

1925

KENYA

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7423

RE  
RE

16 FEB 25

DATE

11th February 1925.

AN, J.W.T.

C.M.

REASON:-

*Butt...*

APPLICATION FOR LAND.

1 S of S

*Butt...*

Submits.

1 S of S

1 S of S

1 S of State

Previous Paper

*File 300780*

MINUTES

I put within a note on the case to which Mr McClellan refers - they are all of a special nature and in no way comparable to his own.

*(No. 15 in his file)*

When Mr McClellan applied in 1919 for a specific piece of land the ban on officials holding land was still in force, and he had to be told  
a, that he could not acquire land while in the service;  
b, that if he wanted land after retirement he must take the market

Subsequent Paper

with others.

Later in 1919 the ban on official holding land in Kenya was removed, but the only land being alienated by the Govt. at that time was that included in the Soldier Settlement Scheme. It does not appear that Mr McClellan was qualified by war service to participate in this scheme, and there is no evidence that he applied for permission to acquire land in the market.

There is no trace of his having renewed his application for a special grant in 1921.

In 1923 he could have had a grant of land in exchange for a portion of his pension (copy of scheme herewith) but there is no evidence that he made any move to do so.

Apart from the Soldier Settlement scheme, the scheme for land grants to which officials just alluded to (of which I so far as I know no one took advantage) and there or two very special cases in which special

arrangements have been made, there  
120  
has been no alienation of Crown land in Kenya since the war except by way of auction.

The above facts I think dispose of Mr McClellan's letter, but I do not suggest that we should argue with him at other length. His letter reads as an attempt to embarrass the Govt. rather than as a genuine application for land.

? Reply that the normal method of alienating Crown lands in Kenya is by public auction, and the S. of S. is aware of no special case which would make it possible to consider a departure from this procedure in his case.

C.J.G. 19.2.25.  
I agree. The letter is distinctly "cranky".

Col. G. G. G.

C. J. G. 19/2/25

(1) The Delamere exchange. This is not a

fresh grant but an ~~exchange~~ arrangement with Lord Delamere under which the latter surrenders 21,400 acres of land (suitable for conversion into ordinary farms) in exchange for <sup>8</sup>63,095 acres of land ~~and~~ suitable for working on ~~the same~~ a large scale. The possession by Lord Delamere of holdings in other parts of the colony is irrelevant.

(2) Mr. P. L. Uys' grant. Mr Uys was

promised land by Sir Evelyn Wood at the time of the Zulu war. The grant to him of land in Kenya was ~~made~~ approved, with some hesitation, at the instance of Sir Northey, who represented that an act of grace in this matter would have political advantages, we do not seem to have acted before that the land was immediately sold.

(3) Mr. Finch-Hatton's repurchase. The repurchase

was promised land under the Soldier Settlement scheme, but the particular land earmarked for them was found to be in a untenable course. The local Govt are still trying to

110,000

William evidently  
 to lead  
 Lord's land  
 under Molo]  
 1899

find a satisfactory alternative piece of  
land. ~~There~~ is no doubt that the  
syndicate were eligible to have land  
under the Soldier Settlement scheme,  
and that it is up to the Govt. to  
satisfy their claim.

The papers are  
in circulation  
but I think  
that there

CJ 19 2 28.

The first & third cases show a well  
warranted address on the McCallum's but the  
second I have still no work to champion.

C.C.S. 14. 2. 25

The Secretary of State has sanctioned a scheme whereby Kenya Civil Servants who are eligible as provided herein may exchange the whole or any portion of the contractual obligations due by Government for a grant of land as under.

Any officer whose active service in Kenya under his appointment exclusive of any period of leave that may be due) terminates either through retirement on pension or retrenchment between the 1st. April, 1922 and the 31st. December, 1922, (both dates inclusive) shall be entitled to participate in the scheme provided that he

- (a) is a British subject.
- (b) is on the permanent staff.
- (c) has performed satisfactory service.

"Contractual obligations" include pensions, gratuities, cost of passages, and any other disbursements which Government normally makes for the officer concerned.

Officers in the Uganda Railway service on the permanent staff who have contributed to the Provident Fund shall be entitled to utilize their gratuities or other payments which would ordinarily be made from the Provident Fund for the purpose of exchange under the scheme.

British Indian Officials who are eligible shall be allowed to select from areas which are open to members of any race.

An Officer who desires to exchange a portion of his pension will decide how much he is prepared to forego and will make his selection from the land from the schedule of available areas accordingly. The capital value of pension surrendered will vary with the age of the applicant on his last birthday prior to the 31st. December 1922; the value of the land which each applicant will receive for £1 of surrendered pension is shown in the second column of appendix A.

Other financial obligations which it is desired to exchange will be reckoned at the actual amount of the obligation.

If the value of the land exceeds the amount which an officer is willing to surrender the difference shall be paid in cash within three months of the date of allotment.

The land shall be granted under the Registration of Titles Ordinance, 1919, and the ordinary conditions of the Crown Lands Ordinance, 1915, applicable to agricultural land, the main conditions being:-

- (a) **TERM:** 999 years from the 1st. January, 1924, or from the date of occupation whichever is the earlier.
- (b) **RENT:** 20 Sh. cents per acre per annum revisable in 1945 and every 30th. year thereafter.
- (c) **DEVELOPMENT:** See Appendix B.

Personal occupation by the allottee will not be obligatory. Titles must be taken out within 6 months of the date of allotment.

As it is most uncertain what the number of applicants is likely to be and as the number of people eligible, whether applying or not, is small, it has not appeared desirable to catalogue and price every

a scrap of available land in the country and therefore information setting any particular area and its price can be given only at the Office itself. Intending applicants at home are advised to apply to the Agent in Nairobi who can make the enquiries contemplated.

All applications must be made in triplicate on the prescribed form and forwarded with a list of selections to the Commissioner of Lands through the Treasurer not later than the 1st. September, 1923.

Copies of the application form may be obtained and a provisional list of lands available for selection together with a key-plan may be obtained at the Office of the Crown Agents for the Colonies, 10.4 Abchurch Lane, London, S.W.1. or in the Land Department, Nairobi. The power to withdraw any area from the schedule is reserved to Government.

The allotment which will take place on or about the 15th. September 1923 will be by lottery for priority of selection. Papers will then be drawn in the order determined by the lottery and the first choice available indicated upon the application will be allotted.

Immediately after the allotment is completed the allottee will be notified of the result and in the absence of any intimation to the contrary in writing to the Commissioner of Lands received prior to the 31st. 1923, he will be deemed to have accepted the allotment and the contractual obligations of Government will be reduced accordingly.

It should be clearly understood that entrance to the scheme is entirely optional and that refusal to participate or to take the land allotted (subject to the provisions of paragraph 11 hereof) will involve forfeiture of pension, but once having accepted an allotment under the scheme an officer will not be permitted to withdraw.

The following charges will be payable by each allottee upon the grant of title:-

Cost of Deed.

Registration Fee.

Stamp Duty

Rent from the commencement of the grant to the 31st. December, 1924.

Whilst the officers of the Land Department will be willing to supply advice and help in the selection of areas and a description, it is believed to be accurate, will be published in the catalogue, the information so far as thus be furnished must not be regarded as authoritative nor as constituting a guarantee on the part of Government that any particular area is precisely as described.

Age of applicant on 31.12.22.	Value of Land procurable for £1 of pension surrender	
30	£32.00	<p>To obtain the value of land equivalent to an amount relinquished from pension, multiply the amount in column 2 opposite to the age of applicant (last birthday) by the amount of pension to be relinquished.</p> <p><u>EXAMPLE</u></p> <p>An Officer 42 years of age wishes to relinquish £25 annually of his pension, he would obtain land to the value of:-</p> $25 \times 27.60 = \underline{\underline{£690}}$
31	£31.60	
32	£31.18	
33	£31.18	
34	£30.74	
35	£30.26	
36	£29.80	
37	£29.80	
38	£29.28	
39	£28.76	
40	£28.18	
41	£28.18	
42	£27.60	
43	£26.98	
44	£26.98	
45	£26.32	
46	£25.64	
47	£25.64	
48	£24.92	
49	£24.16	
50	£24.16	
51	£23.38	
52	£23.38	
53	£22.54	
54	£21.68	
55	£21.68	

## APPENDIX "B"

## NATURE AND VALUE OF IMPROVEMENTS TO BE EFFECTED AND MAINTAINED.

Area of Farm	Minimum value of improvements to be effected within first three years of the lease	Nature of improvements	Value of additional improvements to be effected within first five years of the lease.	Nature of additional improvements.
20 acres or under.	20 Shillings per acre, subject to a maximum of 300 Shillings.	Permanent	10 Shillings per acre, subject to a maximum of £150	Permanent
Over 300	<p>£6,000/-</p> <p>&amp;</p> <p>in addition £25/- per acre in respect of every acre over 300 acres.</p>	<p>Permanent</p> <p>and/or</p> <p>Non-permanent</p>	<p>£1,000</p> <p>&amp;</p> <p>in addition £25/- per acre in respect of every acre over 300 acres</p>	<p>Permanent</p> <p>and/or</p> <p>Non-permanent</p>



Hotel Belvedere

126

Open Belvedere, Budapest

RECEIVED  
14 FEB 1925  
COL. OFFICE

in 1919  
see no. 15 on file

7423  
RE  
R. 16 FEB 25

I have the honor to draw attention to my application in 1924 to lease or otherwise acquire land in Kenya Colony. I was informed by the Colonial Office through the Secretariat, Kenya, that I must either lease or purchase at auction on the open market. - In this respect I beg to enquire why after this taking one hundred and acres was granted to someone already holding a grant of two hundred & sixty thousand acres in a native District. Why a free grant was not given to me on the same scale of the African Plateau of thousands acres. I am immediately for (5000) and it is now proposed to give an enormous grant

Lyn. 5/16/25  
4/2

N 6085/20



Boxell Feb 26 No. 7423/25 Kenya  
Offices 26/2/50

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uchey.  
ackburgh.  
invis.  
rindle.  
Masterlon Smith.  
aby-Gore.

C.  
R 26 FEB  
D AD

RAFT.

27 Feb 1950

McClellan Esq. <sup>SIR,</sup>  
Conf.

I am sorry to ack the recd of your letter  
of the 11<sup>th</sup> of Feb, and to inform you  
that the normal method of alienating  
Crown lands in Kenya is by public  
auction, & that he is aware of no special  
circs wh. would make it possible to  
consider a departure from this procedure in  
your case.

(Signed) W. C. BOTTOMLEY.