



EAST AFR. PROT

C.O.

5053

REC'D

REG'D 12 FEB 13

5053

LAND LAWS

1913

In February

Last previous Paper.

✓ 4119

States not in favour of adding premium to the 20 years rent with the object of arriving at the development figure until schedules to the new Order become law it is not desirable in his opinion that the conditions hitherto in force should be altered. The sale in May next will be by auction. There will be no allotment.

In G. Fiddes. This is the May sale paper (1) Development. The Governor, clearly, considers that a man who has paid more for better land will spend more money on its development without being compelled to do so. We must leave it to him.

(2) As to no auction - as the Gov. uses the word allotment in the special sense of allotment without auction I have avoided the use of the word in the off. notice for distribution to magistrates which I now put forward with the following comment, ^{pointing} upon the photographic correspondence in that.

(a) Date of commencement of lease. The Feb 1911 Rules (para. 5) gives it as the date of the original licence.

(b) But under the lease. The Feb 1911 Rules (para. 6) are as authority for saying that in the first case the former rent will be continued.

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					533
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(c) Rent of 3% after 99 years. I understand
that this was put in to our lease at 31805/12
arbitrarily, because although leases are
limited to 99 years it might be desired
to grant the new lease to the lessee, tenant,
(d). Development conditions were here. None
are contemplated & the correspondence between
not been detailed. The 1902 Ordinance provides
generally for that the lease must "encourage"
develop the resources of the land in a prudent
& benniesable manner". I have left the
word vague.

Engines are coming in and I think we had
better have half a dozen copies typed & then print?

Ltd.

13/2

R.W.H.

See also 5179

& copy to Govt.

Mr 14.2.13.

Sir J. Anderson has struck (c) on this
page out of the May issue paper.
I think this is right. If no lease is
to exceed 99 yrs we need should not
fix the rent in spite of ~~the~~ what was
said on 31805/12.

6 14.2.13

K 15.2.13

§ 26(a)

None other
by itself can
go to P.D.
Recd 17

Paraphrase of telegram from the Governor of the East Africa

Protectorate to the Secretary of State for the
Colonies.

(Received Colonial Office 5.40 p.m., 11th February, 1913)

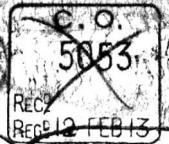
I have received your cypher telegram of February 10th 1913, and in reply have to state that I am not in favour of the proposal to add the premium to the twenty years rent with the object of arriving at the development figure. It will be possible sufficiently to differentiate the various qualities of the land by the amount which is bid.

Until the schedules to the [redacted] new Ordinance become law it is not desirable in my opinion that the conditions hitherto in force should be altered.

The sale in May next will be by auction there will be no allotment.

BELFIELD.

* No 4119



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- 16721-20

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C.D.
17 FEB
DRAFT

Gazette
Advertiser

1000. 14/2 fs.

by 2 days after

April 1st

Pl. 1st week
before return

2
Feb 7 pm
13
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Feb 14
Gazette
Land Sales

Please send by first ~~postage~~

~~royal mail~~

100 copies off notice a

Gazette Feb 15
full block

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EAST AFRICA PROTECTORATE

*Sale of Occupation Licences.
Allotment of Farms.*

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S.G. 22as 14
in Government 16
Government 14
Harcourt. 15. 2. 13

The Government of the East Africa
Protectorate have arranged for a sale by
auction to be held on the 19th of May,
1913, for the purpose of disposing of
certain farms which are now vacant.

Details will be published at
Nairobi in the Government Gazette of
February 15th, and it is to be understood
that the particulars contained in this
memorandum are intended merely to give
such information as is available in ad-
vance of the receipt of the notification
in the Gazette and must not be supposed
to have equal authority with that notifi-
cation.

The general conditions on which
land grants in the Protectorate will be
made in future are now under consider-
ation and an Ordinance is being prepared
which will deal with the subject. The
Sale held allotment now to be made is intended to
meet the difficulty which has arisen
owing to the large numbers of applica-
tions for land which have been received.
These applications cannot without great
inconvenience be held over till the

Ordinance

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Ordinance is brought into force and special arrangements have therefore to be made for dealing with them.

One hundred farms will be put forward of which fifty are in the trans-Nzola district of an average size of 3,000 acres. The remainder are in various parts of the highlands and range in size from 320 to 5,000 acres.

As regards tenure, an occupation licence for three years will be given, to be followed, if the conditions of the licence are carried out, by a lease for 99 years commencing from the date of the licence, with revision of rent every 33 years.

The main conditions of the licence will be

(1) Personal occupation of the land, power being reserved to the Land Officer to permit occupation by European Manager when sufficient cause is shown. It is probable that in the circumstances of the present sale personal occupation will in all cases be required.

(2) Payment of rent.
(3) Due development of the land to the satisfaction of the Government.

Expenditure on improvements to the extent of twenty times the annual rent will be deemed to be sufficient development.

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The occupation licences will not be transferable. There will be a uniform rent of 10 cents of a Rupee per acre per annum.

Bidding at the sale will be for the amount of the stand premium to be paid to the Government in respect of the occupation licence. Personal attendance at the sale is essential except in very special cases, as, for instance where an applicant who has already been to the Protectorate to inspect the land is prevented by some unavoidable circumstances from going out again at the time of the auction. Only those will be allowed to bid at this special sale who have never acquired a grant from Government direct, and each purchaser will be restricted to one farm.

The upset price of each farm will be advertised.

As regards the lease to be granted after satisfactory fulfilment of the conditions of the occupation licence, the rent will in the first instance be the annual rent paid under the licence.

Subsequently the rent will be fixed at 1 per cent, of the unimproved value of the land ^{at} the expiration of the 33rd year, 2 per cent at the end of the 66th year.

year ~~and 5 per cent at the end of the~~
~~9th year and for all periods thereafter.~~

The unimproved value for the purpose of revision of rent will be arrived at by subtracting from the ascertained market value of the land, with the improvements affected thereon, the ~~unshaded~~ ^{replacement} value of such improvements. The development conditions attaching to the grant of leases are under consideration.

New Para

New improvements
included in the
valuation

Colonial Office
February 14th 1913

be liable to any amount
payable to any party a
period of years hence.
J.H.

New Para

Improvements to be
included in the

~~year of 3 per cent at the end of the
99th year and for all periods thereafter~~

The unimproved value for the purpose of revision of rent will be arrived at by subtracting from the ascertained market value of the land, with the improvements affected thereon, the ~~unmarketed~~ replacement value of such improvements. The development conditions ~~attached~~ attaching to the grant of leases are under consideration.

Colonial Office
February 14th 1913

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EAST AFRICA PROTECTORATE

Sale of Occupation Licences
Allotment of Farms.

The Government of the East Africa Protectorate have arranged for a sale by auction to be held on the 19th of May, 1913, for the purpose of disposing of certain farms which are now vacant.

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The general conditions on which land grants in the Protectorate will be made in future are now under consideration and an Ordinance is being prepared which will deal with the subject. The ~~sale~~ allotment now to be ~~held~~ is intended to meet the difficulty which has arisen owing to the large numbers of applications for land which have been received. These applications cannot without great inconvenience be held over till the Ordinance

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55506	55507	55508
55509	55510	55511
55512	55513	55514
55515	55516	55517
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55521	55522	55523
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55539	55540	55541
55542	55543	55544
55545	55546	55547
55548	55549	55550
55551	55552	55553
55554	55555	55556
55557	55558	55559
55560	55561	55562
55563	55564	55565
55566	55567	55568
55569	55570	55571
55572	55573	55574
55575	55576	55577
55578	55579	55580
55581	55582	5558

Ordinance is brought into force and special arrangements have therefore to be made for dealing with them.

One hundred farms will be put forward of which fifty are in the trans-Ngaria district of an average size of 3,000 acres. The remainder are in various parts of the highlands and range in size from 320 to 6,000 acres.

As regards tenure, an occupation licence for three years will be given to be followed, if the conditions of the licence are carried out, by a lease for 99 years commencing from the date of the licence, with revision of rent every 33 years.

The main conditions of the licence
will be

(1) Personal occupation of the land, power being reserved to the Land Officer to permit occupation by European Manager when sufficient cause is shown. It is probable that in the circumstances of the present sale personal occupation will in all cases be required.

(2) Payment of rent.

(3) The development of the land to the satisfaction of the Government.

Expenditure on improvements to the extent of twenty times the annual rent will be deemed to be sufficient development.

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The occupation licences will not be transferable. There will be a uniform rent of 10 cents of a Rupee per acre per annum.

Bidding at the sale will be for the amount of the stand premium to be paid to the Government in respect of the occupation licence. Personal attendance at the sale is essential except in very special cases, as, for instance where an applicant who has already been to the Protectorate to inspect the land is prevented by some unavoidable circumstances from going out again at the time of the auction. Only those will be allowed to bid at this special sale who have never acquired a grant from Government direct, and each purchaser will be restricted to one farm.

The upset price of each farm will be advertised.

As regards the lease to be granted after satisfactory fulfilment of the conditions of the occupation licence, the rent will in the first instance be the annual rent paid under the licence.

Subsequently the rent will be fixed at 1 per cent, of the unimproved value of the land ^{and} at the expiration of the 33rd year, 2 per cent at the end of the 66th year.

year, and 3 per cent at the end of the
99th year and for all periods thereafter.

The unimproved value for the purpose of revision of rent will be arrived at by subtracting from the ascertained market value of the land, with the improvements affected thereon, the ^{unexpired} replacement value of such improvements. // The development conditions ^{to be attained} ~~existing~~ to the grant of leases are under consideration.

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improvements to be included in the
~~improvements to be included in the~~

Colonial Office

14 February 1913