



EAST AFR. PROT

C.O. 5053
RECD
FEB 13

5053

LAND LAWS

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 Ordinance 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.

Sir 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 diff. notice for distribution to legislators which I now put forward with the following comments, ^{points on} the lithographic correspondence is silent.
 - (a) Date of commencement of lease. The Feb. 1911 Rules (para: 5) give it as the date of the original licence.
 - (b) Rent under the lease. The Feb. 1911 Rules (para: 6) are my authority for saying that in the first instance the licence rent will be continued.

Room
Tel
Field
1913
February
Last previous Paper:
4119

See to Gov. comm. Feb 7

W: 23 807-56
1112 A.E.W.

Subsequent Paper

579

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Reference -
C.O. 533 116

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(c) Part of 2000 after 99 years. I understand that this was put in to on date of 31805/12 accordingly, because although leases are limited to 99 years it might be deemed to grant the area lease to the previous tenant.

(d). Development conditions under lease. None are contemplated in the correspondence but have not been detailed. The 1902. Ordⁿ provides generally for that the lessee must "in proper & businesslike manner" etc. I have left the point vague.

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

6/6/13

See also 5179
& copy to Gov.

13/2
P.M.
14.2.13

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

14.2.13

15.2.13

§ 26(a)

I have a spare copy of the case for 578.
14/2/13

053

Handwritten notes:
No
10/11/13



157

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)

Handwritten:
Lent
4/1/19

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 ~~new~~ 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

PUBLIC RECORD OFFICE											
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C.O. 533 116											
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Handwritten:
Cameron

- 16421-20



Handwritten initials and date: Feb 7 14 2 13

G.D.
17 FEB

DRAFT

Feb 14
Gallarano
Land Sales

Handwritten: Blvd - 9317

Handwritten: Please send by first class airmail
repedite

100 copies of notice in
Gazette Feb. 15
fallblock

Handwritten: Genova
Handwritten: Paris

Handwritten: 14/2 f.

Handwritten: to S. address

Handwritten: SPIT

*Handwritten: Pl. attend to
before return*

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PUBLIC RECORD OFFICE									
4th Floor									
C.O. 533 116									
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For 5052/15 CAP



MAP

17 Dec 1892

DRAFT

(Copy)

CAP

For
Melville

MINUTE.

Mr. ~~Adams~~ 15/12

Mr.

Sir G. Fiddes.

Sir H. J. J. J.

Sir J. Anderson.

Lord Emmott.

Mr. Harcourt.

Amphibious Transport
Co.

Minutes (5052)
(4 parts)

I have the honor to
transmit to you, with ref:
to your tel. no. of the 11th
of February, * the accompanying
printed copies of a memo
which I caused to be
prepared for your views to
annexing proposals on the
conditions on which lands
in the East Africa Protectorate
will be offered for auction
in May next. You will of
course understand that the
memo. ^{was} ~~was~~ intended merely
as to furnish a provisional
summary pending the receipt
of copies of the Gazette notice
on the subject.

Yours etc

* No 5053

+ No 5052

1892

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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C.O. 533 116	
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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. ^{at} 2 per cent at the end of the 66th year.

*will
be done to any amount
incurred to any thing a
hundred years hence.
C.H.*

New Para

year ~~and 3 per cent. at the end of the~~
~~90th 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 ^{market} replacement value
of such improvements. ~~The~~ development
conditions ^{as attached} attaching to the grant of
~~leases~~ ^{leases} are under consideration.

*The improvements to be
included in the*

*Colonel Office
February 14th 1913*

*will
be shown as amended
provision to say they a
have 3rd years hence.
C.L.*

New Para

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 ^{unimproved} replacement value
of such improvements. ^P The development
conditions ^{to be attached} attaching to the grant of
^{leases} leases are under consideration.

*The provisions to be
included in the*

Colonel Office
February 14th 1913

80/5053/12

9 am

414

19/2

54

998

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.

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 advance of the receipt of the notification in the Gazette and must not be supposed to have equal authority with that notification.

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~~ ^{will} now to be made 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

15004-12

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Reference				
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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-Nzoia 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) 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 leases 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, ^{and at} 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 ^{unimproved} ~~revised~~ value of such improvements. // The ^{development} ~~improvement~~ conditions ^{to be attached} ~~relating~~ to the grant of leases are under consideration.

TP

Improvements to be included to the development ~~of the land~~

Colonial Office

14 February 1913