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KENYA
No. 705.



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GOVERNMENT HOUSE
NAIROBI
KENYA

26th May, 1944.

Sir,

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With reference to your predecessor's despatch No. 1703 of the 7th December, 1923, on the subject of the proposed exchange of land with the East African Estates Limited I have the honour to inform you that as indicated in paragraph 2 of my despatch No. 1459 of December 21st, 1943, that Company's agents represent five. Lieutenant Colonel Tucker, has during the past three months discussed fully with the Controller of Lands the details of a final settlement between the Government and the Company. They have now agreed on a final agreement, and as a result the Comptroller of Lands has submitted detailed proposals which I, with the approval of the Executive Council, have approved in totum and I am forwarding the same to you, and, I trust, a satisfactory settlement will be effected with the principals.

- (a) 50,000 acres between Moyale and Marsabit, 10,576 acres of Taveta to be relinquished by the Company.
- (b) 91,500 acres between Moyale and Taveta, 10,576 acres to be relinquished by the Company and 81,924 acres to be purchased by the Government at the rate of 10/- per acre.

THE RIGHT HONOURABLE

J. H. THOMAS, F.R.S.E.,

SECRETARY OF STATE FOR

INDIA AND BURMA

KENYA
No. 985.



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1597.

GOVERNMENT HOUSE
NAIROBI.
KENYA

28th May, 1924.

Sir,

With reference to your predecessor's letter
No. 1705 of the 7th December, 1923, on the subject of the
proposed exchange of land with the East African Estates
Limited, I have the honour to inform you that as indicated
in paragraph 2 of my despatch No. 1269 of December 1923,
that Company's local representative, Lieutenant
Colonel Tucker has during the past three months worked
fully with the Government of Kenya in relation to the
final settlement between the Government and the Company.

2. They have now arrived at a preliminary agreement
as a result the Government have approved the
proposals which I, with the assistance of the Executive
have approved in letter No. 1269 of December 1923 to
you, and, I trust, acceptable to the Company's
principals.

3. These proposals are as follows:
- (a) 150,000 acres of land between Taveta and
Taveta to be relinquished by the Company.
 - (b) 91,500 acres between Meroga and Vanda
in the Mts. of the East African Estates Limited
19,414 acres of land to be relinquished by the Company.

THE RIGHT HONOURABLE

J. H. THOMAS, P.C., M.P.,

SECRETARY OF STATE

and F in the attached plan.)

(c) Lands in the Highlands to be granted to the Company as shown marked A, B, C and D in the attached plans.

Block A: comprises 5,000 acres of coffee land and 3,367 acres of maize-land near Kitale.

Block B: 6,293 of maize-land near the North Kavirondo border.

Block C: 1191 acres of maize-land in the Kibigori Uplands

Block D: 4002 acres of dry maize-land in the Kibigori plains.

This latter Block is situate in an area within which free usufruct, irrespective of race has always been permitted, and present landholders there are composed of members of both communities, European and Asiatic. It has further been surveyed for some 15 years without eliciting any application for alienation to an Indian. The total area of these up country farms is, as will observe, to be 19,843 acres.

I am advised that a reasonable comparison of the values of these areas is as follows:-

<u>Land to be surrendered by East African Estates</u>	<u>Land to be granted to Leasing</u>	<u>Value</u>
150,000 acres at Coast @ 4/- per acre.....	Block A 5,000 acres @ 15/-	£15,000
£30,000	3,367 " @ 22/-	£74,054
80576 acres at Taveta @ 4/- per acre.....	Block B 6293 " @ 30/-	£1,902,900
£322,304	Block C 1191 " @ 20/-	£23,820
£354,308	Block D 4002 " @ 22.10/-	£88,000
		<u>£4,187,774</u>

(e) As regards the total area to be retained, it is proposed to modify the conditions of the existing 1915 lease so as to provide for the decrease in acreage. Modification of the rent servitude is also therefore required in the lease by way of proportionate reduction for the first five years, and thereafter 2033-25-25 per cent.

Parts 1 and 2 of the first Schedule. I desire to draw particular attention to the fact that no modification of clause 8 of the lease is proposed: this clause enables the Government to take land required for Government purposes without compensation except for improvements. In view of this fact I see no objection to granting ferry rights at Eikon (with the necessary ferry) and reasonable facilities for the use of the present landing place on the Island side of the strait: the terms in which such rights are granted should of course be so expressed as to safeguard Government's foreshore rights.

(f) Further special provisions in respect of foreshore rights should also be made as follows: the portion of the Eikon land within 100 feet of the high-water mark should be without Government's consent, while for the rest of the concession a 100 feet strip above high-water mark should be definitely reserved to Government.

(g) The present Government contract for the quarrying of coral at Eikon should remain and the area of the quarry should be limited in the event of a new contract being entered into after the expiry of that contract.

(h) The area at present reserved as a Government rifle range at Eikon should be retained as such. The Government should be allowed to use the range for other purposes to allow of other arrangements being made. The Officer of Police and Staff Officer to the Officer Commanding should agree that this is not a suitable site for a rifle range.

(i) Survey fees to be payable at the rate of ...

in proportion to the area taken up viz 26000 only instead of 29000 (vide paragraph 3 of my despatch No. 1859 of 21st December 1923)

(j) No refund to be made in respect of the Taveta area since the costs were paid to Non-Government Surveyors: when however, and if, Government alienates any of the land relinquished to other parties and collects survey fees, a refund to the East African Estates might then be considered

(k) It is not proposed to charge survey fees for the Highland areas. (These fees as I informed you in my telegram No. 361 of November 29th, will amount to £300, but in view of the large survey fees to be paid as in (i) above, it is considered that the survey of the Highland areas should be free)

(l) As regards stamp and registration fees, it is agreed that where the Company has already paid such fees in respect of the Coastal and Taveta areas, fees should not be charged again on the decreased areas retained by them. All titles issued for new areas will however be subject to such charges

(m) Leases for the Highland areas will be granted in the usual form and subject to the usual conditions and privileges of agricultural leases under the Crown Lands Ordinance 1915 (See paragraph 2 of my despatch No. 1859 of December 21st, 1923.)

4. I believe these proposals to be reasonable and would point out that, whereas some 20,000 acres in the Highland areas already open for alienation will be granted to the Company, a very large area will be gained for cultivation at the Coast, which will be available irrespective of any racial conditions, in a region where it is very desirable to encourage production.

5. I trust that you will approve of the offer of these terms to the East African Estates Limited and shall be glad

(5)
to receive notification of your approval by cable.

I have the honour to be,

Sir,

Your most obedient, humble servant,

R. T. Gourdon

GOVERNOR.

Gov/ 31068 H. 164

Cash & Sales
31 12 30 pm
10/17/20



10 July

COPIES
DRAFT.

Governor
Harris

Your draft of 10 July
705 Land under

Question is answer and
petition of municipal
officers, and to soldier
national scheme, but

MINUTE.

Mr. [Name]

Mr. 7/7

Mr.

Mr. C. Davis

Mr. G. [Name]

Mr. H. [Name]

Mr. J. [Name]

Mr. [Name]

Mr. [Name]

subject that should be
you to learn that
notice, numbers and
times, on on land beyond
the park, then
they could remain on
land, and if not here

Instructions from
H. [Name] to the
[Name] [Name]
[Name] [Name]

they could be accommodated
I consider it very desirable
that if in any way possible
they should be allowed
to remain on the land.