

KENYA.

No 803.

GOVERNMENT HOUSE,

NAIROBI,

KENYA.

135

25th June, 1925.

PRINTED FOR PARLIAMENT
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32003

Sir,

Confidential
Book

I have the honour to refer to your despatch of the 20th May in respect of past land transactions effected by Lord Delamere, and to inform you that I have now caused full enquiries to be made in regard to this matter.

Memorandum by the
Secy. of Lands.

Memorandum by
Lord Delamere.

2. The annexures consist of (A) a memorandum by the Commissioner of Lands and certain detailed particulars supplied by the Land Office to supply the information required by paragraph 4 of your despatch, (B) a memorandum submitted by Lord Delamere which appears to be generally in agreement with the conclusions arrived at by the Land Office here.

3. I desire to state that Lord Delamere has both personally and through his agents afforded the fullest opportunity to Government enquiries into what is now a somewhat ancient history. I have no reason to doubt that you will find in the attached papers an accurate account of the essential facts.

I have the honour to be,

Sir,

Your most obedient,

humble servant,

E. B. DENHAM

E. B. Denham

ACTING GOVERNOR.

X No. 1.

THE RIGHT HONOURABLE
LIEUTENANT COLONEL L. C. M. S. AMERY, P. C., M. P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON, S. W.

DESPATCH ~~100~~ OF 20TH MAY, 1925.

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Jan. 18956
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"Dummying" appears to be a somewhat loose term and presumably varies in meaning in different circumstances and under different laws. In any case, the suggestion of underhand dealing and evasion of law can be taken as a common element in any definition of this particular activity. The statement made by Lord Delamere is based on his own memory of land transactions in the past: at the ~~same~~ ^{time} I have very carefully inspected not only my own departmental records but also the daybooks or diaries of Lord Delamere's Agents at the time when the transactions took place. My conclusions as to what actually happened are supported by definite evidence from both sources which in no case is contradictory. They are briefly as follows:-

(1). On Lord Delamere losing practically all his large flocks of sheep at Njoro he endeavoured to find good grazing land where he might meet with more success, while proceeding to continue the very large agriculture development of the original Njoro grant.

(2). He therefore proceeded to buy up land in the Rift Valley near Elmenteita, commencing with a 9000-acre block from a Mr. Flemmer who had been granted a large concession there, and later from other concessionaires in the same locality.

(3). As he purchased so he developed, introducing pipe-lines, growing stock to the benefit of such adjacent concessionaires as Mr. Chamberlain (vide Dr. Lays "Kenya", page 157) who were not in a position themselves to do much to increase the value of their

(4). I append extracts from two memoranda of my predecessor, Colonel Montgomery, who sets forth at length his opinions on the whole subject of Lord Delamere's purchases. 137

(5). It should be noted that Colonel Montgomery was at the time kept fully au fait by Lord Delamere of all his land transactions whether in process of completion or in contemplation.

(6). I further find that genuine value was paid in each case to the vendor, after the grant had been made to the latter, and in each case with the full knowledge of the Government.

(7). I further find that not only is there no evidence that Lord Delamere put up men of straw to obtain grants on the strength of financial guarantees supplied by himself, but that there is positive evidence in the private books of his agents to shew that when once so approached he refused to do so.

(8). In every single case of these purchases the prior consent of the Government was asked for and obtained, before grants were issued, and as already stated, Government may be considered to have been a party with full knowledge.

(9). There is no instance of Lord Delamere doing what some other people did at the time, i.e. putting in the names of female and other relatives in England who were not likely to visit this country for land grants and obtaining for such relations, when the grants were made, powers equivalent to complete possession, as means to exceeding the acreage which Government was willing to grant to individuals.

(10). It would be unreasonable to expect that approved applicants for grants would consent to dummy for another person, unless they were personally incapable of shewing the necessary proof of means and could only obtain it from the dummies.

himself, expressing his grievances at the time (in East Africa Confidential Foreign Office paper of October 3rd) to suspect that his mentality was at least unusual; not to mention the fact that his own means were, to say the least of it, extremely limited and that he himself, to put through a settlement scheme, would have entirely to depend on Rand financiers (that is to say he was little more than a dummy himself), and that though then he had no objections to large landowners so far as he himself was concerned, there was very little prospect of his effecting any first-hand development. On being granted a separate concession of 32,000 acres, Mr. Chamberlain was able to fulfil the not very onerous conditions imposed at the time, but I do not think that even he would suggest that he has been able to effect really substantial development of the land, or would deny that he has constantly done his best to sell it to any possible bidder.

A recent incident in which Mr. Chamberlain was compelled to make a public apology for various statements of his which appeared on investigation as entirely unfounded, suggests that he cannot be considered a wholly unbiassed person when Lord Delamere and his activities are concerned.

I regret having to introduce such personal references as the above, but it is a little difficult not to do so under the circumstances and I may add that Mr. Chamberlain is a settler with whom I have often had long and most interesting of conversations. I fear however he has this particular "blind spot".

I append a list showing the agreements for sale (or sales) in respect of the original 1903 grant. It should of course be remembered that the proceeds of these sales can be reasonably considered as either a justifiable recoupment for past losses or a source of very great present development

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(247)

See also 357/13

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If in 1906, Colonel Montgomery was satisfied that Lord Delamere's work and expenditure then fully justified his holdings, I can certify now with even greater confidence that any district in which Lord Delamere held land, he develops land, and that no such district is not greatly benefitting from his activities. It would not, I think, be too much to add that no better settler ever spent his all in such a difficult Colony as this, and that any suggestion of underhand dealing in respect of his land or any other transactions with Government is not only cruel and malicious but conveys the precise opposite of the plainly evident truth.

The contemporary ^{Secretary of State} despatches between this Government and the Colonial Office are numbered and dated as follows:-

- X 201 12/13
10/107
D. Confidential No. 68 of December 15th 1906 to Colonial Office.
- W 274 2/04
10/107
Colonial Office Confidential despatch of August 21st 1906.
- X 201 12/13
10/107
Colonial Office Confidential despatch of February 20th 1907.

Sd/- H. T. MARTIN.

COMMISSIONER OF LANDS.

(part of enclosures to E. A. P. despatch to
Colonial Office of 15th December, 1906).

Commissioner of Lands' note of 11th December, 1906:-

"The following is a detail of the land at present held
by Lord Belmare.

- (1) Original grant from the Government 100,642.
 - (2) since acquired of which the transfer has already
been sanctioned -
 - (a) isolated properties at or near
Nairobi, mostly freehold..... 5,361
 - (b) Large properties leasehold..... 20,000
 - (3) Large properties, leaseholds, of which transfer
not yet sanctioned 35,137
- Grand total.... 161,141

"I venture to hope that the Secretary of State,
taking all these facts into consideration, will make no
objection to sanction the transfers of the properties so
far acquired by private treaty. It is implied of course
that as regards each grant the acquirer undertakes all
the responsibilities attaching to it, and failure to
develop any property will render him liable to the for-
feiture of the grant.

"In 1906 Lord Belmare, who had received permis-
sion to purchase various lands previously amounting to
26,000 acres, asked for 10,000 acres at the coast, an
application which he subsequently withdrew. A propos
this application Lord Belmare furnished a statement of
the further lands which he had already received permis-
sion to purchase and those for which he had been subsequently
negotiating and would require permission for transfer to
himself. He also produced his bank-books showing very
large expenditure on development and also on these
purchases."

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the commissioner of lands said further

"Lord Delamere came to this country in 1902, and has since lived continuously in it. He received on arrival a grant of 100,000 acres and has subsequently acquired some 60,000 acres more by purchase from other grantees." & He has given me his bank accounts from the beginning of 1904. These show that he has spent over £40,000 in the last two and a half years. Probably the expenditure from the beginning would total some £50,000 - £60,000. Part of this money has gone to the purchase of land from other grantees, but there can be (no) doubt that much money has been laid out in development, that is, in farm buildings, in the purchase of stock both in the country and from abroad, in breaking up land, and in timber business. The importation of stud-stock has been full of risks; practically all the imported animals have died, but valuable experiments have been made, especially in the way of crossing with county breeds. Lord Delamere has in short been a pioneer of the best type. He has consistently spoken well of the country; he has incurred a good deal of risk; he has induced a large number of persons (some of them men of substance and means) to throw in their lot with the country; and he has helped the struggling settler with money and stock, and so has enabled him to tide over times of difficulty."

(sgd.) J. MOWBRAY.

Enc.

And elsewhere -

"He has without doubt done more than anyone else in
"developing his property and spending capital in the
"country; and he has made his name here. In this
"respect his action contrasts very favourably with that
"of certain other persons who have come to the country
"on short visits, have put in applications for large
"grants, and have then gone home to raise companies to
"work the concessions they have obtained. whatever
"Lord Delamere has effected has been done by himself
"without the aid of financiers; and he is not a very
"wealthy man."

"It should be stated that when the late Sir Donald
"Stewart was delimiting the new Masai Reserve last year
"(1905), the negotiations with the Masai were much
"facilitated by the readiness with which Lord Delamere
"agreed on his own behalf and on that of his brothers-
"in-law to give up their land which came inside the
"proposed reserve. It is true that he obtained
"favourable terms for such relinquishment, but it is
"also true that the land given up in the Aberdare range
"is admittedly first class, and it is doubtful if that
"taken in exchange even though in greater quantity is of
"equal value to that given up".

B
LORESHO,
ICEETE,
KENYA COLONY. 111

June 23rd, 1925.

Sir,

I have the honour to acknowledge your request for information on the following matters:-

- (1) On the statement that I got a large grant from Government at Njoro, did nothing with it, and sold it.
- (2) On the statement that I went in for the underhand buying of land.

I am very pleased to give you and the Government at home any information that I can on these points because I feel that the indictment against myself in Dr Leys's book, and by Lord Olivier in the House of Lords, must be brought equally against the Government of the day as well as myself, because nothing that I did as far as I know was done except with the knowledge of the Government here, and in the case of transfers was generally brought to the knowledge of the Secretary of State for the Colonies.

With regard to No 1, I originally applied to Sir Charles Elliot for a grant of 100,000 acres as a sheep run. My first application was on the Laikipia slope of the Aberdares. I do not know whether this was made in writing or not, but in any case Sir Charles Elliot said that he did not like settlement so far from the Railway owing to the difficulties of Administration.

I then applied for land at Laivasha which application was provisionally agreed to but fell through owing to the question of Masai grazing rights not having been settled at that time. By that time I was laid up in Nairobi with an old injury to the spine which kept me on my back for nearly a year.

My next choice was therefore made on my recollection of the country while I was shooting over it in former years, and I was granted 100,000 acres at Njoro.

It must be remembered that at this time Sir Charles Eliot offered 5,000 acre free farms to any one who chose to take them, between Nakuru and the Victoria Nyanza, and none were taken up.

I have only mentioned this to show that what seems a big thing today was looked upon at that time as valueless by the great majority of people.

This grant at Ng'oro turned out to be quite unsuitable for sheep. I bought 4,000 ewes, and imported rams, and after I think two years trial found that if I was going to keep sheep alive at all and carry out my original intention, that I should have to move my sheep elsewhere, so I bought the place at Elementeita.

I then turned my attention at Ng'oro to the breeding of cattle, agriculture, and ostrich farming.

I had 1,500 head of cattle at Ng'oro, and I imported pure bred cattle from England. I had a dairy building over 200 cows on this property. It was not until I had kept the cows for some time that I discovered that it was impossible to rear or keep pure bred stock there because of a pest which came for the first time there was no prevention or cure in the country. So that the cattle had to be moved to Elementeita and the raising of a title was continued.

I then turned my attention to agriculture, and before the War I had 3,000 acres under cultivation and 1000 head of the Ng'oro farm alone not counting Elmenteita. As I first started growing wheat at Ng'oro I tried a very large number of varieties, but ultimately came down to growing one or two varieties of Australian wheat which were good yielders, and wheat called Pietti - an Italian wheat. After growing very well for a year or two, the Australian wheats were cut completely from rust, and Pietti was the only wheat left which proved to be resistant to rust. But Pietti was a very susceptible wheat in other ways. It was a winter wheat and did not start to grow, and during the first few months was liable to be wiped out by green fly in a dry year owing to the drooping position of its leaves which gave shelter on the underneath side of the leaf to the green fly. So that all the wheats tried up to then were unsuitable

although it had been proved that the country could grow good wheat, and that Rietti was rust resistant. So it was then necessary to hybridise wheats taking Rietti as the rust resistant basis, and by practicing mendelism and crossing with good wheats in other ways to produce wheats both resistant to rust and suitable from other points of view. Mr Evans who had taken a course with Professor Biffin at Cambridge was engaged to carry on the hybridising of wheat at Njoro, and wheat crosses were produced which are the basis of the wheats being milled today in the country together with some produced at the Government Farm at Kabete after the hybridising had been started at Njoro. In the meanwhile, 2,000 acres of wattle had been planted as well as 3,000 acres for a Company which had started on the property. Ostriches has also been kept, as many as 200 having been farmed at one time.

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It is hardly realised today the difficulty of getting through the intervening years between the first planting of a grass mat on a property of wild African veldt, and the time when a return is obtained, and during all those years a living has to be found.

When I went to Njoro, there was no method of traction for ploughs. A traction engine was bought and used for the first plough on the property, but was found to be unsatisfactory because it packed the soil underneath creating a pen. A thousand young bullocks were bought in Kevironde, and after getting a lesson from a South African Dutchman in the breaking of the first three or four, I spent many months obtaining the rest which supplied tractive power for implements on the property and also on surrounding farms then starting in the district. The difficulty of this sort of thing to people from England cannot easily be realised. In the case of Rhodesia, the transport simply moved on from the Transvaal, and you have to go back to the very beginning of South Africa to find a country where bullocks for transport and boys to drive them had to be collected from the raw savages and the native cattle. In the same way with implements, the difficulty of getting the articles in a country where you have no one to copy is not understood. Even in the case of ploughs it took a considerable period to get implements

suited to the country, and many were tried. Mowers, reapers and binders, Australian strippers and Australian harvesters were tried for harvesting wheat before a satisfactory solution was arrived at. Different kinds of sheds culminating in the American style of shed were tried for the storing of maize cobs. After the dairy had been given up, a maize farm - Florida Farm - was started in the Rongai Valley where the whole country is now cultivated for maize, and forty acres of oranges were planted. Houses and outbuildings were built on the three farms which were under separate management. Later, a pipeline sixteen miles long was laid down which watered a part of the property which was not served by the rivers, with 39 different watering places with tanks.

The result after a few years of working after the farm was first opened was that sheep had been proved a failure and big losses incurred; that the land had been proved unsuitable for improved cattle until the East Coast Fever menace was dealt with; that wheat was proved to have come to stay. That the possibility of ploughing large acrages in a country where the plough had never been seen was proved to be an economic proposition; that large numbers of boys had been taught ploughing and working with other implements; and that I had managed to get rid of the £240,000 in cash which I had invested in the country, and had for a time to live on about £200 a year until a return began to materialise.

When the War broke out, the wheat farm at Ngoro was shut down, and the hybridised wheats handed on.

In the meanwhile, large sums had been spent in development at Elmenteita and later when the Exchange Settlement took place and I woke up one morning to find that my overdraft at the bank had increased by 50% and that my expenses in salaries and wages had gone up by the same amount, I had, in order to keep my development in other directions going, to sell the land at Ngoro in terms suitable for cultivation. The terms were mostly thirty years for payment, and practically the whole of the property is now occupied, and a large proportion cultivated, while my development and improved cattle and improved sheep, the dairy etc. is being carried on on land more suitable for th

water by the giving of this original grant and that nothing but advantage has accrued to the country through that grant being made. I think it can be said that there is no part of the country which is more highly developed or populated.

with regard to no. 2 - the acquisition of the property at Elmenteita that as soon as it was found that sheep and cattle could not be bred to improvement on the above property it was necessary to go on with the development of these industries somewhere else.

As a first measure, half of Mr. A. S. Hamner's farm at Elmenteita was bought. This came to 10,000 acres and having no water on it, high up in the mountains, was a nucleus of a scheme for buying and watering the large area of waterless land lying between the Mweoni River and Emburu mountains. Right to grants of watered farms in the Rift valley settlement were then bought and waterless areas on this plain substituted for them. I have given you the price paid for these areas.

The Land Officer was kept fully informed of the facts so that there was no question of dummaging in the ordinary sense of the term, and in certainly most cases, ~~the~~ leave to transfer was asked from the Secretary of State in England. But you have the facts I imagine in the Land Office files.

This first operation meant that waterless land was taken up instead of watered farms by holders or applicants for rights in the Rift valley settlement, that the people who were paid for these areas were able to get on with development of some sort themselves, or to live in the meanwhile, and that a large area of waterless land has since then been completely fenced in as paddocks and watered by pipe lines so that there are tanks for stock to drink at within easy distance wherever they are, and it has been possible to go on with the up grading of sheep and cattle with a great measure of success. And no-one is one wit the worse. In only one case was it found that land had been applied for which was required by someone else, and it was relinquished to him. (Captain James).

It was possible owing to the watering of the land between the Mereremi River and the Railway, to buy and develop further waterless farms on Eburru mountain across the Railway.

A cedar flume five miles long was laid from high up on Eburru mountain to carry the water to these farms below. 158

It has not been a success, and this

year money is being allocated to start the laying of galvanized iron pipes in its place. The main pipe at Soyambu starts 3" galvanized pipe. There are 30 miles of piping on the property with 15 sets of tanks mostly concrete and in addition about seventy miles of fencing in addition to houses, buildings, cattle dips and a sheep dip. ^{grafting} yards, wool shed, and well over one hundred and twenty boxes for horses and imported animals which is to be increased by another fifty boxes this year.

May I say in conclusion that with the exception of one or two small pieces of land near Nairobi which I bought in speculation when I first came here and which I sold many years ago in order to be able to keep going at all, I have never bought any land for speculation. I moved from the Ajoro property because I could not do what I wanted to there which was to develop the sheep industry, and I finally sold it because I could not help myself owing to the slump after the war, and the Exchange settlement. I contend that I did all that I set out to do before I sold it and that I was perfectly justified in every way in buying the property at Alenteita.

I have not gone in for details of prices of land etc. because I know you have already had them from Messrs. W. C. Hunter & Co. and other things from your own files.

I rather resent having to justify my position because two discharged Officials have chosen to write an absurd book, but I am really grateful to the Government both here and at home for the support that have given in this matter.

Bumming is either against the Law in which case the answer is a simple one, or it is morally wrong if done in a certain way, but if done in that way, the secret would hardly have been shared with the Land Officer and the Government here and with the Secretary of State in England. It seems to me purely a question of the facts of the case, and I challenge anyone to say that the community has suffered one iota from anything I have done in this matter.

I am, sir,

Your obedient servant,

(sgd) UNLAWFUL.

The honourable,
The Commissioner of Lands,
Land Office,
Nairobi.

I am, sir,

Your obedient servant,

(sgd) ~~DELAARDE.~~

The honourable,
The Commissioner of Lands,
Land Office,
Nairobi.

Gov. 32853 Kenya

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C. D.
R 25 AUG
D 26/

Mr. Bottonley 10.8.25

Mr.

Mr.

Mr. Strachey H. S.

Sir W. Shackleton

Sir O. Davis

Sir G. Grindell

Sir J. Montagu Smith

Mr. Ormsby-Gore

Mr. Amery

Ind.
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NP

F.H.6
20.8.25

[Handwritten signature]
28.4.25

Ans
18/7/26

Downing Street,

DRAFT. for *[unclear]*

26 August 1925.

KENYA

SIR,

CONFIDENTIAL

A.G.

[Large handwritten scribble]

With reference to my despatch
No 24 of this date, on the subject of
Lord Delamere's holdings of land in
Kenya, I have the honour to request
that, if ~~any~~^{my} further enquiry makes it
necessary to refer the matter again
to Lord Delamere, you will make it
clear that I am not actuated by any
doubt as to his good faith in these
various transactions. He will, I am
sure, fully recognise that any reply
which I may make to the published
allegation must not be capable of the
retort that it only covers half the
case.

Bottomley 10.8.25

- Mr.
- Mr. Strachey. 11
- Sir J. Shackburgh.
- Sir C. Davis.
- Sir G. Grindle.
- Sir J. Mesterton Smith
- Mr. Ormsby-Gore.
- Mr. Amery.

Ind SP

This appears to be all right so far as I understand the question which is new to me

W. H. B.
28.4.25

DRAFT

KENYA

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A.G.

Ames

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PRINTED FOR PARLIAMENT
as held in Ind. 2629

Downing Street,

26 August, 1925

I have the honour to acknowledge the receipt of your despatch No. 803/ of the 6th of June on the subject of Lord Delamere's holdings of land in the Colony of Kenya.

2. While your despatch and its enclosures afford ample proof both of the beneficial development by Lord Delamere of the land which has been in his possession, and of the bona fide character of his acquisition of land private persons up to the enquiry made by Colonel Montgomery in 1906, I think

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Handwritten scribble

(2)

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desirable to draw your attention to the fact that that enquiry did not cover the whole period dealt with in the allegations by Mr. Robert Chamberlain published in the book "Kenya". It is there stated that the "dummy clause" was removed as a result of the consideration of the Crown Lands Bill by a Committee of the Legislative Council and that thereafter Lord Delamere "went on his way rejoicing and the dummy system waxed strong".

3. The conclusion must be drawn that Lord Delamere is alleged to have "dummied" up to the date (4th August 1914) of the report of the Select Committee of the Legislative Council on the Bill, thereafter until the Crown Lands Ordinance was passed in 1918, and ever after; and it is necessary, in order that this matter may be set at rest, that the enquiry should be extended throughout the period during which it might be supposed that "dummying" was necessary as a means of obtaining additional land.

4. It is worth noting, though it is not material in a matter of this kind,

See 36/29/14

that Mr. Chamberlain's reference to a
Committee of Council appears ~~to~~ be made
under a misapprehension. As a result
of the Committee's report it was decided
to abandon ~~the~~ the condition of personal
occupation on the ground that it would
limit the negotiability of a title. But
that condition was intended to be
directed against speculation, not
against dummyming. The safeguard
proposed against dummyming was the
requirement that the grant of a lease
should be preceded by a non-transferable
occupation license. That requirement
had (with reluctance) been abandoned
by the Secretary of State on the advice
of the Governor some months before the
draft Ordinance was introduced to the
Legislative Council in December 1911.

I have, etc.,

(Signed) L. S. AMERY

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