

1922

KENYA

246

GOVERNOR
CORYDON

1563

DATE

13TH NOVEMBER 1922

63504

RE
DEC 27 DEC 22

CIRCULATION

SUBJECT

EX-SOLDIER LAND SETTLEMENT SCHEME

Reports proposed revision of conditions.
Requests approval to introduction of necessary
legislation to give effect to.

Mr. *Doonan*

Mr.

Mr.

Mr. Grindle

Ser. H. Lambert

Sir H. Wood 9/11/23

Sir J. Masterton Smith

Mr. *Wood Ormsby - for* 10/11/23

Mr. *Chapman*

Previous Paper

500

55309

MINUTES

We have already approved
a 55309/22 of the proposed
legislation being carried into
effect.

But this further elucidation
of the phrase "personality of
lessee" requires some looking
into. The original idea was
that the farm could ~~only~~ be
sold to an ex-service man if
^{in the first 5 years only}
25% of the purchase price had
been paid, & it could not be
sold to anybody else in the
first five years unless the whole
of the purchase price had been
paid.

Subsequent Paper

paid in other words there was a definite policy of keeping this land in the hands of ex-service men.

If all restrictions are removed, I do not see what is to prevent an allottee who is in immediate need of cash being induced to sell his farm for less than it is worth to a ^(not even an ex-service speculator) ~~speculator~~ who, as soon as he had fulfilled the letter of the development clauses, might be able to dispose of the farms at a handsome profit.

I think in view of this danger (English way of course be recognized in the Col. East) it would be as well to refer to the Gov. ref. 55309 that the I.A. has since received the copy & a reading it considers it desirable that in the proposed legislation provision should be made for the retention to transferees of the common

of purchase price to be operative only when the transferee is an ex-service man or woman.

C.J.J. 8/1/23.

It is a pity that "personality of lessee" in 55309 was not more fully explained as including the transferee & meaning the removal of the condition that ~~the transferee~~ be an ex-service man, but we did not question the clause expressed, & the legislation will have been enacted by now.

Must they refer to
the 55309?

Further, sales 500 acres are taking place & are being operated that it is impossible to prevent speculative purchases of this kind. And at least it means that the ex-service allottee, who has a good claim on our sympathy, will get a little more for the land he sells, & the Gov. will lose nothing which he would have got if

has been able to carry on

without sale.

On the whole I understand
I have it alone - it is nearly

100% of the paper & the
approximate figures in the last

of 58 309 2 ~~of the balance~~

~~on the chance of the sale~~

~~being too late~~

100% goes

I agree with the above
figures - it is

100%

NYA.
No 1563.



243
GOVERNMENT HOUSE,
NAIROBI,
KENYA.

63504

13th November, 1922.

500
53300

My Lord Duke, R. 27 11 22

I have the honour to refer to my telegram No.390 of November 6th setting forth a proposed revision of the conditions of the Ex-Soldier Settlement Scheme. This is the outcome of numerous requests for a relaxation of the conditions in order to assist the raising of capital for development. A Select Committee was appointed by the Legislative Council to consider the whole question. The recommendations of the Committee subsequently adopted by the Legislative Council, were as follows:-

- (a) That remission of purchase price be conditional on fulfilment of development conditions, but irrespective of the personality of the leasee.
- (b) That the appearance clause should be enforced in all cases except where development conditions have already been carried out.
- (c) That legislation should be introduced to make Soldier Settlement titles subject in all other respects to the Crown Lands Ordinance, 1915.

2. It is proposed to give effect to recommendation (a) by permitting transfer of "B" farms whose allottees have fulfilled the appearance and occupation conditions without payment of any portion of the purchase price, this concession to remain in force

until -

HIS GRACE
THE DUKE OF DEVONSHIRE, K.G., P.C., G.C.M.G., G.C.V.O.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON, S. W.,

until the expiration of the first development period (1.9.1924) except where the allottee is still serving. The concession of remission of purchase price on completion before due date of the three years' development conditions previously confined to allottees would be extended to transferees, but it is not proposed to make refunds of any portion of the purchase price already paid.

3. The effect of this will not be to increase the number of sales of these farms, as sales on agreement are taking place in considerable numbers with the intention of completing the transaction when development has been effected and purchase price remitted, but it will cause these transactions to be regularised and assignments registered immediately. In this Government will gain by the collection of stamp duty a few months earlier than would otherwise be the case. The principal advantage of the proposal will be to increase the security of the chargee, who will thereby be assured that in the event of foreclosure and sale the transferee (whether the chargee or any other party) will not be debarred from benefiting by the remission of purchase price on completion of development. This, it is believed, will greatly facilitate the raising of money on charge. If the proposal be approved Sections Nos. 8 (8) and (9) of the Discharged Soldiers' Settlement Ordinance, 1921, will require alteration.

4. With reference to recommendation (2) it is proposed to permit no further relaxation of the appearance clause (D.S.S.O. 1921 Section 8 (7)) except in the few cases where development has already been effected and a distinct hardship would be caused

by a strict adherence to the original condition. ²⁵⁰ These cases will as heretofore be dealt with in the discretion of the Governor.

5. Subject to the above provisos it is proposed to bring the whole scheme under the ordinary conditions of the Crown Lands Ordinance, 1915.

6. Your Grace's consent to the introduction of the necessary legislation to give effect to these proposals is desired.

I have the honour to be,

My Lord Duke,

Your Grace's most devoted and
most obedient servant,

RT Cayndon

G O V E R N O R .

for 63504/22 ~~Kenya~~

251

D.
13 / 22

DRAFT.

16 Jan 1923

Sir,

91

For Command

MINUTE.

- Mr. Bull Jan 12
- Mr. Jeffries 12/12
- Mr. [unclear]
- Mr. [unclear]
- Sir G. [unclear]
- Sir H. [unclear]
- Sir J. Masterton Smith
- Mr. Ormsby Gore.
- Duke of Devonshire.

I have to acknowledge the recd of your despatch 41563 of the 13th of Nov, regarding the proposed revision of the conditions of the ex-soldier settlement scheme, and

to refer you to my letter of the 13th of November.

on 55309/22

Conveying approval of
the necessary legislation
(being passed)
to give effect to the
recommendations of

the Select Committee
of the Legislative Council.
Jrc

Signed DEVONSHIRE