

organisation of the
provincial branches
of telegraph engineering
in the United Kingdom

2. Mr. H. would be
obliged if ~~but~~ ^{but} ~~going~~ ^{going}
could be afforded the
necessary facilities
for visiting these

centres ~~obtaining~~
such information as he
may require.

3. As Mr. Gosling's
leave in England will
expire shortly, I am
request that a very
early reply may be
sent to this letter.

2

For the Secretary of State.

EAST AFR. PROT.



32789

Gen. Sec.

Date.
1912
10 Oct.
Previous Paper.
18531

Exchange of land

Understands that he is to be granted only a licence
of the lands on the Athol Plains & not a lease.
Lester agrees & consents that such a proposal was
not contemplated. Rates for early settlement & grant
of lease in accordance with original intention as
disclosed in the correspondence.

Mr. Risley
Mr. Ross. Mr. G. Fielder

This is a new point. So far as I can discover,
the word "lease" does not occur throughout the whole of the
negotiations and the local government appear to have
assumed from the Secretary of State's insistence on revision
of rent that it was intended to apply to the new grant
of land in the ^{the} Athol Plains the existing (1911) regulations in
their entirety, of which revision of rent forms part. This
I think was a reasonable interpretation of the Secretary of
State's instructions, but seeing that (1) Captain Grogan
already possessed, or is entitled to, a lease of the property
which he is giving up to the Government (under the 1902
Ordinance the grantee of land obtained a lease right away),
and (2) that in the correspondence the only new conditions
mentioned were those relating to revision of rent and that
no mention was made of a "license", I should be disposed
to

For forwarded to Mr. G. Fielder
11/10/12
11/10/12

(the returns
Nov. 1912)

at subsequent Paper

18697

to waive the point, provided that Captain Grogan undertakes to do the necessary development.

7. We should telegraph accordingly to the Governor, and say that the Secretary of State is prepared, subject to any observations that Mr. Selfield may have to offer, to waive the requirement of a license in this special case.

AGB 24/10

agree. In the absence of express terms to the contrary, I think that the implied intention was that the new lands should be held upon the same terms as the old leasehold with the one new condition for revision of rent.

OR 25/10

H. J. R.

25/10

at once 26

to read

to parties has brought out up for amendment

2 drafts brought for comment

MIS 15/11

at once

H. J. R.

15/11

AFRICAN
985

54 Cadogan Place,
S.W.

October 16th 1912.

16 OCT 12

The Under Secretary Of State
The Colonial Office.

Sir, Exchange of land, Athi Plains, B.E.A.

With reference to our agreement whereby I am to be granted a lease of certain lands on the Athi Plains in exchange for other lands to be surrendered in the Naitvasha Province, I am informed by my partner, Mr. F. C. Hunter, that the Government now propose that I should be granted a license only of the said lands and not a lease.

The correspondence does not in any way suggest that such a license is at all a contemplated possibility for your convenience I try to submit the following explanation of relevant extracts from the correspondence. The extracts are given under cover.

(H. E. The Governor)

(1) Secretary of State to E. S. Crozer, dated 4th March 1911. (Mr. D. W. Underhill) told Captain Crozer that the land which he is holding in fee simple on leasehold terms under the Crown Lands Ordinance, 1902, for the term of 99 years at a fixed rent, I propose to intend that Captain Crozer should be granted the land, which it is proposed to grant in the place of his present land, on the same terms. I consider it a matter of great importance that there should be attached to any grant of land made after your return to the Protectorate the conditions of revision of rent at the end of the 33rd and 66th years, and I am unable to approve of the grant of land which Captain Crozer desires to obtain in exchange for his present holding being granted without such conditions. (Mr. D. W. Underhill) With a view to eradicating the possibility of revision of rent at once, I should, however, be prepared, if it would facilitate matters to approve of a somewhat larger area being granted to Captain Crozer.

(2) Under Secretary of State to E. S. Crozer, 9th November 1911. Par. 2. "Subject to your proving a clear title to the lands in the Naitvasha Province, there remain to be considered such points of detail as the amount and situation of the additional land to be granted to you in consideration of your acquitting, in respect of the new area on the Athi plains, the usual condition as to revision of rent at the end of the 33rd and 66th years."

41-20
No. 92 - African No 965
No. 966 - African No 965

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2. E.S.G. to Under Secretary of State 16/10/1912.

- (5). E.S.Grogan to H.E.The Acting Governor, 2nd April 1912.
"My original arrangement with the Government was based on the precedent established by an identical exchange of land between the Hon. Mr. Newland and the Government. The Colonial Office however desired that in my case the new condition of a periodical readjustment of rent should be established, and suggested that I should be given a larger area than I would be otherwise entitled to in consideration of my accepting this new condition."
- (4). Acting Chief Secretary to E.S.Grogan, 18th April 1912.
"His Excellency is willing to recommend to the Secretary of State that you be offered as an exchange 30,000 acres between Kapiti and Athi River Stations on the east side of the Uganda Railway on the usual conditions as to revision of rent after 33 and 66 years."
- (5). W.C.Hunter to Acting Chief Secretary, 22nd April 1912.
"I am directed by Captain Grogan to say that he is prepared to accept His Excellency's offer to recommend to the Secretary of State that he be offered as an exchange 30,000 acres between Kapiti and Athi River Stations on the east side of the Uganda Railway with the usual conditions as to the revision of rent after the 33rd and 66th years."
- (6). Land Officer to W.C.Hunter, 25th July 1912.
"With reference to previous correspondence herein, I beg to inform you that His Majesty's Secretary of State for the Colonies has been pleased to accord his sanction to this transaction".
- (7). W.C.Hunter to Land Officer, 7th August 1912.
"I assume there is no question of a licence in the first instance, and in this connection would refer you to the Acting Chief Secretary's letter S0460 of April 18th last."
- (8). Land Officer to W.C.Hunter, 22nd August 1912.
"On this point I have seen His Excellency, who is quite clear that the instructions of the Secretary of State contemplated the grant in the first place of a licence and not a lease, and I think you will admit that this is the only possible logical conclusion, as if, when the stipulation was made that the land was to be given on the new terms, i.e. with revision of rent, it had been proposed to vary these terms in other ways, it would surely have been mentioned in the instructions."

Letter to Under Secretary of State 18/10/1912.

I would venture to submit that no letter makes it clear the original Crown Land Ordinance of 1902 (and of course the land to be surrendered are now sold) was assumed by parties on the Cape side to be varied only in regard of the rental payable after the 33rd and 66th years; and that the letter removed any possible ambiguity by asking me, the one, to accept one, and only one, definitely specified new con-

After receipt of the information conveyed by no. (6) letter I decided to make, in conjunction with another party whose interest is interlocked with mine, certain arrangements for the improvement of one portion of the land. For this purpose I have had a large steam-ploughing outfit for early shipment.

Any re-opening of the negotiations at this juncture I earnestly embrace this operation; and I shall be grateful if you can assist me to obtain an early settlement of the matter in accordance with the original intention expressed in the correspondence.

etc

I have the honour to be

Sir,

your obedient servant

W. S. Gray



Wm. Unwell

This day of 10 June 1851

(1851)

369 Progan ^{cockhouse} ^{Comptains}

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- Mr. R. B. 15
- Mr. R. 15
- Sir G. Fiddes
- Sir H. Just
- Sir J. Anderson
- Lord Emmott
- Mr. Harcourt

10/20
of 29 October

Grogan

Chert