



382

1911

EAST AFR. PROT.

C/O 2352

2352

24 JAN 11

Article P
Kew
Date
1911
26 Jan.

Re S. L. Progen
Exchange of Land

of previous Paper

Memo recommending sanction to his appli-
for an exchange of land of 16538 acres in the
Kavacha Dist against 25259 acres on the Kabi
Plains between Kapite & the Kabi Nations.

W. Read agrees that this should be
looked before the Commission etc.

H.A.B.

Jan 26
at once

Mr Butler

Attach an Extract from the
minutes of the Joint (Special) Meeting of 1911
of the Comtee held on 3 Jan at which this
question was discussed - Dr P. Girard being
present.

H.A.B. 9/2

W. Fiddes

1. W. Tell the O.A.C. that Sir
P. Girard has submitted this question
to the S. of S. & write in the sense

copy of Gov 1147 4 dated 1911
copy sent to London 11/14/11 3100 3/10/11

of subsequent Paper

32972

recommended by the Committee.

of 1833.

Feb 18

Col. Sney
W. Hancock

Prd 9

N.
14.2.

Is this a freehold?

If not what are the terms of
the lease, dates for renewal, etc.
I am misled from the question of
title that it was freehold but
the words in the Commissioners' Com-
report which I have marked
in red make no doubt of this

N. 14.2

W. Potter

Capt.

Please see Mr. Joppin's letter attached
shall I thank & ask him not to
further trouble ^{his Navaho agent for} me as to the date.
We have got the main fact that the
titles are leases - which is what he wanted
W.P.S. 18/2

CAMP HILL,
NE NEWCASTLE,
STAFFS.

Jan. 17th 1911

Dear Sir

With regard to your letter of the 15th instant, the nature of the title under which all the areas of land concerned are held or due is leasehold under the Crown Lands Ordinance of 1902 for a term of 99 years at fixed rent.

Full particulars of the dates of the various titles I will send you as soon as possible. I am not sure that the necessary data are available without reference to my Nairobi agent but in any case I will obtain them without avoidable delay.

Believe me

Yours truly

Harry F. Batterbee Esq.

W. S. S. S. S.

GRAMS, MAER,
ON WHITMORE, 1 MILE.

2302

CAMP HILL,
NE NEWCASTLE,
STAFFS.

304

Feb. 14 1911

Sir

Many thanks for your letter of
yesterday's date. I have not yet the
details available in this country,
I note that you have now all
information you require in respect
to land.

Believe me

Yours truly

Walter George

I don't think that we need trouble ~~the~~ ^{the} program any further. It was necessary to write to him because it was impossible to identify in the voluminous land returns the precise areas affected. The question of his right to the land ^(or parts of it) arises no doubt from some lack of definition of boundaries or from the absence of a proper survey.

But I see another difficulty now. Mr. Proctor's present area is held on lease for 99 years at a fixed rent. He will of course expect the new area on the same terms, & will not look at the idea of revision of rent during the currency of the lease. In view of the Secretary of State's decision on the general policy of revision of rents I feel that it is rather a tall order to make an entirely new grant of 24,000 acres without revision of rent even in exchange for 16,000 or 17,000 acres.

request is to which also revision does not
apply. I feel this especially as
the new land is close to the railway
and is therefore a particularly likely
area for revision of grant.

I think this point as well as the
question of Mr Grogan's right to the
original area, ~~must~~ ^{should} be carefully
insisted upon in writing to the Govt
that, unless the original area is
indispensable for the purpose of a
native reserve, (i.e. unless it is
quite impossible to find some alternative)
Mr Grogan had better keep his
original area.

H. J. R.

Feb 18

I would give it without revision. We will
justify it on the ground that the original
grant was made without revision - + we
are trying to let the Govt down as
lightly as possible.

H. J. R.
18/II

Col. Kelly

Mr. Grogan

I agree with Mr. Kelly & this extent
MS & I will have the Govt. free to make the new
grant without revision if he is clearly of opinion
that the deal is favourable to the Govt.

M. 2072 P.T.O.

Mr. Harcourt

I should be disposed to tell the Governor to
 let the revision of that principle accepted by
 Mr. Logan, even if he has to give him a
 rather larger area, for the sake of example.

Y
21.2.

Yes, I think it very important
 that revision should apply to
 any new area granted

H. 22 2 11

Extract from the Minutes of the Joint
 (Special) Meeting of the Successors Comtee
 held on Monday 30th Jan.

Subject - Mr. Grogan's application for an exchange of land

The Governor explained that the land which Mr. Grogan proposed to give up was required for the enlargement of a native reserve, and that the Government really took the initiative in the matter. It appeared however that there was a difficulty inasmuch as Mr. Grogan had not an absolutely clear title to the land in the Mavasha District, and Mr. Read therefore suggested that the Governor should furnish the Secretary of State with further information. The Governor said that all he desired the Committee to recommend was that, if the Law Officers considered that Mr. Grogan had a clear title to the land he now held, the principle of the exchange might be accepted. Colonel Gossy thought that, in such cases, points of detail might be left to the Governor but that any questions of policy which might arise e.g. the term of lease or the revision of rent at stated intervals, should be referred to the Secretary of State. The Governor considered the bargain a good one as the land Mr. Grogan would relinquish is better than that which he would get in exchange, and as the only matter in doubt was the question of title the Committee recommended that

"The Secretary of State should be advised to approve the principle of the transfer provided that Mr. Grogan has an absolutely clear title to the land which he offers to relinquish".



2352

MEMO

4. Mr. E.S.Grogan. Application for an exchange of land.

Mr. Grogan applied for an exchange of land of 16,636 acres, situated in the Mofvasha District, against 34,259 acres on the Athi Plains, between Maititi and the Athi stations.

The Acting Commissioner of Lands reports that he considers the bargain would be a good one for Govt., as there is no demand for the land asked for, while we get back land which we require for natives without friction or suit, and that the wish to take up this large tract of unproved land is inspired by the intention of making use of it.

The area being in excess of 15,000 acres in extent, requires the sanction of the Secretary of State.

January 24, 1911



1852 Lat

399

4 Feb 1911

3

Li

I have the pleasure
to transmit to you, for
record, a copy of the memo

DRAFT

1145 1141

Mr. P. Fincaud

which while in his
country, you addressed
to his Dept. on the
subject of an application
by Capt E.S. Foyen for

MINUTE

- Mr. H.T.B. 10/2
- Mr. ~~Scott~~ Reard 28
- Mr. Fildes.
- Mr. Just.
- Mr. Cor.
- Sir C. Lucas.

an exchange of 16 838
acres of land, situated
in the Nawacha District,
for 24 259 acres in the

- * Col. Seely. 25.2.11
- Mr. Harcourt.

Mr. P. Fincaud memo

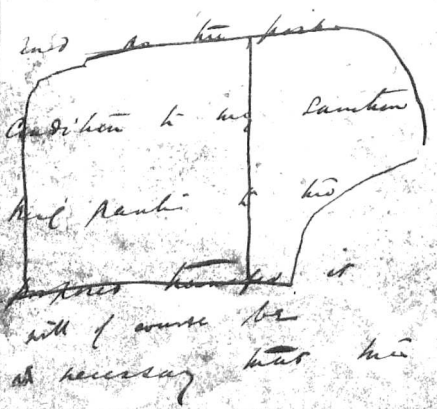
Copy forwarded 31 Oct 30/11

Athi Plains, between
Kapite & Athi Stations
2. I further that there

* No 2352

-7264-

is a certain amount of
 doubt as to whether
 Capt. Progan has an absolute
 claim title to the land
 in the Nevada District
 which it is proposed
 that he should pay up.



with of course be
 as necessary that the
 doubt should be cleared
 up to his satisfaction
 of your two papers.

3. I understand
 from Capt. Progan that

the land which he has
 holds is held in parcels
 under the (union)
 laws of 1902 for
 a term of 99 years at
 a fine of \$1000. I presume
 that it was your intention
 that Capt. Progan should
 be planted to the land,
 which it is proposed to
 plant in the place of the
 his present land, on
 the same terms. I
 consider it a matter of
 great importance
 that there should be attended
 to any part of land
 made after your return
 to the Park. Knowing,
 the

the
at the end of the
as to manner of not

at the
33 1/2 years, and I
am unable to approve of
should be very better to

the
which left program
design to obtain in exchange
his present holding
to be paid to last firm, being

Paulis without rest
conditions of Paulis, ~~also~~

to program, if it would
facilitate matters

allow of a somewhat
program to of longer

and Paulis to ~~also~~
Capt. program.

program ~~and~~

3 In view of the ~~program~~

With a view
to establishing
the principle of review
at once

Stop here
X J R
yes. stop here
J.R.

DRAFT.

MINUTE.

- Mr.
- Mr.
- Mr. Fiddes.
- Mr. Just.
- Mr. Cox.
- Sir C. Lucas.
- Col. Seely.
- Mr. Harcourt.

Also indicating
 that, unless it
 is not personally necessary
 that his lands should
 be removed for the
 purpose of a better view
 and you can see
 this alteration to the
 course and proposed
 it would be preferable
 that Capt program
 should keep the lands
 which he has already
 been granted

J