



EAST AFR. PROT.

43745

No. 43745

30 08

Form. No. 535

(Subject.)

1908

Development of Estates

Nov.

Previous Paper.

Work

620. 5 Dec

To copy minutes by Committee of Land. Recommendation that 20 times the rent shd. be the rate accepted, without admitting dock, for and to be spent on development to be shown at end of 5 yrs. for acquisition of lease under new laws 1/4 1/2 weeks to adhere to 10 times recommendation that dock shd. count towards half the (Minutes.) development reqd. Does not think rule shd. be relaxed by wh. east intending settle most of the land he used intend there that he is at least possessed on development.

Mr. Head

Re minutes on 40/11.

Our proposals are (1) That the settler shd. be required, as a condition of his lease, to spend 40 times the rental of his farm within 5 years on permanent improvements worth about £400 on an average farm.  
 (2) That a man need not, necessarily, have this amount ready in cash before he can be allowed to occupy a farm.  
 The Gov. thinks that 10 times the rent is sufficient to ensure

44568

but that on the other hand, a man  
did require to show that he  
desires that smaller man in  
each before he is allowed to  
occupy a farm with a view  
to lease.

Your visit on an 1/200 to the farm  
suggests that  $\frac{1}{2}$  the stock found  
on a farm at the end of the  
5 years should be counted as a  
permanent improvement.

I should  
think to  
as well

As the authorities on the list  
appear to be unanimous in  
favor of the government, I shall  
allow 20 times the rent as  
being sufficient. In that  
case, I think we may also  
agree that the latter must  
have this sum actually available  
in cash, & that we should not  
propose a suggestion <sup>made</sup> ~~then~~ by  
them on 36064 that the  
Bours might be secured part  
of this sum in view of the  
prospective value of their  
strength & experience in

developing the farms.

~~So that we~~

Telegraph to the Govt.  
approving his proposals, & confirm  
by Act, which should also  
direct him to answer the  
petition of the Bours (36014)  
by informing them that the  
S of S has agreed to the  
amount of cash required  
to be provided by a prospective  
lessee being reduced to 20  
times the rental, but that no  
further concession can be made.  
I strongly suspect that the  
Bours will resist any attempt  
by the Govt. to impose conditions,  
and as one man (Chamber-  
lain) by threatening to shoot  
the officers of the Govt sent to  
demarcate his land, obtained  
a large amount of his holdings.  
I fancy they will carry  
their point. This however is

is a matter which the Gov. must be  
deemed to have considered, & the  
responsibility for dealing with the  
Board of they find recalcitrant  
belong to them.

1/12

H. Andrews

Proceed as proposed?

H. J. R.

1/12

1/12

~~1/12~~

1/12

1/12

C 3. 11



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43745

Governor's Office,

Nairobi,

November 3rd 1909.

EAST AFRICA PROTECTORATE.

(No. 535)

(Incl 17)

My Lord,

I have the honour to acknowledge the receipt of Your Lordship's telegram of the 14th inst on the subject of the amount of the development to be shown at the end of 5 years for the acquisition of a lease under the new Land Laws.

2. Attached is a Minute by the Commissioner of Lands which reached me in camp.

3. I delayed expressing my views till the completion of the tour I was then taking round certain farms in the Naivasha and Molo districts, as I considered the information I was then obtaining would be useful in connection with the points raised.

4. I would invite attention to the objections raised by Colonel Montgomery to the relaxation, in the case of the Boers, of the rule by which each intending settler must show he is at least possessed of the amount he must spend on development before he receives a grant. To adhere to the rule in some cases and relax in others would not only give rise to invidious comparisons, but would prove very awkward in practice, and in the end most probably result in the minimum.

accepted,

H. M. PRINCIPAL SECRETARY OF STATE

FOR THE COLONIES,

DOWNING STREET,

LONDON, S. W.

Minute

3/6/17

200-15

3/6/17



(2)

accepted, an uncertain quantity, becoming the standard. We had already considered the question of the personal work the Beers might be capable of doing, but were not inclined to take this into consideration as a part of the success to be shown, both owing to its uncertain nature, the absence of any guarantee that it would be actually forthcoming, and the fact that settlers have to work for their food and clothes during the probationary period besides putting capital into improvements. And this was the view accepted by the Land Board, which would certainly not be inclined to make the conditions too onerous.

5. As regards the question as to whether 20 or 40 times the amount of the rent should be expended in permanent improvements before the grant of a lease I would beg to point out that the Land Board, the Director of Agriculture, the Commissioner of Lands and myself are all in favour of the smaller amount; more especially as stock, on pastoral farms the main object of the acquisition of land, is not held to count as an improvement.

6. Our inspection of the various farms in the Molo District referred to in my despatch No. 354 of to-day's date satisfied the Director of Agriculture and myself that sufficient development was being made, and the unanimous wish of the settlers was to put all available money into stock, which at once commences to give a return, rather than to spend more money on buildings than they actually require. There was also the desire expressed that stock should be allowed to count towards

(3)

towards improvements, though the difficulties in the way were recognized. I still think, and so do the Commissioner of Lands and the Director of Agriculture, that in a new country it will be well to make the conditions as to the development sufficient and not more than that, and in our opinion this will be met by the lower rate of 20 times the rent.

7. We must remember that this is the minimum, that the whole question of farming in East Africa has not yet emerged from the experimental stage, that no profits have yet been made upon which anticipations can be based, and that when profits are made the settlers who succeed will of their own accord spend money on further developments. In the meanwhile until earnings are material the more money that is put into development is so much taken from the purchase of stock.

8. If Your Lordship still wishes to adhere to the rule of 40 times the rent, I would then urge that stock branded in the owners name and held on the farm for not less than two years previous to the time the lease is due, may count towards half the development required. This would meet the views of the settlers and I am advised that sufficient precautions could be taken to obviate abuse. But I should prefer that 20 times the rent be the rate accepted without admitting stock.

9. I am telegraphing briefly my views to Your Lordship and I would ask that I may be favoured with

Your

(4)

Your Lordship's instructions by telegraph before the middle of December, when the Land Bill comes on for its second reading.

J.

I have the honour to be,  
With the highest respect,

My Lord,

Your Lordship's most obedient,  
humble servant,

*J. Hays*

(J. Hays Janes)

43745

## MINUTE.

My minute of the 7th October states that I have insisted on each intending settler showing that he is possessed of at least the amount he must spend on development before he receives a grant.

I think the rule is a sound one for the following reasons:-

During the five years in which the required development must be done the settler has to feed and clothe himself and his family, while he is putting capital into improvements. Little income can be hoped for in the first few years. It is true that he can and does often put in a certain amount of manual labour but this cannot be done to the same extent as in a climate which is temperate by reason of latitude. However good the climate may appear the strong sun of the Equator is a stern fact to be reckoned with, and most of the hard out door work must be effected by the African labour.

It is stated in telegram that if a settler is not prepared to spend as much as £400 he can take a smaller farm. I venture to use the same argument as regards monetary qualifications necessary for the acquisition of a grant.

It is a wiser policy to insist on the possession of adequate means than to allow on the land poor men whom we shall have afterwards to evict for nonfulfilment of conditions; I would strongly deprecate the relaxation of a rule in favour of any particular class of person. It is well



well known that a great many of the Boers who have come to this country are of the "bywoner" class, who have arrived in the train of a few well to do leaders.

The Boer as a rule does very little real development on this farm. His buildings are usually of daub and wattle and so far as I have seen of their work on the farms they have occupied for a few years, it will be exceedingly difficult for them to prove that they have fulfilled conditions. Our proposal to lower the development standard has not been agreed to. It seems to me, that to keep this standard high while we reduce the preliminary monetary qualifications would be a mistake which we should afterwards deeply regret.

I trust that the Secretary of State will allow us to adhere to our rule of the proof of means before obtaining a grant equivalent to the minimum sum to be spent on development.

~~S. J. MONTGOMERY~~  
Commissioner of Lands

16-10-08.

for 45745 P.A.P.

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*J.W.D.*

Sent 10 20  
W.B.M.

degrease

Dec 4<sup>th</sup> - Yours des. of

3<sup>rd</sup> Nov. no. 535/  
reiterated

land proposals approved.  
Encne.

DRAFT

del.

Sadler, Nairobi

MINUTE.

~~MR C 4/12~~

Mr. Ellis *MR 4/12*

Mr. Just

Mr. Andrews

Mr. Cox

Sir C. Lucas

Sir F. Hopwood

Col. Sooty

The Earl of Crewe

Sfr. des. also.

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*JWA*

8 Dec 1945

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*11/24/45*

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