

1934.

Kenya

No. 23087.

SUBJECT

C0533/445

Compensation claim by Messrs Beard & Leicester for expenditure incurred in Tin Prospecting following upon an erroneous layout assay.

Previous

Subsequent

C.I.
Compensation
Nominal

A. M. Elliot _____ 22 Feb 34

Encls. copy of corres. & notes an interview regarding the compensation claim by Messrs. Heard & Playce for expenditure incurred in tin prospecting following upon an erroneous assay of rock samples by a Govt. official.

Reply that [as the remedy for any loss sustained must lie with the Courts in Vienna.] it is doubted whether any useful purpose wd. be served by an interview; if he desires one, however, he is at liberty to call on any weekday eve., when a member of the E.A. Dept. will see him.

[Signature]
25/2

? For [] substitute "as the question appears to be at issue and for the best of them"

apparently they thought that was the point on the strength of one saying they spent £2000 and whether the assay was correct or not they should surely have tried to verify before doing anything.

As there is the usual talking in Parliament I suppose the matter should be encouraged to hold and state his case and bring his documents. of course we know nothing about it.

total 21.2.34

To Ann Elliot (Ann.) 28/2/54

B. H. M. Elliot

17 March 54

notes that it is considered ~~that~~ doubtful whether any useful purpose would be served ^{by a further} if states will proceed to take action in other directions.

? Purch

W. Davies: 2/3

? B. F. ...

2/3 etc

Mr. Heard called and wanted to see somebody so I talked to him for rather over half-an-hour. He is a Kenya planter who, having fallen upon evil times farming, went rock prospecting. He sent a sample of rock to the Government assayer - and paid for the assay - and the result given showed the presence of tin. On this he got quite excited and communicated with various people interested in mining, one of whom made a special journey to the spot. These additional people all said that there was no tin in the rocks whereupon Mr. Heard again took the matter up with the Government assayer, who produced the same result. Subsequently the samples were sent down to the assay department of Tanganyika which confirmed the presence of tin.

tin. Outside experts, however, were mentioned in saying there was no tin in the rocks. This was in my letter to ... Co. in London ... tin. ... analysis reported in Kenya.

I told Mr. Heard that all I could do was if he submitted objection cards in the shape of a letter addressed to the Under-Secretary of State, we would refer it to the Government of Kenya and he quite realised that it was a card that would be long from this end. He seemed to be in this attitude and said that he quite understood why anybody could make a mistake as that is the fact. He said they had made an error to say that they had not it so being. It was then he said that he was a bit annoyed. It strikes me as a curious business because if Mr. Heard is right he has certainly had good cause to complain of the analysis produced in Kenya.

PR J H Heard

9 January 54

Submit a statement & documents in support of ^{any} ~~the~~ ^{concerns} regarding assays done by the Kenya biological Survey Dept. in 1950 & requests that the matter may be investigated.

Mr. Heard appears to have submitted to the Kenya Government Assayer six samples of rock for tin determination. Sample No. 280 was found to contain 2.75% tin oxide, traces of tin were found in the other five samples. The samples were subsequently tested by the Tanganyika Geological Survey, who found 3.08% tin oxide in sample No. 280. A comparison of the results of the Kenya and the Tanganyika tests is shown in

In Mr. Murray-Hughes letter of the 31st July flagged. There is a considerable amount of correspondence and I do not think it is necessary to have it copied. Send copy of the letter, with the enclosures in original, to the Governor for a report. Request that he will return the copies of correspondence with his reply. Inform Mr. Heard that a copy of his letter with enclosures is being sent to the Director for his observations. Drafts herewith.

Before forwarding this to Kenya, we might send it (conf.) to Imp. Inst. for any claim? The question at issue is technical. Dr. Murray-Hughes has left Kenya for some time, and his success is apparent. There is no one competent to deal with the technicalities (The conf. does not increase my respect for Dr. Murray-Hughes).

A. G. ...
11/1

Sir C. B. ...

You may like to see this. I think the suggestion of consulting the I.I. is useful. It is just possible that one bit of rock did have a lot of tin in it. Or else tin may have got in in the assay work - very little would do.

To J. J. ...
11/1

5 To Heard (14 pages)

6 To Imp. Inst. (14 pages + 14 pages)

11/1/35

DM

Imperial Institute

Letters No 4 & 5 enclosed & furnished above thereon & state that as far as can be seen Mr. Heard has no claim against Kenya Govt.

There is considerable force in the statements at X and Y in No. 4. As regards X, it is very doubtful whether Mr. Heard submitted to Messrs. Johnston & Maffey (Johnson & Matthey) ^{part of the} actual sample No. 280 which the Kenya and Tanganyika Geological Departments found to contain 0.15% tin oxide.

According to the statement on page 2, (Para A) the samples sent to Johnston & Maffey were 3 lbs of rock which had been examined in Kenya, and reported ~~as~~ containing .15% tin oxide, see Para B. Whether this is an unpayable quantity, I do not know but the Imperial Institute seem to suppose so. Write to Mr. Heard as in draft herewith, and send copies of the correspondence ^{to be sent} to Governor, Kenya, for information, when Mr. Heard has had chance to reply.

A. G. ...
11/1

I don't altogether fancy putting the whole of the Imperial Institute's points to Mr. Heard as suggested in the draft which has been prepared. I think it better to send him a somewhat modified

version

version and to submit the correspondence to Kenya as we have undertaken to do. Draft herewith.

L. Roberts

1. I hope you will kindly
write me your case before the
3/10/35

1935

Sir C. Bottomley

Mr Floods draft letter to Mr. Heard seems to be all right in itself, but it commits the S. of S. to a definite view before he knows what the Comms may have to say. I should much prefer to wait for the letter's observations before replying to Mr. Heard - though, of course, another interim reply could be sent to him if it is thought necessary.

14/2/35 H. Duncan.

The main objection is that Mr Heard would say that he has left nothing for the S. of S. to do by adding to the draft letter - his final views. 16/2/35

To P.R. Heard

25/2/35

9 To Kenya (MS) (1/10/34) (1/10/34) (1/10/34)

10 To Insp. Ingleton (1 and) 25/2/35

11. P.R. Heard 25 Feb 35.

States that he is prepared to submit the actual samples assayed in Kenya to any assayer which the S. of S. may name.

This is rather awkward! For one thing, the envelopes to 4 were sent in reply to Kenya in 9.

2. I think / Arch. say that S. of S. does not prefer to pursue the matter further with him as he has rec'd the details of the Kenya report & when a copy of N: 11 is now being sent to him

Copy of 9: by the Dept. (S. of S. is to undertake)

H. Duncan

1/3

12 J. P. R. J. H. Heard (H. heard.) 5/13/55

To Kenya (172 (W/Cs 11-12) Com. N/1 4/13/55

111 A/Governor Wards 180

9 AM 55

Enclo. copy of letter to claimants & states that he has nothing to add to decision therein. Considers that no check assay should be considered because alleged samples have been in the hands of the interested party unsealed for over a year.

14. Kenya takes a very firm line and does not want to do anything about Mr. Heard's complaint. It does not seem reasonable to refuse to make a further assay of the alleged sample because it has been unsealed in Mr. Heard's hands for a period, as there has never been any suggestion that Mr. Heard is a rogue. While he may be an amateur in his methods of taking samples, it is difficult not to sympathise with him, as to the inexpert it does seem odd that the Government assays should be different from the commercial assays. If Kenya are perfectly happy about their methods they might at least allow the remains of the sample which Mr. Heard assures us at (11) are still as packed and numbered by them, to be tested in this country.

While there is no question of the financial responsibility of Kenya to Mr. Heard, there is something to be said for not condoning the bureaucratic attitude that Kenya might be said to have adopted.

7 Despatch Kenya, Kenya.

suggesting

suggesting that in order to clear up any doubts that Mr. Heard may have, it might be well if the remains of the samples were tested in this country as it appears to be most desirable that the Mining Department should have the confidence of the public.

(It is to be hoped that the Kenya Govt Assays is more accurate than the draughtsmen of this despatch!)

Through the fog of technicalities it is now possible to discern the truth. The famous "Sample 280" consisted of three lumps of rock aggregating 1 lb. Bits of these lumps were assayed by Theo. Hitchens (then) & microscopically examined by Mr. Thway-Hughes; other bits of the same lumps were sent to T.S. for assay. The results, in each case, were positive. The remainder of the 3 lumps has not been examined by any party.

All the other examinations & assays were conducted in other material (no doubt from the same locality, but not checked with N: 280).

what they would have to do is the answer of 'calling' they would have to get the line of any one of the work.

It is unlikely, as Mr. Green points out that Messrs. Heard & Lonsdale should have called the remaining fragments of 280, but we may well leave to them the onus of satisfying S. J. that they haven't done so.

? Tell Mr. Heard that S. J. has now rec'd a ^{communalist} firm report from the M. G. of Kenya; that, after full consideration of the material now before him, he can add nothing to the decision conveyed in No. 8; 1/Q that while Mr. Heard is, of course, at liberty to arrange for the ^{re-examination} of Sample No. 280 to be examined by any reputable firm of assayers, he will and to submit the results of such examination, he will recognize that the S. J. will require to be satisfied that the specimens subjected to such examination are identical with those forming the remainder of No. 280 submitted to him by the Kenya Govt. [to have

not been tampered with in the meantime] Copy done 1. Oct 15

P. H. Heard 9/1

I would not suggest further assays. There will only be re-examination. There may have been some tampering in the original analysis or there may not but no one can tell.

? Stop at Q

11.10.55

* But they have suggested it is in 11 and although I found no good results and that it was proved as he stated before, with the omission of [] - there is only so much of extracting the tin without developing the rock.

W. J. H.

10.5.55

and visit of Q that it is not possible for the S. J. to impute responsibility to the Govt of Kenya for the acts of its officers where good faith.

[Kenya have said they are ready, but in the way they to say it, it better now than later].

let me see it.

W. J. H. 10.5.55

still

4/6/55

15 To P. Heard

15/5/55

16 To Kenya 357 (w/c 15) A/1 16 MAY 1936
8M 14 Unread

✓ 17. No 15 returned by G.P.O

DESTROYED UNDER STATUTE

We must wait for Mr Heard
to write again. The last
communication which he
received from was
No 12.

A. F. ...
20/6/31

Yes. If he raises it locally they
have a copy to show him. Put by

J. G. ...

2. ...

C. O.

23087/34 Kenya

1-8-35
7

Mr. Carson
Mr. Freeston
Mr.
Sir C. Parkinson.
Sir G. Tomkinson.
Sir C. Bottomley
Sir J. Shuckburgh
Permt. U.S. of S
Parly. U.S. of S
Secretary of State

Downing Street,

15 May, 1935.

13 MAY
14.

Sir,

Wd refer to the letter from this office...

(12)

~~No. 23087/34~~ ~~Kenya Department~~

DRAFT.

Office of

P.R.S.H. Heard, Esq.

the 5th of March, and to inform you that he has received a further communication from the Acting Governor of Kenya and that after full consideration of the material before him he can add nothing to his decision already conveyed to you in the Department's letter

(14)

on the subject of your demand for compensation in respect of an alleged inaccurate assay

(8)

From this Office
No. 23087/34

of the 20th of February; and that it is not possible for him to impute responsibility to the Government of Kenya for the acts of its officers done in good faith.

FURTHER ACTION.

Copy to C.A.G.

Kenya L.F. ref.14.

Copy to Kenya (16)

30

⁽³⁾ *has to add* that you are of course at liberty to arrange for the remainder of sample No. 290 to be

examined

examined by any reputable firm of assayers
and to submit the results of such examination;
you will recognise that the Secretary of State
will require to be satisfied that the specimens
submitted are identical with those forming the
remainder of Sample No. 280 returned to you by
the Kenya Government.

Jan etc.

W FLOOD

9
112



KENYA

GOVERNMENT HOUSE

NAIROBI

KENYA

NO. 10

RECEIVED
-
COPY

APRIL, 1935.

Sir,

With reference to your despatch No. 14 of the 20th February, 1935 and the previous correspondence on the subject of a complaint by Mr. P.R.J. Heard against the Kenya Mining and Geological Department, I have the honour to inform you that, after further consideration, this Government has nothing to add to the decision communicated in Mr. Moore's letter of the 1st February, 1934 addressed to the claimant's Solicitors, a copy of which is enclosed for your information.

Encl. I.

Unsealed (16)

2. As regards Mr. Heard's suggestion that a further assay of the remainder of sample No. 210 should be undertaken, this Government is advised that no check assay should be considered because the alleged samples have been in the hands of an interested party for over a year and were returned unsealed.

Encl. II.

3. I enclose the comments of the Acting Government Geologist and Mining Engineer upon Mr. Heard's letter of the 25th February, which formed the enclosure to your despatch under reference.

Encl. III.

4. I return the enclosures to your despatch under reference.

I have the honour to be,
Sir,
Your most obedient, humble servant,

Asquith

ACTING GOVERNOR.

THE RIGHT HONOURABLE
MAJOR SIR PHILIP GUNLIFEE-LISTER, F.R.S., O.B.E., M.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W.1.

COPY.

THE SECRETARIAT,

NAIROBI.

Ref.No.MIN.16/1/9.

1st February, 1934.

Sir,

I have the honour to refer to your letter No. 1650/1 of the 10th January, 1934, enclosing copies of papers relating to a claim made on behalf of Messrs. Heard and Leycester for the sum of ~~Shs. 25.3/-~~ on account of expenditure incurred by them in connection with prospecting for tin.

2. It is suggested in your letter that the Government Officers concerned in the analysis of the sample submitted for assay made a grave mistake, and that the result of the analysis, as furnished to your clients, was not correct.

3. Enquiries into the facts of this case indicate that no mistake was made by the Assayer and Chemist, and, as Government is not liable in any event for the acts of its officers executed in good faith, it is regretted that Government is unable to consider making any payment in respect of this complaint to Messrs. Heard and Leycester.

I have the honour to be,
etc.,

SD: H. M. - M. MOORE.

COLONIAL SECRETARY.

V. A. SHAW, ESQ.,

P.O. BOX NO. 12,

MIDORET.

NOTES ON ASSAY CARRIED OUT BY MINING
DEPARTMENT FOR MR. HEARD, by
the ACTING GOVERNMENT GEOLOGIST AND
MINING ENGINEER.

1. Not only does the Tanganyika Territory assay confirm that of the Government Assayer, Nairobi, but the Tanganyika Government Petrologist on examining the heavy residues of this rock confirms the presence of cassiterite noted on microscopical examination by the Kenya Government Mining Engineer and Geologist.

2. I find that Mr. Heard's letter of the 25th February last as well as his memorandum, is misleading. In this letter he claims that the sample sent to Messrs. Johnston & Matthey was part of a large sample quartered down so as to infer that the large sample No. 260 was also part of this large sample. This, however, is not the case, unless the quartering was done so badly as to be useless.

3. The original sample No. 260 which weighed approximately 1 lb. consisted of three lumps of rock. One of the fundamental principles underlying the process of quartering down samples is that no single fragment shall be of such a size that its presence or absence could change between the limits of error allowed, the value of that portion of the sample to be retained. Instead of consisting of only three lumps a properly quartered sample of the size mentioned should consist of many fragments of the size of a pea or less.

4. Mr. Heard's memorandum admits that the sample was uncrushed. This proves that neither the sample sent to Messrs. Johnston & Matthey nor any other sample which Mr. Heard took at any time could be a true duplicate of our sample No. 260.

5. In a letter of the 3rd May, 1933, the Government Assayer wrote to Mr. Heard, "you will recall that the large specimen you brought in gave 0.2% tin oxide". This large specimen is what Mr. Heard describes in his memorandum of the 7th January, 1933, as being the "remaining portion of 260", part of which on assay gave 0.2% tin oxide. Here again it is clear that there is no reason why this large specimen should give even approximately the same assay value as the original sample No. 260 even if taken from the same hole in the ground.

NOTES ON ASSAY CARRIED OUT BY MINING
DEPARTMENT FOR MR. HEARD, by
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1. Not only does the Tanganyika Territory assay confirm that of the Government Assayer, Nairobi, but the Tanganyika Government Petrologist on examining the heavy residues of this rock confirms the presence of cassiterite noted on microscopical examination by the Kenya Government Mining Engineer and Geologist.

2. I find that Mr. Heard's letter of the 25th February last as well as his memorandum, is misleading. In this letter he claims that the sample sent to Messrs. Johnston & Matthey was part of a large sample quartered down so as to infer that the large sample No. 260 was also part of this large sample. This, however, is not the case, unless the quartering was done so badly as to be useless.

3. The original sample No. 260 which weighed approximately 1 lb. consisted of three lumps of rock. One of the fundamental principles underlying the process of quartering down samples is that no single fragment shall be of such a size that its presence or absence could change between the limits of error allowed, the value of that portion of the sample to be retained. Instead of consisting of only three lumps a properly quartered sample of the size mentioned should consist of many fragments of the size of a pea or less.

4. Mr. Heard's memorandum admits that the sample was uncrushed. This proves that neither the sample sent to Messrs. Johnston & Matthey nor any other sample which Mr. Heard took at any time could be a true duplicate of our sample No. 260.

5. In a letter of the 3rd May, 1933, the Government Assayer wrote to Mr. Heard, "you will recall that the large specimen you brought in gave 0.25 tin oxide". This large specimen is what Mr. Heard describes in his memorandum of the 7th January, 1933, as being the "remaining portion of 260", part of which on assay gave 0.25 tin oxide. Here again it is clear that there is no reason why this large specimen should give even approximately the same assay value as the original sample No. 260 even if taken from the same hole in the ground.

Re Assays, etc., done for P. R. Heard
 on behalf of Heard & Lyeester by
The Kenya Geological Survey.

- 1st January, 1933. Sample of Rock, uncrushed, (Govt. No. 280) sent for Assay to Nairobi. Result 2.85% Tin Oxide.
- 2nd January, 1933. Wire sent to Mr. J. Gastrill, Mbarara on Kagera (Uganda) Tinfields, giving above result.
 Reply: Advising as many claims to be pegged as possible.
- 3rd January, 1933. Mr. Gastrill arrives at prospect, after tests and examination of occurrence expresses opinion that Government Assayer has made grave mistake. At his request wire sent to Nairobi, asking for method used, and reply: "Gravimetric Chemical Estimation."
- 4th January, 1933. Mr. Gastrill takes duplicate of 280 to Uganda for Chemical Tests. Results as per document and advises me to apply to Government for refund of expenses.
- 5th January, 1933. I write to Commissioner of Mines.
- 6th January, 1933. Reply from Government Geologist reporting check tests carried out confirm original Assay and also microscopic examination by himself confirms.
- 7th January, 1933. I proceed to Nairobi with remaining portion of 280, and other samples collected at random from prospect. On arrival, I interview Commissioner of Mines and Government Geologist. Am assured by Geologist that they are correct, and he is

reply received later reads: "Sample contains no tin." Result communicated to Government Geologist after his visit to prospect, see below.

12th January, 1933.

Captain Leicester interviews Commissioner of Mines who wires to Government Geologist requesting him to visit prospect. (N.B. The Assays report applies to two prospects, one on the Little Nzola, and one at Moi Ben, both being the same - Rock). The Government Geologist arrives and inspects the prospects. After inspection states that it is a typical occurrence, and no reason tin stone should not be found. I pointed out that no outsider could be made to believe the Assays, after seeing samples and asked, if after assaying the prospect, he was still convinced their (Government) Assays were correct. He replied in the affirmative, and asked me to take five chip-samples at intervals from the outcrop, and that Government would do these samples free of charge, and get them checked by the Tanjika Geological Survey. After his visit and definite statements, we were convinced that though there was some mystery about it, yet the Government could not be wrong. It was after this that the report from London was received.

13th January, 1933.

Captain Leicester submitted 30 lbs. of sample (a) to the Manager, Anglo Continental, Kagamega. After examination and H.C.L. & Zinc tests he stated the ore to be valueless and a Hornblende.

- 14th January, 1933. We received the results of tests on 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, and again 28, with the checks from Tanjanika, together with written details of method of Assay used by Tanjanika Survey. We were naturally delighted with the result and thought surely there could now be no mistake.
- 15th January, 1933. Copies sent to Messrs. Johnson & Maffey, London, via S.R.S.A. and to Mr. J. Gastrill. Latter reported, did not impress him, and wired me to ask Government to obtain "metal" from sample 280. I wrote to Government Geologist re this, and he replied, but did not do the tests. I considered this particular letter somewhat childish in the circumstances, and a reference to altered tin in the series to his satisfaction. Portions of the District as to this particular sample. He replied via S.R.S.A. and criticised the method of Assayer.
- 16th January, 1933. Assay figures submitted to the Manager Anglo-French (Kenya Development Company) Kakamega, who sent his assistant to take a large range of samples. Manager met Captain Leicester in Nairobi, and stated he had looked at samples and did not think they contained any Cassiterite. He would test with H.C.L. & Zinc. Since then we have heard no more re the samples.
- 17th January, 1933. Assay figures shown to Mr. McDonald representing Canadian Consolidated, a company operating in

South West Africa and was in Kenya to look for possible openings. He was most interested in the tabulated results. On arrival, and seeing the samples, he expressed astonishment and on examining the Pits and occurrence generally and panning for alluvial, he stated that he could not understand it. In fact his remarks were a repetition of Mr. Gastrils. He was then shown the Assay Method Details as done by Tanjanika Survey, and after reading same, stated that so far as he was concerned, the Assay figures were worthless, and explained his reasons, which were an amplification of Johnson & Maffey's criticism. He stated the Solution $\frac{N}{10}$ used, is used only for high grade ore, containing say 50% of Pb and he should have used $\frac{N}{100}$ and there was a other significant and distinctive features in the solution, which were completely, and ridiculed the identification of the Government geologists, Kenya and Tanjanika. He took various samples (concentrates) and also took the remainder of sample (A) which he would have assayed in Johannesburg, and on his own Company's mine in South West Africa. He was also going to have a portion done in Nairobi, but was unable to do so. He tested with H.C.L and Zinc and Fusion, and got no results. He pointed out in the course of conversation that the use of $\frac{N}{10}$ in the Assay method would give a positive result for Tin, even if none was present in the Ore.

18th January, 1933. I wrote, demanding return of portion of 280.

19th January, 1933. I wrote to Government Geologist pointing out several things were more and requesting a reply to some questions.

20th January, 1933. Government Geologist replies to above, but does not answer any of my questions.

21st January, 1933. Re 18th. Portion of 280 and other samples returned to me and now in my possession.

To sum up, Messrs. Johnson & Maffey, Mr. J. Gastrell, the Manager, Kagera, the Manager, Tanganyika Concessions, the Manager, Anglo-Continental, the Manager, Kenya Development, and Mr. McDonald, Canadian Consolidated, have all seen and tested samples, and can get no Cassiterite.

The Government Geologist states if the ore is placed in H.C.L. and Zinc, Cassiterite will be apparent. He has not answered my question as to whether he has done this personally.

Apart from Johnson & Maffey, whose firm's results should be above criticism, the gentlemen who have examined these samples have, most of them, much experience in tin mining.

Results like this are likely to do the Mining Industry in this Colony great harm.

In a matter of this sort, it is not a question of theory, but of fact, either Cassiterite is there, or it is not there.

The Government not only state it is there, but give a definite average.

Every single sample submitted to Government has given positive result, (i.e. more than a trace) except two, which gave trace in Nairobi and positive in Tanganyika.

Now, if, as the Government Geologist states, all that has to be done is to place the Ore in the H.C.L. & Zinc for the

Cassiterite to be apparent, then all these gentlemen, and especially Maffey must be wrong, which is inconceivable, especially so when we find that the method used by Tanjanika is criticised as being of no account.

I have personally done H. Cl. & Lim tests innumerable times, with no results, but neither Captain Leycester or myself have any Mining or Geological qualifications, and have been guided by what we have been told.

In one letter the Government Geologist states he will clear up the mystery, well this he has failed to do, at any rate to the satisfaction of anyone outside his own Department.

For Captain Leycester and P.R.J.H. Heard.

December 7th, 1933.

COPY:

HEARD

HOEY'S BRIDGE

Good peg as many have noted. As far as possible including
river and streams important when line wire me. JAMES

HITCHINS GOVERNMENT ASSAYER

NAIROBI.

Reference your letter 31st January. Engineers now here
can find no trace tin. What method did you use. Reply
immediately. Urgent.

REPLY RECEIVED.

Gravimetric chemical estimation. Assayer.

COPY

Geological Survey of Kenya.

Box 191,

Nairobi

1st January, 1933.

P. R. Heard, Esq.,
Hoey's Bridge.

Dear Sir,

I have estimated Tin in the sample of Rock sent to me as per your letters of the 4th and 13th instant. The sample contains 2.24% Tin, equivalent to 2.85% Tin Oxide. No chromium is present.

The result of the Assays for Gold on your two samples of Quartz will be sent in the course of a day or two.

I have the honour to be, Sir,

Your obedient servant,

(Signed) A. R. R. HITCHINS,

Assayer and Chemist.

COPY:

C/o Kagara (Uganda) Tinfields, Ltd.

16th March, 1933.

P. R. Heard, Esq.,
P.O. Hoey's Bridge.

Dear Sir,

Reference my recent visit to your farm to inspect
a reputed Tin deposit.

Your samples gave no evidence of Cassiterite on the
Vanning Shovel.

Two assays by the Cyanide Method gave negative results,
i.e. no metallic tin.

Upon my return to the above address, from three wet
assays (Volumetric Method) the result of each of these
assays was a trace only.

The ground from which these samples were taken is of
no economic value.

Yours faithfully,

(Signed) JAMES GASTRILL.

COPY:

P.O. Mbarara, UGANDA.

16th March, 1933

My dear Rory,

I am very sorry about the delay in reporting the result of the Assays, but when I got back to Muiranduru I found I had to re-equip a new laboratory before I could start. Unfortunately the results of the Assays confirmed my doubts, and there is only a faint trace of tin. On another sheet of paper I have written a sort of official report, from which you can quote.

I should put it up to the Commissioner of Mines that you pegged the ground on the strength of the Government's Assayer's report of 2.85% Cassiterite. Examination of the ground by our Engineer does not confirm this figure: you have been put to a lot of useless expense and will he see his way clear to refund the money paid to the Government, etc.

As I shall not be coming down again will you post me the letter - the telegram is not clear. Neither the General Manager of Kagara (Uganda) Tinfields, Ltd., nor the Assistant G.M. or myself can understand how she arrived at her 'gravimetric' method.

From further examination of the rock samples, I think the only thing you are likely to find in the vicinity - it is only a possibility - is gold bearing quartz.

Let me hear from you soon,

(Signed) JAMES.

WITHOUT PREJUDICE

The Commissioner of Mines
Nairobi.

I have been involved in a great deal of work since the direct result of an Assay done by the Government Assayer.

It now appears that the Assay is wrong. The facts are as follows:-

I received an Assay Report, on a sample of Rock (copy herewith), dated 31.1.1953, which reads:- "The result which I understand is a very high Assay". I immediately cabled the result to England, and also wired to Mr. Gastrill, a Mining Engineer in Uganda, stating the Assay figures, requesting him to come down to see the test, and to do etc., in preparation for his work. He wired back, advising me to peg as many claims as possible, and that the Assay was good. I dropped all my work in order to devote my time to this work.

Mr. Gastrill was at that time working near the Congo Border, and had to safari to Rail Head. He arrived here on the 2nd March. I had then actually registered ten claims, pegged more, and done a great deal of excavation. He said on arrival, that the Assay was a wonderful one, and asked in what form I sent the sample, as he had concluded from the figures I had probably sent a panned concentrate, whereas I had informed him I had sent the Rock as taken from the ground, a portion of which I had kept here.

On proceeding to test with a Wanning shovel, he expressed doubts, and stated that as he had harboured no

doubts as to the accuracy of a Government Assay, he had only bought plant necessary for dry Assaying

He then did two tests with pyrite and got the results. He examined the residue carefully and stated that he doubted if it contained Tin at all, except in minute quantities of scientific interest only

He then requested me to wire to the Government Assayer, asking what method had been used in the assay. I wired reply paid as follows - "With this Government Assayer Nairobi reference your letter of 29th January. Engineer now here can find no trace of Tin. What method did you use reply immediately." ^{UB-9}

The Government Assayer replied "Gravimetric Chemical Estimation"

The Engineer said if this had been done properly there should have been some possibility of error, but that by this method it was necessary first to get metallic tin

He expressed his conviction that a very grave error of some sort had been made, but refused to commit himself until he had done chemical assays himself on his return to Uganda. These he did, and I attach copies of his report.

He stated before he left here that, if he found even the minimum indication of Tin in a Commercial quantity, he would return

You will see from his report, that he ran three assays volumetric. I may add that these samples and the Assay figures were shown to the General Manager of the Kageria (Uganda) Tinfields, and his Assistant G.M. In a covering letter Mr. Gastrell states, inter alia, that neither himself, the General Manager, or the Assistant G.M.

can understand how she (the Government Assayer) arrived at her Gravimetric method.

That, Sir, is my case, and you will agree that it is a grave one, if, as seems extremely probable, as Assay done by Government, which should be, and is generally looked upon as a check to private assays, turn out to be such grave mistakes.

My expenses might have easily been trebled, before I found this out. I would point out that neither Mr. Gastrill, or the Manager of the Tinfields doubted the facts of this Assay, prior to his visit. Had he (Mr. Gastrill) not been available, a man might have been sent from England. I personally cannot afford such a loss, and await your reply on this aspect of the matter.

I have not written to the Assayer, Nairobi, on the matter, as I presume you will at once investigate it. I should naturally be delighted to find that the Government Assay was correct. I understand it is the general practice to keep a portion of any rocks sent for Assay in case a dispute should arise, so no doubt a portion of this rock is still at Nairobi. A further portion of the original rock was taken to Uganda by the Engineer, and I have the remaining portion in my possession. I should appreciate an early reply, as many interests, not only here, but in London are involved.

I am, Sir,

Yours faithfully,

(Signed) P. R. J. H. HEARD.

COPY:

Heard Hoey's Bridge.
Gravimetric Chemical Estimation Assayer

Heard Hoey's Bridge Tin Oxide point 25 per
cent. Assayer.

Mining and Geological Department.
Nairobi.
31.3.1933.
Ref. G/3.

P.R.J.H. Heard Esq.,
Hoey's Bridge.

Sir,

With reference to your letter dated 23rd March, addressed to the Commissioner of Mines, I desire to inform you that a fresh assay has been made of the material supplied by you and gives 2.6% of Tin Oxide.

As an additional check, the remaining material was examined physically, and microscopic investigation of the heavy concentrates revealed the usual suite of minerals associated with tin, viz., tourmaline, topaz, garnet and, of course, cassiterite.

If the engineers who visited your prospect met with disappointing results, it is quite evident that the samples you submitted cannot have been representative of the occurrence as a whole.

I am, Sir,
Your obedient servant

(signed) R. MURRAY-HUGHES
Geologist.

Copy to:- The General Manager,
The Kageria (Uganda) Tin Fields Ltd.
P.O. Mbarara, UGANDA.

2.

COPY:

Geological Survey of Kenya,
Box 191. Nairobi.

21st April, 1933

P.R. Heard, Esq.,
Hoey's Bridge

Dear Sir,

I have estimated Tin in the sample left with me and find 0.20% Tin, or 0.25% Tin Oxide. I have wired you to this effect as requested.

I will await your instructions with regard to the second sample left with me.

I have the honour to be, Sir,
Your obedient servant,

(Signed) H.F.R. HITCHINS.

Assayer & Chemist.

Geological Survey of Kenya,
Nairobi.

3rd May, 1933.

Dear Mr. Heard,

The results of the Tin Assays on the two samples received from you last week are as follows:-

1. F.A.B. Tin Oxide 0.15%
2. H. Tin Oxide 0.18%

You will recall that the large specimen you brought in gave 0.20% Tin Oxide and the sample you left with me gave 0.25%. From these results it seems quite clear that when a sufficiently large and representative sample is taken

3.

the percentage of Tin Oxide is 0.1 - 0.2%. Portions of the rock may contain 2% or more, but the average over all is evidently much lower.

Cassiterite when treated with Zinc and Hydrochloric Acid is converted on the surface into metallic tin, and no preliminary treatment is necessary.

I think my reference to Caustic Soda was made in connection with the method used to decompose the ore, i.e. it was heated with fused Caustic Soda.

Yours sincerely,

(Signed) A. F. R. HITCHINS.

Tanganyika Concessions, Ltd.,

Kismu.

12 4.1933.

R. Loycester, Esq.,
Kakamega.

Dear Sir,

With reference to your visit here yesterday, Mr. Burnard asks me to let you know that we are not interested in the samples you left here yesterday.

Yours Faithfully,

TANGANYIKA CONCESSIONS LTD.

Johnston Matthey & Co.,

London.

33/313.

The Standard Bank, Ltd.
10, Clements Lane,
E. C. 4.

1 Tin. 3 lbs. 11 ozs. Marked "R.L."

This sample of Mineral does not contain Tin.

(Signed) P. GIRTIN,

Director.

22.5.1933.

Mining and Geological Department,
Nairobi.

M/1127/16.

14.6.1933.

Dear Mr. Heard,

I have received your letter dated June 4th and I believe the samples have arrived safely in Nairobi. These are going to be re-examined by ourselves and I propose sending duplicate samples and specimens down to Dodoma for their examination.

I would like to correct one impression conveyed in your letter, when you say that after seeing the place, I said that it "looked like a tin occurrence." If, by this, you meant a "tin occurrence" to be synonymous with "tin mine" you quote me incorrectly. Tin-stone is found under conditions which do not always make it an economic mining proposition, and after the inspection of your trenches, I think that I said that there was no reason why you should not find tin stone there.

5.

However, with this second group of samples, I hope that we shall be able to clear up quite definitely the mystery about it all—

Yours sincerely,

(Signed) R. MURRAY-HUGHES.

c/o The National Bank of India, Ltd.,
Kisumu.

12.6.1933.

R. Lancaster, Esq.,
London South.

Dear Mr. Lancaster,

We have tested the samples you left us for tin, and have failed to find any trace of the metal.

You may be quite sure, that these samples contain nothing of the least value, though that is not to say that some parts of the lode does not contain some tin, though judged by the country rock I do not think you can expect tin of workable grade.

Yours very truly,

(Signed) A. BASIL REECE.

The samples are a Hornblende Gneiss, with
and of Epidote, and the latter might occur
A.B.R.

COPY:

Paugh-a-ballagh,
P.O. Hoey's Bridge.

6th November, 1933.

The Government Geologist,
KENYA.

Sir,

On various occasions by letter, and verbally you have stated that if concentrates from our samples are placed in H.C.L. and Zinc Cassiterite would be apparent.

I have done tests innumerable, with no results. Tests by this method have been done by the principals of various Companies operating or interested in Kenya, and none of them get any results.

Is this statement of yours, based on tests done by yourself on these samples?

Besides a report from Johnson and Maffey, adversely concerning the method of Assay, as done by Tanjanika Survey, we have lately had another mining engineer and geologist on the prospect. In his opinion, the Assay was worthless. He also microscopically examined concentrates and disagrees with your conclusions re Cassiterite. He also has done H.C.L and Zinc tests and fusion tests with a negative result. Sample, including the one assayed by Maffey, .15% and Johnson and Maffey, - nil. He has taken to the assay in Johannesburg and South West Africa by the Assay office of his Company. I conclude you are not prepared to run a fire assay on sample 230.

In these circumstances we paid the 240/00 without prejudice, and the matter cannot be allowed to rest where it is, as you will realize.

The Department has definitely stated Cassiterite to be present in all samples examined by you.

2.

You have stated a certain test will show certain results, this test used by various people shows nil.

You said the mystery would be cleaned up, you hoped. It has deepened.

In face of the overwhelming evidence, we now possess, it appears, that, if there be any Tin present at all, it is certainly not in the form of Cassiterite.

I should be glad to receive, at the earliest possible moment, your answer to these queries, and comments on what I have written.

I am, Sir,

Yours faithfully,

(Signed) P. R. HEARD

for Heard & Leicester.

COPY.

Mining and Geological Department,

NAIROBI.

Reference M/1127/36.

23rd November, 1933.

P. R. J. H. Heard, Esq.,
P.O. Hoey's Bridge.

Sir,

I have received your letter dated November 6th., and must apologise for it not having been acknowledged before. This was due to the fact that I have been out on Safari.

I am instructing the Government Assayer to return to you all your samples so that you may deal with them as you think fit.

I would draw your attention to the fact that the occurrence of Cassiterite-bearing gneiss is not confined to your farm. If you will consult the report issued from this office, "Notes on the Geological Succession, Tectonics, and Economic Geology of the Western Half of Kenya Colony," you will find I also discovered this interesting formation near Lugari. A large number of samples were taken there, and the average tin content was .02%. Slightly more than a dozen specimens have been cut and in this way the cassiterite is easily visible. Assays have been made and have yielded up to 2% Sn.

In my opinion these occurrences are of no economic value from the point of view of recovering, but there is a possible chance that in the course of past ages, concentration by stream action may have produced alluvial deposits, which call for search.

I am, Sir,

Your obedient servant,

(Signed) E. MURRAY-JENSEN.

COPY.

Mining and Geological Department,
NAIROBI.

Reference M/1127/36.

23rd November, 1933.

P. R. J. H. Heard, Esq.,
P.O. Hoey's Bridge.

Sir,

I have received your letter dated November 6th., and must apologise for it not having been acknowledged before. This was due to the fact that I have been out on Safari.

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In my opinion these occurrences are of no economic value from the point of view of reef mining, but there is a possible chance that in the course of past and present denudation by stream action may have produced alluvial deposits, which call for search.

I am, sir,

Your obedient servant,

(Signed) E. MURRAY-KUHN.

COPY.

The Standard Bank of South Africa,
ELDORET.

14th September, 1933.

P. R. J. H. Heard, Esq.,
Hoey's Bridge.

Sir,

Re Assay of Quartz for Tin.

With reference to your enquiry re the above, we beg to quote hereunder an advise our London Office has received from Messrs. Johnson, Matthey & Co., Ltd.

"In reply to your letter of 29th August, re Assay Certificate RB.35/313 of the 22nd May, 1933.

Together with sample of Mineral received by us in May was a copy of a letter from Kenya pointing out the many variations in Assays made on different samples of this material.

We noted these remarks at the time and therefore took all the necessary precautions in examining the sample submitted to us for Assay. Under these circumstances we feel confident that so far as this particular sample is concerned the report issued is correct.

In the event of any further assays being made, we would suggest that a considerable quantity of the mineral should be crushed, divided into several samples to be assayed at the time, so that each Assayer receives an identical sample for examination.

The method of determining the Tin described is a standard method for good quality Tin Ores (Cassiterite) but needs modification for low grade material.

2.

Five grammes of Ore mentioned for test is quite necessary for examination, although direct fusion of this amount, in our opinion is not a practical method, involving as it does too large a volume of solution and considerable quantities of reagents.

The Iodine is good and used by ourselves, at the same time we suggest that a solution weaker than $\frac{1}{2}$ Iodine be used and that reduction with Iron or Nickel in presence of Antimony be tried.

Blank tests of all reagents used for tests should be made under identical condition and compared with assay results.

We return herewith the correspondence you sent to us in the matter."

Yours faithfully,

Manager.

July 31st, 1933.

M/1127/24.

F. B. Heard, Esq.,
P.O. Hoey's Bridge.

Sir,

I have now received a reply from the laboratory of the Tanganyika Geological Survey concerning the six samples for tin determinations that were sent here by you. The results are tabulated below:-

<u>Sample No.</u>	<u>Kenya Survey.</u>	<u>Tanganyika Survey.</u>
1.	Between 0.1% and 0.2% Sn.	0.46% Sn.
2.	0.1% Sn.	0.11% Sn.
3.	Trace	0.06% Sn.
4.	Trace	0.03% Sn.
5.	Between 0.1% and 0.2% Sn.	0.23% Sn.
280.	2.75% Sn. (Average of two deterns).	3.08% Sn.

N.B. No. 280 is the original sample first submitted.

My own microscopic determination of cassiterite is also confirmed by the Tanganyika Survey, which states that "The cassiterite is a pale greenish colour showing undoubted pleochroism which, however, is not so strong as that seen in the Uganda and Tanganyika (Bukoba) cassiterite."

A description of the method used for the determinations is enclosed.

No charge will be made for the broadbeam spectroscopic and microscopic examination of the heavy residues. The total charge for the chemical work amounts to £10.00, which excludes the cost of the samples and the postage for which no charge is being made.

I am, Sir,

Your obedient servant.

(Signed) F. B. HEARD.

Tanganyika Geological Survey, Dar es Salaam.

WET ASSAY OF TIN LOWS MODIFIED.

In a thin spun-iron crucible (60 cc. capacity) $2\frac{1}{2}$ inches of stick sodium hydroxide are melted and heated until all moisture is expelled. After cooling, 0.5 of the finely ground ore is added and the crucible heated, gently at first to avoid spattering, finally with the full flame of a Meker burner until fusion is complete. The melt is poured on to a clean iron plate and the crucible leached in a covered beaker using 50cc. water and 40 cc. Conc. H.C.L. When the crucible is clean it is lifted on the end of a glass rod, rinsed into the beaker and removed. The fused cake is next added to the beaker, the cover replaced and the beaker placed on the hot plate until complete solution (apart from separating silica) has been effected. The solution is transferred to a large flask and 0.5 g. of finely powdered metallic antimony, 40 cc. Conc. H.C.L. and 25 cc. of 10% Na₂CO₃ solution added, the flask being immediately closed by a rubber stopper with delivery tube leading under 10% Na₂CO₃ soln, contained in a beaker. The flask is heated and kept at gentle ebullition for twenty minutes or more by which time complete reduction of both iron and tin should have been effected. The flask is then cooled to room temperature, still keeping the delivery tube under the Na₂CO₃ solution. The stopper is then quickly changed for one bored to fit the delivery tube of the burette, 5 cc. of starch solution added and the titration with standard iodine made.

The iodine is standardised against pure As₂O₃ (to convert As₂O₃ to its equivalent of Sn multiply by 1.199, observing the usual precautions.)

In the assays now carried out 5 grams of ore were used in each case and larger quantities of NaOH and HCL.

2.

were consequently found necessary. One gram of antimony was found sufficient to effect complete reduction.

Blank experiments showed the antimony to exercise practically no effect upon the course of the reaction.

The determination of Sn. as sulphide involves many difficulties and according to Scott (p. 529) should be avoided if possible. Sulphide of tin is a slimy precipitate in the absence of ammonium salts. It is considered preferable, if separation of sulphide must be made, to redissolve and estimate volumetrically.

(Signed) FRANK OATES

Chemist and Petrologist.

Dodoma.

July 28th, 1933.

2.

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Blank experiments showed the antimony to exercise practically no effect upon the course of the reaction.

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(Signed) PRANK OATES

Chemist and Petrologist.

Dodoma.

July 28th, 1933.

COPY.

Mining and Geological Department,

M/1127/22.

Nairobi.

6. 9. 1933.

P. R. Heard, Esq.,
P.O. Heey's Bridge.

Sir,

I have received your letter dated 3rd September, in which you ask me if sample No. 280 yields "metal". I do not understand this enquiry, as no metallic tin is exported from any mine in the world. The mineral cassiterite is the product recovered and this is sent to reduction plants in England and America, where the metal is then obtained.

Cassiterite is quite definitely in sample No. 280, and much less being confined to your farm appears to be fairly widespread in the district.

The last question in your letter, "Is it possible to get metal from the sample?" is in the affirmative in so far as by dropping the cassiterite into a diluted solution of hydrochloric acid in which a small piece of zinc has been placed, metallic tin is formed on the periphery of the cassiterite grain, but this of course is only a laboratory experiment.

I would be grateful to receive your views on the work that has already been done, as it was undertaken without previous payment only on account of the interest that I have taken in it.

I am, Sir,

Your obedient servant,

(Signed) R. MURRAY-HUGHES,

Geologist.

COPY.

Nairobi,

30. 10. 1933

P. R. Heard, Esq.,
Hoey's Bridge.

Dear Sir,

I have just been called to South West Africa, and have not been able to get the Assay for tin done in Nairobi.

I am taking the sample with me, however, and will have them tested in Johannesburg, and also by my own Assayer in South West. The Concentrates which I took from your place were tested by myself in Kakamega. I used both the fusion and sine-hydrochloric acid tests, but could not detect tin in any of the Concentrates.

Yours truly,

(Signed) L. McDONALD.

23004/2 Kenya

C. O.

M. Kerall 3

M. Kenning 4/2/35

M.

M. Parkinson

Mr. Tomlinson

Mr. Bottomley

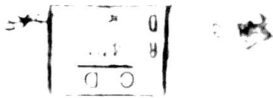
Mr. ...

Mr. ...

Mr. ...

Secretary of State

Kenya 1935



(11)

DRAFT.

L. K. J. H. Heard, Esq.

Copy to Kenyan (15)

FURTHER ACTION.

Copy 11 23004/1

on 16

Kenya, the receipt of ...
 11th & 12th 23004 & February
 regarding a ...
 and by the Kenya ...
 Biological Experiments ...
 at your request and to
 inform you that he does
 not propose to pursue the
 matter further until he has
 received the observations

1 of 2

Re 23087/34.

RECEIVED
27 FEB 1935
C. O. REGY

C/o Barclays Bank
37 Regent St.
S.W.7.

42
11

To
The Under Secretary of State
Colonial Office.

26. 2. 35

3/

Sir,

No. 9, I have received your letter of the 30th inst for which I thank you.

I note you state "that it is not clear that the material submitted to Johnston & Matthey (incidentally others) was part of the sample sent to the Kenya Geological Dept," though I have stated in my memorandum that it was portion of a larger sample quantered down.

However I would like to call the attention of the Secretary of State to the fact that — The residues of the actual samples assayed in haste by the Kenya Geological Survey were returned to me & are here still in the packages I received them in numbered by the Govt. Assayer.

An assay of these abroad, of course give almost identical results, with those obtained from these actual samples by the Assayers Kenya & Tanganyika, if their assay was correct. As I demanded the return of these

copy to Kenya

for the purpose of submitting them to outside assaying
 I am prepared to hand them over for assay
 to any assayer the Secretary of State here to name
 to be assayed for certificate

There can then be no question of sampling as these
 are the identical samples already assayed.

I am Sir,

Yours faithfully,
 R. R. H. H. H. H. H.

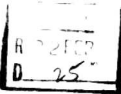
23087/34

NO 44
A

C. O.

Mr. ~~Proctor~~ ^{27/12/34}
Mr. ~~Quiston~~ ^{27/12/34}
Mr.

Mr. Parkinson.
Sir G. Tomlinson
Sir C. Bottomley.
Sir J. Shuckburgh
Permt. U.S. of S.
Parly. U.S. of S.
Secretary of State.



23 FEB 1935

✓

I am etc to acknowledge
the receipt of your
letter of the 29th of
January (reference to
M. 5587), and to
thank you for your
views on the
correspondence submitted
to this department
by Mr P.H.H. Heard
regarding his complaint
against the Kenya
Mining and Geological
Dept.

DRAFT.

①

Director
Imperial Institute.

FURTHER ACTION.

Signed J. E. W. FLOOD

C. O.

Mr. Flood, s.2

Mr.

Mr. Robert Long Please see my memo. 10.

Mr. Parkinson

Sir G. Tomlinson

Sir C. Bottomley 16 f

Sir J. Shuckburgh

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

Downing Street,

20 February, 1935.

Sir,

I am etc. to refer to the

letter from this Office of the 16th

of January and to state that he has

since been advised that ^{this is no good} it is possible

that the results obtained by assay of ^{reason to doubt}

the samples submitted to the Kenya

Geological Department were in fact

accurate. The fact that Messrs.

Johnson, Matthey and Company found

different results on assay does not

necessarily prove that the assays

carried out in Kenya were wrong, since

^{it is not clear} there is no direct evidence that the

material tested by that firm was part

of the actual sample received and

assayed by the Kenya Mining and

Geological Department. The Secretary

of State is advised that careful and

accurate sampling is necessary for if

uniformity

DRAFT.

C. D.
R 16 FEB.
1935

P. R. J. H. HEARD, ESQ.

and confirmed by the
Tanganyika Geological Survey

FURTHER ACTION.

Handwritten signature/initials

uniformity in assay results is to be expected, and it is at any rate possible that sufficient care was not originally exercised in taking the samples of rock.

In the circumstances the Secretary of State ^{does not} ~~is unable to~~ consider that you have a good claim for reimbursement, but a copy of the correspondence is being sent to the Governor of Kenya for his consideration.

He will be writing to you, also, a copy of any reply which you may wish to make to his letter.

2

(Signed) J. E. W. FLOOD

47
7

REC
JAN 1933
O.O. REC.



Telephone:
KENSINGTON 3264 (Four lines)
ADDRESS CORRESPONDENCE
TO THE DIRECTOR

REF No M.5255

IMPERIAL INSTITUTE,
SOUTH KENSINGTON
LONDON SW 7

3c

29th January, 1933.

Sir,

I have the honour to acknowledge your letter (23087/34) and enclosures of the 16th January, and to offer a few observations.

N.C.

We see no reason to doubt the accuracy of the results obtained by assay of the samples examined by the Kenya Geological Department, especially as the results were confirmed by the assays carried out by the Tanganyika Survey.

(cont 10)

The assay results obtained by Johnson, Matthey & Co. of London (11th January 1933) do not prove that those made by the Kenya Mining Department were wrong, as there is no evidence that the material tested by the firm was a portion of the actual sample (No. 280) received and assayed by the Kenya Geological Department.

copy to Kenya

I would point out that careful and accurate sampling is necessary if uniformity in assay results is to be expected; and it seems to us that Mr. Heard has not been sufficiently careful about sampling, a state of things very common among inexperienced prospectors.

So far as we can see from the correspondence, Mr. Heard has no claim against the Kenya Government. He seems to have spent some time and money in attempting unsuccessfully to prove that the assay made by the sample No. 280 was inaccurate, instead of taking proper cognisance of the significance of assays on subsequent samples which indicated the presence of tinstone only in unpayable quantities. Otherwise his expenses are only those normally incurred by a prospector in making a preliminary examination of a supposed mineral-bearing area.

Mr. Heard's letter and enclosures are returned herewith.

I am, Sir,

Your obedient servant,

H. P. Lindsay

Director.
(Sir Harry Lindsay)

The Under Secretary of State,
Colonial Office,
London, S.W.1.

52087/34

1562

ansd. 7.

DOWNING STREET.

16 January, 1935.

S2

Sir,

CONFIDENTIAL.

I am, etc. to transmit to

you a letter received from
 Mrs. P.R.J.H. Heard, a Kenya planter,
 in which he alleges that the results
 of an assay made at his request
 by the Kenya Mining and Geological
 Department in 1933 were incorrect.
 He complains that he has been put
 to considerable expense in consequence
 of the incorrect assay.

2. Having regard to the
 technical nature of the
 issue, Sir Philip Cunliffe
 would welcome any observations which
 you may be in a position to offer.

3. A copy of the Annual Report

Mr. ...
 Mr. ...
 Mr. C. ...
 Mr. J. ...
 Foreign U.S. of S.
 Dept. U.S. of S.
 Secretary of State.

7 DEPT.
 THE DIRECTOR,
 FEDERAL BUREAU OF INVESTIGATION.

9/1/35 in original
in original

(9)

the second paragraph of Mr. Heard's letter, was sent to you in the letter from this Department dated the 21st of November, 1934, (Reference 23304/34).

4. . I am to request that Mr. Heard's letter and the enclosures thereto may be returned to this Department in due course, as no copies have been kept.

I am, Etc.

(Signed) J. E. W. FLOOD

C. O.

25087/34.

Mr. Grasswith. 11/15

Mr. Tilden 1/15

Mr.

Mr. Parkinson.

Sir G. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Permt. U.S. of S.

Party. U.S. of S.

Secretary of State.

DOWNING STREET,

16 January, 1935.

2 DRAFT

F. R. J. H. HEARD, ESQ.

90 Harley St

27 Regent St. W.

Sir,

I am etc. to acknowledge the receipt of your letter of the 9th of January regarding an assay carried out by the Kenya Geological Survey in 1933, at your request, and

I am to inform you that a copy of your letter and the assay report with the confidential certificate being sent to the Director of Mines

A further copy of the report will be sent to you on receipt of the appropriate reply

I am, etc.

(Signed) J. E. W. FLOOD

copy to Kenya (G)

59
1610

2.

Together with this statement I forwarded a claim for our actual expenses, i.e. £225. No compensation of any sort has been asked for beyond these expenses. The originals of all the correspondence are lodged with our Solicitors in Eldoret, Kenya.

I hope, sir, that you will at least cause some enquiry to be made into this matter.

I have the honour to be, sir,

Yours faithfully,

R. J. ...

2

Communications on this subject should be addressed to—

THE UNDER SECRETARY OF STATE,
COLONIAL OFFICE,
LONDON, S.W.1.

and the following
Number quoted: 23087/34.



Downing Street,

28 February, 1934

52

J. refs.

Sir,

I am directed to acknowledge the receipt of your letter of the 22nd of February, and to inform you that, as the questions which appear to be at issue are purely for the Government of Kenya, it is doubtful whether any useful purpose would be served by an interview.

2. ~~If you desire an interview, however, you are~~ ^{may however} ~~at liberty~~ to call at this Office on any week day between the hours of 11 a.m. and 1 p.m. or 3 p.m. and 5 p.m. (Saturdays 11 a.m. to 1 p.m.) when a member of the East African Department will ^{be instructed} ~~see you to place~~ himself at your disposal. ~~Should you require~~ ^{be instructed} ~~from~~ ^{be instructed} ~~me, Sir,~~

Your obedient servant,

and telephone to answer you
You will no doubt bring the relevant documents when you call.

A. M. ELLIOT, Esq.

Signed, J. E. W. FLOOD

12nd February 1934

The Rt Hon. Sir ...
Secretary of State for the Colonies.
WHITEHALL, LONDON

2-10-34

Dear Sir,

The following extract is from a letter dated 7/2/34 at Paugh-a-Ballagh, Hoey's Bridge, Kenya Colony, and signed by Mr Rory Heard of that Farm.

" I received the enclosed from Shaw yesterday & went in this morning and saw O'Shea our member. He says that as this is the final sitting of Legislative Council before the election he would probably not get a chance to put a question and it would in any event be useless as he would only get the same answer. He says that it is best now to have things out, and make a direct appeal to the Colonial Office."

I attach copies of two letters, one from W.A. Shaw, solicitor, of Eldoret, which speaks for itself, and the second is the reply or rather gist of it to letter one.

I have copies of all the official assays and others:

CONTINUED (2)

538

MAYFAIR 2024.

10, BERKELEY STREET,

MAYFAIR, W.1

22nd. February 1934

Rt. Hon. Secretray of State for Colonies.

I am personally interested in the question raised; though I am not personally making any financial claim, knowing that there is a small chance of obtaining this from Government. However, the matter is so serious that I must ask for an interview with some one in authority before I have questions asked in the House.

I am desirous of laying all documentary evidence before you and discussing the question amicably to see if some arrangement cannot be arrived at.

I have the honour to be
Sir,
your obedient servant.

A. Macbeth Emswold

True Copy.

54

Copy

10th January, 1934.

No. 1650/1

The Hon. The Colonial Secretary,
Nairobi.

Sir,

Compensation Claim - Heard & Leicester.

I have been instructed by Messrs Heard and Leicester to send you a brief statement of the history in connection with the sampling from an area supposed to carry tin and copies of correspondence between Mr. Heard of the firm of Heard and Leicester, and other persons. It would seem that in January 1933 a sample of uncrushed rock was sent to the Government for assay and the result was given by the Assayer & Chemist employed by the Government as 2.85 per cent tin-oxide whereupon the result of the analysis was wired to Mr. Gastrill of Uganda who advised pegging as many claims as possible and who on instructions visited the site. The correspondence discloses that the Government officials concerned appear to have made a very grave mistake and the matter is now being brought to your notice on instructions to see what attitude will be adopted in dealing with the loss sustained by my clients in this unfortunate matter. I enclose a list of disbursements made totalling Shs. 4535/- and as there is not tin to be obtained my clients wish to know whether you can make arrangements for payment to them of the loss suffered herein namely Shs. 4535/-. I shall be grateful if you will please take up the matter with those concerned on behalf of the Government and let me have a reply thereto as soon as possible.

I have the honour to be,
Sir,

Your obedient servant

(Sgd) W.A. Shaw.

William Abercrombie Shaw
Notary Public.

WAS/JvR

Eldoret,
5th February 1934.

Please Ref. No. 1650/1.

P.R. Heard, Esq.,
Faugh-A-Ballagh,
P.O. ROEY'S BRIDGE.

Dear Sir,

As we expected I have received a reply dated the 1st instant from the Colonial Secretary in connection with the claim Heard & Leicester against the Kenya Government for the expenditure incurred in prospecting for the tin following upon an erroneous assay by a Government Official.

The Colonial Secretary states that after making enquiries into the facts it would seem that no mistake was made by the Assayer and Chemist and as Government is not liable in any event for the acts of its Officers executed in good faith it is regretted that Government is unable to consider making any payment to your firm in respect of this complaint. Will you kindly instruct me if I am to do anything further.

Yours faithfully
(Sgd) W.A. Shaw.