

EAST AFR. PROT.

No. 5805

5805

17 FEB 08


 No. 39
 Johnson

1908

21 Jan

Last previous Paper.

 No. 398
 67

(Subject)

M: W. N. H. Millan's Land

To apply to be allowed to purchase or hold
 of whole of 20,000 acres held by him, a copy
 minute by Comm^r of Lands. Has inf^d M. H. Millan
 that request cannot be granted

(Minute.)

Mr. Red

Request the Gov^r to inform
 him that H. L. requests that he is
 unable to obtain his papers.
 The Gov^r of H. M. is God being
 to further subject the amount
 of land which may be purchased
 in parcel.

is intended: 50 parcels &

1872

Mr. Amelie

 1872
 26.19

Governor's Office,
Nairobi,

January 21st 1908.

EAST AFRICA PROTECTORATE.

(No. 39)

(Incl. 2)



5805
Rec^d
FEB 17 1908

My Lord,

I have the honour to transmit herewith an application from Mr. E. N. McMillan, to be allowed to purchase the freehold of the whole 20,000 acres of land held by him, together with a Minute by the Commissioner of Lands on the subject.

2. I agree with the views expressed by Colonel Montgomery and have caused Mr. McMillan to be informed accordingly.

I have the honour to be,
With the highest respect,
My Lord,

Your Lordship's most obedient,
humble servant,

(In the absence of the Governor)

H.M. PRINCIPAL SECRETARY OF STATE

FOR THE COLONIES,

DOWNING STREET,

LONDON, S. W.

Application
of Montgomery
Jan. 15th

5805

Enclosure 1 in 2

INCLOSURE No. 1

In Despatch No. 39 of Jan. 21, 1908

279

COPY

Nairobi,

January 11 1908

C. O.
5805
Recd
Regd 17 FEB 08

Sir,

We have been requested by Mr. W.N. McMillan to lay before you his application that he may now be allowed to acquire a freehold title to the lands he holds in the neighbourhood of Donyo Sabuk in place of the leasehold title he has at present. Our client owns roughly 20,000 acres there or four farms of 5,000 acres each, two, at least, of which he has acquired by purchase. Each of these four farms is being worked separately at the present time with a residence for the Manager in charge and the necessary outbuilding on each with the result that much more labour both European and Native is employed and much more development has taken place than in the case of a farm of 20,000 acres where there is only one head-quarters. It is a matter of common knowledge that our client has spent a great deal of money on the development and improvement of his lands but as reports in such a matter as this are seldom trustworthy, being so liable to be exaggerated, our client can produce his books showing the expenditure which has taken place on the various farms which will be found to average more than £2 an acre over the whole area.

In support of our application we would also point out that no important question of principle is here infringed as would be the case where lands applied to be freehold are situated anywhere in the vicinity of a township in esse or in futuro, with the result that the development of the town in that direction might be interfered with, nor is

this

The Land Officer,
Nairobi.

(a)
 this land ever likely to be required by Government situated as it is between 30 and 40 miles from Nairobi. Moreover apart from what our client has already and may in the future, succeed in making it, the land in this district cannot be said to be of a very valuable nature and consequently is not now nor is even likely to be in great demand.

As regards the question of policy in allowing land to be freehold, it is the only reasonable assumption that at the termination of the present leases of 99 years the Government will grant a renewal of the lease to any tenant who has occupied and improved his land and in the case of land naturally of poor quality such as most of this is, and situated in a district where it is highly improbable that any town will spring up, it is not to be expected that there will be any considerable increase in the letting value of it. Therefore were the annual rental capitalized at 25 years or even say 30 years purchase the Government would be the gainer rather than the loser by allowing it to be bought outright. That is not however the point of view we wish to press but it is rather that in consequence of the very large outlay expended by our client on this land out of his own pocket and the consequent benefit to it and to the country generally he should be allowed the privilege of acquiring the freehold.

Should it be beyond your powers, Sir, to sanction or to consider such an application as this we should be greatly obliged, provided you see no insuperable objections, if the matter could be referred to the Colonial Office.

We have &c.

SG/ MEAD, BYRON & HARRISON.

P.S. We may add that our client is a British subject - not an American as we understand is generally believed.

No. 9.

Enclosure 2 in INCLOSURE No. 2
In Despatch No. 59 of Jan 21, 1908

Office of the Commissioner of Lands,
Nairobi,
15th. January, 08.

C. O.
5805

Recd
17 FEB 08

Your Excellency.

I have the honour to forward in original an application from Mr. F. N. McMillan to be permitted to purchase the freehold of the whole 20,000 acres which he at present holds.

This area is made up of 4 separate farms of 5000 acres each, with the right to buy freehold of 1000 acres in each.

The request then is to be allowed to freehold 16,000 acres of land more than the law at present allows.

2. It is quite true that Mr. McMillan has spent probably more than any one else in this country. He is very wealthy, and has laid out a great deal of money on his property generally. Much of the expenditure has I imagine been rather useless, for he has built a costly house in a ^{spot} where few people would care to reside.

But, be that as it may, the fact remains that our policy is not to allow the acquisition of

HIS EXCELLENCY

SIR JAMES HAYES SADLER

&c.

NAIROBI

His Excellency's

a large area of freehold. We have consistently held that no one is entitled to a freehold of more than a part of his grant.

Under these circumstances I see no reasons for special considerations in Mr. McMillan's case.

He asks that his request may be forwarded to the Colonial Office.

I have the honour to be,

Your Excellency's
most obedient servant,

J. H. G. G. G.
Commissioner of Lands.

For 2000
5805



Dray

22 February 1908

Sir,

I have the hon. to
ack: the met. of ^{W. Jackson's} your
despatch no. 39 of the 21st
of January, and to request
you to cause W. B. N.

to chillan to be wif^d that
I regret that I am unable
to entertain his application
to be allowed to purchase the
freehold of the whole 20,000
acres of land held by him,
as the policy of H. M.'s Gov^t
is to further
restrict the
amount of land which may
be held in freehold in
the Protectorate.

DRAFT.

S. A. P. (no. 84)

for

Sr J. Hayes Sadler

MINUTE.

- Mr. Bodony *etc*
- Mr. Reid *702 21/1/08*
- Mr. Jus.
- Mr. Ambros.
- Mr. Cox.
- Mr. Lucas.
- Sir F. Hopwood.
- Mr. Churchill.
- The Earl of Elgin.

7 Jan 5835

J. Jackson
Belguy