  
2 MAY 06

Nairobi,

JANUARY 30th 1906.

339

No. 45

(Incl. 2.)



My Lord,

for  
05/06  
Tanks & Allen  
Jan. 30th.

In continuation of my despatch No. 37 of the 25th instant, I have the honour to enclose a copy of a letter I have since received from Messrs. Tanks and Allen, the solicitors of Messrs. Macallister and Diespecker, and a copy of my reply thereto.

2. It will be observed that these gentlemen insist on the lease of the two hundred square miles of the Wale forest on the terms of the draft lease.

3. The position is fully explained in my despatch above referred to. I would only add that if Messrs. Macallister and Diespecker abandon the right to cut timber the cultivation of rubber alone will not require

Principal Secretary of State

for the Colonies,

Downing Street,

84405

to the concessions which have been granted in Uganda for rubber collecting, where no definite amount of capital for this particular purpose has been required.

4. May I request that I may be favoured with Your Lordship's instructions by cable:

YC  
I have the honour to be,

With the highest respect,

My Lord,

Your Lordship's most obedient,

humble servant,

*J. H. B. S. S.*

Sir,

Specker & Mr. [unclear] [unclear]  
Mwele Forest Leases.

Referring to our interview with you on the 15th instant and our letter of the 18th instant on the above subject we have the honour to inform you that we have now heard from our clients and they have given us definite instructions to request the immediate completion of a lease of 100 square miles in Mwele Forest upon the terms of the approved draft agreement already referred to in our correspondence.

We are instructed to say that no modification whatever in the terms of the said agreement can be considered except only that our clients are willing to make a concession, to give up the timber rights retaining only the rubber rights.

We are further instructed to request the favour of a definite reply on or before Friday the 2nd proximo at latest and to say that in the event of such a reply not being received it will be understood that the lease is refused.

Our clients inform us that these instructions have been given us on account of the large expenditure already incurred by them amounting to about Rs. 20,000/- and the great delay which has already occurred and that it is now necessary for them to obtain definite information as to Government's intention in this matter and to submit same to their shareholders without delay. They feel that negotiations with the Colonial Office would take several months to complete and if

same

Colonel Hayes Sadler, C.B.,  
His Majesty's Commissioner,  
NAIROBI.



... for them they would then have to  
take up the same position which they have now done.

We have &c., ~~...~~

(1) Torke & Allen, 8

Gentlemen,

I am desired to acknowledge the receipt of your letter of to-day's date regarding Captain Diespecker and Mr. Macallister's Xale forest leases.

10,000

2. H. M. Commissioner requests me to say that he can add but little to what he told you at his interview with you on the 16th instant, when he informed you that on specific instructions all leases for over ten thousand acres are subject to the approval and orders of the Secretary of State.

3. Since then the matter of the leases in question has been referred to the Secretary of State who has been asked to send instructions thereon by telegraph.

4. A copy of your letter and reply is being sent home.

I am,

Sd/ A. C. Hollis,

Secretary.

Hessie, John S. Allen

8 MAR 1906

Inclosure No. 2

In Col. J. H. Seidler's despatch  
No. 46 of January 20th 1906.

Case No. 7713

(2)



Recd. 230 June  
26 March '06

DRAFT.

Taken to  
Parker  
Mombasa

Interpret  
26 March

Duggles

MINUTE.

- Mr. Ellis 21/3
- Mr. Read 24/1
- Mr. Antrobus 28/2
- Mr. Cox.
- Mr. Lucas.
- Mr. Graham.

Referring to your drafts No

34 and 45

less of

Taxation redoubt  
100 square miles

each bona fide  
may be

Taken 2 Drafts

granted to  
Disposer and

Marathas

plaintiff

in white  
second and third  
drafts drafting  
in your draft No  
37 but concerning

timber rights  
Settling foregoing  
draft of Mr. [unclear]

Quarrying  
You should not  
grant Chertok's  
Further concessions  
to Mozzasin  
or persons named  
their company

Detailed  
draft follows by mail

Comm  
Col. Sadler



MOI 21/3

No. [unclear]  
No. [unclear]

Sir

When the [unclear]  
check the receipt  
of your draft No  
37 of the 25<sup>th</sup> of  
No 45 of the 30<sup>th</sup> of  
and to inform you on  
information of any [unclear]  
of the [unclear], that I  
appear of your granting  
lands of 100 square  
miles of land [unclear]  
the Mr. [unclear] Faute  
for the collection of  
rubber to Mr. [unclear]  
- [unclear] of Capt. [unclear]  
- [unclear] respectively, on  
the terms of [unclear] in  
the [unclear] of [unclear]  
[unclear] Capt. [unclear]

leaf 1031  
 I am in view of the facts  
 as to the financial position  
 of Messrs Macaulay &  
 Duff Asser communicated  
 to you in my report dated  
 the 24<sup>th</sup> of Novr, 1854  
 to have been withering  
 the great of  
 the Co. which  
 is now  
 the Comrs.  
 and in view  
 of the instructions  
 given by the  
 Comrs.

NOTE

MINUTE.

- Introbus
- Que.
- Liscus.
- Graham.
- M. Ommunoy.
- Dave of Harlborough.
- Lyttelton.

326  
 Margins of London  
 on the 1<sup>st</sup> of Jan  
 the F.O. of the 1<sup>st</sup>  
 July 1904, but  
 within the favour  
 assigned to them by  
 the Notice regarding  
 Rubber trees published  
 in the Gazette of the  
 29<sup>th</sup> Jan 1904, had  
 practically committed  
 the Govt. to a grant  
 in the form of the  
 draft terms, in far  
 as the rubber rights  
 are concerned.  
 You should take  
 care that the provisions  
 of s. 16 of the Crown  
 Lands Act are well  
 regard to the  
 amount of the grant

an important movement  
in the draft team,  
we strictly enforced,  
and you should  
not make any further  
grant of any sort either  
to Messrs Marshall  
& Fisher or to their  
Co, until at least  
we are satisfied they have shown  
the will & ability to  
develop the large grant  
now made to them.

Yours  
C. G. ...

Uganda Conf.

O. G. L.



20 March 06

11/13  
at 38545

I will refer to you  
Conf. desk of the 29th  
than the house of  
your view that  
~~the grant~~  
the approval of the grant  
to Messrs Marshall  
& Fisher of two  
areas of 100 square  
miles each in the  
E.A.P. for the collection  
of rubber, which had  
been promised to them  
by the late Sir Donald  
Stewart, &  
as the development  
of the grant will

as I am advised  
that I had no  
alternative but  
to do so.

the financial reasons  
of this question, I have  
to request that you  
will not calculate any  
affiliation from them  
or from the last Officer  
Duisport Syndicate  
for grants a exceptions  
of any kind in regard,  
and  
if ~~should~~ in  
case any such affiliation  
is made to you, give  
the above reason for  
your refusal to entertain  
it.

Yours etc