

KENYA

X. 1834

18 FEB 1926

DATE

14th January 1926.

CONF 16

LANDS IN UGANDA RAILWAY ZONE.

Submits recommendations of the General Manager & the Commr of Lands for a settlement of the question and trusts that they will meet with the approval of the S.of S.

Paper

MINUTES

As an amicable arrangement has been reached on this long outstanding matter, we need not take much trouble over it.

In form the phrase "actual railway purposes" in paragraph 2 (a) does not appear to cover future requirements, but in view of the reference to future residential requirements in paragraph 3 it is clear that the General Manager has had his eyes open to the future.

There is no difficulty under the land law in excluding godown plots from auction. The Governor has power to lease land for special purposes otherwise than by auction.

As this arrangement in effect marks the death of the old Uganda Railway zone it is worth while to draw attention to the Treasury letter (44041/06) where they agreed to the separate

account

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2/33  
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account being abandoned, but kept the claim alive to  
the repayment of the capital cost of the construction  
of the Railway. That claim is still alive (though  
asleep till 1934) and is a claim equally against the  
Railway and the Colony. The Treasury are therefore  
not concerned in the final abandonment of the Railway  
one by the Railway.

? Acknowledge receipt and approve arrangements

to do.

W. C. S. Attorney

2/3/36

As Mr. Jelling was  
coming to see me, I left this check. It  
is great relief as to future land  
requirements.

As regards the old building (see serial to  
33244) I did not take up with him the  
his suggestion that the building should be handed over  
to the Railway, & I expect that that  
is impossible. Certain Offices can  
be provided. Mr. Jelling is asked to  
have struck out the remainder  
Railway building from his capital  
account.

? Action as first proposed, and  
strike our dispatch on 33244 from  
the arrears list.

W. C. S. Attorney

2/3/36

W. C. S. Attorney

account being abandoned, but kept the claim alive to the repayment of the capital cost of the construction of the Railway. That claim is still alive (though asleep till 1934) and is a claim equally against the Railway and the Colony. The Treasury are therefore not concerned in the final abandonment of the Railway zone by the Railway.

? Acknowledge receipt and approve arrangements made.

W. C. S. Mowbray

2/3/26

As Mr. Jelling was coming to see me, I left this back. He is quite satisfied as to future land requirements

As regards the old buildings (see serial 33244) I did not take up with him his suggestion that the old buildings should be handed over to the Railway, & I expect that that is impossible. Wellington Offices can be provided. Mr. Jelling is content to have struck out the surrounding Railway buildings from his capital account.

I action as first proposed, and strike our despatch on 33244 from the arrears list.

W. C. S. Mowbray

2/3/26

J. B. M. J.

KENYA. CONFIDENTIAL

No. 16


 M. 1834  
 18 FEB 1926

 GOVERNMENT HOUSE,  
 NAIROBI,  
 KENYA.

14/14 January, 1926.

Sir,

With reference to the Duke of Devonshire's Confidential despatch of 20th August, 1923, regarding lands in the Uganda Railway zone, and paragraph 3 of your predecessor's Confidential despatch of 8th August, 1924, I have the honour to inform you that the whole subject has been further considered by the Commissioner of Lands and General Manager, who no longer desires the appointment of a Committee of Enquiry.

2. Their joint recommendations were considered by the Acting Governor in Council and I agree that a settlement of the question on the following lines should be approved:-

- actual
- (a) That all lands required for ~~the~~ Railway and harbour purposes should be handed over to the Railway and Harbour Authorities by Government, free of charge.
- (b) That as regards land not actually needed for but adjacent to railway stations, lines, or harbours, and required for private godowns, the Railway Administration shall develop these areas and keep a land account showing profit and loss therefrom and shall pay into Colonial Revenue any net profits that may

HONOURABLE  
 COLONEL L.C.M.S. AMERY, F.C., M.P.,  
 SECRETARY OF STATE FOR THE COLONIES,  
 LONDON, S.W.1

accrued/

accrue.

It was also agreed that the General Manager shall arrange the layout and conditions of sale of plots in each area subject to the approval of Government and to the terms of the Crown Lands Ordinance, 1915.

- (c) That in the case of land not included under (a) but which is now in occupation by the Uganda Railway, if at any time the Governor-in-Council and the Railway or Harbour Authority agree that such land is required for other purposes the Government may resume possession of the land and remove all houses or other buildings thereon: in such cases Government's liability for the buildings on land so resumed shall be the cost of erection of buildings of the same type.
- (d) That the General Manager and Commissioner of Lands should forthwith submit joint recommendations as to the actual areas of lands required: (a) for railway or harbour purposes; and (b) for private godown development.
- (e) That generally godown plots should be disposed of under Part V. of the Crown Lands Ordinance 1915, and that provision in the leases be made for re-assessment of rentals at fixed periods.

3. The recommendations referred to in paragraph 2 (d) above have been received and accepted by Government and it has further been agreed by the General Manager that future residential areas

which/

which may be required for Railway employees should not be regarded as Railway lands but that Railway requirements in that respect should be dealt with in the same manner as similar requirements of any other Department of this Government.

This Government has given the General Manager an assurance that it will provide Crown land in all townships for Railway staff residences on being satisfied that such land is required and subject to the understanding that all areas now occupied for residences or which will be so occupied in the future will be subject to the conditions of para.3 (c) supra.

In the event of circumstances arising which demand an exercise of this clause and should there then be a disagreement between Government and the Railway authorities as to the necessity for resumption for other purposes, the final decision will rest, as it has heretofore rested, with the Secretary of State.

4. In this connection, I may state that the General Manager has agreed that the Railway subordinate quarters in Nairobi should be located elsewhere and for this purpose this Government has very recently placed at the disposal of the Uganda Railway 48 acres of land along the Ngara Road for Railway Asiatic subordinate staff quarters, and 40 acres of land in Parklands for European subordinate staff quarters. The lands now occupied by the Railway subordinate quarters along Government Road and Whitehouse Road will gradually be vacated by the Railway and become available for development as business sites.

5. A Committee consisting of the Commissioner of Lands, the Chief Engineer, Uganda Railway, and the Solicitor General has advised Government that future alienations of godown plots should be by direct allotment and not by auction. The reasons for this recommendation are set out in the Committee's report, which is enclosed for your information, and I have, with the concurrence/

4.

concurrence of Executive Council, agreed that this method of alienation shall in future be adopted in respect of godown plots.

6. I trust that the decisions now reached on these points will meet with your approval.

I have the honour to be,

Sir,

Your most obedient humble servant,

*Edward Gigg.*

G O V E R N O R .

(Copy)

DEPARTMENT OF LANDS,  
Nairobi.

21st October, 1925.

Ref: NO.C/3107.

The Hon. Colonial Secretary,  
Nairobi.Re. - Railway Land.  
Ref: Your No. 16022/1/Vol. II/47.

It is understood that the proposals of the Hon. Commissioner of Lands, and the Hon. General Manager, Uganda Railway, as to the areas of land to be placed under Railway administration have been submitted separately.

The Committee considered only the question of conditions and methods of alienation to be adopted in respect of Railway godown plots.

2. The following recommendations are made:-

- (a) Alienation of plots shall be by allotment on application and not by auction. Auctions involve delay and may result in abuse and exploitation.
- (b) Applications for plots will be considered in order of receipt and with particular reference to the tonnage guaranteed.
- (c) Stand premium and rent shall be fixed for each locality in consultation with the Commissioner of Lands.
- (d) Leases shall be for terms of 30 years and shall contain an option of renewal for a further term upon such revised conditions as may be decided.
- (e) Lessees who do not desire to extend the term as provided in (d) will at the expiration of the original term be permitted to remove all buildings in accordance with Sec: 61 of the Crown Lands Ordinance, 1915.
- (f) Suitable godowns, warehouses, or factories must be erected within one year of the date of the grant.
- (g) The Uganda Railway will provide railway and road access within 6 months of the date of the grant.
- (h) Plots may be used for factory, warehouse, or godown purposes only for which railway access and facilities are required and a guaranteed minimum tonnage per annum to be handled over the railway will be a condition of the lease.
- (i) Subletting will not be permitted except by consent.
- (j).....



(Copy)

DEPARTMENT OF LANDS,  
Nairobi.

21st October, 1925.

Ref: NO.C/8107.

The Hon. Colonial Secretary,  
Nairobi.Re - Railway Land.  
Ref: Your SC.10092/1/Vol.II/47.

It is understood that the proposals of the Hon. Commissioner of Lands, and the Hon. General Manager, Uganda Railway, as to the areas of land to be placed under Railway administration have been submitted separately.

The Committee considered only the question of conditions and methods of alienation to be adopted in respect of Railway godown plots.

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- (h) Plots may be used for factory, warehouse, or godown purposes only for which railway access and facilities are required and a guaranteed minimum tonnage per annum to be handled over the railway will be a condition of the lease.
- (i) Subletting will not be permitted except by consent.
- (j).....

- (j) The form of the lease will be the general form as prescribed by the Registration of Titles Ordinance, 1919.
- (k) It will be necessary for special provision to be made empowering the Railway Authorities to collect rents and enforce covenants, and to take all necessary legal action in that behalf.

3. The Hon. Ag. Chief Native Commissioner's memorandum No. A.10/2/5/40/3 of the 17th ultimo was considered.

It is the Committee's view that the proposed differentiation between the two portions of the Railway Reserve is impracticable. Warehouse Plots are an essential part of a station Reserve and acquisition of land for the purpose falls under the provisions of Sec: 57 (4) of the Crown Lands Ordinance, 1915.

(Sgd.) Ivon L.O.Gower  
SOLICITOR GENERAL.

" S.D.Rhodes  
CHIEF ENGINEER.

" C.E.Mortimer  
for COMMISSIONER OF LANDS.

number 12/3

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26 Kenya

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R 2 MAR  
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15 March, 1926.

Sir,

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I have etc. to ack. the

recd. of your Conf. despatch to

16 of the 14th. of January &

to inform you that I

the arrangements made  
approve your proposals for

the settlement of the  
questions which have arisen  
~~stems of the Reg. Rly.~~  
with regard to

~~against the Colony in~~

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15 March, 1926.

Sir,

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I have etc. to ack. the  
recd. of your Conf. despatch no.  
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~~claims of the Uga. Rly.~~  
with regard to  
~~against the Colony in~~

AFT.

~~respect of the Uganda Railway~~

None Land

I have etc..

(Signed) L. S. AMERY

report of the Uganda Railway

None Land

I have etc..

(Signed) L. S. AMERY

DOWNING STREET,

15 March, 1926.

Sir,

I have the Honour to acknowledge the receipt of your Confidential despatch No. 16 of the 14th of January, and to inform you that I approve the arrangements made for the settlement of the questions which have arisen with regard to lands in the Uganda Railway Zone.

I have the honour to be,

Sir,

Your most obedient,

humble servant,

(Sign. H. E. FRY)

RECU

LIEUTENANT COLONEL

SIR E. W. M. CHIES, K.C.V.O., C.M.G., D.S.O.,

etc.,

etc.,

etc.