



EAST AFR. PROT
43557

Governor
Ballfield

Comd
164

LAND SALES

1913

16th November

States, regarding the 1000 acre level of
reservations limit to holders of one farm
limiting right to his sons who have not
previously purchased land from the Government view
that the Order granting lands to all persons
should have a 10% of the area to be reserved
fixed for next sale.

Last previous Paper

Copy of paper

Mr. G. Fiddell
This concerns the paper of 17/11/12
in regard to the restrictions on outside
purchasers and the acquisition of
purchasers. The Gov. considers
that the meaning of the paper has
gone and, in any case, agrees
with us that in the altered
conditions they are not workable
as regards the ^{position of the} existing holders
of land. When the Order comes into
effect, Mr. Fiddell has I think
overlooked the change in the
circumstances since the draft of the
Order was written. He has assumed
that existing holders might acquire
the same amount of land as that
permitted under the Order. This is
not the case. The Government will

Next Subscription Paper

no 163

before opening to the...
titles after the...
I will put our...
the... to say... 363
otherwise...

to D. R.

31/12/13

Yes we may put it, but the Governor is a man
with a very wide Experience of land matters
and we should not press it against his
Judgment.

Yd. 31. 12. 13.

I agree with some doubts still.

Yd. 1. 14.

from...
...
...



EAST AFRICA PROTECTORATE

GOVERNMENT HOUSE,
NAIROBI,
BRITISH EAST AFRICA.

CONFIDENTIAL No. 164

18th November 1913.

Sir,

I have the honour to submit the following observations in reply to the points raised in your Confidential despatch of the 10th ult^o, regarding the restrictions which have been imposed on purchasers of land in auction sales recently held in this Protectorate. These restrictions are:-

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26/11/13

- (1) that limiting bidders to the purchase of one farm only.
- (2) that limiting the right to bid to persons who have not previously purchased land from the Government.

2. Both these conditions were prescribed with the same object, namely, to ensure as far as possible that every person desirous of making a first purchase of land from the Crown should have opportunity of obtaining it, and to prevent those already in possession of land from acquiring additional blocks for speculative purposes.

3. When the first auction sale was held in

THE RIGHT HONOURABLE
LEWIS HARGREY, P.C., M.P.

SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON, S.W.

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In May last there was a large number of persons in the country who had been waiting many months for a chance of obtaining farms from Government, and I felt that it was necessary in their interests to impose the restrictions which are now the subject of discussion, in order that their wishes might not be frustrated by competition with others whose original requirements had already been satisfied, but I did not contemplate or desire that either restriction should be made a condition of future sales, and it was my intention to retain them only so long as was necessary to satisfy the demands of those who were waiting for land. This object has now been effected: the demand for land has subsided to normal dimensions, and the reasons which prompted the imposition of the restrictions having disappeared no cause remains for their further retention.

4. Moreover local conditions have undergone some change during the last six months. The demand for land is no longer pressing, and it is apparent that values have appreciated to an extent which renders it improbable that it will pay any person to hold land in an undeveloped condition on the chance of a profitable deal later on. The field of the speculator is becoming narrower, and I think it unlikely that advantage will be taken of the right of free bidding to purchase properties for a lock-up. In confirmation of my impression that it is becoming unprofitable to hold land in excess of that

that

that which can be conveniently utilized, I may mention that Lord Delamere is now cutting up some ten thousand acres of land at Hfere which are to be offered for sale as small holdings.

5. My view therefore being that the conditions imposed have already served their purpose, and that no useful end will be attained by their retention, which under present conditions it would be difficult to justify, it does not appear necessary to say more than that I am in agreement with the opinion expressed in your despatch under reply to the effect that the retention of the first restriction under the Ordinance would be impracticable and that the removal of the second restriction is the necessary corollary to the disappearance of the first. I have therefore telegraphed to you my recommendation that the restriction be removed and, assuming your approval of the abrogation of both conditions in respect of future sales, I propose to permit that bidding be unrestricted in respect of the number of blocks purchased and to direct that no bidder who is otherwise eligible be disqualified on account of the possession of other lands.

6. With respect to the point raised in paragraph 3 of your despatch, I would refer you to paragraph 20 of my Memorandum on the Land Bill of the 27th of August, 1912, and to the final sentence of paragraph 6 of your Confidential despatch of the 6th of November, 1912, in reply thereto. I there proposed and I adhere to that

view

No. 39216

No. 139

Africa No. 965

No. 1785

view that on the coming into operation of the new ordinance all persons then holding land in the Protectorate, by whatever form of licence or title, and whatever mode of tenure under the old law, corresponding to old titles and subdivisions for leases thereunder, by conformity with your expressed approval of that recommendation, a clause to that effect is being inserted in the Bill, the effect of which will be that holders of occupation licences under the old law may exchange them for leases if they desire to do so. I shall be glad to see this concession taken advantage of to the widest possible extent as the greater the uniformity of title the greater the simplicity and efficiency of future procedure, and I should most strongly deprecate the enactment of any provision which would have the effect of establishing and perpetuating any sort of differentiation.

7. In reply to the final paragraph of your despatch I have to inform you that no date has yet been fixed for the holding of the next sale and that under any circumstances it will not be advisable to hold it as early as February next. I have communicated with you to this effect in my despatch above referred to. There being no pressing demand for land at present, I consider it desirable that the next sale should be deferred until the allocation of alternative farms to those who have claims to land in Iloilo has been completed as far as possible. It is unnecessary to repeat the rumour emanated that a sale would take place in

February

February but it is certain that no authoritative
statement to that effect has been made here.

I have the honor to be,

etc
Your humble, obedient servant,

H. C. ...
H. C. ...

GOVERNOR.



9th January 1844

Ans^d of 15/1/44

DRAFT

2/1/44 (Conf)

for Selffield

MINUTE.

- Mr. Ashmole 3/1/44
- Mr. ... 3
- Sir G. Pidgeon
- Sir H. Just.
- Sir J. Anderson
- Lord Emmott.
- Mr. Harcourt.

I have the honor to acknowledge the receipt of your confidential despatch no. 164 of the 18th of November on the subject of the regulations regarding the formation of a Board in the E.A.S. I observe that, not only for the reasons suggested in my despatch of the 10th of October but also because you are of opinion that the construction had never other purpose for purpose that under the 12th Article of the ... of the ...

* No. 43587
 Africa No 998
 No 16791
 Africa No 999

his 18th field in the ...
contemplated (27) ...
being ...
The S. B. did not agree to the ...
is ...
to ...
have read

had

of October 1913. The ...
which I ...
former despatches would have
provided for a system of
these ...
licences, under conditions
prevalent to the grant of
lease, and as ...
occupation licence at the
time of the passing of the
N.W. Ord., and the
principles of conversion which
I approved, have been
qualified for the grant of
immediate
license. But since it is
understood that the system
of occupation licences shall
be discontinued under the
new Ord., and the result
of an automatic conversion
of title would be that
all
every holder of an occupation
license (the number of
which ...
over to ...
to ...
valuable because ...

370

+ No. 16791
Africa No. 992

... of ...
...
I do not, however, desire to
press this point of ...
consideration, you are well
of opinion that the advantages
of uniformity of title are so
great as to justify the conversion
of all titles, irrespective of
the conditions under which
they were granted

... would be
... by some of the
settles, but also by the
... and the
...
...
...
...
...
... (2687)

I have etc

L. HARGREAVES

* No 26871