

EAST AFR. PROT.
8076

C O
8076
L D
MAR 12

Conf
Date
912
February
Previous Paper

LAND GRANTS

States system at present in force for the allotment of farms. Considers it thoroughly bad. Thinks allotment should be regulated by an advisory board and that applications for highland lands by power of attorney should entirely be done away with. On these grounds thinks country will readily accept the principle that no second grant of Crown lands will be made.

66946

W B

I send herewith a paper, as I understand that Sir P. Fremont is going to discuss the land question with the Government. All his papers are in the hands of Sir P. Fremont unless he has been made out a strong case for personal application of personal occupation. By insisting on these conditions he may lose a few bona fide farmers, but I believe to be the only means of checking the present system of land speculation. He proposes to...

Account Paper
66946

...has considered me that the
 present rules of 'decreeing' & acquiring ^{land}
 by powers of attorney can only be prevented
 by strong and measures, and, if the opinion
 of the country is in favour of the former
 proposals, it is to be seen why they should
 not be taken. The S.P. certainly has no desire
 of anything ^{of anything} ~~of anything~~ ^{which} ~~which~~ ^{which} ~~which~~
 the accumulation of land in the hands
 of a few individuals.

This regards the proposal that to limit
 the amount of land that should be made to
 the Government should be
 rather to think, how he would propose to
 cover the deficit in view of the difference
 in area of Common Grants. Because A was
 originally allotted 2500 acres while B was
 allotted 5000 acres whereas to be
 sufficient reason why for all time A should
 only be allowed half as much as B.

Sir G. Ffides.

I am in favour of the Governor's proposals.
 The Director of Agriculture, who has an extensive
 knowledge of the country and the settlers and who had
 several years previous experience of colonial condi-
 tions in South Africa, urged upon me when I was in the
 Protectorate the necessity for an Advisory Board, which
 could bring candidates before it and see whether they were
 likely to make good settlers, could examine into their
 financial position (at present money is sometimes lent
 for a day or two to enable an applicant to show that
 he has the means of developing his property and, as
 as he has got his grant, is lent to someone else for
 similar purpose) &c.

I believe that, with the safeguard
 in this despatch, the 99 years' lease,
 of the right to impose a land-tax (whether
 or not and whether on all land lease
 only on undeveloped land would
 we could find a solution of
 would be accepted by the
 safeguard Government inter.

I must a
 settlers does not
 course only all
 is the advent

unless we insist also on complete control of transfers, and so render land unmarketable unless the transferor and transferee are in the good graces of the board.

The fact is that the conditions are not observed, and until some arrangement is made for a systematic inspection of holdings to see that the conditions are being carried out, these patent devices of Lord Delamere and Company for keeping East Africa select, and the management of the Crown Estates in their own hands, will only lead to further and worse trouble.

I do not see why the merchant or the small shopkeeper should not be allowed to add farming to his business, if he is so disposed.

Why should a farmer who has several boys be prohibited from taking on a second farm to plant them on when they are of age? The cause of the whole trouble is of course that we are giving something for nothing and the individual who gets it, very often only wants it to sell and reap the advantages of his own getting an allotment.

The Governor says he put some farms up to auction. I do not see why he should not do this universally and couple it with a condition of personal occupation, and more stringent development conditions, which should be enforced strictly by forfeiture for non-compliance, without compensation.

As the Government had all the farms surveyed before an allotment takes place there can be no difficulty in having periodical auctions as surveys are completed, and the terms of occupation should be made clearly known and strictly enforced. There will then be less

of

1	2	3	4	5	6	7	8	9	10

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C.O. 533
187
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of this evil, and no need for a Land Board - whose proceedings would be a target for Mr. Ramsay MacDonald or Mr. MacCallum Scott.

285

J.A.

29/3.

Sir J. Anderson's minute presupposed that the Land Board is an unsuitable body for making recommendations as to applicants for farms. The composition of this Board was (and so far as I know is) four officials and three unofficials representing different districts. I see no reason on the face of it why such a Board should indulge in log-rolling.

On the whole I should be inclined to adopt the Governors' proposals and give them a fair trial. Putting up to auction is defensible from a Parliamentary point of view; but it does not seem to me to be always the best plan for selecting suitable settlers. Even if we run the risk of an occasional unsuitable man being selected by a Land Board we shall also (provided the Board is properly manned and does its duty) obtain a far better choice on the whole.

On the other hand, I think that we ought to keep a tight hand on transfers. This is more easily done under a more elastic system than under a plan of universal auction.

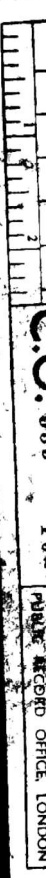
F. 29/3.

There would appear to be no objection
 to the proposal that allotment of
 farms should be regulated by an advisory
 Board. I can see no reason why
 this duty should not be entrusted
 to the present Land Board - the
 Board would of course be recommended,
 not decided. The present method
 of allotment has nothing to recommend
 it, and the sooner it is abolished
 the better.

W.B.B. 28

Mr. Fisher

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 Gov's proposals. The Director of Agriculture
 who has an extensive knowledge of
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 before it & see whether they were likely
 to



to make good settlers, could examine
into their financial position (at present
many a settler has lost for a day or
two to enable an applicant to show that
he has the means of developing his
property & was soon as he has got his
part, is lent to someone else for a
similar purpose) &c.

I believe that, with the suggestions
suggested in this despatch and the
99 year lease, - a reversion of the
right to impose a land-tax (whether progressive
or not) on all land held by the Crown or only on
undeveloped land (as require concern),
we could find a solution of the land
question which would be accepted by the
settlers & would sufficiently safeguard
the interests of the Government.

28/11

I must say that the idea of a board to pass
settlers, does not commended itself to me. They
would of course only allot to their present
and after all what is the advantage of
controlling the original allotment unless
we must also exercise complete control of
transfers, and so render land unmarketable,
unless the transfers or transfers are

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H. J. R.

28/11/1891
I must say that the idea of a land tax to pass
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would of course not allot to their friends,
and after all what is the advantage of
controlling the original allotment unless
we have also an complete control of
transfers, and so under land unmarketable
unless the transfer or transferees are

in the good grace of the board. 207

~~By the way~~ The fact is that the conditions are not observed, and until some arrangement is made for a systematic inspection of holdings to see that the conditions are being carried out. These patent devices of L. DeLaurie Co for keeping East Africa neat, and the management of the Crown Estates in their own hands, will only lead to further & worse trouble.

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The cause of the whole trouble is of course that we are giving something for nothing to the individual who gets it, and who wants it to sell & reap the advantage of his luck in getting an allotment.

~~The only possible~~ The Government says he put some farms up to auction. I do not see why he should not do this universally, & couple it with a condition of personal occupation, and more stringent disposal conditions, which should be

enforced strictly by forfeiture for non
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before an allotment takes place there
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assessments as surveys are completed and
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clearly known & strictly enforced. There
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V. H. G. 3

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run the risk of an occasional unsuitable
man being selected by a Land Board

we shall also (provided the Board³⁸⁸ is properly manned & does its duty) obtain a far better choice on the whole.

On the other hand I agree that we ~~would~~ ^{ought} to keep a tight hand on transfers. This is more easily done under a more elastic system than under a plan of universal auction.

6 29. 3

Mr S. Fiddler.

East African lands.

Mr S. F. has decided for the present to drop the idea of taxing land already alienated, and to confine further discussion to the question of the terms & conditions upon which lands still in hand should be leased.

Will you say who should be selected to go into this matter with Mr P. Germain?

U. 2/5

Dear J. Anderson

We can do better than to
to know who have discussed it hitherto in
Mr Reed & Mr Risley with the assistance of
Mr Dalrymple & Mr B. Atterbee.

Very well
& a loyal
U. 2/5

Mr Reed P. 2/5
3/5

P. 2/5

I gather ~~that~~ it is within the range of ²¹⁹ practical politics, to spread the payment of Stand Premium over a period of years.

It must be borne in mind that such a system, if no restrictions are instituted, although designed to assist the Poorer Settler, would also materially assist the Speculator.

I am diffident in suggesting a limit to the period over which such payments should extend. I am of opinion but am open to conviction at the entry ~~to the revision of rental~~ ^{to the revision of rental} In any case such payments should be an item absolutely separate & distinct from rent.

One method would be to interest with the option of redemption at any time by payment of the capital sum. This might go on in perpetuity & so may complicate matters in the revision of rental.

A simple method would be to spread it over a limited period of years say 10.

A better method of assistance to the poor Settler would be to allow the payment of the period of the license & of make payment ~~at the~~ the lease.

^{suggested restriction} As a safeguard to some extent against speculation a clause ^{could be inserted} to the effect that the full payment of Stand premium must be made within one month unless the licensee can produce an affidavit to the effect that he holds no undivided interest in any lease, conveyance, lease or license, or more stringent still has never at any time held such an undivided interest.

Every Transferee would be required to produce such an affidavit or pay the full amount of Stand Premium

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One method would be 5% interest with the option of redemption at any time by payment of the Capital sum. This might go on in popularity as a very complicated matter in the revision of rent.

A simple method would be to spread it over a limited period of years say 10.

A further method of ~~imposing~~ ^{imposing} on the Settler would be to demand no premium for any period of the license & to make payment stand with the lease.

As a safe guard to some extent against speculation ^{could be granted} a clause to the effect that the full payment of Stand premium must be made within one month unless the licensee can produce an affidavit to the effect that he holds no undivided interest in any Crown lease, conveyance, lease or license, or more stringent still has never at any time held such an undivided interest.

Every Transferee would be required to produce such an affidavit & pay the full amount of Stand Premium.

26/

Occupation

In all cases where an occupation is the source of a license or grant, the onus of 211 proof of occupation should rest on the Grantee & not on the Crown as at present.

The system in Canada which appears simple & effective is for the Grantee to swear an affidavit to the effect that he has completed the necessary occupation and in addition to produce affidavits by two residents in the neighbourhood in support thereof. The Land Ranger & District Officers can check this to a certain extent.

27/

Purchase of
more than one
farm

Under the system with the restrictions set out above I see no objection to one man purchasing an unlimited number of farms.

- Provisions have been made (a) for occupation (b) for payment of bond premium ^{above} ~~in~~ in the case of one more than one farm being acquired (c) for maintenance & improvements (d) for revision of rental (e) for a ^{small} ~~small~~ reduced grant ^{area of}

one farm

should like to have time to consider how ~~amending~~ purchases under Powers of Attorney & Company formations will affect this question.

28/

This memorandum has been very hurriedly compiled & does not embrace several matters which I venture to suggest could be framed in the ~~Business~~ ^{Business} ~~would~~ ^{would} be valuable subjects for discussion.

(22)

Arthur C. Jamieson
Land Ranger

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(b) for payment of stand premium ^{at once} ~~in each~~
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(d) for revision of rental
(e) for a much reduced ^{area of} ~~grant~~

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drumming ~~under~~ purchases under Power
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Arthur C. Jamieson
Land Ranger



REC'D
16 MAR 12
GOVERNMENT HOUSE
NAIROBI,
BRITISH EAST AFRICA.

EAST AFRICA PROTECTORATE.

February 14th 1912.

CONFIDENTIAL (15)

Sir,

I have the honour to acknowledge the receipt of your Confidential despatch of 28th October 1911 on the subject of land grants.

Land Officer
List
Memorandum
by L. Officer

2. I have always been given to understand that one of the principles to be strongly maintained in our land laws or regulations should be the prevention of the undue accumulation of large properties in the hands of individuals. In furtherance of this object I have been instructed not to grant lands beyond 15,000 acres, and all transfers which would increase the area in any one man's possession beyond this amount. I found that the system of obtaining of land in the High was as follows:- Certain large areas of Crown lands were surveyed off into farms, and on a particular day applications were entertained for their occupation, the principal conditions being:

- (1) Proof of means up to a certain amount.
- (2) Occupation within 6 months by the lessee or a European agent.
- (3) Certain development conditions.

An

THE RIGHT HONOURABLE
LEWIS HARCOURT, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON, S.W.

- 2 -

An occupation licence only was granted, the lease being procurable when conditions were fulfilled, 3 to 5 years being allowed for this purpose.

In addition to these large allotments, there still existed within the older settled areas isolated farms which for various reasons remained in the hands of Government. To many of these claims were put forward, based upon promises said to have been made by my predecessors. To avoid any question of favouritism in grants of farms coming under this latter category, I have made an invariable practice of putting such lands up to auction.

4. I have now seen three of these large allotments dealt with, all of which had been decided on prior to my arrival. The first was on the Uasin Gishu plateau, where some 200 farms have been given out. A considerable number of these farms have fallen into the hands of Lango, Chami's, and even small shopkeepers, who have been unable to pay the survey fees and fulfil the conditions imposed prior to the granting of an occupation licence. Others have, by means of powers of attorney, been acquired by persons not residing in East Africa, and some, if not many, have, by means of dummy names, been probably allotted to people already holding large areas in the Protectorate.

The West Kenya allotment of 31 farms I visited in July last. A very large number of the farms

have

have been allotted to officers of the British Army, non-resident in the country, and most of these have by powers of attorney fallen into the hands of local speculators.

In the case of the Londiani allotment exactly the same proceeding has occurred. Here I will take the case of four farms allotted to South African gentlemen, one of whom arrived in the country with powers of attorney for the other three. On his own behalf and on behalf of his friends he applied for four farms, and they were allotted. Within three months I received an application from another gentleman, then resident in South Africa, who had however previously visited this country at a time when he could not secure any land as no general allotment was proceeding, requesting my approval for an extension of his time for the occupation of his four farms. He gave the numbers of the farms, and on examination they proved to be the same as those above. The gentlemen in question were only possessors of occupation, and were not empowered to dispose of the property. Undoubtedly the purchaser, Mr. Barber, who I understand paid £1,000 for the four farms, was ignorant of the law, or he would not have made an application disclosing his false position.

The net result of these three allotments has been, in my opinion, to increase largely the holdings of certain people in this country, the farms

- 4 -

farms still remaining in the names of the original applicants, and I consider that if we continue our present practice they will be still further augmented. Moreover a very real hardship is imposed upon bona fide farmers who arrive here intending to take up land.

5. There still remain certain areas totally uninhabited, which can be thrown open to settlement, but this land until surveyed is unavailable. The new settler therefore usually finds it impossible to secure a farm unless by purchase from one of the many holders or by the acquisition of any Government farms which may be put up to auction in the settled areas. The latter can be practically ignored, as such auctions are of very rare occurrence. Over three million acres of land have been alienated in 460 names; the average holding is therefore 7,000 acres. What the individual holdings are is extremely small, and what I have described in the foregoing paragraph, ordinarily means a farm of 200 to 300 acres, insufficient for any single individual in the Highlands though it is true that I have recommended larger areas for groups of individuals who are running an estate as partners.

6. I am therefore of opinion that the present procedure should be discontinued. It is perfectly true that, occasionally, certain bona fide companies come forward with the genuine intention of developing the land. This is more particularly
the

- 5 -

the case upon the coast, but when in England I expressed the opinion that in that district 2,000 to 4,000 acres would suffice for a plantation destined for the production of tropical products. Similarly 3,000 to 5,000 acres would appear to be sufficient for a Crown grant in the Highlands.

In August a new Land Board was appointed, and I am glad to say that in the proceedings of their first meeting its members showed themselves to be possessed of a very fair and independent spirit. In meeting them I asked them to consider

- (1) whether the time had not arrived when no person should receive a second grant of Crown land. With this proposal I found a hearty concurrence.
- (2) that the grantee should give an undertaking to occupy his land personally.

7. In paragraph 2 of your despatch you ask to be informed what number of persons who have held or are now holding land in the Protectorate and have complied or are complying with their obligations as to development would be barred from receiving grants of land if the rule which I now suggest had been enforced in the past. I append the opinion of the Land Officer in this matter.

If a lessee is allowed to fulfil occupation conditions through an agent any one desirous of speculating in land can do so easily, as a caste of "occupiers" has come into existence and is utilized for the purpose, though just at present the

the supply hardly meets the demand. The lessee places one of these "occupiers" on the land and very little development is effected until a purchaser is found - usually a man who could find no Government grants of land free to take up. He develops the land under some secret agreement with the lessee. The "occupier" readily finds similar employment elsewhere. The farm is eventually allotted to the lessee, development having been effected by the secret purchaser, to whom it is then finally transferred.

The whole system is thoroughly bad, to my mind, in so far as it concerns individuals. For one man who might be hurt by a personal occupation clause dozens of bona fide farmers have to be turned away, or forced into purchase of land at enhanced prices, and hundreds of farms - principally by means of non-local powers of attorney - are held up for speculation.

The Land Board, on being approached on this subject, was unanimously concurred with my view which is based upon the application of the two following principles. I think we should (1) stop the system of allotment on a particular day of a block of farms. Allotment should be regulated, in my opinion, by the recommendations of an advisory board, and I think there are men of sufficient independence to give Government their assistance for this purpose. In fact many of the members of the present Land Board are prepared

- 7 -

prepared to serve. There may perhaps be some apprehension that such a board, if it contained non-officials, might be influenced with regard to particular applications. If the personal occupation clause is insisted upon, the motive for any such partiality would be lacking. Bona fide applicants as they come into the country would find farms ready for them. They would have to prove means and enter into an undertaking not to transfer their holdings until fully developed by means of personal occupation.

(2) In the second place I think that we should do away entirely with applications for highland lands by means of power of attorney, unless the person concerned has previously visited the country and found no land available for occupation. He would in that case at least have had an opportunity of satisfying the Government as to his bona fides. Land in the Highlands is not, generally speaking, adapted to development by means of private companies; the bulk of it is more suited to individual enterprise. The products besides stock which we may see developed are maize, beans, wheat and in certain farmed areas coffee, wattle and fibre. Experience elsewhere, in so far as Coast lands are concerned, confirms the principle of restricting grants to blocks of 5,000 to 10,000 acres. There is but little land still available for the growth

growth of the higher class products, such as coffee, wattle and fibre; and I do not think it would be any hardship to oblige a company seeking such a valuable concession to send a representative to this country.

(3) On these grounds I think the country will readily accept, and that we should now lay down the principle that no second grant of Crown lands will be made.

8. I hope that I have made the position clear to you, and that it will receive your approval. The remedial measures suggested I would propose to introduce gradually as a prudent expedient, for, if we lay down hard and fast rules, we may find ourselves in an awkward position with regard to the isolated farms in disposing of which it might be advisable in some cases to retain the principle of auction, a principle to which undoubtedly we must still adhere in the matter of town plots.

9. I append a list of a few of the farms granted to the three general allotments I have mentioned which I think will exemplify very clearly some of the points I have brought forward.

10. I also attach a Memorandum from the Land Officer calling attention to a very flagrant case which has recently occurred in which land changed hands twice without the knowledge of Government, before any development had been effected. The transaction would probably never have transpired at all had not the third trans-

- 9 -

transferee enquired ingenuously at the Land Office whether his title was good.

11. A further instance has just come to my notice in which the holder of an undeveloped farm at Nyeri, agreed to sell it to me if he would effect the necessary development for him. Subsequently receiving a better offer from me he repudiates the first arrangement, places on the farm and on development being effected, presumably by me, though we cannot prove it, transfers to him. In revenge reveals the whole transaction to Government. His story is almost certainly true, though we have no legal proof.

12. It would be easy to multiply such cases but I think from those I have given that you will readily see the difficulties entailed by the present system.

I have the honour to be,

Sir,

Your humble obedient servant,

GOVERNOR

In reply please quote
No. L 163/J. NW/L & date.

Land Department,
Nairobi, 570
8070
4th January, 1912.

INCLOSURE 202/4313

In Despatch No. of 19

Sir,

I have had a list prepared showing the number of people who have obtained more than one original grant from Government, the number being 142, so that if the rule that no second Green grant would be made to any one person, this number would have been debarred from obtaining second or third grants as the case may be.

The Colonial Office have laid much stress on the importance of not allowing the accumulation of land in the hands of individuals, and the discouragement of dummying and speculation, and I am in absolute accord with the opinion expressed by His Excellency, that if this is to be seriously checked, all applications from people who have never visited the Country should be refused, and that applications made under Power of Attorney should not be entertained except applications on behalf of persons who for business reasons have been obliged to leave the Country temporarily.

I have the honour to be,

Sir,

Your obedient servant,

Land Officer.

The Honourable the Chief Secretary,
Nairobi.

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PUB. REC. OFFICE, LONDON

Extracts from "Special Bulletin No. 18"
"Conditions under which Crown lands are
allotted in South Australia and area
available."

(Issued by Commissioner of Crown Lands, 1911)

(A) "After the land has been surveyed it is
gazetted open to application for periods ranging
from one to two months. Subsequently places and
times are fixed at which the Land Board will hear
evidence from applicants in support of their
applications. The evidence is given on oath in
the open court, and persons present know the right
and are invited to challenge any statement made
which they have reason to believe is incorrect.....
All other things being equal, the Board is bound
by the Act to allot the land to the applicant who
agrees to reside on it for at least nine months in
each year, and if it is not so allotted a reason
must be given for departing from the directions
of the Act."

Note:- I quote this in support of His Majesty's
contention for a more liberal system.

(B) "Land is offered for lease by blocks
and the lessee must reside on the land for at
least nine months in each year."

Note:- A very stringent clause.

(C) ".....no land that has not been held for five
years can be transferred unless the holder thereof
can show to the satisfaction of the Commissioner
that a refusal to allow transfer would inflict great
hardship on him."

Ed. A. G. T.
1/1/11.

Copy
In Dispatch No. 15 of 14 2 1917

L.O's. Receipts.

No. Area

Name.

H.O's. Receipts.

No.	Area	Name.	No. Area
176	2,000	1. A.E. Standring	176 2,000
177	2,000	2. do.	177 2,000
178	5,000	3. A. Studdie	178 5,000
188	2,450	4. J.J. White	188 2,450
188	2,700	5. A.H. Murray	188 2,700
188	4,400	6. G. Mearns	188 4,400
188	4,400	7. W. Gordon	188 4,400
187	2,800	8. Major Penny	187 2,800
181	2,000	9. R.E. Helling	181 2,000
188	2,000	10. Mrs. G. Roberts	188 2,000
188	2,770	11. do.	188 2,770
188	2,000	12. Miss Carr	188 2,000
208	2,200	13. Mrs. P.C. Johnson	208 2,200
113	2,970	14. Hon. B. Planch-Gaston	113 2,970

Major Penny withdrew
New O.N. Receipts.

Reported to be sold.

C O
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REC
14 MAR 1917

223

Has returned and fare
occupied.



Year	Description	Area
1892	11. 18702 18702	3,683
1898	10. 0 18702 (Cable)	3,483
1898	6. 18702 18702 (Cable)	5,807
1898	3. 18702 18702	10,049
1898	1. 18702 18702	3,837
1897	9. 18702 (Cable)	3,458
1893	2. 18702 18702	2,113
1898	4. 18702 18702	4,042
1897	3. 18702 (Cable)	3,082
1898	3. 0 18702 (Cable)	3,168
1898	1. 18702 18702 (Cable)	3,081

H.C.P. 18702

1898

1898

H.C.P. 18702

L O N D O N I A N I.

H.E.'s remarks. Name. No. Area. L.O.'s remarks.

Disposed of to Barber (1)	1. F.A. Gillen	1523	2,198	
	2. H.J. Lewis	1524	2,281	
	3. H.G.L. Panchard	1522	2,890	
Sold to Le Breton (2)	4. S.C. Thompson	1521	2,686	
	5. J.H. Cameron	1430	4,797	
Lt. 4th Dragoons - absentee	6. R.W. Appenheilm	1451	2,760	
Lt. K.R.R.	7. A.C. Oppenheim	1450	4,100	
Wife of Bank Manager, National Bank	8. M.C. Playfair	1452	3,950	
Grocer, Nafrobi.	9. J. Mackinnon	1460	3,910	
Grocer,	10. M. Jardin	1470	3,500	

(1) Transaction mentioned in despatch.

(2) This farm has, it is understood, been disposed of to Mr. Le Breton, late A.D.C. This is illegal, but cannot be interfered with.

(3) This table was prepared by the office of the Registrar of Companies, Nairobi, Kenya, and is published for the information of the public.

(4) The names of the companies mentioned in this table are those of the companies as they appear in the Companies Register.

Local Name	No. of Shares	Value
Glozel, Nairobi	1780	3,800
Witlooi Misioni Bank Nile of Bank Nairobi	1790	3,870
W.C. M.C. M.C. M.C.	1795	3,820
W.C. M.C. M.C. M.C.	1796	3,800
W.C. M.C. M.C. M.C.	1797	3,800
W.C. M.C. M.C. M.C.	1798	3,800
W.C. M.C. M.C. M.C.	1799	3,800
W.C. M.C. M.C. M.C.	1800	3,800
W.C. M.C. M.C. M.C.	1801	3,800
W.C. M.C. M.C. M.C.	1802	3,800
W.C. M.C. M.C. M.C.	1803	3,800
W.C. M.C. M.C. M.C.	1804	3,800
W.C. M.C. M.C. M.C.	1805	3,800
W.C. M.C. M.C. M.C.	1806	3,800
W.C. M.C. M.C. M.C.	1807	3,800
W.C. M.C. M.C. M.C.	1808	3,800
W.C. M.C. M.C. M.C.	1809	3,800
W.C. M.C. M.C. M.C.	1810	3,800

H.R. & L. M. S. S. S.

1955

No. of Shares

Value

LIABILITIES

H.R.'s remarks.	Name.	No.	Area	L.O.s remarks.
Auctioneer, Nairobi	11. W. Garvie	1469	3,300	
Fencing Contractor, Nairobi.	12. A. Pabich	1471	2,940	
Shopkeeper, Nairobi	13. E. Hagenson	1459	4,270	
Late Railway employee, Nairobi	14. H. Brittlebank	1477	4,170	
Bank Clerk, Nairobi.	15. A. E. Gardner	1484	2,100	
Ex-parson, Nairobi	16. W. Brittlebank	1480	4,000	
Ex-Police Constable, Nairobi	17. A. Rainbow	1479	3,100	
Grocer, Nairobi	18. D. Beaton	1482	4,500	

C. J.
 8076

MEMORANDUM

In compliance with your wish, I have the honour to describe an example of a case of dummying which has officially come to the notice of the Land Office, and I would say that it is well known that the practice indicated in the case described is a common one; only, being done secretly, it is impossible under present conditions for the Land Office to interfere with or to check the practice.

A Mr. Welstead obtained on temporary licence two farms on the Uasin Gishu. Some months later a Mr. Leitch came into this office and stated that he had bought from a Mr. Harvey two farms on the Uasin Gishu, asking us to advise him if the titles held by Mr. Harvey were in order. It then transpired that the farms in question were those standing in the name of Welstead, so that Welstead must have privately sold to Harvey, and Harvey to Leitch, and it was merely due to the simplicity of Leitch in coming to the Land Office for advice that the facts came to our knowledge. Under this Licence the Licensee enters into the following covenant:—"The Licensee shall not assign transfer or otherwise part with his interest under this Licence or any part thereof". It will be seen therefore that Mr. Welstead has committed a breach of his covenant, and it is proposed to take action for forfeiture. Mr. Leitch has paid Mr. Harvey £100 on account and given

1782 4,200
 1783 3,100
 1784 4,000
 1785 3,100
 1786 4,150
 1787 4,150
 1788 3,850
 1789 3,300

13. D. Boston
 14. V. W. Harrow
 15. A. W. Pitt-Rivers
 16. V. E. G. G. G. G.
 17. H. Pitt-Rivers
 18. E. W. G. G. G.
 19. V. W. Harrow
 20. A. W. Pitt-Rivers

Gloucester, Wiltshire
 Ex-County Cornwall, Wiltshire
 Ex-County Wiltshire
 Bank of the River
 Late Wiltshire
 Gloucester, Wiltshire
 Gloucester, Wiltshire
 Gloucester, Wiltshire

NO. 1168

NAME.

C. C. 1912
 PUBLIC RECORD OFFICE, LONDON

- 2 -

given him a promissory note for the balance. Mr. Leitch is advised by his solicitor that he has a case for action against Harvey, but, if he should lose it, our action in forfeiting would not punish Welstead and Harvey, the people who deserve punishment, as they have got their money, and it becomes Leitch who loses both farm and money.

Personal occupation is, to my mind, the only condition which would effectually check such practices.

Sd/- R. B. Wright

Nairobi,

February 14th 1912.

LAND OFFICER.