



EAST AFR. PROT.

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DEC 18 DEC 08

(Subject)

Serial No. 565

1908

Crownlands Bill

Int. No.

Send letter to Central Committee of Federalist Society
Ambassadors contain provisions of Bill...

Serial No. 565

(Minutes)

Mr. Head

See also 46135

I don't minute this in detail as I understand we are to have a Committee on the subject. If we had better get these papers into print.

has letter of 21/12
has letter of 22/12
has letter of 23/12
has letter of 24/12
has letter of 25/12
has letter of 26/12
has letter of 27/12
has letter of 28/12
has letter of 29/12
has letter of 30/12

has now written on the 1/1/09
44368 22/12

Serial No. 565

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565



Governor's Office,

Nairobi,

November 24th 1906.

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18 DEC 08

EAST AFRICA PROTECTORATE

No. 552.

(Incl. 1.)

My Lord,

With reference to my despatch No. 552 of the 12th of November last I have the honour to transmit herewith a copy of a letter I have received from the Honorary Secretary of the Central Committee of Federated Associations criticising certain of the provisions of the Crown Lands Bill which is now before the Legislative Council.

I have the honour to be
With the highest respect,

My Lord,

Your Lordship's most obedient,
 humble servant,

(In the absence of H.E. The Governor).

H. M. Principal Secretary of State

for the Colonies,

Downing Street,

LONDON, S.W.

ACKNOWLEDGED
BY 8th 1906.

Nakuru,

November 8th 1908.

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REC. A
ENCLOSURE 18 DEC 08

Despatch No. 466 of Nov. 24, 1908

Your Excellency,

I have the honour to forward you the views, on the proposed Crown Lands Bill, of the Central Committee of Federated Associations. This Committee consists of representatives from the Colonists, the Pastoralists, and the Malindi Planters Association.

Generally this Committee wishes to point out that, as the Members are landholders, it is all to their benefit to raise the price of land in this Country, as far as is compatible with getting Settlers to take up the same. The higher the price is raised by Government, the more it raises the value of the land of the original holders.

The only objection on the part of the Committee to the proposed bill generally, is, that they believe it will greatly hinder the flow of settlement.

We wish to remind the Government, that the late Under Secretary of State for the Colonies, promised us a "marketable and mortgageable title". We claim that the present Bill does not give us this. Owing to the liability to confiscation, for breaches of Covenant expressed or implied, and for non-payment of rent, also to the indeterminate quality of proposed revaluation, a lease would be valueless as a security.

PART IV. Classification of land. Rent and Size of Farm.

Owing to the difficulty of classifying land at the present time, and the delay caused by the same, also the expense of classification, we propose that an average rent and size of farm should be taken. That all land should

should be considered as of one Class, that the maximum size of a Farm should be 3000 acres, and the rent, (for the first period) 12 cents per acre. That all applications for larger areas for grazing, or other purposes, should be dealt with under Part V on their merits.

Section 65. We consider that the giving out of Freehold land at the present time is undesirable, owing to the danger of Asiatics, and others, acquiring land in the Highlands, if there is no control over transfer. We therefore approve of a 99 years lease, at any rate for the present. We object however to the principle of revaluation, as we consider that it will prevent settlement, by destroying confidence; we therefore propose that the rent should be doubled at the end of 33 years, and redoubled at the end of 66 years, this would work out on our proposed rent of two pence, as four pence for the second, and eight pence for the third periods.

The maximum under the Government Bill at 99 years is only nine pence and it is not to be expected that the valuation, will nearly reach the maximum; besides, there is to be considered all the expense and trouble of making the valuation, and the inevitable disputes arising regarding values.

Owing to the classification of land, rent, and size of farms, being altered, under our first proposition, we would propose the following with regard to occupation licence.

(1) That the expenditure of ten times the yearly rent on improvements as in Schedule 2 of Bill, shall enable the Licensee to at once obtain his lease.

(2) That continuous residence for three years, and the expenditure of ten times the yearly rent, on any improvements, including breeding stock the bona fide property of the owner, shall

shall qualify the Licensee to obtain his lease, at the termination of the probationary period.

It will be observed, that ten times the rent in our proposal equals twenty times the rent on a 2000 acre farm under the Government Bill, and is considerably more on a 5000 acre farm.

This proposal is made in view of the fact, that this Committee considers that 3 years continuous residence, is in itself a proof of bona-fides.

Part V. Sec. 79. We are of opinion that all land which has been held up in settled Districts from any cause, should only be disposed of by public auction.

Part IV. Sec. 73. Part VI. Sec. 97. We consider that the latter is unnecessary and conflicting with the former.

Part VI. We consider that land should not be confiscated for non-payment of rent, or on the infraction of any Covenant expressed or implied, except in the case of men taking, under Part V. on special terms, where those terms have not been fulfilled, in the former case rent can be distrained for in the ordinary way, with the latter the Law of the land should be able to deal, or penalties in proportion to the offence, should be provided for under the Bill.

It must be remembered that the Crown is already safeguarded, in that a Tenant has to fulfill the conditions under his occupation licence before he gets his lease.

Part VII. Sections 114 & 115.

This Committee recommend, that in all Districts where land is allotted in future, public outspans should be reserved at Government expense, as they consider it unfair to take outspans out of the area leased to a Tenant, who is presumably paying as high a rent as the Government thinks can be obtained for the said lease.

We consider Government outspans and narrow roads (roads not exceeding half a chain in width) are the best policy, in a country where grass on the road side is likely to be infested with ticks, or if burnt the fire is likely to spread to the adjoining farms.

We are of opinion, that any area of land taken, whether from a farm of less or more than 200 acres, for public purposes, should be paid for at the market value of the land.

Section 121 (5) We are of opinion that under this subsection there should be an appeal to a Court of Law, and the words "whose decisions shall be final" should be deleted.

Part VIII. Section 127.

We are of opinion that if this section is put in force, the Survey Department should be obliged to put in permanent boundary marks

sections 130. 131. 133.

We are of opinion, that the Crown and the individual, should both be put under the ordinary statute of limitations.

LAND TAX. This Committee is glad to see in the Gazette of November 1st that a mistake has been made in the drafting of the Bill, on this point and that it is proposed to redraft the clauses; but we consider it is inexpedient and premature to introduce any form of Land Tax. Sec. 137.

A Land Tax would not be to-day a tax on prosperity; it would be at present simply a tax on the capital put into the land not on any income derived from that capital; further we consider that direct taxation should as a matter of principle be deferred until such time as there is true popular representation.

The Crown is already under this Bill increasing the rent on their land which rent is subject to further increases at 30 and 60 years, and is therefore sharing in the future

prosperity;

prosperity, apart from indirect taxation derived from the same source; it seems to us a mistake to derive revenue from the land under two heads, when the revenue resulting from leases, can be consolidated under one head, in the increased rent as we have proposed.

It must also be pointed out that this tax is being put on in order to penalize large properties; under the Bill as at present proposed it remains with the Government, under Part V, whether they grant large properties or not; if they do not, there is nothing to tax, and if they do, they obviously consider it beneficial to the country to allow the amassing of property, in certain cases.

Under Section 136, heavy penalties are provided, to prevent illicit amassing of property.

Finally, we would earnestly beg for serious consideration of the foregoing suggestions, which while not realizing our ideal, will in our opinion be conducive to further land settlement, while as little as possible modifying the Government proposals.

I have &c., ~~Asst.~~

Edw. L. LARKIN
Honorary Secretary.