

EAST AFR. PROT.

19273

REC'D
Brg 25 JUN 10

19273

draft
951

of Individual

Colonial

1910

June

Previous Paper

Land Regulations

minutes of Dept. Conf. enquiring as to whether
Regd of Regs 7 May 08 resp. revision of
rent at the end of the 32nd year or
a 99 years lease has been applied in cases
of new grants since that date

Mr. Fiddes,

At a meeting of the Committee of the Lands
Ordinance ^{on the 13th June} yesterday it appeared from something said by
Major General Montgomery that the Protectorate authori-
ties have not, as we fondly supposed, been including
revision of rents as one of the conditions of new grants
of land since the issue of the regulations of the 7th
May 1908. (See paragraph 2 of the attached copy of those
regulations)

It was very thoughtless of the people in the
Protectorate to refrain from ^{expressing} ~~complaining~~ this rule
without any formal notification and without telling us
that they had done so. We have imagined all along that
new grants since the regulations were issued included
this very important condition. This belief has not been
without its influence in considering applications for
additional grants of land (e.g. Mr. Heatley's concessions)

and

Subsequent Paper

and has also made us perhaps ^{understand} ~~realize~~ the consequences of delay in dealing with the new Lands Ordinance. Naturally the urgency of arriving at a decision on that Ordinance was not felt so keenly when it was believed that the requirements laid down by Lord Elgin which are embodied in the regulations referred to were being complied with.

I submit a draft to the Governor on the subject.

W. J. D. W.

June 28

A. J. D.

28/21

Rec^d
Jun 25 JUN '40

NOTICE.

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1. All land available for allotment outside townships will be granted in future on the following conditions:-

(a) All tracts shall be only for agricultural and stock raising of 320 acres.

All other grants will be on leasehold tenancies of 99 years at the rentals given below for each class of land.

Tables showing the ordinary maximum size of farms and the rents to be demanded in the first instance.

Class	Highlands	Lowlands	Rents per acre per annum.
I	Acres 900	Acres 320	Cents 18
II	1,400	540	12
III	2,600	1,200	6
IV	5,600	2,000	3

2. The rents given above will be revisable on a basis of 5 per cent, on the unimproved value of the land, as appraised (where the land in question is the title or title is included in a township) to a maximum of 56 cents and a minimum 69 cents respectively at the 50th and 99th years.

Example. Take the case of a farm classified as first class and valued at 16 cents an acre. This rent

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rent will be demanded for the first 55 years. During the 56th year it will be assessed at its prairie value that is, at the price at which it would sell if it were waste land without any improvements. If five per cent of the price thus calculated is found to be 56 cents an acre or more the rent for the next 33 years will be 56 cents, in lieu of the above-mentioned rate.

The same procedure will be followed in the 56th year, the minimum rate of rent in the last period of the lease being Rs.1.69 per acre.

3. No one is entitled to an exact area of so many acres; but will receive a rent approximating the maximum areas above mentioned according to class, or a smaller area if so desired. And no land will be allotted until it has been measured off and classified.

4. Possession will be given in the first instance by a certificate of occupation. The lease will not be granted till development has taken place and may be claimed after three years. The property will be liable to confiscation if the necessary development has not been effected in five years from occupation. The conditions of development are, briefly:-

- (a) in the high lands, white occupation and the expenditure of 40 times the rent;
- (b) in the low lands, either the two conditions as in (a) or the expenditure of 60 times the rent.

5. A preliminary fee of Rs.75 will be required for each application. The balance of survey fees

fish will be demanded according to what nature
possession is given.

The following districts or parts thereof
are included in the term "Highlands":-

Province	District
	Nandi
Elgeyo	Elgeyo
	Kitale
	Embu
Malindi	Laikipia
	Malindi
	Nyeri
Kenya	Fort Hall
	Embu
	Kikuyu
Uasin	Uasin
	North of 2nd degrees of South Latitude
	Kitale

(Signed) J. MERRIFIELD

Commissioner of Lands

Malindi
7th July, 1902.

9273

E. A. Protectorate

25 JUN 10

Downing Street,

6 July 1910

DRAFT

EAST AFRICA PROTECTORATE No. 405

Governor

Col. Sir Percy Girouard,
K.C.M.G., D.S.O., R.E.

MINUTE.

Mr. Butler, June 28th.

Sir,

Mr. Reid 28

Mr. Fiddes 28

Mr. Just.

Mr. Cox.

Sir C. Lucas.

Sir T. Harcourt. *Ylang 6*

Col. Seely.

Lord Cromer.

I have the honour to inform you that I understand from Colonel Montgomery, late Commissioner of Lands, that No. 2 of the regulations for the grant of lands dated 7th May 1908 has not been applied in the case of ~~new~~ ^{new} grants since that date. That regulation provides for the revision of rent at the end of the 32nd and 66th years of a 99 years lease and is, of course, a condition of the greatest importance. I shall

such as that of Mr. Heatley for the
grant of additional areas and in con-
sented to delay in the consideration
of the Lands Ordinance.

have
I am, &c.

Truett