

EAST AFR. PROT.

C.O.
2067

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REC^d 18 JAN 13

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Ernor
Conf
field 143

LAND LAWS

Date.
1912

States difficulties in regard to the issue of Rules as instructed in C.O. desp. of 8th Novr. A new draft Ordce is being prepared and will be submitted with remarks in due course. In meantime asks for authority to recommence the alienation of farms under Rules of 28th Feb'y 1911 attaching, however, the additional condition for auction, or, in special cases, allotment at a fixed premium. Requests reply by telegram.

December

Previous Paper.

1088 ¹⁰/₁₃

~~Not by~~ Er. J. Anderson.

Pending the drafting & approval of the new Land Ordinance which will necessarily take some time, Mr Belfield wishes to be allowed to meet the growing demand - 'clamour' is the better word - for land in the province by alienating farms under the conditions shown in the Rules of 28 Feb'y 1911 (see Gazette 1 March 1911 herewith) subject to an additional condition as to auction "or in special cases, allotment at a fixed premium".

The Rules in question provide

for -

- ① Occupation licences for 2 years, at the end of which period the land so held ~~shall~~ be leased to the licensee provided that he has carried out improvements & development to the Governor's satisfaction (20 times the annual rent is sufficient development to qualify for a lease).
- ② Limited areas of various slopes of land for agricultural purposes.
- ③ definite rental for various slopes of land.
- ④ Revision of rent at 33rd & 66th years of 99 year leases.

In the dispatch on Coy 32807 in wh. laid down what is the Land Policy, the Gov. was told that he did issue rules under the Ordinance of 1902 prescribing the conditions for the alienation of Crown lands as laid down in that dispatch. It now appears that this cannot be done conveniently. The proposal in the rd. of Lt. Gen. in Coy 36504 is now revived.

In this connection, it may be some

house in mind that Capt. Gilmour asked
a question in the House on 15 Jan. 1956
as to S.A. land alienation. The
appd. reply was that "the question is
being dealt with as rapidly as
possible, but the code as drawn
to be embodied in a local Order
& some time must necessarily
elapse before it can be drafted
considered & finally sanctioned.

Instructions for the immediate preparation
of the order were given by me on the
10th of Nov. last. Nothing was
included in the answer as to
the probability of an immediate
allotment.

I see only two objections to the Government's
proposal in para 5:-

① I do not think that the S.A. are
agreed to allotment at a fixed premium,
even in "special cases", having
regard to the remarks in para. 6 of
Mr. Bulfield's memorandum in
the Dis. of 8 Nov.

② It is a question how far it is
fair to people in this country who
want S. African lands to have
an immediate allotment - see
remarks in para 7 of the memo.

Understand
of this question
never
really put
accl.
I think it
but
really

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LW
Lagge

in the same disp. ~~Three~~ Three months
notice was then suggested. But
perhaps we may waive this point on this occasion.
? telegraph in cypher.

p.s. in the disp
the memo said

Your disp. of 27 Dec. conf. drafting of
new order shd be hastened as
much as possible stop. In meantime
I approve proposals in para 5 of
your disp. except that I cannot
consider allotment at fixed
premium without competition
pending further explanation. See
remarks on para 6 of your memo
in my disp. of 8 Nov. Confidential.
stop. How long notice of auction
do you propose to give see
remarks on para 7 of your memo
in same dispatch.

Recd 3487



Substantive
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Acct 20/1/13

I think that for purposes of ammunition here
we must telegraph as Mr. Parkinson proposes, but in
a stop-gap arrangement of this sort I do not think
either of the points raised are crucial. The Govt has
bided ^{wisely} with applicants on the spot, so that in this
case notice in this country is not absolutely essential,
and probably many of them have been waiting
so long that it would be unjust to expose
them, after all, to the risks of auction.

Stouffer
Law of the
But James
in Ed.
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? as proposed.

W.L.S. 21.1.13 H.J.K. 21/1
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C. O. 757
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GOVERNMENT HOUSE
NAIROBI,
BRITISH EAST AFRICA.

EAST AFRICA PROTECTORATE

CONFIDENTIAL No. 143

27th December 1912.



Sir,

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I have the honour to acknowledge the receipt of your Confidential despatch of the 8th ultimo, on the subject of the policy to be adopted with regard to the alienation of Crown Lands in the East Africa Protectorate and of your cypher telegram of the 21st idem in which the instructions contained in the last paragraph of the despatch were modified to the extent that I was authorised to issue without further reference new rules under the Crown Lands Ordinance 1902 prescribing the conditions under which Crown Lands will be alienated in future.

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2. After discussing the matter at length with the Chief Secretary, the Attorney General and the Land Officer I came to the conclusion that the issue of such rules presented great practical difficulties and I accordingly telegraphed on the 17th instant that I proposed to take no immediate action.

3. In order to give effect to your wishes it would be necessary to incorporate in the rules practically the whole of the new Ordinance and considerable delay would necessarily ensue before the rules could be issued. A personal acquaintance with the

RIGHT HONOURABLE

LEWIS HARGOURT, P.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET, LONDON, S.W.

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the conditions obtaining in the East Africa Protectorate has, further, caused me to modify the views expressed in my memorandum of August 27th as regards certain details and I do not therefore feel justified in formulating rules before again approaching you on the subject.

4. I have appointed a Committee to prepare schedules of improvements which will be accepted as fulfilment of development conditions (reference paragraph 12 of my memorandum) and I have instructed the Attorney General to proceed with the immediate preparation of a new draft Ordinance on the lines approved by you, which I shall submit for your consideration in due course together with my remarks.

5. As, however, some time must necessarily elapse before the new Ordinance can be promulgated and as there are a number of both reverted and new farms ready for immediate allotment while at the same time a large number of intending settlers are clamouring for land, I would request authority to recommence the alienation of farms under the conditions prescribed in the rules dated the 28th of February 1911 and published in the Official Gazette of March 1st, attaching, however, the additional condition for auction or, in special cases, allotment at a fixed premium. I should be obliged if your approval of this procedure could be communicated to me by telegram.

I have the honour to be,

Sir,

Your humble, obedient servant,

A. Carway Beyard.

GOVERNOR.