

# STATES OF JERSEY



## **DRAFT HOWARD DAVIS FARM (PARTIAL ABROGATION OF COVENANT) (JERSEY) LAW 200- (P.170/2006): ADDENDUM TO REPORT**

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**Presented to the States on 26th January 2007  
by the Minister for Treasury and Resources**

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**STATES GREFFE**

## **HOWARD DAVIS FARM COVENANT – STATEMENT BY DAVIS FAMILY**

### **STATEMENT BY MEMBERS OF THE DAVIS FAMILY ON THE DRAFT HOWARD DAVIS FARM (PARTIAL ABROGATION OF COVENANT) (JERSEY) LAW 200- (P.170/2006)**

#### **Report**

Following meetings with members of the family of Thomas Benjamin Frederick Davis, which included his direct descendant granddaughter and great-granddaughter, the attached joint statement has been prepared and signed to confirm their agreement and support for the proposed partial abrogation of the conditions of the original 1927 Deed of Gift of 'Parkfield, Trinity' (later named 'Howard Davis Farm'), to permit the leasing of an area of land for the construction and operation of the proposed Jersey Dairy.

Those representing the family of T.B. Davis at the meeting were –

#### **Direct Descendants**

Mrs. Sueann P.G. Evans	Granddaughter of T.B. Davis
Mrs. Aylwen Lyddell	Great-Granddaughter of T.B. Davis

#### **Indirect Descendants**

Mrs. Evelyn Stevens	Granddaughter of T.B. Davis' brother, Leopold
Mr. Roderick Stevens	Great-Grandson of Leopold Davis
Mr. Atholl Swainston-Harrison	Great-Great-Grandson of Leopold Davis

The original of the signed Statement was received from the family on 22nd January 2007 and a copy is attached as Appendix 1 to this report together with a brief explanation of T.B. Davis as a benefactor to the Island and the existing members of the family as Appendix 2.

**Statement in respect of Howard Davis Farm**

Further to a meeting held in Cape Town, South Africa on Tuesday 9<sup>th</sup> January 2007, between representatives of the T. B. Davis Family ("the Family"), the Assistant Minister for Treasury and Resources of the States of Jersey and the Assistant Director of Property Holdings of the States of Jersey ("Treasury representatives"), the following points have been agreed :

**In respect of**

**A) The occupation by the Jersey Dairy of the identified portion of Howard Davis Farm**

and

**B) Proposals to proceed with the Abrogation of the Covenant to permit a 99 year lease to proceed.**

- 1) The Family are happy for the proposed dairy to be located at Howard Davis Farm (in accordance with P170/2006)
- 2) They are comfortable with the principles of a 99 year lease to the Jersey Milk Marketing Board ("JMMB")
- 3) Accordingly they would support the proposal to vary the covenant to achieve (1) and (2) above
- 4) The Family have indicated their view that they would prefer to see an organisation similar to the present JMMB structure (possibly modified to achieve a more modern model), and encompassing all (or most) milk producers in the Island, but with the existing (benign) influence of the States of Jersey continuing, rather than a pure commercial, privately owned, organisation operating from Howard Davis Farm.
- 5) The Family would welcome any proposals to name the dairy after Glenham Davis.

In respect of

- C) **Establishment of a Charitable Trust to all parties mutual satisfaction – family members for consideration for nomination to the board of trustees – Aylwen Lyddell, Atholl Swainston Harrison and Roderick Stevens**

and

- D) **Formalisation of that Trust to be put before the States – concluding by end of 2007**

- 6) The Treasury representatives have confirmed that the proposed Law (P170/2006) does contain proposals to establish a Trust in line with the aims specified in paragraph 3 (3) of that Law
- 7) They have also confirmed that the Minister for Treasury and Resources would be delighted for the Family to be represented on the Trust, and it appears that the Family have already given practical consideration to the logistics of such representation.
- 8) The Treasury representatives have suggested that the Family consider the proposed objects of the Trust, and that any comments confirming those objects, or expressing any wish to slightly expand upon those objects, would be extremely welcome.
- 9) The Treasury representatives have confirmed the intention to involve the Family in the drafting of the Trust Deed / relevant legislation (which is needed to establish a Trust), and that this will then need to be approved by the States of Jersey as an Assembly.
- 10) It is suggested that the name of the Trust be agreed in conjunction with the Family
- 11) It has been confirmed that (9) should be completed by the end of 2007 at the latest

**E) Other Matters**

- 12) All parties have confirmed that they accept the need to regularise the other uses of the site, and the Family have indicated their general acceptance of those uses (namely the use of the offices by the Environment department, the use of part of the site by Acorn Enterprises, including for horticultural purposes, the potential use of the more modern glasshouses by Acorn, and the potential establishment of some form of agricultural / mechanical teaching courses on the site).
- 13) The Treasury representatives have confirmed that Phase 1 (the establishment of the dairy) will give rise to an income in the form of rent which will be payable to the Trust.
- 14) They have explained that a further phase will establish and deal with any extra income from the use of the rest of the site as a result of the proposed charging mechanism to be instigated by Property Holdings in due course.
- 15) In conclusion the Family welcome the proposals to bring the covenant up to date and to rejuvenate the links of the Family with Jersey. In addition they recognise the urgency with which some of the above matters need to be addressed, and wish to see a strong dairy industry thriving in Jersey into the future.
- 16) The Assistant Minister confirmed that he would present this statement to the Minister for further presentation to States Members and the Assembly.

Signed by :



John Le Fondré  
Assistant Minister for Treasury and Resources - States of Jersey

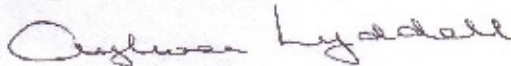


Paul Tucker  
Assistant Director - States of Jersey Property Holdings

Sueann P G Evans



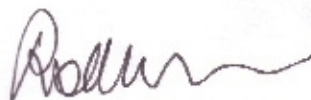
Aylwen Lyddell



Evelyn Stevens



Roderick Stevens



**T. B. DAVIS AND EXISTING MEMBERS OF THE FAMILY****Background**

Initial investigation by the Law Officers' Department in 2004 revealed only a Mr. Stephen Davis living in Norfolk as an indirect relative of T.B. Davis. Her Majesty's Solicitor General wrote to Mr. Stephen Davis to establish the existence of other members of the family but without benefit of response. Later it was discovered that two further relatives lived in the Island, and although they were not direct descendants, Deputy Le Fondré and officers of Property Holdings met with them to discuss the Howard Davis Farm covenant and they were broadly supportive of the present proposals.

Following correspondence with a Mr. Roderick Stevens, who was representing relatives of the family of T.B. Davis in South Africa, it was suggested by the Minister that a meeting between members of the family and representatives of the Minister might be beneficial to hear their concerns over the future of Howard Davis Farm and to agree on what might be achievable in respect of existing and planned uses which do not comply with the conditions of the 1927 T.B. Davis Deed of Gift.

Although an invitation was extended for them to come to Jersey, the family preferred to accept a meeting in Cape Town, primarily because of the difficulty for all of them to travel. The meeting was held on Tuesday 9th January 2007.

**Explanation of the history**

Thomas Benjamin Frederick Davis was born on 25th April 1867 at Havre des Pas, at the corner of Havre des Pas and the Coast Road. His father, Thomas Leopold Davis, was a fisherman and ships' carpenter. His mother was Jemima Vickers.

Growing up at Havre des Pas, amongst the boat builders and seafarers, it was little surprise that the young Davis went to sea at the age of 15 on George Allix's schooner "Satellite". It was on "Satellite" that Davis nearly met his end, when he was accidentally cast adrift in the middle of a storm in the North Sea. His family were advised that he had been lost at sea, presumed drowned. Amazingly, after 19 hours in the North Sea he was picked up, and was able to make his way back to Jersey, presenting himself to his family just as they were leaving to attend his memorial service. It is reported that his mother fainted from the shock. Davis went with them to the service at St. Luke's Church, where he had once served as a choirboy, and sat down quietly, only presenting himself to Canon Braithwaite after the service.

He returned to sea, serving in the Royal Naval Reserve between 1896 and 1899. Whilst in the Royal Naval Reserve, he obtained his Extra Master's ticket at the unusually young age of 25.

He moved to South Africa in the early part of the 20th century. From his headquarters in East London, on the east coast of South Africa, he started a very successful stevedoring business which at its pinnacle stretched from Port Elizabeth to Dar es Salaam. Within 10 years Davis had made his fortune. He contributed large amounts of his wealth to his adopted hometown of Durban in South Africa, which included purchasing a ship for Merchant Navy training for boys and building the University of Natal, but he also became a considerable benefactor to his native Island of Jersey. During the First World War Davis remained in South Africa.

Davis owned several yachts, the most famous being the 135 foot schooner "Westward", which was built between 1909 and 1910 by the Herreschoff Manufacturing Company of Rhode Island for the New York industrialist Alexander Cochran. Between 1925 and 1935, Davis and the Westward enjoyed their finest hours racing against King George V in his yacht "Britannia".

T.B. Davis died in 1942, in Durban, at the age of 75. He left one son, Glenham, and 2 daughters, Marguerite and Minnie. Sadly, he had lost his son Howard Leopold at the Battle of the Somme in 1916.

In memory of Howard, T.B. Davis left a number of gifts to the Island. These included the Howard Hall at Victoria College (1934), in which he housed a painting of his great friend and sailing adversary King George V, painted by Jerseyman John Helier Lander; the Howard Davis Park (1938), the Howard 0, Jersey's first motorised lifeboat and, of course, Howard Davis Farm.

In 1927, T.B. Davis bought a property known as Parkfield in Trinity and gifted it to the States to be used as an experimental farm for the development and study of agriculture and for the instruction of young Jersey people and other interested parties in the science of agriculture.

For 70 years the property, which was eventually named Howard Davis Farm, was used entirely for that purpose but with changes in agriculture in recent years and very few young people entering the industry, there has been less call for agricultural experimentation and education. Whilst the land and buildings have been used for purposes, they have not been in compliance with the conditions of the 1927 Deed of Gift.

The existence of a granddaughter and one great-granddaughter in South Africa and another granddaughter in Spain has only recently been confirmed. Together with other relatives of T.B. Davis, they originally expressed concern in writing that the spirit of the original gifts to the Island and the name of T.B. Davis were not being respected.

Since meeting with them, they now understand that there is still a great deal of respect for the name of T.B. Davis as a considerable benefactor to the Island and they see an opportunity for the conditions of the covenant to be amended to bring it up-to-date with the modern needs of the agricultural industry, environmental challenges and the training needs of young people. It also gives the opportunity of rejuvenating the links with the family and Jersey.