



EAST AFR. PROJ.  
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Governor 175  
Circular

1910

April

Previous Paper.

MR HEATLEY'S CONCESSIONS

Mr Heatley is very grateful for the grant of a further 5,000 acres but renews his application for an additional grant of 5,000 acres for each of his three partners. Strongly recommends grant for reasons stated.

4509

W. F. Miles

The facts are set out on Gov. 135278/09.  
Mr Heatley & his three partners (the partners are not resident in the P.T.E.) now hold between them 25,000 acres, including the 5,000 acres to me Gov. 55519/09. They want another 15,000 acres.

I must say that it is very difficult to resist this appeal. It is satisfactorily shown that capital is not lacking & that adequate development will take place. On the other hand, personal occupation is a factor to be desired, & a point is

Subsequent Paper.

4509

case of it in the Lands Ordinance was under discussion

on the whole, I should be disposed to give way, or allow the grant of £15,000 or less more, if it is the fact that the grants will be made under the regulations introduced in May 1908 (which include a 99 years lease with revision of rent on the basis of unimproved value at the end of the 33<sup>rd</sup> & 66<sup>th</sup> years), or if Mr Heatley will accept the obligation to employ such a number of Europeans as the Govt may think reasonable. He employs three already; we might put it at two more as a minimum

2/2/3  
April 25

... the responsibility lies on the Govt, who are responsible for the decision made

Mr Butler

This appears to conflict with the two points on which we agreed at the last meeting of the Commission Committee, viz (a) the indispensability of practically large areas, (b) the desirability of only giving land to landless Europeans. Can you do me some time tomorrow, Friday, afternoon?

Mr Pease, J. G. Council 14/1/09

Colonel Seely spoke to me about this yesterday afternoon, and I promised him that I would give him a further minute on the subject.

At the last meeting of the Committee appointed to consider the new Land Ordinance of the East Africa Protectorate, Mr Pease leaves and attended and gave us the benefit of his advice. I later advised the most strongly recommended to keep a tight grip on the 4,000 square miles of land reserved for White settlement still available, and not to give it into the hands of big syndicates; and Mr Pease further advised that we should not surrender the right of veto over transfers, and should insist on occupation by the transferees, and a restriction of transfer.

used in Govt 1855/6/9 at present

The reference was to a report by Colonel Montgomery dated May 1909, from which it appeared that the total area of land fit for European settlement already granted is a little under 4,000 square miles, and that the land likely to be allotted for White colonization in the near future will not be more than the area already given out, and may be less.

I had not overlooked this advice. I did not specifically refer to it because, although Mr Pease's words clearly made a great impression on the Committee, and will quite possibly be embodied by them in their final recommendations, no resolution of the Committee was passed, and Mr Pease's observations are more or less in the nature of evidence, the effect of which it is at any rate conceivable (though it is hardly likely) will be modified by the evidence of the other gentlemen who

J. G. 24.4

who are going to talk to us on the same subject.

Apart from this I felt in my own mind that in this particular case the intention of Mr Reeves's recommendations was not being seriously departed from. That intention is

- (a) to put as many white settlers as possible on the land available.
- (b) to ensure that their holdings are properly developed.

In this case Mr Heatley and his three non-resident partners already held 5,000 acres each (15,000 acres in all) before the intervention of the Secretary of State was sought. Mr Heatley then applied for another 5,000 acres for himself and each of his partners, but the Secretary of State only agreed to his receiving 5,000 acres applied for in his own name. Mr Heatley and his partners therefore now hold between them 25,000 acres. The Governor wishes to give them 15,000 acres more on the grounds stated in this despatch. It is to be observed that this proposal would only conflict with one out of the two points referred to in Colonel Seely's minute. If it is admitted that the land is held by four different people they would ~~not~~ have, assuming that the additional 15,000 acres were granted, 10,000 acres each. This is a normal holding of a stock farmer in the East Africa Protectorate.

If however the more natural view is taken that the three non-resident partners cannot count, then we have Mr Heatley holding 40,000 acres. In this case the holder is resident, and the question of the absentee holder does not arise.

In any case, taking a general view, I feel that it

is

is very difficult to resist the appeal, considering that development is ~~practically~~ assured, Mr Heatley evidently having both the means and the will to carry it out, and in view of the Governor's representations that if the additional land now asked for is not granted, the work already done by Mr Heatley ~~would~~ <sup>may</sup> be made nugatory.

The problem of securing as many white people as possible for the available area is very largely ~~not~~ <sup>settled</sup> by the proposed stipulation that he shall employ at least five white men in addition to himself. This would make six white men on 40,000 acres, ~~as a minimum~~.

Colonel Seely still feels very grave doubts ~~about his justification for~~ the additional grant, and I understand that he would very much prefer that we should consult the Governor by telegraph before going further with the matter. We might say to the Governor that the Secretary of State fully appreciates Mr. Heatley's difficulties and would be glad to assist him in the manner suggested, but that his attention has been called to the report by Colonel Montgomery quoted above, and that, in view of that report, he feels that it would be exceedingly difficult to justify parting with so large an area to a single resident. And ask the Governor to say whether, in view of that report and the clear advisability of obtaining as many white settlers as possible for the ~~available~~ <sup>unproductive</sup> small area of land ~~now left~~ available, he is still prepared to urge that Mr Heatley should be granted ~~the~~ additional area, asking in the latter event whether something very much less than an additional 15,000 acres would not meet Mr Heatley's requirements, say 5000 acres ~~or would there be~~ <sup>5000 already granted</sup>

2. Telegraph as proposed. H. J. R. W. 5

I am much obliged to Mr. Butler

for his very full minute.

Telegraph is enclosed.

$\frac{27}{0.5}$  Price

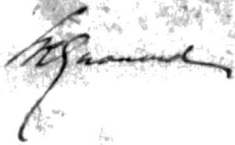
GOVERNMENT HOUSE,  
Nairobi,  
April 1st / 1910.

My dear Read,

I am writing to invoke your sympathy on behalf of H.H.Heatley, one of our most energetic and capable farmers, who has had very bad luck owing to East Coast Fever.

He is applying for extra land in a district un-affected by this pest but the Secretary of State will only sanction 5000 acres which is really insufficient for a big stock farm such as he wishes to start. He has ample capital behind him and it would be a real pity to hamper him.

I am writing officially about this matter but as Mr.Heatley leaves for England on the 18th of this month I should be much obliged if you would see him and let him plead his own cause.

Yours sincerely,  


EAST AFRICA PROTECTORATE

GOVERNMENT HOUSE,  
NAIROBI,  
BRITISH EAST AFRICA

No. 175.

April 2nd, 1910.



My Lord,

I have the honour to refer to Your Lordship's despatch No. 659 of the 30th of October last and my despatch of the 15th of January No. 23.

Mr. Heatley is very grateful for the grant of a further 5,000 acres; he has however renewed his application for an additional grant of 5,000 acres for each of his 3 partners and in view of the special circumstances attaching to his case I venture to re-submit the matter to Your Lordship.

I do not wish for one minute to support the practise of "dummying" but the present case although Mr. Heatley's partners are not resident in Africa hardly comes under that category, the absence of the partners being to my mind more than counterbalanced by the large expenditure of capital on development, far in excess of what

THE RIGHT HONOURABLE  
THE EARL OF CREWE, K. G.,

SECRETARY OF STATE FOR THE COLONIES.

DOWNING STREET,  
LONDON, S.W.

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is required by our rules.

4. What, however has especially enlisted my sympathy in the matter is the fact that although Mr. Heatley has every wish to extend his development the prevailing conditions practically prohibit it.

5. His land is not only infested itself with East Coast Fever but lies in the middle of the district where this disease is prevalent; large portions of his property have had to be destocked on this account, and still further areas are under quarantine and useless to him, and he has also suffered severe pecuniary losses from the same cause.

6. Matters are therefore at a standstill, the expenditure of further capital on his present holding is unjustifiable until the danger of East Coast Fever has been eliminated and unless he is successful in obtaining a further holding in a district free from disease the development of his stock-raising business is absolutely blocked, for although, as I have previously stated, Mr. Heatley is very grateful for the additional grant of 5,000 acres, which Your Lordship has already sanctioned, he very rightly points out that this is an inadequate area for stock farming on the scale which he contemplates and for which he has the necessary resources.

7. I have no hesitation in stating that in my opinion it would be to the interest of the Protectorate to grant this application.

8. Mr. Heatley has both the means and the ability to develop this further area in addition to his present holding and I venture to ask that Your Lordship will reconsider your decision in the matter.

I have the honour to be,  
Your Lordship's most obedient,  
humble servant,

GOVERNOR.





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