

1931

CO 533/411
KENYA

1931

17/85
(G)



17/85
(G)

NATIVE LAND TRUST ORDINANCE

GRANT OF LEASES FOR PERIODS OF 33 YEARS AND OVER

MILL HILL MISSION

Previous

F 211

Subsequent

1906/32

R 297	2/8/12
W Priestman	12/8
W Priestman	5
297	29/8/11
W Priestman	29/8
W Priestman	29/8
297	

Sec. Sturison

*
These three files concern the operation of the Native Land Trust Ordinance and I should be glad to have a ruling whether Ministers need see all such cases.

By way of illustration I may say that if this had been ruled in the negative I should have sent on 17185 (because of the substituted area point), but not the other two.

Wed. 18.11.31

Sec of State

(through Sec R. Hamilton)

I suggest that it ought to be sufficient if when you were to see any files on which there is a difference of opinion as to substituting Land in lieu of that taken

(Action also required a file)

25.11.31

J.H.B.



COLONIAL OFFICE.

DOWNING STREET, S.W. 1.

~~Handwritten scribble or signature~~

The most serious matters, which outside, and though
 the case is a matter of course in which there is no difference
 of opinion, but in the whole that it is desirable that all
 the cases should be kept in concert
 with the Board's proceedings
 and you should be able to refer, whenever for your
 own view, those cases in which there is a difference of opinion,
 and when possible, cases considered ought to be submitted to you.

W.H.H.

2 11 51

1/11/51
 The Minutes 14.12
 The by the committee
 The 1.1.1952
 W. J. G. 13/11

Medical Council. 2297

Sumits recommendation for the extension to 99 years of the lease granted to the Hill Hill Mission in respect of land in Yala Township, Central Karroondo District.

There is no reference to the possibility of other land being available, but as the population of Central Karroondo is extremely dense, it may be difficult to find other land. It is noted that certain land here is now

In view of the precedent below, I agree with the above

in the same case

*Flaxman
5/11/32
C. Flaxman*

We have already had three previous cases and on 17185/D Sir C. Bottomley minuted "In these three cases the Governor has announced the intention to recommend an extension to 99 years because the natives had agreed to that term before the Native Lands Trust Ordinance was passed. I think we can agree, but I hope that there are not many more cases of this kind."

This is a further case, but although it is stated that the order is in confirmation of an application for a 99 year lease which was applied for as far back as 1928, there is no definite assurance as in the previous cases that the natives had agreed to

A1

Submit recommendation for the extension to 99 years of the lease granted to the Mill Hill Mission in respect of land in Yala Township, Central Kavirondo District.

There is no reference to the possibility of other land being available, but as the population in Central Kavirondo is extremely dense, it may be thought that it is hardly certain that there is more.

In view of the precedents below, I agree with the Governor

Richard
D. S. 1/32
C. H. Mistry
5/1

W. H. Mistry

We have already had three previous cases and on 17185/D Sir C. Bottomley minuted: "In these three cases the Governor has announced the intention to recommend an extension to 99 years because the natives had agreed to that term before the Native Lands Trust Ordinance was passed. I think we can agree, but I hope that there are not many more cases of this kind."

This is a further case, but although it is stated that the order is in confirmation of an application for a 99 year lease which was applied for as far back as 1920, there is no definite assurance as in the previous cases that the natives had agreed

to

to the term of 99 years before the Ordinance was passed.

The area is small; it is for mission purposes and may be regarded as of co-operative benefit, and presumably as it is required for educational purposes there are permanent buildings of a value substantial in relation to the value of the concession involved in the lease. There is, however, no assurance to that effect nor, as Mr. Eastwood points out, any indication whether land is available for substitution if required. While these points as a result of further enquiries it will be found possible to agree to the extension and without any substitution of land, it is desirable to avoid any impression that even in the case of small areas for mission purposes the extended period can be regarded as more or less automatic.

Therefore before coming to a decision ask the Governor for further information on the points at A, B and C, but I think that it might be put in the form of an assumption that this particular condition is fulfilled.

J. M. Allen

I would assume that (1) because we should at the end show clearly what kind of information is needed, & (2) because the Mill Hill Mission is not stated for making a good job of things

W.S.S. 6.1.32

Sir R. Hamilton

Jajice

Bill 6

B 1.32

The information regarding this proposed lease is very scanty, and in addition to our queries at A, B & C, we ought, I think, to ask us to ^{actual} the site of the area in question and its present condition. The opportunity might be taken of asking the Govt to supply full information in all such cases, including a sketch map where necessary.

W. H. H.

11.1.32

slm

2 To Govt 54 (1 amended) comes 21 Jan 1932

W. H. H. No reply to last paragraph received yet. R297. 14/6/32

W. H. H. Wait and watch

A. H. C.

J. M. Allen

14.6.32

W. H. H.

W. H. H.

Pages re-enclosed. No. 1 on 18/6/32 in the enclosure (para 10) R297. 17/8/32

It must suitably with the Kenya Govt rules

(I hope the form of the file is not inconvenient. It seemed desirable to have all the taxes better & in future there will be an a single file) W. H. H.

to submit the further particulars or
to drop the proposal:

? This may be put by

Mr. P. M. Smith
12/8/32

Mr. P. M. Smith
15/8/32

See
—
J

Mr. Kenya — 28/9 — 27/10/32

has noted the contents of No 2,
& explains that in this particular case
the necessity of obtaining sanction to a
99 years lease no longer exists, the
applicant being satisfied with 33 years

? Put by

Mr. P. M. Smith
29/8/32

Mr. Allen
29/8

at once

KENYA

No 650



RECEIVED
27 AUG 1932
GOVERNMENT HOUSE

GOVERNMENT HOUSE
NAIROBI,
KENYA

30 JULY, 1932.

Sir,

I have the honour to refer to your despatch No. 64 of 21st January 1932 in connection with my recommendation that a lease of 33 years granted under the terms of the Native Lands Trust Ordinance to the Mill Hill Mission in Iala Township, Central Kavirondo District, should be extended from 33 years to 99 years. I note from paragraph 2 of your despatch under reference that leases for a longer period than 33 years are to be granted in exceptional cases only and further that, as your consent is required, you consider it desirable that when any recommendation is made for an extension beyond 33 years, the information asked for in the five sub-paragraphs of your paragraph 2 should be supplied.

In this particular case, however, Monsignor [Name], the applicant, has, since the approval of the Central Lands Trust Board was given to his application, of which approval you were advised in despatch No. 680 of 28th November 1931, stated that he is satisfied with a 33 years lease. The necessity therefore of obtaining your sanction to a 99 years lease no longer arises.

I have the honour to be,

Sir,

Your most obedient, humble servant,

[Handwritten signature]

BRIGADIER-GENERAL.

G O V E R N O R .

THE RIGHT HONOURABLE

LORD SIR PHILIP CUNLIFFE-LISTEN, P.C., G.B.E., M.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S. W. 1.

KENYA

NO 357



RECEIVED

27 AUG 1932

MULLI OFFICE

GOVERNMENT HOUSE
NAROBEE
KENYA

27 AUG 1932.

Sir,

I have the honour to refer to your despatch No. 54 of 21st January 1932 in connection with my recommendation that a lease of 33 years granted under the terms of the Native Lands Trust Ordinance to the Mulli Hill Mission in Sala Township, Central Kavirondo District, should be extended from 33 years to 99 years. I note from paragraph 2 of your despatch under reference that leases for a longer period than 33 years are to be granted in exceptional cases only and further that, as your consent is required, you consider it desirable that when any recommendation is made for an extension beyond 33 years, the information asked for in the five subparagraphs of your paragraph 2 should be supplied.

2. In this particular case, however, Monaghan Standama, the applicant, has, since the approval of the Central Lands Trust Board was given to his application, of which approval you were advised in despatch no. 680 of 28th November 1931, stated that he is satisfied with a 33 years lease. The necessity therefore of obtaining your sanction to a 99 years lease no longer arises.

I have the honour to be,

Sir,

Your most obedient, humble servant,

BRIGADIER-GENERAL.

G O V E R N O R.

THE RIGHT HONOURABLE

MAJOR SIR PHILIP CUNLIFFE-LISTER, P.C., G.B.E., M.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET,

LONDON, S. W. 1.

2
90

O.O.

Mr. Eastwood 12/1

Mr. Preston 13

Mr. Allen 19/10

Mr. Tomlinson

Sir O. Bannister

Sir J. Shuckburgh

Sir G. Grindle

Permt. U.S. of S.

Party U.S. of S.

Secretary of State.

20
R. 19 JAN
D. 20

Handwritten circled mark containing illegible scribbles.

Handwritten mark resembling 'S4'.

DRAFT.

KENYA.

NO. 574

GOVERNOR.

DOWNING STREET

21 January, 1932.

Sir,

I have the honour to acknowledge the receipt of your despatch No. 680 of the 28th November, in which you recommended that a lease of 33 years granted under the terms of the Native Lands Trust Ordinance to the Mill Hill Mission in Yala Township, Central Kavirondo District, should be extended from 34 years to 99 years.

B. Leases for a longer

period.

period than 35 years are ~~only~~ to be
cases only
granted in exceptional and as the
prior consent of the Secretary of State

is required, I consider it desirable that when any
recommendation is made for an extension of a
lease beyond 35 years, information should be
given to show:-

(1) whether the lease will be of
co-operative benefit to natives;

(2) whether the additional security
of tenure derived from a lease for a
longer period than 35 years (not necessarily
the maximum ~~35~~ 99 years) is essential
for the proper carrying out of the purpose
for which the lease is required e.g.,
whether the purpose cannot be carried
out without the erection of permanent and
expensive buildings;

(3) that the feasibility and desirability
of adding suitable land to the Reserve
in compensation *have* been fully examined;

(4) what is the actual site and
present condition of the area concerned.

7
Where it appears necessary, a
sketch may should be furnished,

and

(5) (a) in any case, which was
under consideration prior to the
passing of the Native Lands Trust
Ordinance whether the Natives
concerned had already agreed to
any period in excess of 25 years.

(b) in all cases that the
recommendation is made with the
advice and consent of the Central
Board.

3. I have therefore to request that
all future recommendations for the grant
of leases in excess of 25 years may be
accompanied with information on these
points.

4. The information furnished in
your despatch under acknowledgment should
now be supplemented accordingly and I
in the memorandum in that despatch
shall defer my decision until I am in

in receipt of the necessary further
particulars.

I have etc.

(Sd.) P. CUNLIFFE-LISTER.

KENYA.

No. 680



GOVERNMENT HOUSE,
NAIROBI,
KENYA.

28 November 1931.

Sir,

RECEIVED
21 DEC 1931
COL OFFICE

I have the honour to inform you that at a Meeting of the Central Board under the Native Lands Trust Ordinance held at Government House on the 2nd November 1931, I ordered, with the advice and consent of the Board, that:-

"An area of approximately 15 acres in Yale Township, Central Kavirondo District, be leased to the Hill Hill Mission for a term of 33 years from 1st January, 1929, at a rental of Shs. 5/- per acre per annum, with the proviso that the lease was conditional on the fulfilment of the educational standards prescribed by the Education Ordinance 1924, and certified by the Director of Education, and also that such standards include the provision of agricultural training."

I further ordered with the advice and consent of the Board that:-

"Recommendations should be made to the Secretary of State for the lease of 33 years to be increased to one of 99 years."

2. This order is in confirmation of an application for a 99 year lease which was applied for as far back as 1928.

3. A formal grant of this lease was delayed pending the passing of the Native Lands Trust Ordinance and now that this Ordinance has become law, it is necessary to regularise the position.

4. In view of Section 9 (1) of the Ordinance,

your...

Amended (2)

THE RIGHT HONOURABLE
MAJOR SIR PHILIP CURLIFFE-LISTER, P.C., G.B.E., M.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S. W. 1.

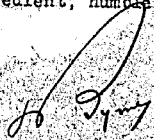
2

your prior consent to this increase is necessary and
this recommendation is therefore submitted for your
approval.

I have the honour to be,

Sir,

Your most obedient, humble servant,



BRIGADIER-GENERAL.

G O V E R N O R .