

1934

23262

1934

23262

KENYA
CO 533/450

Voi Muratuti Concession.

Previous

3245/33

~~Muratori~~
309 13/11

Mr Freestone 17

Mr Wood 14

Sir C. Bottomley 14

R. 309 17

Mr Freestone 17

Sir C. Bottomley 1

Subsequent

58134/35

298 10/11

297 20/11

Room 309 27/11

Mr Freestone 27

311 27

CS 29/11

299 24/12

297

R. 98

By 297 25/6

Room 309 30/8

Sir C. Bottomley 4/9

R. 297 22/9

Mr Freestone 24

Mr Wood 24

Sir C. Bottomley 25

297 5/10

Mr Freestone 6

Mr Wood 6

Room 309 1

298 9/10

297 9/10

Room 311 9/11

299 9/10

297 11/11

C.9
Voi-Quatata
Concession

Gouverneur Bygone 1404 (H.M. Mail) 14 August 34

Furnishes information regarding discussions with
Major Goldman & action taken regarding the supply of water
for the Voi-Quatata concession & states will communicate later
regarding records in paras 1262 & 1268 of hand Comm. Report.

Sir C. B. Stanley

This must wait until we
hear from Major Goldman (para 5)

AS
30/8

I am afraid that Major Goldman's
barometer - which was ^{on} "struck"
'set fair' in July - will now
fall back to 'Stormy'. ~~Some~~ Possibly
his Continental finances will
dry up long before the Swamps
Wait W.C.B. 4.9.34

2. Teeta Concessions Ltd 20 Sept 34

Furnish a resume of the position of the franchise relating
to the water supply & give ^{particulars} of the ^{details} of the factory of the concession.
Such ^{investigation} ^{should} ^{be} ^{made} ^{after} ^{further} ^{investigation} ^{be}
found insufficient, the concession will be granted to draw water from
the Ngulu Swamps subject to native requirements.

The Company are now prepared to spend
say a further £100 in employing a hydraulic
engineer with proper credentials (para 5)

It may be presumed that, if the engineers
report favourably, they will also be prepared
to find the £2000 which Govt estimates
to be the cost of sinking the wells (para.
6 of 1).

Copy by Air Mail (tomorrow) to
Gov. in short despatch ref. ① for stream.

J. S. D. Ford
suff.

There is no record of what happened at
the interview with Sir John Maffey beyond the
statement in the second paragraph of this
letter that the Company were requested to write.
I agree that there is nothing else to be done at
the present moment than to send a copy out by air
mail, but I am not at all clear that the second
paragraph on page 3 of this letter is a correct
representation of the facts. What happened
apparently was that they employed Mr. Scott who
advised them that water would be found by sinking
wells, but Mr. Scott severed his connection with
the Company before they did any digging and when
the wells were sunk no specially qualified advice
was taken by the Company the work being done by
the Factory Engineer (see paragraph 5 of the
Governor's despatch). I am not sure that we
should let this pass and I think it would be as
well to acknowledge receipt, inform the Company
that a copy has been sent to the Governor and
with reference to this particular paragraph to
point

point out that what the Governor stated was not that
Mr. Scott was not properly qualified but that his
connection with the Company had ended before any
actual well-sinking operations were carried out and
that those operations were in charge of a Factory
Engineer.

I think their suggestion of spending another
£100 to employ an engineer with proper credentials is
derisory. They might get an engineer to examine the
ground and say as Mr. Scott said that they probably
would get water by digging but that would not meet
the objection put forward by Kenya to what they did
last time.

There does, however, appear to be a danger
that the money would run out and in that case the
Company will undoubtedly be in a very bad way and will
undoubtedly have some good thick mud to throw at Kenya
and at the Colonial Office. Drafts herewith.

J. S. D. Ford
24.9.

I have added in 50. ref. to
Sir J. Maffey's reply in second
explanation & also in supplement
of the official information. I
see no reason to withdraw the
fact that they brought in Sikas
into their discussions.

J. S. D. Ford

25.9.74

3 To Sir John Maffey (12 ansd?)
4 To Sir J. Home P.O. } 25 SEP 1934

A record seemed
unnecessary as I
understand would have
been sent to the Govt
with immediate
reference to the
Govt for Canada.

125

By hand mail
20/9/34

To Kenya 790 (w/cs 2-3) corr
1 answer
25 SEP 1934
2/12

6 Teta Concessions Ltd _____ 22 October 1934.

Repet of their statement that the Govt of Kenya
contended that Mr. Scott was not a qualified man is
incorrect, but reaffirm that this was the impression
gained at the two conferences in Nairobi.

Atch. copy being sent to Gov. Arundel

Copy circ. Gov. Lt ref 5 Arundel

J. Flood
6/10

Yes (Why not keep the corr in Nairobi
- how it belongs?)

J. Flood
6/10
at once.

To Teta Concessions Ltd - 9/10/34
(6 ans.)

By hand mail
9/10/34

To Kenya 829 (w/cs 6 & 7) A/1 9 OCT 1934

W

9 General Bygone 604 (H. Mail) _____

Furnish details on views of Teta Concessions Ltd on No 2
9 states that it is considered that water is available without
having recourse to the Ngulu Swamps, that the Company should
explore its underground resources.

The Kenya Govt is more or less convinced
that sufficient water for the
Company's needs can be found in
the Concession area, if the Company
take proper steps to develop
the underground supplies. Govt
considers that the Company should,
in their own interest, abandon
their blind faith in the
Crestline Test capacity of the
Ngulu Swamps.

A note on the correspondence is
attached.

? Send the substance of the
foreman's report (suitably edited)
to the Hansburg.

A. Grossmith
15.11.34
P. Hunt

This has now got down almost to cross-talk
between the Govt. and the Company and this Dept. It
has to stand in the middle and hand the correspondence
from one to the other. The situation is summed up
in Mr. Grossmith's memorandum and can be quite
briefly stated as that Govt. contends that there is
any amount of water on the estate without going
outside it, that the Company in sinking wells did not
sink them deep enough, it having been proved that
you ought to go down about 40 ft. whereas they have
not

9A

not gone down more than 20ft. The Company contend that they have done everything they could, that they cannot get enough water from underground borings, that they won't extend their researches any further, and that they want to get at the Ngula swamp.

It is pretty clear from the reports in the past from this despatch that to take 100,000 gallons a day from the swamp would have a harmful and possibly very serious results to the whole water supply all round it, and the Company it is raised out from future consideration. The water permit issued to the Company, it does appear that they have not the right to withdraw any water from the swamp and they have promised that they will not exercise their rights to draw from the swamp in excess of native requirements. Nobody, to my knowledge, can say what native requirements involve beyond that it is certain that to take as much water as the Company want would affect native rights adversely and if this turned out to be the case the Company would have to be stopped from the swamp and would be in a very bad way.

For the time being, we can only, as Mr. Smith suggests, communicate the despatch to Mr. Humberg and/or Major Goldman. With the best will in the world we cannot do very much other than to refer to technicalities as to the amount of water available in any given area and the best methods of getting at it.

J. C. W. Ford

14.11.34

Let me see the despatch if
he do not know that Major
Goldman has promised to
England it should be returned to
Mr. Humberg

[I have no doubt that
it is necessary to have some
reply for the time being from
somebody. At least we must
effect a demand that the Govt
should limit the amount of
water to be drawn from the
swamp (or perhaps a supply
from the Teita hills) &
(see note)]

100.5.94 11.34

To Campbell B. Humberg
(Teita mission tent)

20/11/34

Handwritten initials

11 E. B. Hausburg _____ 23rd Nov '34.

Acko No 104 states that copies are being sent to
H. J. Goldman & Co. A. States as to the Comhene's policy
regarding water supply & that an existing well has been
sunk an additional 7 ft with an appreciable increase in the
amount of water available.

If the Company can find supplemental
sufficient water on their in the
concession area, it doesn't
matter to Kenya whether it
comes from the Company's cement
wells or from other sources.

? Copies of 10 & 11 to Gov.
H. J. ref. 9.

Arthur ...
27. 11. 34

Arthur
my atn

12 To Kenya, 987 (w/cs 10 & 11) A/1 29 NOV 1934
9 answered

AK

TELEPHONE: HENFIELD 89.

HENFIELD
STATIONS AND
PARTRIDGE GREEN.

MEMO.

FROM

CAMPBELL, R. HAUSDORF,
SHERMANBURY PLACE,
ROMHAM.

NUMBER.

TO

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

23rd November, 1934.

Dear Sir,

Not I have to acknowledge receipt of your letter
Ref. 23262/34 of the 20th November.

This was addressed to Major Goldman's
office from whom it was forwarded, & it
reached me this morning.

copy to I am having copies of it sent to Major
Goldman in British Columbia & also to
East Africa.

The only comment I will now make on
your letter is that this Company is very
fully alive to the importance of obtaining
water from subterranean and/or other sources
on their own land, & has always been so.
They are entirely opposed to spending further
large

large sums of money, in addition to that already spent, in obtaining their supplies from a distance if they can be obtained near at hand, provided such supplies are adequate.

I may mention that in a letter dated October 22nd last it is reported that one of the existing wells has been sunk an additional 2500 feet in depth with an appreciable increase in the amount of water available.

I have the honor to

Sir,

Your obedient Servant,
For & on behalf of The Teita Concession, Ltd.
Campbell S. Hansburg.

Director.

Mr. Grossmith. *16/11/34*

Mr. *17/11/34*

Mr.

Mr. Parkinson.

Sir G. Tomlinson.

✓ Sir C. Bottomley. *17.11.34*

Sir J. Shuckburgh.

Perml. U.S. of S.

Parly. U.S. of S.

Secretary of State.



Downing Street,

20 November, 1934.

DRAFT.

Gentlemen,

TEITA CONCESSIONS LTD.

I am etc. to refer to the letter from this Department of the 25th of September regarding your concession at Mwatate and to inform you that the observations of the Governor of Kenya on the contents of your letter of the 20th September have now been received.

copy to Kemp (12)

2. The Governor is unable to accept your contention that the report of Messrs. Tetley & Henfrey of the 9th July 1934 cannot be considered up to date or complete because Mr. Henfrey did not complete his second visit until the

FURTHER ACTION.

beginning of August.

Ref. to the State

He suggests that the second investigation was undertaken at ^{his} ~~his~~ direction to clear up specific queries arising out of the first report, and that as a result of that investigation confirmed by the first visit in so far as the estimated yield from the underground sources was concerned.

As regards your request for a definite assurance that, if after you have further explored the possibility of obtaining water from underground sources in the Mwatate valley within the boundaries of the concession and including the pool south of the railway bridge near Mwatate station and the results are not satisfactory, you will be given access to the Ngulu swamp subject to native requirements, the Governor suggests that if you envisage a sum of £100 as sufficient to cover the cost of such an investigation, would appear to indicate that you have failed to appreciate

G. O.

- Mr.
- Mr.
- 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.

DRAFT.

FURTHER ACTION.

the significance of the Public Works Department's reports, the quantity of water was communicated to your local representative. The Governor is advised that it is very doubtful whether a hydraulic engineer with proper credentials would undertake the work for such a sum. He adds that as regards the sum of £3,000 which you state has already been expended on attempts to obtain an adequate supply of water, he presumes that this includes the expenditure on the salary or fee of the engineer, the pumps, ^{long} ~~having~~ pipe line and the tank at present used for the water supplies at Mwatate.

U. Sir Joseph Bagnall is led to the conclusion that you have not fully appreciated the only conclusion to be drawn from your letter is that you do not understand the problem of the recovery of the underground water available

adversely, and if therefore, under
conditions attached to a water permit
protecting native interests, it became
obligatory for you to cease drawing water
from the swamp, your position would be
desperate.

As already stated, the Government
of Kenya considers that there is ample
indication that water is available without
having recourse to the Ngulu Swamp, and that

in your own interests, quite apart from
the requirements of you should *be advised to*

~~the considerable capacity of water~~
explores vigorously the resources under-
ground or surface water, rather than to
rely on the capacity of the Ngulu Swamp

San Eli

(Signed) L. E. FREESTON

Application of Teita Concessions Ltd. for permission to take water from the Ngulu Swamp.

Mr. Hausburg's letter of 20th September.

Governor's observations.

Mr. Henfrey's Report dated 9th July 1934 cannot be considered as being up to date or complete for the reason that Mr. Henfrey did not complete his second visit to the Concession until the beginning of August.

Mr. Henfrey's second investigation was undertaken at the Governor's direction to clear up specific queries arising out of the first Report. The result of that investigation confirmed by actual test the conclusions arrived at on the first visit in so far as the estimated yield from underground sources was concerned. (i.e. from the water in the vicinity of the Rly. Bridge near Mwatate.)

Refers to Sir C. Bottomley's remark at the conference at the C.O. on 11th September regarding the resolution of the Central Lands Trust Board objecting to the Company's application. Sir C. Bottomley is reported as saying that in his opinion the wording of the

Actually, the water permit granted to the Company does not permit them to divert water from the Ngulu swamp but only from the Mwatate River.

The Company have, however, for some years been in possession of Govt.'s statement that

resolution did not necessarily imply that the Company should be excluded from the use of any water from the swamp, but that a lesser quantity than 200,000 gallons per diem might be considered, and that this resolution did not apply to the right already granted to take 50,000 gallons from that source.

The Company suggest that the Kenya Govt. attach great weight to a letter from Major Robertson Custace of 8/9/25 in which he said that "the most promising source for a water supply seems to be the Voi river" and that the Govt. infer from this that he abandoned or relinquished any claim to water in the Ngulu swamp.

It would be quite out of the question to pipe and pump water some

they would be given rights to draw from the Ngulu swamp subject to native requirements.

See above.

6 to 8 miles, i.e. from the Voi River to the factory.

The Company complain that they employed Mr. F. Mr. Scott on the advice of the Director of Public Works and having spent £3,000 in sinking shallow wells, boring and generally investigating the water position, they are now told that Mr. Scott was not a properly qualified man, and therefore his opinion could not be accepted.

Though the Company feel very strongly on this point they are prepared to spend, say, a further £100 in employing an hydraulic engineer with proper credentials.

The Company object to the statement "that the extraction of 200,000 gallons per diem would rapidly exhaust any water stored in the swamp". The statement

The misstatement as regards the qualifications of Mr. Scott is dealt with in No. 3.

The Governor presumes that the £3,000 includes the expenditure on the salary or fee of the Engineer, the pumps, long pipeline and tank at present used for the water supplies at state.

It is very doubtful whether an hydraulic engineer with proper credentials would undertake the work for such a sum.

Not answered directly. But it is the opinion of technical officers that the withdrawal of 200,000 gallons per diem would affect native interests adversely.

statement presupposes that there is no water coming into the swamp from the springs and other sources.

The Company say that they have not rejected a source the underground water along the course of the Mwatate River.

Incidentally, the river itself was bone dry in June 1933 and July 1934, namely three or four months before the rains were due to commence.

Govt. considers that there is sufficient water available for the Company for the Concession area if proper works for the development and recovery of the underground supplies are installed

adversely and if, therefore, under conditions attached to a water permit protecting native interests it became obligatory for the Company to cease drawing water from the swamp their position would be improved.

The Govt. considers that there is ample indication that there is water available without having recourse to the Ngulu swamp and that in their own interests, quite apart from native requirements, the Company should abandon their blind faith in the inexhaustible capacity of that swamp and explore vigorously the resources underground of their own estate.

in the Mwatate valley.

The Company are only prepared to spend £100 on this. Actually, they want to take 200,000 gallons per diem from the Ngulu swamp. To ascertain the definite amount which could safely be taken from the swamp without damaging native interests would take some considerable time, at least through a dry season, but the conclusion is that the extraction of any water from Ngulu Pool would be fraught with the gravest danger to the native cultivation round the Pool especially as the natives carry their cultivation so as near the Pool as they possibly can.

*Copy
See the H. C. P. 4/34
Report 2/4/34
Event to No. 1.*



RECEIVED
- NOV 1934 -
C. O. REGY

at November, 1934.

Sir,

I have the honour to acknowledge the receipt of your despatch No. 790 of the 25th September on the subject of the Teita Concessions Limited in which you request to be furnished with my observations on the Company's letter of the 20th September.

2. There is no substance in the contention by the Company that the report of Messrs. Metley and Henfrey of the 9th July 1934 could not be considered up to date or complete, because Mr. Henfrey did not complete his second visit until the beginning of August. The facts are that the second investigation was undertaken at my direction to clear up specific queries arising out of the first report, and the result of that investigation confirmed, by actual test, the conclusions arrived at on the first visit in so far as the estimated yield from the underground sources was concerned.

3. In their letter the Company ask for a definite assurance that, if after they have further explored the possibility of obtaining water from underground sources in the Kwatate valley within the boundaries of the Concession and including the pool south of the railway bridge near Kwatate Station and the results are not satisfactory, they will be given access to the Ngini Swamp subject to native requirements.

4. The ...

*Amended (10)
— (3 on 13/11/34)
No. 2*

THE RIGHT HONOURABLE

MAJOR SIR PHILIP LINDSAY GILBERT, F.C., G.B.E., M.C., M.P.,
MINISTER OF STATE FOR THE COLONIES,
BRITISH PARLIAMENT,
LONDON, W. C. 2.

No 1

4. The fact that the Company envisage a sum of £100 as sufficient to cover the cost of such an investigation, would appear to indicate that the Company has failed to appreciate the significance of the Public works Department reports, the substance of which has been communicated to their local representatives, vide paragraph 4 of my despatch No. 404 of the 14th August. I am advised that it is very doubtful whether a Hydraulic Engineer with proper credentials would undertake the work for such a sum. As regards the sum of £3000 which the company state has already been expended on attempts to obtain an adequate supply of water, it is presumed that this includes the expenditure on the salary or fee of the engineer, the pumps, long pipe line and tank at present used for the water supplies at Mwatate.

5. The only conclusion to be drawn from their letter is that the Company do not yet understand the problem of the recovery of the underground water available at Mwatate, and further that they do not appreciate the fact that the pumping test carried out by them on the pool immediately below the railway bridge, together with the other data in their possession clearly indicates that there is sufficient water available if proper works for the development and recovery of the underground supplies are installed in the Mwatate Valley. This Government is unable to regard the existing works as satisfactory, and any tests conducted in connection with the present concrete wells are practically useless. The reference to the borehole put down by a Government drill is not fully understood, but the evidence that the water bearing sands are situated between 15 and 40 feet below

and that in their own interests, quite apart from native requirements, the company should abandon their blind faith in the inexhaustible capacity of that Swamp and explore vigorously the resources underground of their own estate.

8. In conclusion I desire to draw attention to the increase in the company's demands for water. In their letter of the 5th April 1928 enclosed in Mr. Amery's despatch no. 276 of the 19th April 1928 the Company estimated that 50,000 gallons per diem would be required for the plantation at the Mwatate Swamp and a further 80,000 gallons for the plantation to be established between the Mwatate and Mtungu Stations. These demands have now been increased to 200,000 gallons per diem.

No 5.

15182/28

I have the honour to be,

Sir,

Your most obedient, humble
servant,

BRIGADIER-GENERAL.
GOVERNOR.

232 62/34

C. O.

Mr. *Freeston* *Sfr*

Mr.

Mr. Parkinson

Sir G. Tomlinson.

Sir C. Bellomley.

Sir J. Shillington

Permt. U.S. of S

Parly. U.S. of S.

Secretary of State.



9 OCT 1934

Gentlemen,

DRAFT.

Water Concessions Ltd

I am etc to acknowledge the receipt of your letter of the 4th of October regarding the water supply for your concession at Mwatani, and to inform you that a copy is being sent to the Governor of Kenya by Air Mail.

Copy to Kenya (8)

I am etc.

(Signed) L. B. FREESTON

FURTHER ACTION.

Copy & Copy 6 to the Kenya Air Mail Lf. for information.

C.S. GOLDMAN.
TELEGRAPHIC ADDRESS,
GOLDMANNIA, LONDON.
METROPOLITAN 2229.

6 18
SALISBURY HOUSE,
LONDON WALL,
LONDON, E. C. 2.

4th October 1934.

(Recd. 7)
The Under Secretary of State,
Colonial Office,
S. W. 1.

Dear Sir, Teita Concessions Ltd.

No 3
We have to acknowledge the receipt of your
letter of the 25th ult., No. 23262/34.

We regret if our statement that the Government
of Kenya contended that Mr. T.L. Scott was not a qualified
man is incorrect.

We must, however, reaffirm that absolutely no
doubt was left in the mind of the writer as a result of the
two conferences he attended in Nairobi that this was their
opinion, and, further, he fully believes that the same opinion
is shared by those who were present with him.

In any case the statement was not denied, and
moreover the whole discussion centred round the question of
whom the Company had employed, and what the result might have
been had they had other advice.

Our opinion would appear to be borne out in
letter, Ref. No. D.1099/117/31, dated the 17th August 1934,
from the Ag. Director of Public Works to the Manager of

Copy to Kenya (8)

4th Oct. 1934.

19

Teita Concessions Ltd., in which he said:

- "5. It will again reiterate that the work of investigation for the position for, and the design of, works for the recovery of the ground water in the Kwatati Valley should be entrusted to a capable civil engineer with experience in this type of work."

As we have pointed out before, "the position for" the wells was indicated by Mr. T.L. Scott, whom we believed to be "a capable engineer", and sunk at the points indicated by him, though the actual work was not carried out under his instructions.

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

For and on behalf of TEITA CONCESSIONS LIMITED

Camille S. Hansburg
Director.

C. O.

- ✓ Mr. Flood. 74
- Mr.
- Mr.
- Mr. Parkinson.
- Sir G. Tomlinson.

Answered by No. 9

Downing Street,
25 September, 1934.

- X Sir C. Bottomley. 25.9 ✓
- Sir J. Shuckburgh.
- Permt. U.S. of S.
- Privy. U.S. of S.
- Secretary of State.

Sir,

DRAFT.

KENYA.

NO. 790

GOVERNOR.

I have the honour to acknowledge the receipt of your despatch No. 404 of the 14th of August on the subject of Teita Concessions Ltd. and to inform you that Major Goldman sought an interview at the Colonial Office which took place on the 11th of September, those present being Sir John Maffey, Sir Cecil Bottomley, Major Goldman, Major Robertson Eustace and Mr. C. B. Hausburg.

2. After discussion the representatives of Teita Concessions Ltd. were asked to put their arguments in writing and I have now to transmit to you the enclosed copy of correspondence with them, from which you will see the present position. I should be glad to have your observations on the

FURTHER ACTION.

Handwritten initials/signature

Company's latest letter.

I have, etc.

(Sgd) P. CUNLIFFE-MASTER

found right, and said (in
answer to a question of mine) that
there was the former alternative
of a pipe line from the Tinto hills,
was quite practicable (though it
would cost more). The upper stream
was ample for Goldman's and
native needs.

Goldman's fundamental trouble
is that he is and always has been
up against entirely unorganized
native needs. Especially, he does not
think it fair that the Local D.C.
should be allowed to ~~be~~ veto
anything on his ~~own~~ "say so."

Yours sincerely,

(Signed) W. C. BOTTOMLEY.

C. O.

Mr. Flood. 24

Mr.

Mr.

Mr. Parkinson

Sir G. Tomlinson.

Sir C. Bottomley. 25 9 f

Sir J. Shuckburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State

Answered by Nob
S. 2

Downing Street,

25 September, 1934.

DRAFT.

TRITA CONCESSIONS, LTD.

Gentlemen,

I am etc. to acknowledge the receipt of your letter of the 20th of September regarding your concession at Mwatati and to inform you that a copy of your letter has been sent to the Governor of Kenya by air mail, with a request for his observations. I am, however, to point out that the statement in the second paragraph of the 3rd page of your letter as worded appears to be scarcely correct. It was not contended by the Govt. of Kenya that Mr. T.L. Scott was not a qualified man but what was stated was that Mr. Scott had severed his connection with the Company before any actual work in connection with well sinking was

copy to Kenya (2)

FURTHER ACTION.

undertaken

undertaken and that when the wells
were sunk no specially qualified
advice was taken by the Company, the
work being done by the Factory Engineer.

I am, etc.

(Signed) L. B. FREESTON

SALISBURY HOUSE
LONDON W. 1.
LONDON E.C. 4

20th September 1934.

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

ACKD. BY P.C.

Sir, Teita Concessions Ltd., Mwatati, Kenya Colony.

We beg to refer to the conference held at the Colonial Office on Tuesday, 11th September 1934 at which there were present Sir John Mailey, Sir Cecil Bottomley, Major Goldman and Robertson Eustace, Mr. C.B. Hauburg.

At the conclusion we were requested to write and send in a résumé of the position generally as relating to the water supply, and more particularly commenting on a Report from the Hon. Ag. Director of Public Works headed "Investigation of the Abstraction of Water by Teita Concessions Ltd. from and the Water Resources of the Mwatati River", dated 9th July 1934.

We would here point out that as Mr. Henfrey did not complete his second visit to the Concession till the beginning of August, this Report cannot be considered as being up to date or complete.

In introducing the subject of the water we referred to the Resolution the Central Lands Trust Board had taken in their letter dated 7th August 1934, No. S.SLTB.2/13, which reads as follows:-

"The Board then Resolved that, in view of the advice before it (a) that the Ngulu Swamp was likely to dry up, and (b) that other sources of supply existed, objection should be taken to the application".

We also called attention to the protest lodged by Mr. Hauburg on the Company's behalf to the above Resolution.

It was pointed out by Sir Cecil Bottomley that in his opinion the wording of this Resolution did not necessarily imply that the Company should be excluded from the use of any water from the Swamp, but that a lesser quantity than 200,000 gallons per diem might be considered.

*Answer to: 11/9/34
S.P. & Kenya*

He also pointed out that this Resolution did not apply to the right to take 50,000 gallons from that source, already granted.

We would also refer to the "Precis for the Central Lands Trust Board, dated 4th August 1934 under Resolution 3/34

- (111) "That should the Public Works Department be satisfied that this supply, (i.e. the water near the Railway bridge and Kwatati Railway Station and in the bed of the Kwatati River) after full experiment as suggested, will prove insufficient for the applicant's needs for the present, or immediate future, they be authorized to apply for the balance of water required from the Ngala Swamp outside the Concession area".

The Board at which this Resolution was taken, after investigating conditions for themselves on the spot, consisted of:-

S.H. La Fontaine Esq., D.S.O., O.B.E.,

Ag. Chief Native Commissioner; Ex-officio Member.

G.H.C. Bouldeerson Esq., Ag. Provincial Commissioner, Coast,
Chairman.

W. Blade-Hawkins Esq., District Commissioner, Voi, Deputy Chairman.

Chief Petro Mwangu, African Member.

On this occasion "the Board had before them a report upon the application and the local water supplies compiled by Messrs. Felling & Henfrey of the Public Works Department based upon a survey conducted by the latter at the end of June 1934".

The Kenya Government appear to attach great weight to a letter written by Major Robertson-Mustace, but which we have not seen, dated 2th September 1935, in which he states that "the most promising source for a water supply seems to be the Voi River above the bridge, from which it may be possible to obtain by pumping 50,000 gallons a day" (cf. Colonial Office letter No. 49988/35) and infer from this that he abandoned or relinquished any claim to water in the Ngala Swamp.

Major Robertson-Mustace is very emphatic that when this was written it was at that time thought that the factory and development of the sisal estate would be near the Voi River, as it would have been quite out of the question to pipe and pump water some 6 to 8 miles to the site eventually decided on.

20th September 1934. 76

History of the Concession. This concession was granted in exchange of, or in lieu of, the Diespecker-Macallister-Walseran Concession on the mainland below Mombasa.

It was appreciated from the outset that though the land was eminently suitable for growing sisal, there was only a very limited amount of water available, and it was on the availability of this water that the whole of the negotiations, which extended over several years, centred, and, further, on which the whole success or failure of the scheme depended.

Major Goldman, it will be remembered, emphasized this point very strongly at the conference, and further pointed out that the Colonial Office also fully appreciated it in that during their terms of office both Mr. Amery and Mr. J.H. Thomas stressed the water question in special despatches to the Governor of Kenya Colony.

We have given above an outline of the position and would now ask for a definite undertaking that should, after we have further explored the possibility of obtaining water from underground sources in the Kwatati Valley within the boundaries of the Concession, and including the pool south of the railway bridge near Kwatati Station, this be found insufficient for present and future requirements, permission will then be granted to draw water from the Ngulu Swamp subject to the reasonable requirements of the natives, but we have no idea as to what these are or are likely to be.

In conclusion we submit that this Company has shown its bona fides in that it has spent a very much larger sum of money than the Government stipulated should be spent, for the larger portion of which has been spent in the country for the benefit of the white and black employees and in railway transport.

We therefore ask that we shall receive fair and generous treatment. If only sufficient water can be obtained from the Kwatati Valley for the use of the existing factory, it means that virtually the whole of the remainder of the north-western portion of the concession is rendered valueless for sisal, pineapple or other development.

I have the honour to be,

Sir,

Your obedient Servant,
For and on Behalf of TEITA CONCESSIONS LIMITED

Campbell A. Handberg.

Director.

AIR MAIL

KENYA
No. 494



GOVERNMENT HOUSE
NAIROBI
KENYA

RECEIVED
24 AUGUST
G. O. REGY

11 AUGUST, 1934.

Sir,

Conrad (s)

I have the honour to inform you that Major J.S. Goldman of Leita Concessions Limited has recently visited the colony and is now, I believe, in England. In the course of his visit the recommendations of the Kenya Land Commission in regard to the Wakasigan and the proposed surrender of areas W.X and an area of approximately 200 acres as mentioned in paragraphs 1262 and 1266 of the report were discussed with him. I do not wish to deal with the Commission's recommendations at the moment, but Major Goldman took the opportunity afforded by them to reassert, with considerable emphasis, what he regarded as his rights in the matter of a water supply for his Concession. He asserted that his company had spent over £3,000 in endeavouring to satisfy the Director of Public Works's stipulation that the possibilities of obtaining water underground within the area of the Concession should be fully explored before any rights were granted to him to draw water from the Ngulu Swamp; that the Company's efforts had not produced a sufficient supply and that, unless the water question could now be settled in a manner satisfactory to the Company, further financial assistance would not become available, with the result that a venture, upon which some £90,000 had already been spent, and which gave every promise of success, both in respect of sisal and in respect of pineapples, would have to be abandoned.

2. I saw Major Goldman myself and expressed my

readiness...

THE RIGHT HONOURABLE
MAJOR SIR PHILIP CUMLIFFE-LISTER, P.C., G.C.B., M.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W.1.

readiness to do anything which was possible and proper to assist his Company, the value of whose activities, both to the Colony generally and to the natives in the immediate vicinity, I very fully appreciated. I reminded him that in previous correspondence in regard to water, with particular reference to the Ngulu Swamp, the requirements of the natives had consistently been safeguarded. In view of the urgency which he represented to be attached to this matter from the standpoint of further financial arrangements, I instructed that an officer of the Public Works Department should visit the place and make a special report. That report was received on the 10th July, and on the 18th the ^{Acting} Chief Native Commissioner and Commissioner for Local Government, Lands and Settlement made a special visit to Mwatati to examine the matter of the suggested land surrender and for the purpose of holding a meeting of the Local Land Board to discuss the water question.

On July 25th I called a special meeting of the Native Lands Trust Board to discuss the matter, and after a prolonged discussion the Board felt that it required further information, whereupon I directed that a second visit should be paid by an officer of the Public Works Department, and called another special meeting of the Trust Board for the 4th August, at which I invited the Company's representatives to be present. Mr. Hausburg was unfortunately prevented by illness from attending, and Mr. Agre, the local manager, came in his place. The Director of Public Works, the Hydraulic Engineer and Mr. Henfrey of the Public Works Department were also present.

3. I set out these facts fully in order to show the extent to which this Government has gone out of its way to give early and full consideration to Major Goldman's application. The application is for permission to take 200,000 gallons of water per diem from the Ngulu Swamp, it being ...

being represented that the present permit to take 50,000 gallons per diem from the river near the factory must be increased to 200,000 gallons for the purposes of the sisal factory, and that a further 50,000 gallons would be required in the future for the canning factory which the Company hope to instal. It should mention at this point that this Company conducted experiments in pineapple cultivation on behalf of Messrs. W. & A. Macmillan (that Company has surrendered an option it was given on 10,000 acres of Crown land between the two blocks L.A. 3880 and 3881 held by the Leita Concessions, Limited) and have in hand financial arrangements designed to enable them to embark upon pineapple cultivation and canning on a large scale.

4. The Native Lands Trust Board on the 4th August resolved that, in view of the advice before it (a) that the Ngulu Swamp was likely to dry up and (b) that other sources of supply existed, objection should be taken to the application. I enclose for your information copies of the memorandum submitted to the board on the 27th July and of the report by Mr. C. J. Hendrey, Assistant Engineer in the Public Works Department, dated the 3rd August. The substance of the Public Works Department reports is being communicated to the Company's local representatives.

The construction of two wells is recommended, from which the Director of Public Works is confident that the Company will derive all the water they require and at a much less cost than they would have had to incur in laying a pipe line from the Ngulu Swamp. The opinion given by the technical officers is that, if in point of fact the Swamp were drawn on for the provision of 200,000 gallons a day, the supply would be rapidly exhausted. Apart therefore from the question of native requirements, it would be against the interests of the Company to rely on

this ...

this source.

5. I have taken an early opportunity of acquainting you with all the facts in this matter as I feel sure that Major Goldman will make representations to you as soon as he hears from his local representatives. In the light of the technical reports the Native Lands Trust Board felt no hesitation whatever in opposing the application, and I must put it on record that all members expressed astonishment at the completely haphazard way in which this vital question of its water supply appears to have been dealt with by the Company. It was not contested by Mr. Ayre that Mr. T.L. Scott advised the Company that water would be found by sinking wells, but that he severed his connection with the Company before any work in this direction was undertaken by the Company. When wells were sunk no specially qualified advice was taken by the Company, the work being done by the Factory Engineer. The Company seems to have indulged a blind faith in the capacity of the Swamp, and took no steps whatever to satisfy itself that the Swamp would in fact be likely to secure its requirements.

6. The course which events have taken have led to a full investigation as possible of the position by officers of this Government, and in consequence the Company should, I consider, be greatly relieved to have obtained this expert advice and to find that an expenditure of approximately £2,000, given qualified supervision, should provide all the water it requires. I understand from the Company's local representatives that an expenditure of some £6,000 had been contemplated on a pipe line from the Ngulu Swamp.

7. I will advise you at a later date as regards the recommendations in paragraphs 1262 and 1268 of the Kenya

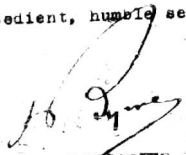
Land...

Land Commission Report.

I have the honour to be,

Sir.

Your most obedient, humble servant,



BRIGADIER-GENERAL.
GOVERNOR.

CHINA, 2/19.

Page 18.

APPLICATION FOR CONCESSIONS MADE BY MESSRS TELTA CONCESSIONS LIMITED.

In 1939 the Director of Public Works agreed to grant Messrs. Telta Concessions Limited a permit to abstract 20,000 gallons per diem from the Mwatate River on the Company's land at Kwatate for the purposes of a sisal factory. The Company were advised at the same time to examine the possibility of obtaining adequate supplies of water from sinking shallow wells in the Mwatate Valley within the Concession area, in view of the native interests involved and of the fact that the whole surface flow of the Mwatate River might be required in the future by the natives.

6. In addition to this amount of 2,000 gallons per diem the Company have now applied for a permit to take 200,000 gallons per diem from the Mwatate swamp in the South Africa Reserve approximately 2 miles outside the Company's concession for the purposes of a sisal factory and pineapple cannery. A Public Works Department Report dated the 9th July, made after a special investigation during the last week of June, states that the abstraction of 200,000 gallons per diem would rapidly exhaust any water stored in the swamp and that, if the water level of the swamp were lowered to the bottom of the swamp (about 12 feet below the level at the time of inspection), the ground water level would be lowered by 1 foot at a distance of about 1/4 mile from the swamp, increasing to a further 6 feet at the swamp. The effect of this would be felt both upstream and downstream of the swamp, where there is intense native cultivation.

7. The report of the

Messrs. Telta Concessions Ltd. in the past employed Mr. F.L. Scott to investigate the possibilities of obtaining water from underground sources, and considerable investigation was done under his direction. The results of this investigation show, beyond doubt, the existence of underground water along the course of the Mwatate River. It is in the methods of recovery and abstraction of this water that the Concessionaires have failed, due to a lack of understanding of the principles of this branch of engineering, and it is on this fact that they have rejected this source of supply. An inspection of the work done by the Company reveals so many unusual features in the design and execution of their works for the recovery of the ground water that it has by no means proved the underground supply to be

insufficient...

insufficient for its requirements. The open concrete wells sunk only go to a depth of approximately 20 feet in one case and approximately 15 feet in the other into the water bearing sand, whereas the early investigations show the underground water to be down to a depth of 40 feet at least. The two wells are spaced 140 feet apart, which must cause a large interference, probably such as to make the two wells when pumped simultaneously give a supply only equivalent to but very little more than that of a single well. A pump with a capacity of 10,000 gallons per hour is fitted to both of the open wells, the capacity of the pump being determined by the water requirements at the factory, no consideration having been given to the available yield of the well. The general design of the concrete wells is such as to give most inefficient results. The domestic supply for the estate is derived from 4 No. 4" diameter tube wells sunk into the swamp to a depth of approximately 30 feet, and all these wells are connected to the suction of a three throw pump. It was stated by the Company as evidence of the lack of water in the swamp during dry weather, that this supply gave out. It should be noted however, that the pump suction is to the top of the tube wells and that it is therefore probable that in the dry season the water level in the wells fell below the limit of the pump suction and thus gave the appearance of going dry. It seems highly probable that greatly improved results could be obtained from these wells by fitting a pump cylinder to each well below the level of the water table in the dry season.

The above two instances have been selected to illustrate the methods that have been adopted, the failure of which have led the Company to the conclusion that the underground source of supply is insufficient.

There is a borehole dug down by a Government Drill about 1/2 mile downstream of the factory pumping station and about 100 yds. from the stream bed on the left bank; this hole on the date of inspection was plumbed as 35 feet deep with 15'6" depth of water in the hole. The estimated yield of this hole is given as 23,000 gallons per day from the pumping test. No use has been made of this supply and when inspected the hole was plugged."

4. The Report records the following conclusions:-

- (1) It is considered that by utilisation of proper methods of recovery on the Concession Area ample water supplies can be obtained.
- (2) The present proposal to divert 200,000 gallons per day from the Ngulu Swamp will adversely affect the Natives.
- (3) Messrs. Teite Concessions should employ a Consulting ...

Consulting Civil Engineer to develop the supply by the methods suggested in (1) above.

(4) Should Messrs. Teita Concessions desire to abstract water from the pool just below the railway bridge, permission for them to do so should be given."

5. The Local Board considered the application on the 18th July, when the following minute was recorded:-

"This meeting was called at short notice upon the instructions of His Excellency the Governor to consider an application by Messrs. the Teita Concessions Ltd., for an additional water permit to draw 200,000 gallons per day from the Ngulu Swamp in the Teita Reserve (vide letter from the Secretary, Central Lands Trust Board No. C/NP. 4/4/1/2/32 dated 11th July 1934, to the Provincial Commissioner Coast, in Voi file No. P/1,6/18).

There was no opportunity for prior consultations with the local natives and the Local Native Council but Chief Paulo Mzungu (a member of the Local Native Council) and an ex-Chief Johanna Mwendango, both residents in that part of the Teita Native Reserve affected by the application, appeared before the Board as witnesses.

Major S.C. Inyzell, M.C., J.P., the European Member of the Board and representing the applicants, also appeared before the Board.

- The Members of the Board present were:-
- S.H. In Fontaine Esq., D.S.O. ~~C.E.S.~~
- Ag. Chief Native Commissioner, ex-officio Member.
- G.H.C. Boulderson, Esq., Ag. Provincial Commissioner, Coast, Chairman.
- W. Slade-Hawkins, Esq., District Commissioner, Voi, Deputy Chairman.
- Chief Pietro Mzungu, African Member.

The Board had before them a report upon the application and the local water supplies compiled by Messrs. Tetley and Henfrey of the Public Works Department based upon a survey conducted by the latter at the end of June 1934. After discussion it was resolved:-
Resolution 3/34.

- (i) That this Board, while appreciating the reasons adduced by the Teita Concessions Ltd., for the increase of their water requirements from 50,000 gallons per day, the amount of the existing water-permit, to 250,000 gallons now applied for, consider that in view of the report of the Assistant Engineer, P.W.D. on the effects of the abstraction of the required amount from the Ngulu Swamp, these requirements can be met from the existing supplies of water on the land of the applicants.

(ii) That ...

- (ii) That they therefore recommend that permission be granted to the applicants for the use of the water in the vicinity of the railway bridge near Mwatati Railway Station as suggested in the above mentioned report, and the full exploitation and utilisation of any water resources on their own land south of the railway line for the operating of their sisal factory. In this connection reference is invited to the statement at the end of paragraph 17 of the report to the effect that a yield of 200,000 gallons per day can be obtained and maintained from the Mwatati River in the property of the applicants.
- (iii) That should the Public Works Department be satisfied that this supply, after full experiment as suggested, will prove insufficient for the applicant's needs for the present or immediate future, they be authorised to apply for the balance of water required from the Ngulu Swamp outside the concession area.
- (iv) That pending such application further investigation be made in regard to the capacity of the Ngulu Swamp at the height of the dry season, with a view to more precise information being obtained as to the effects of native cultivation below the swamp of the abstraction of 250,000 gallons per day."

- (ii) That they therefore recommend that permission be granted to the applicants for the use of the water in the vicinity of the railway bridge near Mwatati Railway Station as suggested in the above mentioned report, and the full exploitation and utilisation of any water resources on their own land south of the railway line for the operating of their sisal factory. In this connection reference is invited to the statement at the end of paragraph 17 of the report to the effect that a yield of 200,000 gallons per day can be obtained and maintained from the Mwatati River in the property of the applicants.
- (iii) That should the Public Works Department be satisfied that this supply, after full experiment as suggested, will prove insufficient for the applicant's needs for the present or immediate future, they be authorised to apply for the balance of water required from the Ngula Swamp outside the concession area.
- (iv) That pending such application further investigation be made in regard to the capacity of the Ngula Swamp at the height of the dry season, with a view to more precise information being obtained as to the effects of native cultivation below the swamp of the abstraction of 250,000 gallons per day."

The Honourable the Actg. Director of Public Works.

REPORT ON VISIT TO REITA CONCESSIONS LTD., LWAYATE,
MADE FROM 30-7-34 TO 2-8-34.

This visit was made in accordance with instructions from the Hon. the Colonial Secretary to the Hon. the Ag. Director of Public Works by his letter No. S/C/CLTB. 2/13/15 of the 26-7-34.

The instructions were to investigate the following:-

- (a) The amount of water that could safely be taken from the Ngulu Swamp without damaging Native interests.
- (b) The likelihood of success of the well being sunk by the Company near the pool below the railway bridge.

I would like to stress the briefness of the time that was allowed for this investigation, which, in view of the fact that pumping tests on wells have been known to continue for as long as 12 months before equilibrium conditions, making possible a measure of the capacity, were obtained, makes it very difficult to obtain authentic data. In this connection I would add that the reita Concessions Ltd. had a period of somewhere in the region of 3 years in which investigations could have been made, in which period an exceptionally dry time occurred which would have given valuable information. All that was done was to prove the presence of underground water, and no technical advice appears to have been taken in connection with the methods of recovery.

In a letter to Major C. S. Goldman,
Mr. T. L. Scott, who acted for the Company in the

early investigations, expresses the following views: (a) that a large volume of water enters the Mwatate Swamp and the majority travels below ground level, (b) that the investigations with tube wells indicate water at varying depths to 40 feet, which is depth of water table at Tasha Camp, (c) that the borehole put down by the Government Drill indicates water-bearing sand at 15 to 40 feet and that this hole is capable of yielding about 20,000 g.p.d., which he thought with properly screened suction could be increased, (d) quoted "In my opinion water obtained from these sands will not fail to function in any extended period of drought". In connection with (b) and (c) above, it will be noted that the present wells of the Company are down to a depth of 15 to 20 feet below ground level and as it has been shown that the water lies between 15 and 40 feet it is obvious that the abstraction works as they are at present only just touch the fringe of the possible supply and probably lose it when the water table drops in the dry season. Despite verbal advice to deepen the well given on my last visit, no real attempt has been made to improve the supply from the wells, except for clearing out one of them, the principle of the Company apparently being that they cannot shut down to give the time to improve the supply, it being of the first importance that they obtain large outputs of sisal fibre for the benefit of shareholders mostly resident outside of Kenya.

The Company claim to have spent £93,000

up to the present and contemplate spending more, \$23,000, the figure given by Major Goldman, with this large amount of capital it would be sound policy to obtain the services of a good Consulting Engineer to design and arrange the water supply, even at some cost. Especially is this so in view of the fact that water is one of the essential elements of production for risal.

Again it would seem the policy of the Company that no matter what other conditions may prevail it is essential that they have large outputs and large quantities of water.

In reference to this I would mention the Val Estate, which produces approximately an average of 80 tons per month, and where they have, on occasions of water shortage, had to work with, as little as 3,500 gallons per hour.

From information it would seem that 6,000 gallons per hour is sufficient supply of water to obtain an output at about the rate of 100 tons per month with, say, a working day of 10 hours? This gives 60,000 gallons per day, and if the pumps are worked for 24 hours gives a rate of pumping of 2,500 gallons per hour. With the shallow and badly designed wells as at present, an estimate of their capacity was given as 1,000 to 1,200 gallons per hour at the very dry time at the beginning of this year, so that it would appear to be a comparatively simple matter to improve this yield to give 2,500 at the driest time. In times of rain and ample water the Company could go all out for the large outputs which they appear to value so much.

Query b, in letter. Likelihood of success of well, etc.

With reference to the visit for this information Messrs. Zeita Concessions Ltd. were communicated with by telegram and a reply was received that everything was in order. I arrived at Mwatati on Monday morning about mid-day, after being fetched from Voi by a lorry from Zeita Concessions Ltd., to find there was no well in existence in the place mentioned in the Secretariat letter and nothing ready for a pumping test. In fact the lorry which brought me from Voi to Mwatati also brought the pump and piping. Also the engine, a farm tractor, which was to be used to drive the pump was in process of being overhauled. In view of this an attempt was made to obtain data by test pumping the large pool. Owing, however, to the briefness of the time available, it was 4 p.m. on Tuesday the 31st before the plant was installed ready to begin the test, and mechanical and other troubles, a good pumping rate was not obtained until Thursday morning, and the large storage capacity of the pool, but scanty data was obtained. It was realised that the test could be but a crude one, but was the best that could be done under the circumstances. The data that was obtained indicates a high possibility of success for a well properly constructed and sunk to the proper depth, at this site. An inspection also of a flood channel which joins the Mwatati River at the road bridge about 200 yds. upstream of the pool indicated underground flow tributary to the Mwatati. A small hole 19' deep was put down and the water rose to within 6" of the surface. It should also be noted that the Mayorenyi River, which was flowing at 0.433 cusecs at the Wusi Road crossing, loses all its water in the Mwatati Valley by the time it reaches a point about $1\frac{1}{2}$ miles upstream of the road bridge. This water must contribute to the underground flow.

With reference to the Query (a), Secretariat letter.

As to the amount of water that could safely be taken from the Ngulu Swamp without damaging native interests.

I would stress that it is impossible to obtain data to allow of a definite figure being given for this amount in the short time that has been available for the investigation. It would be necessary to observe the hydrographic conditions in the Ngulu Pool and surrounding area for a period of some considerable time, at least through a dry season. The investigation done on the two visits has established that the Ngulu Pool is related to the ground water table, and that any interference with the Pool would influence the water in the surrounding floor of the valley.

The conditions as seen on the second visit also confirmed the theory that the Ngulu Pool obtains its supply from flood water and general underground flow down the valley, as there was no flow into the pool and a greatly decreased flow out of the swamp, and the water level of the pool had dropped by 0.62 of a foot, approximately 7½" in about a month. The conclusion is therefore arrived at that the abstraction of any water from the Ngulu Pool would be fraught with the gravest danger to the native cultivation round the pool, especially as the natives carry their cultivation to as near the pool as they possibly can.

CONCLUSIONS.

- (1) That the prospects of obtaining a successful supply of water by wells below the railway bridge are high.
- (2) That abstraction of water from the Ngulu Pool will have a serious, adverse effect on native cultivation in the Mwatati Valley.

(sgd) C. T. Henfrey.
Assistant Engineer.

3rd August, 1934.