

EAST AFRICA PROTECTORATE.

49988

Rec'd + Rec'd

10-2-1917

162

P.A.G. 496  
Bowring.

1917

25 August.

ACQUISITION OF LAND BY GOVERNMENT OFFICIALS

Requests to be informed whether ruling in C.O. despatch 533 is intended to apply not only to officials but to their wives and families. Whether it extends to land held outside Prot.

Last previous Paper.  
Gov./14057.

Mr. Read.

As long ago as 1910 the Secretary of State insisted (see despatch on 35147/10) that the prohibition of the acquisition of land should apply to officers' wives as well as to the officers themselves. We have recently re-affirmed the strict application of Colonial Regulations 40 and 41 to officers in the East Africa Protectorate, (see our despatch of 16th July on 14057), and that re-affirmation must, I take it, be held to include their wives and families also.

I am not sure what Mr. Bowring means by asking whether the prohibition extends to the acquisition of land outside the Protectorate. If the question means what it appears to mean, I should say that the prohibition does not apply to land at a reasonable distance outside the Protectorate. The whole point of Colonial Regulation 41 is directed against the acquisition of interests in the territory in which the officer is serving

Next subsequent Paper.

Gov  
28598/19

serving. But we could not, I think, approve of an East Africa Protectorate officer acquiring land in an adjoining Protectorate, such as Uganda or Zanzibar.

As to paragraph 3 we can hardly interfere with an officer's marrying a landed proprietor, or require the lady to divest herself of her farm as a condition of marrying the officer. I fear that we must leave such a situation alone. After all, the prohibition is against "acquiring", not against holding, e.g. through inheritance.

Reply in this sense.

But even in this case, he ought to get a declaration of his interest as soon as he reasonably can  
H. J. R.

582. common  
at once

H. J. R.

17/5/17

X I had in mind a section of the Zanzibar code, but I find that it only applies to local officials. Perhaps the despatch can go as drafted: we are not called upon for a declaration on the question of inheritance; or we will then enquire whether the question has come up elsewhere.

J. B.

18. 10. 17

H. J. R.

17/5/17

serving. But we could not, I think, approve of an East Africa Protectorate officer acquiring land in an adjoining Protectorate, such as Uganda or Zanzibar.

As to paragraph 3 we can hardly interfere with an officer's marrying a landed proprietor, or require the lady to divest herself of her farm as a condition of marrying the officer. I fear that we must leave such a situation alone. After all, the prohibition is against "acquiring," not against holding, e.g. through inheritance.

Reply in this sense.

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ought to get  
of an interest  
as soon as  
naturally*

*Has*

*572. union*

*at once*

*H. J. R.*

*17/5/17*

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*Has*

*18. 10. 17*

*H. J. R.*

*19/5/17*

AFRICA PROTECTORATE  
No. 496.

GOVERNMENT HOUSE,  
NAIROBI,  
BRITISH EAST AFRICA.

August 25th, 1917.

Sir,

302  
14057

I have the honour to acknowledge the receipt of your despatch No.533 of the 16th of July on the subject of the acquisition of land by Government officials.

lar No.6  
9-1-14

2. I have recently received an application from an official in the Survey Department to be allowed to purchase a farm on behalf of his two sons, both of whom desire to settle in the Protectorate. The elder, aged 18, is just finishing a course of study at the Kabete Laboratory, while the other, aged 16, is apprenticed as a mechanic to a business firm in Nairobi.

3. I have also in mind the case of an officer in the administration who is engaged to be married to a lady who is the owner of a well established farm in the highlands. It is true that Colonial Regulations Nos.40 and 41 make

THE RIGHT HONOURABLE  
WALTER LONG, P.C., M.P.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET, LONDON, S. W.

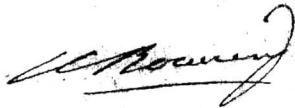
make no mention of the relatives of an official, but only of the official himself, but as the Governor in 1914 issued a Circular prohibiting the holding of land by officials, their wives and families, in this Protectorate or in Uganda, and as it is quite possible that an appeal against this prohibition may at any time be made to yourself, I consider it advisable to obtain an expression of your opinion on the point ~~at~~ once. I should be grateful therefore if I could be informed whether the ruling given in your despatch under reply is intended to apply not only to officials, but to their wives and families, and whether it extends to land held outside the Protectorate.

4. I enclose a copy of the Circular referred to.

I have the honour to be,

Sir,

Your humble, obedient servant,



ACTING GOVERNOR.

January 19th 1914.

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## INCLOSURE

Despatch No. 496 of 25.8.1917

ACQUISITION OF LAND  
BY GOVERNMENT OFFICIALS

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The attention of Heads of Departments and Provincial Commissioners is invited to the following regulations governing the acquisition of land, or shares in any Company or concern, by Government officials.

2. Under Colonial Office Regulation 41 all salaried public officers are prohibited from directly or indirectly making or holding any local investment, speculating in the shares of, or being connected with, any Company, occupation or undertaking, which might bring their private interests into real or apparent conflict with their public duties, or in any way influence them in the discharge of their duties.

3. This regulation has been amplified or modified by the following Secretariat Circulars:-

(a) Circular of March 15th 1909, as amended by Circular of June 20th 1910, in which permission is given to an official to acquire, subject to the previous sanction of His Excellency, one building plot not exceeding ten acres, which must be utilized for the erection of a residence for the purchaser and may not be transferred or alienated without the sanction of the Governor. An officer serving in the place where the plot is located may be required to occupy the house erected

erected thereon, receiving a rent allowance subject to any limitation which may be imposed in respect of house rent of officials of different grades.

(b) Circular No. 85 of December 24th 1912 as amplified by Circular No. 13 of February 6th 1913 in which officials, their wives and families are prohibited from possessing commercial interests, acquiring land or holding the shares of companies carrying on operations in the Uganda Protectorate.

4. The provisions of the Circulars in paragraph 3 (b) above are similarly to be held to apply to this Protectorate.

5. The Secretary of State attaches the greatest importance to the strict observance of these regulations, and His Excellency the Governor requests you to bring them personally to the notice of every European official in the service of your Department.

6. His Excellency moreover <sup>Province</sup> desires you to require from every such official a written statement in the form attached. When all the replies have been received, they should be summarized by you in tabular form and forwarded to this office. Officers should be warned that any failure to disclose the information now asked for will, if subsequently detected, be regarded as a grave breach of discipline and may entail the most serious consequences.

7. This Circular may be held as superseding all the previous Circulars mentioned above.

By Order

Sd/- C. C. Bouring

CHIEF SECRETARY.

CERTIFICATE

167

I.....(name).....(designation)

....., stationed at....., do hereby

certify that the following land, shares, &c. &c. in this

Protectorate and in Uganda are held by me, my wife, or  
(1) (2)

a member of my family, and were acquired on..... (date)

.....

{ Here insert full particulars }  
{ or 'nil' as the case may be }

Date.....

Signature

\* This should be held to include financial and pecuniary interests of every description, mortgages, debentures, partnerships or options, in fact any connection with a company or individual residing or carrying on business in the East Africa or Uganda Protectorates from which monetary profit accrues or may accrue to the officer concerned.

(1) Delete unnecessary words

(2) Delete unnecessary words.



Downing Street,

23

24 October, 1917.

Sir,

I have the honour to acknow-

ledge the receipt of your despatch No.

496 of the 25th of August relating

to the prohibition of the acquisition

of land by Government officials, and to

inform you that the prohibition must

be held to apply also to officers'

wives and families.

~~It has not been as to the~~

*with regard to*

~~purpose~~ of your enquiry whether the

prohibition extends to land held outside

the Protectorate, I am <sup>of opinion that</sup> not prepared to

say that an officer might not hold land

in a country remote from the

Protectorate, but I could not approve

of an officer of the East Africa

Protectorate acquiring land in any

adjoining Protectorate, such as

Uganda or Zanzibar.

*a 1 copy sent  
to Sir  
H. G. G. G.  
19/10/17*

DRAFT.

EAST AFRICA PROTECTORATE

818

THE C.A.G.

MINUTE.

Mr. Butler 18 10 17

Mr.

Mr.

Mr. Brindle

Mr. Gamber

Mr. Hoad 19/10/17

Sir G. Fiddes

Mr. H. G. G. G.

Mr. A. Steel Maitland

Mr. Lacey

*[Handwritten signature]*

*for review*

*farther minute*

*in the present case  
of the East Africa  
Protectorate, the  
present rule of law  
the holding of land  
by an officer of the  
Protectorate*