

1923

687

KENYA

39937

REF. RE. 10 AUG 25

vs. DePy, Northcote 1019

DATE
28th. June 1923

BY CIRCULATION:-

Mr. *B. M. ...*

Mr. ...

Mr. ...

Asst. U.S. of S.

Perm. U.S. of S.

Part. U.S. of S.

Secretary of State

SUBJECT

LAND
CONVERSION OF AN AGRIC. INTO A TOWNSHIP
LEASE

Discusses further the power of the Gov. under the Crown Lands Order, 1915, regarding without prior reference to the S. of S.

Previous Paper

S.S.
 $\frac{1694}{23}$

MINUTES

The Col. Galt has, I think, met the two parties specifically raised in 1694/23.

The phrase 'private township' is explained: a curious term to use, but it will do.

As we have laid down clearly in 1694/23 that S.G. agrees with the interpretation of S. 6(1) of C.L. Ord. 1915, we need not say any thing further.

? all rec. pt.

all P

13.8.23

W.C.S. 13.8.23

G.O. 57088/24 (Belgany view of state)

Amend 1186-20 Aug 23

J.P.H.

K.T.A.

Subsequent Paper

S.S.
 $\frac{14013}{42812}$
 $\frac{1200}{23}$

688

KENYA

No. 1019.



GOVERNMENT HOUSE,
NAIROBI,
KENYA.

28th June, 1923.

C
39937
RE
RE: 10 AUG 23

My Lord Duke,

500
1694/33

With reference to Your Grace's despatch No. 414 of March 21st on the subject of the Governor's power under Section 6 (1) of the Crown Lands Ordinance 1915 to convert, without reference to the Secretary of State, an agricultural into a township lease, I have the honour to inform Your Grace that the Acting Governor laid that despatch and Your Grace's telegram of March 12th before his Executive Council.

2. With regard to the 4th paragraph of Your Grace's despatch the advice of Executive Council in which Sir Charles Bowring concurred was that the charge by Government to the Company of an enhanced rental of Shs.72 per plot per annum in the proposed township ensured to Government all the increased revenue that might reasonably be expected out of the profits realised by private enterprise.

3. The point to which in the 5th paragraph Your Grace drew attention had, as Your Grace surmised, been considered in January 1922 when the original application was approved by Sir Edward Northey in Council. Further consideration has been given to it and it appears to Government that no political issue will arise between Europeans and Indians in this case in view of the fact

that

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.

that in the immediate vicinity a Government township will be opened as soon as the Indian question is settled. Moreover the scheme was initiated before the present acute stage of the controversy had been reached: in this connection I would inform Your Grace that Executive Council recently declined to recommend a new scheme on the same lines elsewhere on the ground that the Indian question did arise in regard to new proposals of the kind. It may also be remarked that the Company has already disposed of some plots in accordance with the original approval of its scheme of sub-division and that no protest by Indians has been recorded.

504
1694 22
28

4. The term "private township" in Sir R. Coryndon's despatch No. 1686 of 12th December, 1922, was used to signify a distinction from a Government township due to the procedure whereby the holder of an agricultural lease, who wishes to sub-divide a portion of his holding into small plots, surrenders his title to that portion and is granted in its place township leases for each plot in the sub-divided portion at the specified rental.

These leases are issued under Sections 17 and 18 of Part 3 of the Crown Lands Ordinance 1915 and contain the conditions required by the Sanitary Authorities as regards the construction and maintenance of roads and drains and other sanitary requisites. The disposal of these plots is at the discretion (save as to sub-division) of the lessee subject to the payment of the usual fees on transfer.

I have the honour to be,
My Lord Duke,
Your Grace's most devoted
and most obedient servant,

J. A. S. Luthers

GOVERNOR'S DEPUTY.

No. 39937/23 Kenya

690

C. D.
R 16 AUG.
D. 17.

In
SS

DRAFT.

20 August 1923

1186
oaf
MINUTE.

- Mr. Breen Aug 15
- Mr. Mackintosh
- Mr.
- Mr. Davis
- Sir G. Grindie.
- Sir H. Read.
- Sir J. Macintosh Smith
- Mr. Ormsby-Gore.
- Duke of Devonshire

Sir,

I have re to ack. the recd of your despatch, No. 1019, of the 28th of June, in which you reply to the points raised in my despatch No. 4144 of the 27th of March, regarding the power of the Govt, under

Section 6 (1) of the Crown
Lands Ordinance 1915,
without reference to the
SofS, to convert an
agricultural lease into
a township lease.

For

(Signed) DEVONSHIRE