

1923

KENYA

033

FROM
GOV'S DEPUTY
SECRETARY

1478

DATE

27TH SEPTEMBER 1923

1923

RE
RE

25 OCT 23

FOR CIRCULATION:—

SUBJECT

Mr. *Shelton*

THIKA NYERI RAILWAY

Mr.

COMPENSATION FOR NAIROBI FIBRE & PRODUCE COY.

Mr.

Asst. U.S. of S.

Smith
9/25/23

States Ordoes governing payment of compensation for land required for Rlwy purposes. Considers it premature for reasons given in Rlwy G.M.'s letter enclosed to consider any claim by land holders for compensation.

Permt U.S. of S.

Part U.S. of S.

Secretary of State.

Previous Paper

MINUTES

4m. 9.

31266

Comparison with the 1" = 4 miles

land map shows that the

scale of the plan is 31266 is

about 1" = $4 \times \frac{3}{32} = \frac{3}{8}$ miles = $\frac{1980}{32}$ feet

This means that the distance
at the point concerned) between

the present & former location of the

line is about 6000 feet, &

the G.M.'s general observations have

already little application

to the particular case

In fact, the division would

be of as little use to the C.

that I should be inclined to

Subsequent Paper

4m. 9.
55385

Johnston Fibre Co. - 114th Nov '23
Reading also copy 1087-14 km 1087

think that they should
have the benefit of § 26
of the 1902 Ordⁿ
(Compensation for land
taken for auxiliary
railway purposes)
rather than be treated
under § 24.

As regards compensation
for crops I do not think
that they should be
more generous than
the law provides; it
might be a most inconvenient
precedent.

? Write to the Combrary
ref. 31266 & say that
the question of the
scope of the provisions
was not settled but
that in any case the
Govt. if they are content
with our bill that
compensation could be
awarded for the destruction
of crops, but that in
the State is as long as it is
provided that he has
taken the matter up

(He is not to be written
about)
led

proceeding with the local
authorities.

654.

L.C.S.

6. XI. 23.

I do not think that on the facts we
can treat this case as falling within
§ 26 of the Ordⁿ of 1902. There do not
appear to be any peculiar circumstances which
justify the waiver of the statutory
conditions attached to the grant or lease
under § 24. ^{In the event which has happened,} Compensation is not
payable for the land but only for the
buildings damaged or destroyed. In the
later Ordⁿ of 1915 a somewhat more
generous compensation for crops -
generous policy is adopted & it is,
I think, consistent to the first to extend
the benefit of that policy to grants
which were made before the Ordⁿ was
passed but it would be purely *ex gratia*.
If we are not going to substantiate the
question of compensation for the land,
I think it would as well to indicate