

1928

Kenya

No. 15174

OSFD

SUBJECT

*Allowances to Instructors
at evening classes*

Previous

*Gov.
24/9/26*

Subsequent

Also. Wilson 111. 29th February 28
Requests sanction to certain payments made and
to scale of remuneration proposed for the future
in similar cases.

The teachers are really a favoured
class - in most other Govt Dep'ts the Officers
do not get their extra pay for extra
hours. But the practice is already
recognised & could hardly be challenged.

I sanction the expenditure requested
of the authority for the rates of
remuneration proposed for similar cases in
future.

J. J. Jeffries
28.3.28

~~J. J. Jeffries~~

Requester over his work of the
kind is in a different
footing from casual overtime
caused by ^{temporary} pressure of work.

I think that the principle
of remuneration is sound

as proposed

J. J. Jeffries
28.3.28

at once etc
28/3/28

Mr. As. H. Boyd also
Mr. Martin (President's)
may wish to see
Mr. As. H. Boyd (2)

To Govt - 253 - / and - E 9 APR 1928

3 D/Gov Dehra. ---285.-----30th May 1928
Recommends allowance of £50 per annum be payable
to officer who has charge of the classes for the
elementary education of Police Askaris.

? approves the special arrangement
The case of the Officer described above

C. Keston
W/B
G. H. L.

27 above

Notes
Incidental
C. - do

4 To Gov. 483 / 3 Ans d - 11 JUL 1928

EK

3 D/Gov Denham. ---285.-----30th May 1928
Recommends allowance of £50 per annum be payable
to officer who has charge of the classes for the
elementary education of Police Askaris.

? appears. the special arrangement
in the case of the officer described above

(Kastner)
19/6

Spell.

2.7 above

Notes
Incidents
- de

4 To Gov. 483 / 3 Ans d - 11 JUL 1928

UK

3
4

1574
X. 15877/28 Kenya.

Mr. Eastwood 7/7

Mr. *Miss [unclear] 7/8*

Mr. *[unclear]*

Mr. H. H. H. H.

Mr. E. J. Harding

Sir J. Shackburgh

Sir G. Grindle

Sir G. Davis

Sir E. Wilson

Mr. Crosby-Grove

Lord Lovat

Mr. Amery

RECEIVED
D 10

S 4

Downing Street.

11 July, 1928.

Sir,

I have etc., to acknowledge the receipt of your despatch No. 285 of the 30th May, 1928, and to inform you that I approve, as a special arrangement, ^{a consolidated} of the grant of an allowance of 250 per annum to the officer of the Education Department who is in charge of the evening classes for the elementary education of Police Askaris in the Police lines, in lieu of an allowance of Shs. 10/- a night, which I approved in my despatch No. 253 of the 9th April.

I have, etc.,

(Signed) L. S. AMERY

DRAFT.

KENYA

No. 483

Gov.

4 3



GOVERNMENT HOUSE,
NAIROBI,
KENYA.

KENYA.
No. 285

30th May, 1928.

RECEIVED
21 JUN 1928
SECRETARY OF STATE

Sir,

no 2

With reference to your despatch No. 253 of the 9th of April, in which you approved the payment of an allowance of Shs. 10/- a night to officers of the Education Department who undertake evening classes, I have the honour to inform you that the Acting Director of Education has represented that as regards the officer who has charge of the classes for the elementary education of Police Askaris in the Police lines, the payment of a consolidated allowance is preferable as these classes cannot strictly speaking be regarded as evening classes.

2. The position in respect of these classes was reported in Kenya despatch No. 192 of 13th February, 1926, and I recommend that the allowance of £50 per annum for the performance of these duties which was approved for payment to Mr. R.E. Madge should be payable to the officer who from time to time performs these duties instead of an allowance

of

THE RIGHT HONOURABLE
LIEUTENANT COLONEL

L.C.M.S. AMERY, P.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET, LONDON, S.W.

Desd 483 - 11 JUN 1928

21/7/28

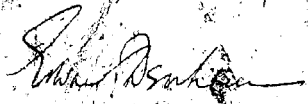
of Shs.10/- per night as approved in your despatch under reference.

I have the honour to be,

Sir,

Your most obedient,

humble servant,



GOVERNOR'S DEPUTY.

2

X 15174 128 6
Kenya

- Mr. Whitecombe 3/4/28.
- Mr. Jeffries 3/4/28
- Mr.
- Mr. Bottomley
- Mr. E. J. Harding
- Sir J. Blackburne
- Sir G. Grindle
- Sir C. Davis
- Sir S. Wilson
- Mr. Ormsby-Gore
- Lord Lovat
- Mr. Amery

C	D
B	44 APR
D	554

April, 1928

Sir,

I have etc to ask

the recd. of your despatch no.

111 of the 29th of February

and to inf. you that

I approve your action

in authorising the

payments to certain

officers of the Education

Dept., as reported in

the first para of the

despatch, in respect of

extra duties performed

by them in connection

with evening classes during

DRAFT

Kenya

no. 253

Geo. Sugg

102

1924.

2. I also approve your proposals with regard to the ~~costs~~ remuneration of officers who undertake similar work in future, viz:-

European Teachers	Shs 10/- per night
Indian	6/-
African	3/-

I have etc

(Signed) L. S. AMERY

1927.

2. I also approve your proposals with regard to the ordinary remuneration of officers who undertake similar work in future, viz:-

European Teachers	Sho 10/- per night
Indian	6/-
African	3/-

I have etc

(Signed) L. S. AMFRY

KENYA

No. 111



GOVERNMENT HOUSE
NAIROBI.

Kenya

29 February, 1928.

Sir,

With reference to Kenya despatch No. 192 of the 13th February, 1926, I have the honour to request your covering sanction to the following payments approved by me to officers of the Education Department for extra duties performed by them in connexion with evening classes during various periods in 1927:-

- (i) Mr. R.P. Rounthwaite. Shs. 10/- a night in respect of four nights a week at Malindi.
- (ii) Mr. T.A. McKay - Shs. 220/- and Captain T.H. Hodkin - Shs. 320/- Fees in respect of a course of instruction at Mombasa. The expenses of the course were fully reimbursed by fees which were paid into Revenue.
- (iii) Lt. R. Hunter, M.A. - Shs. 748/- and an Indian teacher - Shs. 35/- In respect of evening classes for instruction in English to Africans attended also by some Indian artisans. These allowances also were covered by fees.

2. There is an ^{ever} increasing demand for such education as is provided in evening classes and at least/

THE RIGHT HONOURABLE,
LIEUTENANT COLONEL L.C.M.S. AMERY, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W.

826, 11/1/28
256
Ans

200
2479
26

17

8
Encl

least five European officers will be required to give instruction to such classes at Nairobi, Mombasa and Malindi for two, three or four nights a week. It is proposed to remunerate these officers at the rate of Shs.10/- per night.

It is further proposed to grant an honorarium at the rate of Shs.6/- per night to four Indian teachers of the Education Department who will be similarly employed in Nairobi.

3. Sufficient provision for such expenditure has been made under items 69 and 85 of the 1928 Estimates for evening classes for Indians and Africans and it is proposed to make supplementary provision (which will be wholly covered by fees) for such instruction to Europeans.

4. I would be glad to receive authority to the following remuneration in similar cases for the future:-

European teachers	...	not exceeding	Shs.10/-	p
Indian	"	...	"	" 6/1 " "
African	"	...	"	" 3/1 " "

As the duties entailed are additional to and distinct from those contemplated by the teachers' substantive appointments, it is considered that the payment of honoraria in such cases is fully justified. It will be observed that in most instances Government obtains re-imbusement from pupils' fees.

I have the honour to be,

Sir,

Your most obedient, humble servant,

G O V E R N O R .

1. L.S. Goldman 27 March 1938
Repro to non-receipt of contract in final form
and requests that it be drawn up as an appendix
to the concession and forwarded as soon as possible.

EMPLOYED UNDER CONTRACT

2. L.S. Goldman (Bo to Mr. Boltonley) 27 March 28
Requests further interview.

Minutes recording interview with
Major Goldman
Wait for his further letter.

H.T. Ashworth.

31 mch/38
at once.

File
c

3 L.S. GOLDMAN 5th April 1938.
Particulars of water requirements.

He has not mentioned the point
about the date of his concession & the
matter will no doubt be handled locally
through his agent. I don't know that
we need ask him to put it to us in
writing but I would suggest that we
should now send the Governor a copy
of 1, 2 a as amended - period
of 3 for his no generally,
& tell Mr Goldman we have
sent the Governor a copy of his two
letters for his com.

R. W. Beseman
12.4.38

and I think we ought to point out to Gov that
arrangement as to water is essential to
the development of the concession (This should be

obvious, but Kenya thinks
deficiently, & land
water are poles apart.

Wes.
- 12/4/28

To Goldman (no 3 and) 18 APR 1928

To Gov - 276 - Cons - 19 APR 1928
(Refer to ^{gov} despatch 1251 on 46988/25)
(w/copy 1. 3 + 2a)

DESTROYED UNDER STATUTE

To Goldman
(compund with telegram)
(S/O) (copy to O) } 28 APR 1928

... had heard from Kenya. I said
no & it was only just getting time
when a reply by despatch wd. be due.
I suggested if he didn't hear in a week
he might enquire by letter
who wd. ~~be~~ consider enquiring by

* In Botswana minutes:
"Someone has ^{just} received the English idea
of abolishing the 1906
areas that will have to
be trouble for him"

Recd
7.28.
Ofs. the remainder because in
accordance with instructions in minutes
in last version.

DESTROYED UNDER STATUTE

Wes. 12/4/28
13 July 1928

Major Goldman rang of the morning &
said he was being pressed to let in
with the matter & asked whether any answer
had been sent from the Co. I have
replied that a tel. has just been
sent asking the Co. when an answer
we be expected

Still no reply from Kenya
? remind again
27/7

Nothing in money's mind
Wes. 12/4/28

Recd
27.7.28
alone
18 July 1928

DESTROYED UNDER STATUTE

DESTROYED UNDER STATUTE

To Gov. Cons.
10/8

Yvesville Telegram No. 146 / August
Despatch will be forwarded by next mail

I have rung up Salisbury House
w/ Goldman is out of town, &
but I explained the position
to his (?) clerk, who fully
understood & said that he
wd. pass on the info. to
w/ Goldman. No need to write
Partly accd

14/5/28
11/7/28

Wes.

12/4/28
13 July 1928

11. For Governor Martin 450. 10 Aug 1928
Should Major Goldman submit appln. to divert
Voi River, it could be considered when he has
ascertained that he definitely requires this
water. Consider that until it has been proved
that sufficient cannot be obtained by turning up
commitments as regards Muralati River should
be made; and that the grant should be given
say, one month, in which to return the draft
for final daily approval.

The main points were raised in the context
sent to the Gov. -

(1) The date of the contract: this
is now 2) para: 9.

(2) Water rights:

(a) Muralati river - this
seems adequately dealt with in
para 5 & 6.

(b) Voi river - para 3 & 4
deal with this.

(c) He does not specifically
refer to ~~comparing~~
~~comparing~~ the water required for
the 3rd scheme mentioned
in no 3.; perhaps it is covered
but para 4 covers this.

Much the simplest way of dealing
with this will be to send a copy of

the draft, (all but the last para.) to the
encl. to Mr Goldman, requesting him
to return the draft and approved
to Masubi
to Masubi so as to reach Masubi by Dec 1st

Say that if he requires a water permit
to divert water from the Voi river
he should apply direct to Mr D. P. S.
Giving all the info ~~in the form~~
that is necessary.

If it is not considered practicable
to send a copy of the draft, the substance
of para 2-9 should be sent.

2 copies of ~~the~~ 6/10/28 11/25/28

Jan 17 inf.

G. Eastwood

Mr Goldman has 4/9
ring me up several times about
this. He did so again this morning.
He had been a day or two in the
country, he the country, I a holiday,
some time ago. He had gathered he
wanted to discuss the matter - but
that he seems particularly anxious
to have the terms of
the Governor's reply before he left.

Hand. I promise to try to finish
the matter & let him know soon he
might expect to hear.

Submit of embodying
the Governor's dispatch. I would
suggest that I have told Whisenand
that it's going today but that if
he wants to come speak about it
tomorrow it does not appear much
like the whole business.

W.P. Bowen

5/9/27

Very well, but I shall not be
available to answer as I am
definitely booked for moving house.

I think the 5th letter must
go on, it stands but although
Luzvig Goldman has (a) not been
well informed locally - should
have been many months ago that he
letter go out & write to them for
himself - (b) but finance wait
on negotiation of commission &
vice versa. I am well prepared
to support the Governor's position
with the attention of Luzvig Goldman
interest.

Wed. 5.9.28

Hand. 11. 20. Goldman (w copy encl. in file)

W.P. Bowen
to Bowen

W.P. Bowen asked me about this
& asked me to draft a tel. to
ask him to receive it
W.P. Bowen

G. Barkman

7/10/28

W.P. Bowen

[Luzvig Goldman to me] he
doctor had ordered his stay - week
about return - but that he was
not coming. I had written to him to
come along - as it happened we must
clearly not have been too
latter of time.]

Wed. 3/10

12 Tel. to Luzvig Kupa — 6 Oct. 1928

Hand. 12

13 } P.T.P.
14 }

13. C. S. Goldman 5th October, 1928.
Accepts decision that grant of lease shall be regarded as having come into effect as from 3rd March, 1927, requests omission as regards area of land to be allotted, to be rectified, raises question of water and suggests some proposals to be made to him to protect the rights conceded by Gov and Kenya Govt.

12. (1) Wells (to Mr. Bottomley) 10.10.28
Reply to h.o. 11 delayed owing to Major Goldman's health.

No. 13 raises 3 questions:-

(1.) The date on which the lease shall come into effect. Mr Goldman says that he is willing to accept the Govt's decision on this point - i.e. that the lease should come into effect on the 1st April 1927 (not the 3rd March as he says in this letter).

(2.) The main contract. It was not clear to what contract the para. at X referred: I therefore may up to Wells who explained that it was to the D/I contract enclosed in the letter to Mr. ^{Hausburg} ~~Bottomley~~ of 9.2.27. He has now sent a copy of this which I attach. (no. 15) This

he is prepared to accept subject to the one point referred to at X. The relevant para. of the co. letter of 18.9.24 is marked in blue pencil.

(3) The question of water rights, which is not included in the main contract. As to this I attach a short note.

16. We must presumably communicate with the Govt. If it is considered that it should be done by telegram at Govt expense, perhaps the telegram might be on the line of the D/I letter. If it is to be done by Dep't, it will not seem necessary to do more than send a copy of the letter in a short D/I mentioning the despatches in which copies of the letter ~~was~~ referred to were sent to Kenya.

G. S. Bottomley

Mr. Parkinson

After speaking to you

I re-submit D/I telegram with an addition

4/10/28.

Paragraph - Also confirming
Apr 6 Gov. & acknowledgment
to Mr. Goldman

Goldman
1910

Declaration
15. 10. 28

After passed. In my view are
bound to see that Kenya is done, at
the end of all this time, at least we
not have things made irrevocable for her
by Kenya's check & confirmation to us

Gold + letter

Oct. 15 in office

17. Tel to Gov Kenya - Oct 1928

Goldman (10 copies)

To Sir 756-11 Am 17 (Impress) - 10/28
(copying 10a, 13 & 15)

Ken Eastwood

No reply yet received to no. 17

We asked for telegraphic reply

Remind by tel

W. Gordon

31. 10. 28

? As at least 2 DAPS in Kenya are
probably involved, give Ken Tel No. 7?
Noted

Gold
11. 11. 28
Eastwood
SIX

Noted leave till 15 Nov. (1 minute)
to Mr. Parkman (after speaking)

Eastwood

7/18/28
at me

on Mr. Eastwood's instructions

submit. Ift reminder to no. 7.

Eastwood

To Gov Tel 8 Nov 28
20 12/10
8. 11. 28
Cons.

21. Report that no claim to special conditions will
be made to draft grant of lease which was inadvertently
omitted; suggests Goldman should consider sinking
shallow wells for water supply required.

5ft assessment for Kenia

Acc Parkman

21. 11. 28

Noted 21. 11. 28 since

22. J. Goldman

Goldman

24 Nov 28

Stato has called to Kenya representative to accept
the lease & that instructions have already been sent
out as regards sinking of shallow wells. Will submit
proposals as to water requirements as soon as possible

W. Gordon

Mr Goldman called advised

for this letter in days
in conversation he wrote
2 points, which should
be included in the J.P. Rep.
Herewith

Mr. Parkin
29.11.28

As to the notes, most might
depend on the reasons for their
rejection, but I think we are
justified in supporting Mr.
Goldman's criticism of the
form.
The draft is good, but
being discussed out.

29.11.28
A. L. C.

24 To Mr. Goldman 29 Nov 1928

Mr. Goldman (28 Nov 28)

To Sec 883 - copy 22, 23 & 25

DESTROYED UNDER STATUTE

No reply received to our telegram
of the 29th Nov. Please
re-communicate.
17:12.

I have spoken to Mr. Parkin
who agrees that we may leave it
to day - Noted
28.12.28
C. S. ...

Mr. Goldman rang me up on the 3rd of
December in anxiety as to what we had told the
Governor. I gave him the gist of our telegram as
I remembered it, and he was much disturbed at our
having put in anything about water. He said that
it had been understood between us that we were to
telegraph simply about the lease, and that every-
thing as to water would remain a matter between him-
self and the Colonial Office.

I said that ~~my~~ my recollection was clear,
no such understanding had been arrived at, and that
it would have been quite impossible either for us
to keep the Governor in the dark on a vital point,
or to give any undertaking which would commit the
Secretary of State without consultation with, and
the knowledge of, the Colonial Government.

He spoke rather strongly as to his having
been let down ~~by~~ his work over so many years, and
his heavy expenditure having been brought to nothing.
I said that we were taking the best steps possible
to bring his work to a successful issue, and that,
for myself, I was disappointed at his strictures con-
sidering that, ~~as a result~~, I had been for many years
the agent by which the Colonial Office had far out-
stepped its ordinary limits of action on such a
matter.

I asked him to write officially, and said
that I would then, if possible, communicate to him
the exact terms of our telegram. I should have re-
corded this conversation before if it had not been
that

State of
Secretary of
Colonial Office
London, 30
1928

that I had expected a letter from him.

It is now at once too late to ask him for such a letter, as the Acting Governor's reply might have been expected by now, and too early to remind the Acting Governor in a matter which needs a good deal of research.

Bring up December 28th.

lch
22/12/28

27.

S.S. GOLDMAN

Quotes in article re: Goldman's activities in Kenya, Major K. M. ...
at of Att. ...
... Goldman's behalf.

I spoke to you & submit

draft. ansn

1/11/28

30/12/28

to Goldman

*to C. 928 - copy 27/12/28
encs 627 in Original*

SECRET

*re: ... I spoke to you & submit
... to Mr Goldman
... it seems unnecessary to include
the last sentence of the tel., especially*

as its meaning is rather obscure
No. 15 contains a copy of the agreement but it may of course have been revised by now.

E. Eastwood

7/1/29

*You have now spoken to Mr Parkinson & Mr ...
... I submit a draft tel. to Gov.
... as well as a revised draft to Mr Goldman.*

E. Eastwood

A memo as to the early history is in 50320/24.

The only witness is in 50383/22. Supplementary witness drafted & sent to the Goldaman on 30/12/28.

*Revised signed by Lord Waterman & Mr Goldman in 21/13/28; Mr S. offered to sign any additional witness to exp. the late Col ...
... reported that there was no objection to witness remaining as it ...
... offered solely by Mr S. to be sufficient.
(Lord Waterman also is dead). A copy of the*

See also memo in 50320/24.

undomnit 6/16 2/31/25

JW Allen

2/1/29

? think the 7/11 file in the
form in which it was
submitted with all copies

see farman

3.1.28

was

3.1.24

7/11

31 To Gos tele (30 ams) cons 3 Jan 29

32 To Goldman (w copies 24 & 30) 4 Jan 29

3 To Sec 23 ref 32 9/1 9 JAN 1929

No reply has yet been received

to HQ 31 ? remind pl.

All Jordan

17.1.29

file 21 has
not arrived

Ward

Quaint

JW Allen

18 ams

no reply yet from Kenya

All Jordan

22.1.29

Ward. Now see h. 2 on 15547/29

undemrit 6 in 7/31/28

JW Allen

7/1/29

I think the 77. 12 in the
form in which it was
submitted will be correct

J. J. Pasternak

3.1.28

W.S.

3.1.24

31 To Gos file (30 ams) cons 3 Jan '29

32 J. Goldman (w copies 24 & 30)

33 To Sir 23 copying 32 A/1 59 JAN 1929

No reply has yet been received

114 31 ? remind pl

All Jordan

17.1.29

file 21 (see
want attach

file

Platons

JW Allen

leatney

No reply yet from Kenya

All Jordan

22.1.29

114. Now see h. 2 on 15547/29

10 X 15103728 K32

- Mr. Easton's Office
- Mr. Allen 3/1
- Mr. Parkwood 3/179
- Mr. Bottamley 2/1
- Sir E. Harding
- Sir J. Shackburgh
- Sir G. Grindale
- Sir C. Davis
- Sir S. Wilson
- Mr. Ormsby-Gore
- Lord Lyat
- Mr. Amey

C
OR 4 JAN

4 Jan 1928

C.D
4 JAN
21

Amey (K.O. 1)

Sir

for copies

DRAFT

G S GOHMAN Esq

10 JAN 1928

With ref^y to the letter from this dept. of the regarding the Va-Minute concern 30th Nov. I am to

transmit to you a copy of a letter which has been rec^d from the

OAS. of Kenya in ref^y to the Govt. of Kenya

in the 29th Nov. enclosing

the substance of a letter of the 26th Nov. A copy of this letter is also enclosed.

As regard the last sentence of the letter

2d copy
✓
minutes

Copy Sent 23

No 24

No 23

to Govt. of Kenya 29th Nov
no 24

OAS. Kenya
no 30. (to be copied or added)

Copy of minutes of meeting of OAS. Kenya to be sent to the Govt. of Kenya

12 30.

Telegram from the Officer Administering the Government
of Kenya to the Secretary of State for the Colonies

Dated 31st December, 1928.

(Received Colonial Office 5.20 p.m. 31st December, 1928.)

h. 2d

No. 353 31st December Your telegram of 29th November
Goldman. Application for water permit will be interpreted
in the spirit of concession granted but must necessarily
be subject to native and any other interests affected.
I am not aware of any proposals regarding the settlement
of more natives in area concession. As regards appeal from
local administrative officer ~~in~~ regard to allocation
of water it will no doubt be possible to include conditions
in terms of water permit to the satisfaction of
concessionaire(s). Agreement for lease will be forwarded
to you shortly issue to Goldman against satisfactory
indemnity.

*Recd - ltr 3 Jan 29/31
Copy to the Hon. Secy*

Mr. Allen

3/12

15183/1928 Kenya

13 20

Mr.

Downing Street,

Mr.

Mr. Bottomley

3/12 f

31 DEC 1928

Sir E. Harding

Sir J. Shuckburgh

Sir G. Crinale

Sir C. Davis

Sir S. Wilson

Mr. Ormsby-Gere

Lord Lovat

Mr. Amery

(1676)

Sir,

With reference to my despatch

No. 883 of the 5th December, I have etc., to transmit to you the accompany-

ing copy of further correspondence

with Mr. Goldman regarding the

Voi-Mwatati Concession.

2. I also enclose the Power of Attorney referred to in the corres- and I shall be glad if you will consider whether it is possible to vary the terms of the Agreement

DRAFT.

Case: r
minutes

KENYA

No. 928

OAG

Fr. Mr. Goldman 22.12.28 ✓
(No. 27)

TO (Dft. herewith) ✓

Power of Attorney ✓
(in No 27 - in orig) ✓
Car. [unclear] ✓
Keb. ✓

so as to make the grant direct to Mr.

Goldman instead of to Major Robertson

Eustace on his behalf.

I am, etc.

(SIGNED) AMERY

Mr. Allen 3/19

15187/1928 Kenya

14
28
31 Dec 1928

Downing Street,

Mr.

Mr.

Mr. Bottomley 3/12 fs

Sir E. Harding

Sir J. Shuckburgh

Sir G. Grindle

Sir O. Davis

Sir S. Wilson

Mr. Cassidy-Gore

Lord Lovat

Mr. Amery

DRAFT. Cases v. Amery

C.S. Goldman, Esq.

*V.B. This is a draft so
that the Secretary will have
time to get it done,
before the meeting.
✓
Ged
21/12*

Copy to Gov.

Sir,

I am, etc., to ack. the

receipt of your letter of the 22nd

December, together with a Power of

Attorney in favour of Major Robertson

Eustace to regularise his acceptance

on your behalf of the Voi-Mvatai

Concession.

2. The Secretary of State does

not consider that it is necessary to

telegraph to the O.A.G. of Kenya as

you

Handwritten notes:
Mr. Bottomley
Mr. Amery

Vertical stamp: COPY TO GOV. 21 DEC 1928

be able, without violating the agreement, to do so.

You suggest, but the Power of Attorney is being sent to the O.A.G. by despatch with a request that he will consider whether it is possible to vary the terms of the Agreement so as to make the grant direct to you instead of to Major Robertson Eustace on your behalf.

3. A note ^{has been} ~~is being~~ made of your request to be informed when the Agreement is received ~~from the Governor,~~

I am, etc.

Signed H.B. Allan

C.S. GOLDMAN,
TELEGRAPHIC ADDRESS,
GOLDMANNIA, LONDON.
LONDON WALL 2270.

15
27
SALISBURY HOUSE,
LONDON WALL,
LONDON, E.C. 2.

22nd December 1928.

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

Sir, Re Voi - Swatati Concession.

With reference to my letter of the 26th ultimo, in which I informed you that I had cabled to Major Robertson Eustace, my representative in Kenya, to accept the Lease on my behalf, I now beg to inform you that I have received a cable from him, as follows:-

"DRAFT AGREEMENT SIGNED MADE IN MY NAME ACTING FOR YOU NO POWER ATTORNEY DRAFT FORWARDING SECRETARY STATE - EUSTACE"

I beg to hand you a Power of Attorney in favour of Major Robertson Eustace to regularise his acceptance on my behalf, and if you think it advisable that His Excellency the Governor of Kenya should be advised that this Power of Attorney has been lodged with you, I should be glad if you would cable His Excellency accordingly.

I would also thank you to kindly let me know when the Draft Agreement reaches you.

I have the honour to be,

Your obedient Servant,

C.S. Goldman

Encl.

Copy of Power of Attorney in Original to Gov. 928- 31 DEC 1928

STAMP

KNOW ALL MEN BY THESE PRESENTS that I CHARLES SYDNEY GOLDMAN OF 17 PARK STREET, MAYFAIR, in the County of London a Major in His Majesty's Army hereby appoint MAJOR R. ROBERTSON EUSTACE of Mombasa and of Nairobi Kenya, as my Attorney for the following purposes:-

- (a) TO negotiate and arrange with the representative of His Majesty in Kenya Colony for a Lease to be granted to me of the Bura Mwatati Concession comprising sixty thousand acres
- (b) IN my name and on my behalf or in his own name as my Attorney and on my behalf to sign a contract for a lease to me of the said Concession and with power to sign the draft of such Lease on my behalf
- (c) TO do all acts and things that may be necessary or expedient in connection with the grant of the said Lease

I DECLARE that this Power shall be irrevocable for the period of twelve calendar months from the date hereof and I agree to ratify and confirm the acts of my said Attorney hereunder.

IN WITNESS whereof I have hereunto set my hand and seal this eighteenth day of December One thousand nine hundred and twenty eight.

(Sgd) U.S. GOLDMAN.

SIGNED SEALED AND DELIVERED by the
above named CHARLES SYDNEY GOLDMAN
in the presence of:-

(Sgd) H. DIENCH.
654 Salisbury House,
London Wall,
E.C.2.
Clerk.

X. 107821 * K... 18

Dec 29 11 *

- Mr.
- Mr. Bottomley
- Sir E. Harding
- Sir J. Shuckburgh
- Sir G. Grindals
- Sir C. Davis
- Sir S. Wilson
- Mr. Ormsby-Gore
- Lord Lovat
- Mr. Amery

Nov 30
Dec

Coded mail -
14 5 pm - 29 11 29
G.T.

29 November You Mt. of 19th
Nairobi No 306 Voi-Mwatani

DRAFT

Governor
Nairobi

[21]
Tel (Code)

Substance ~~of~~ the, then
communicated to you was
that it is stated that the
cable to his representative
to accept the lease &
that instructions have already
been given for making
tests without delay in
order to shallow wells
& that he will comply
as soon as possible with
request that he submit
proposals in regard to
water requirements although
it is difficult to make
final proposals at this

copy to [unclear]

stage of the matter he understood
that ~~the~~ applications for water
are considered on their merits
having regard to other interests
affected but assumes that
in consideration of applications
which he may make Kenya
Govt will be guided by the fact
& the spirit of official communications
~~which he has~~ received ^{by him} & see my file
2-16 notes whereby he
has been granted definite rights
in respect of water subject to
requirements of natives & on
basis of which he has incurred
considerable expense for surveys
etc. & has assumed legal
& moral responsibilities towards
local parties. In conversation
he has stated that he has had
much leading been to his
that settlement of more natives
is also concerned at
contingent cost which
fully accepting prior rights
of natives already there

[1017]

Mr.
Mr.
Mr.
Mr. Bottomley
E. Harding
Sir J. Shuckburgh
Sir G. Grindle
Sir C. Davis
Sir S. Wilson
Mr. Ormsby-Gore
Lord Loat
Mr. Amery

be considered when
rights would be infringed. It
is additional reserves
how brought in with also
I have present & I believe
he enquires whether there
will be any appeal
from decisions of local
administrative officers
in regard to allocation of
value D

DRAFT.

I trust that you
will agree to my
assuming Goldman's ^{view}
basis assumption as to the
attitude of the Government
in consideration of
application for ^{the}

in career of as regards
his contention as to priority
over new notices of his
suggestion as to ^{higher} ~~power~~ of
in fact. I think you
will agree that both are
reasonable.

Please
I am
Sincerely
Yours

O.S. GOLDMAN,
TELEGRAPHIC ADDRESS,
GOLDFANNIA, LONDON.
LONDON W.11 2218.

30 23
SALISBURY HOUSE,
LONDON WALL,
LONDON, E.C.2.

RECEIVED
28 NOV 1928
OFFICE

26th November 1928.

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

Sir, Re The Voi - Mwatati Concession.

no 22
I have the honour to acknowledge the receipt of your letter of the 23rd inst., No. 15182/28, in which you inform me that you have now received a telegram from His Excellency the Governor of Kenya.

(1) I note that the clause relating to an allocation of 8,000 acres for each annual expenditure of £3,000 will be inserted in the final lease. I have therefore called to my representative in Kenya to accept the lease on my behalf, as I mentioned in my letter of the 5th October last.

(2) As regards the sinking of shallow wells, to which His Excellency the Governor refers, I may mention that instructions have already been sent out to take the necessary steps for making these tests without delay.

As already indicated in my letter of the 5th October I appreciate the necessity of submitting myself to the provisions of the Ordinance governing the making of applications for the use of water for the proper development of the leased area.

I note His Excellency the Governor requests that I submit proposals with regard to definite water requirements, and I shall comply with this request at the earliest possible moment, although the Government will appreciate the difficulty, as I previously pointed out, of making final proposals till the exact order of the development of the various areas and the extent of the development have been determined.

I further understand from the correspondence the practice to be for each application to be considered on its merits, having regard to other interests affected. But in the decision of my applications I assume that I may feel

Recd 5.0 NOV 1928
A/1
SREC 1928
Copy Ser. 883

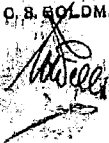
26th Nov. 1928.

confident that the authorities in Kenya will be guided by the text and the spirit of the various communications from the Colonial Office, in which definite rights in respect of water subject to the requirements of the natives are granted to me, and on the basis of which I have incurred considerable expenses in connection with surveys and the like, and have obligated myself and assumed legal and moral responsibilities towards third parties.

I have the honour to be, Sir,

Your obedient Servant,

PER FRD. O. S. GOLDMAN,



X 1518 3/4 Kungu 33
22

- Mr. Allen 2/11/22
- Mr.
- Mr.
- Mr. Bannister 2/11/22
- Sir E. Harding
- Sir J. Saucelburgh
- Sir G. Arnold
- Sir C. Davis
- Sir S. Wilson
- Mr. Ormsby-Gore
- Lord Leat
- Mr. Amery

21 NOV 23
 D 12
 Anad No 23

C.O.
 23 Nov 1922

DRAFT

C. V. Goldman

5 DEC 1922

Copy to 883

[Nov 15]

With ref to the letter from
 the Dept. of the 19 Oct.
 on the subject of the Vis-
 a-wa-ta concession,
 I am pleased to inform you that
 the same has been received
 and forwarded to you in
 Kungu in reply to
 the letter on receipt of
 your letter of the 5 Oct.

~~(1) The same~~

(2) As regards the
 addition of a clause
 to the special conditions
 providing that the
 concession shall
 be not void to an

Copy to Kungu on
 1/11/22

diversion of 6,000 acres
~~of each~~
 of each annual expenditure
 of £30,000. The Govt state
 that this clause was omitted
 by accident and will now
 be inserted. In the end
 it is assumed that you will
 be prepared to let your representatives
 in Assam to accept the lease
 on your behalf.

(3) As regards water from the Mwarati
 River, the Govt state that he does
 not ~~desire~~ desire to visit or pour
 water-bearing operations, ~~that~~ he
 suggests that you should now submit
 proposals as in the case of the
 account for diversion of the
 River referred to in para 3 of the
 letter from this Dept of the 5th Sept.
 He also suggests that ~~having regard to~~
 the probability that at no distant
 date the whole surface flow of
 the Mwarati River will be
 diverted to the river, where

- Mr.
 Mr.
 Mr.
 Mr. Balfour
 Sir E. Harding
 Sir J. Shuckburgh
 Sir G. Grindle
 Sir C. Davis
 Sir S. Wilson
 Mr. Ormsby-Gore
 Lord Loat
 Mr. Amery

DRAFT

interest have been specifically
 made anterior to your 23
 plan, it seemed desirable
 that you should, in your
 own interests, consider
 sinking shallow wells,
 from which, in the
 opinion of the Director of
 Public Works, the necessary
 quantity of water will be
 obtainable. The Government
 understand that Major
 Robertson-Saunders and Mr
 Layzell agree with this
 view.

Signed A. G. PARKINSON

(11011A)

RECEIVED
19 NOV 1928
COL OFFICE

21

Telegram from the Governor of Kenya to the Secretary of State for the Colonies.

24

Dated 19th November, 1928.

(Received Colonial Office 11.52 a.m. 19th November, 1928.)

No. 17

No. 306. 19th November Your telegram of 16th October, Goldman. Addition to special conditions will be made to draft grant of clause as requested which was omitted by accident. As regards water from Kwatati in view of commitments referred to in your telegram I do not desire to insist on prior water boring operations and Goldman should therefore submit proposals as in the case of permit desired for Voi River see paragraph 4 of my despatch of 10th August No. 480. In view however of probability that at no distant date the whole surface flow of the Kwatati River will be required by natives whose interests have been specifically made anterior to Goldman's it seemed desirable in Goldman's own interests that he should consider sinking shallow wells from which in the opinion of the Director of Public Works the necessary quantity of water will be obtainable. It is understood that Bustace and Inysoil agree with this view.

14/10/28

19/11/28

X 15-18328 large 25

- Mr. *Edmond 15/10*
- Mr. *Palmer 15/10/28*
- Mr. *Bottomley 15/10/28*
- Mr. E. J. Harding
- Sir J. Shackburgh
- Sir G. Grindale
- Sir O. Davis
- Sir S. Wilson
- Mr. Ormsby Gore
- Lord Lovat
- Mr. Amery

O D
17 OCT
D. 19. 11

20 Oct. 1928

in cipher
DRAFT (no. 11)

Henry
No 756
For Gray

[have insert full text of dispatch of tel. in dft. hse.]

to Mr. Seligman 5/10/28 ✓
 from 20 5/10/28 no. 11 ✓
 to 10 19 OCT 1928 no. 13 ✓
 dft. hse. ✓

(tel. 220/15)

Sir
 With refer to your dispatch no. 450 of the 10th August on the subject of the Van Mursdale concession I have rec to confirm my telegram of the 16th October. Such read as follows:—

[have insert full text of tel. in dft. hse.]

2. Copies of a letter which was sent to Mr. Seligman on receipt of your dispatch, &

subsequent course as ~~above~~
enclosed for your information.

I have in my telegram
suggested that sympathetic
consideration should be given
to Mr. Goldman's request.

I am sure that you will
refer in view of the long
history of this case that it
is desirable that a final

settlement should be reached
without delay, and ~~that~~ I trust that
all will give sympathetic
consideration to Mr. Goldman's
representations, as suggested
in my telegram.

K 15183/28, Kenya

Mr. Easton 11/10
Mr. Parkman 11/10
Mr. Bolton 15/10
Sir E. Herbert
Sir J. Shackburgh
Sir G. Grindle
Sir C. Davis
Sir S. Wilson
Mr. Ormsby-Gore
Lord Lovat
Mr. Amery

Handwritten notes:
15/10
16/10
17/10
18/10
19/10
20/10
21/10
22/10
23/10
24/10
25/10
26/10
27/10
28/10
29/10
30/10

16 October

DRAFT (Tel.)
for conson.

Gov. Nairobi

(No. 11)

Contents of your despatch No. 450

of 10th August communicated to

Goldman who accepts decision that

lease should come into effect as

from 1st April 1927. He is

prepared to authorise local

(No. 15)

representative to accept contract

enclosed in letter of 9th February

1927 from Commissioner of Lands

to Haueburg subject to addition to

"special conditions" of a clause

presumably omitted by accident to

the effect that such annual expen-

diture of £3,000 as paid shall

entitle concessionaire to allocation

of 6000 acres in accordance with

22/10

Colonial Office letter of 30th May 1924

(18965/24)

see my despatch of the same date No. 541

(No. 11)

As to water he represents that condition set out in paragraph 6 of your

(No. 11)

despatch places contingent limitation on

undertakings already given and he requests

(1) that some proposal should be made which

will protect water rights conceded by Colonial

Office and Kenya Government. As to Colonial

Office commitments see letters of 9th August

(34913/24)

1924 and 2nd April 1925 enclosed in my despatch

(14506/25)

of 14th August 1924 No. 836, and my despatch of

(34913/24)

29th April 1925 No. 294 respectively.

(2) Assurance (14506/25)

that any application for water permit will be inter-

preted liberally and in the spirit of concession

granted and of its reasonable requirements. He

urges that water is essential for development of this

area which involves considerable expenditure and that

capital for boring should not be requisitioned unless

surface supplies fail or appear to be inadequate.

There seems to me much force in Goldman's contention, and

I hope you will consider matter sympathetically.

Telegraph reply

Seen

Note

Water can be obtained for the concession from five sources:-

- (1) From the Voi River.
- (2) From the Mwatati River.
- (3) From the Teita Hill Streams
- (4) From a neighbouring swamp.
- (5) By boring.

In his despatch on this file the Governor conveys the impression that he will be prepared to grant Mr. Goldman the right to take water from the Voi River. As regards the Mwatati River he states:-

- (1) that it is normally dried up before entering his concession, but
- (2) that permanent water could almost certainly be found by digging shallow wells in its bed, and
- (3) that until Mr. Goldman has proved that water cannot be found by boring elsewhere in the concession he would not be prepared to allow him to take water from the Mwatati River (i.e., presumably, from higher up its course before it enters the concession).

The Governor does not mention the Teita Hill streams or the swamp, but he expresses the opinion that no definite commitment as to the taking of water from streams should be made until Mr. Goldman has proved definitely that sufficient water cannot be found by boring.

There seems to be some truth in Mr. Goldman's contention

contention that this last stipulation constitutes a new contingent limitation; ^{but} ~~and~~ apart from this Mr. Goldman implies that the Colonial Office letters on 34913/24 and 14506/25 granted more than the Kenya Government are now prepared to grant. It should, however, be noted:-

4913/24

(1) that as regard water from the Voi and Mwatati Rivers Mr. Thomas only agreed to his "having the right to take water from them subject to the requirements of the natives and to the fair needs of any other persons who may at any time hold Government land bordering on the streams".

(2) that as regards the Teita Hill streams and the swamp the Colonial Office letter merely reported the contents of a telegram from Kenya which set out the terms of a settlement that had been reached locally with Major Robertson Estace.

^{Major} ~~The~~ Secretary of State cannot, I imagine, be held to have committed himself to anything contrary to, or going beyond the bounds of, any law of the Colony or ~~and~~ any regulations made under any such law.

C O P Y

Kenya

Department of Lands,
P.O. Box 939
NAIROBI.

9th February 1927.

Please quote
Date and No. U/7045.V.

O.B. Hausburg Esq.,
Punda Hillia,
P.O., Nakuru.

Sir. Re Goldman Concession.

With reference to the recent interview I forward herewith revised draft grant embodying the points agreed in respect of commencement of term and annual rent.

2. The rental arrangement is not as stated in your letter of the 1st January. The accepted proposal is that a rental of £180 be paid in respect of the whole of the three year period ending March 31st 1930, and from the 1st April 1930 onwards the ordinary rental rates specified in the Crown Lands Ordinance shall be operative.

3. Teita Hills referred to in Mr. Goldman's letter is area also referred to as "the Swamp".

4. The names and descriptions of the grantees require inserted in the draft.

I am, Sir,

Your obedient servant,

(sgd)

For Commissioner of Land

REGISTRY OF TITLES

(Inland District)

Title No. 1.B.

Annual Rent Shs. 3,600/- (Revisable as herein provided)
Term 999 years from 1.4.1927 to 1.4.2926.

KNOW ALL MEN by these presents that I EDWARD WILLIAM MADLBY GRIGG Knight Commander of the Royal Victorian Order Companion of the Most Distinguished Order of Saint Michael and Saint George Companion of the Distinguished Service Order upon whom His Majesty has conferred the decoration of the Military Cross Lieutenant-Colonel in His Majesty's Army (retired) the GOVERNOR and COMMAN DER IN-CHIEF of the Colony of Kenya on behalf of His Most Gracious Majesty King George the Fifth do hereby under and by virtue of the powers vested in me GRANT unto

(hereinafter referred to as the Grantees which expression shall where the context so admits include their respective executors administrators and assigns) ALL THOSE TWO pieces of land situate S.W. of Voi Township in the Taita District of the Ukereini Province of the said Colony containing together by measurement 50864 acres more or less than is to say Land Office Numbers 380 and 3891 of Meridional Districts:-

	South	A. 57	
	V.	III. b	3
and			
	South	A. 57	
	V.	III. a	3

which said pieces of land with the dimensions abutments and boundaries thereof are bordered red and delineated on the plans drawn on those presents and more particularly on Land Survey Plans Nos. 23542 and 23543 deposited in the Land Survey Office at Nairobi. Excepting and reserving out of the Grant hereby made an area of 195 acres more or less in respect of the several road reserves marked respectively "Road Reserve 180' wide", together with an area of 884 acres more or less in respect of Railway Reserve 100' on each side from the centre line of rails in the approximate position shown on the said plans making a nett area of 50865 acres more or less the subject of this Grant. TO HOLD for the term of 999 years from the 1st day of April 1927 subject to the payment therefor for the said term the respective rents following:

- a) From the 1st day of April 1927 until the 31st day of March 1930 a rent of Shs. 3600/- in respect of the whole of that period of three years payable on or before the said 31st day of March 1930.
- b) From the 1st day of April 1930 until the 31st day of December 1945 an annual rent of Shs. 12000/- payable in advance on the 1st day of January in every year and so in proportion for any less period than one year the first of such payments to be made on the 1st day of January 1931.
- c) From the 1st day of January 1946 until the 31st day of December 1975 an annual rent payable in advance as aforesaid calculated at the rate of one per centum on the unimproved value of the land hereby granted in the year 1945.

- d) From the 1st day of January 1976 until the 31st day of December 2005 an annual rent payable in advance as aforesaid calculated at the rate of two per centum on the unimproved value of the land hereby granted in the year 1975.
- e) For every subsequent period of thirty years thereafter to expire on the 31st day of December in every thirtieth year following until the expiration or sooner determination of the term hereby granted an annual rent payable in advance as aforesaid calculated at the rate of three per centum on the unimproved value of the land hereby granted in the year preceding the first year of each succeeding period of thirty years.

This Grant is subject to the provisions and conditions contained in the Crown Lands Ordinance 1915 (excepting Part Eleven thereof) and also except as herein otherwise provided and to the R.F.O. 1919.

SPECIAL CONDITIONS.

1. Commencing on the 1st day of April 1929 and within one year thereof the Grantees will expend the sum of not less than Shs. 50,000/- on improvements to the land hereby granted of the nature specified in the Schedule hereto.
2. The Grantees during the further period of nine years commencing on the 1st day of April 1930 will expend not less than the further sums of Shs. 60,000/- year by year on improvements to the land hereby granted of the nature specified in the Schedule hereto making together a total sum of not less than Shs. 600,000/- in all to be expended during the aggregate period of ten years.
3. The Grantees will at all times after the said 1st day of April 1929 during the continuance of the term hereby granted maintain and keep or cause to be maintained and kept the improvements to be effected by virtue of the preceding conditions in that behalf.
4. By virtue of Section 93 of the Crown Lands Ordinance 1915 it is inter alia an implied condition of this Grant and in order to emphasize the same it is herein expressly agreed and declared that any portion of the land contained in this Grant in the actual occupation of natives at the date hereof shall so long as it is actually occupied by them be deemed to be excluded from this Grant.

1. 17. 35 WHARF etc.

SCHEDULE

- Farm buildings of all descriptions
 Fencing
 Water furrows
 Planting trees or live hedges
 Wells
 Ponds
 Reclaiming land or reclamation of swamps
 Road making
 Bridges
 Clearing of land for agricultural purposes
 Laying out and cultivating gardens & nurseries
 Water boring
 Gate roads
 Sheep or cattle dip
 Establishing protective works of any kind

SCHEDULE contd.

Bankments or protective works of any kind

Planting of long lived crops

Water tanks

Irrigation works

Fixed machinery

Reservoirs

Dams of a permanent nature

Dwelling houses occupied by the Grantee or some person or persons in their permanent employ.

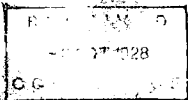
Live stock

Agricultural implements and machinery

Dairy appliances

Provided that the same are the property of the Grantee and are kept or used on the premises hereby granted or some part thereof.

C.S. GOLDMAN.
TELEGRAMS: ANDREW
GOLDMAN & CO., LONDON.
LONDON WALL 1928.



33
SALISBURY HOUSE,
LONDON WALL,
LONDON, E.C. 2

5th October 1928.

W.C. Bottomley Esq.,
The Colonial Office,
S.W.

Dear Mr. Bottomley,

I beg to send you Major Goldman's reply to the Under Secretary of State's letter of the 5th ult. I am doing this as I am afraid there has been a slight unavoidable delay in replying, owing to Major Goldman's health, and the advice of his medical advisers, which necessitated his taking a short cure abroad. This, as you will appreciate, necessitated correspondence to and fro, and I am afraid in the circumstances the reply is not as concise as it might otherwise have been.

With many thanks.

Yours faithfully,

W.C. Bottomley

Recd 19 OCT 1928

C.S. GOLDMAN,
TELEGRAPHIC ADDRESS,
GOLDMANNIA, LONDON.
LONDON WALL, 2289.

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

1928

34
5th October 1928.

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

Sir, Re The Voi - Mwatati Concession.

no. 11.
no. 2

I have to acknowledge the receipt of your letter of the 5th ult., No. 15183/28, conveying the contents of a despatch received from His Excellency the Governor of Kenya. I presume this to be in reply to my communication of the 27th March last, in which I ventured to urge for the final completion of the Lease.

The terms of the Lease were set forth in a letter from the Colonial Office No. 18965/24^K and were amplified in letters from the Colonial Office Nos. 34913/24 and 14506/25.

1625/145
756-2000145
Date
C.S. Goldman

The final terms were accepted by me in my letter to the Colonial Office dated the 21st April 1925, and in that communication I asked that the final grant might be submitted for completion at the earliest convenience.

The main further delays that have occurred have arisen out there over the settling of details of water to be specified in the Lease, or in a supplementary document to it.

These are most regrettable, more particularly as I never anticipated any delay from this quarter.

I however concur in His Excellency's desire to reach finality without further delay, and so feel that I must accept His Excellency's decision that the grant of the Lease shall be regarded as having come into effect as from the 31st March 1927.

2) Main Contract
X
Guv/

I also accept Clauses 1 and 2 as set out under the heading of Special Conditions; but there is an obvious error as the question of the area of 6,000 acres of land to be allotted for each Annual expenditure of £3,000, as laid down in the Colonial Office letter of the 30th May 1924, in the Colonial Office letter of the 30th May 1924, No. 18965/24 has been omitted. I request that this omission be rectified in accordance with the terms of the letter referred

5th October 1925

to, and that the said paragraphs be amplified to include this,

On hearing that you agree to this I shall be prepared to cable to my representative in Kenya to accept the Lease on my behalf.

(3) Substantive confirmed in 1925

This leaves the question of water open. The point that seems to have arisen is how to reconcile the regulations to which His Excellency in his despatch refers, with the rights conceded to me under the letters of August 9th 1924 and April 2/25. If the land under the Lease is to be subject to the regulations in force under the Statute as applicable to water rights in general, it is vital, as I am sure you will appreciate, that the necessary water as has been agreed, after full discussion between my representatives and the authorities in Kenya and the Colonial Office, as being essential for the natural development of the Concession, and which has been more specially laid down in your letters of August 9th 1924, No. 34913/24 and the 2nd April 1925, No. 14506/25, and concurred in by the local Government, should at least be assured to me for drawing upon for the development of the land and for factory purposes.

In reviewing the correspondence it will be observed that Mr. Hausburg expressed the fear that water from the available sources which traverse and/or bound the land granted, might be inadequate, and to meet this contingency the Acting Governor, Sir Charles Bowling, in his letter dated July 2nd 1925, No. 2086/1925, recommended that in the event of there being a shortfall of water, an area of equal size elsewhere should be conceded. This recommendation was not approved by the Under Secretary of State in his letter of the 26th September 1925, No. 38417/25, but on the other hand the situation was met by granting access to the local sources of supply available, which included the Voi and Mwatani Rivers, the Swamp and the Tsita Hills, as set out in letters dated August 9th 1924 and April 2nd, 1925.

My communications of the 21st July 1924, 3rd October 1924, 14th and 29th November 1924, 21st April 1925 and 18th and 31st August 1925, all bear on the subject of the question of water, and the need for making sure of the availability of existing supplies.

My whole purpose in having raised the issue of water was to safeguard against failure, and to ensure the most efficient development of the land.

In paragraph 5 of your letter I gather that His Excellency evidently wishes to place the onus of being for water and incidentally bearing the cost of proving it (or otherwise) on my shoulders, before I am to be allowed to use the natural sources.

No. 11.

34913/24

+ 14 26/25

54624/24

26 22/24

18 25/25

31914/25

14506/25

34913/24

46909/24

The effect of that stipulation would be to place a contingent limitation on the rights that were granted to me as the result of conferences in London with Sir Robert Coryndon and the Colonial Office in July 1923, and prolonged negotiations with the authorities here and in Kenya, as set out in the official correspondence.

Apart from the fact, that such an attitude would have the effect of reversing the agreement as regards water which was reached with the Colonial Office, and is contained in the official correspondence of August 1924 and April 1925, it would, I submit, create a new departure in limiting in this case the ordinary privileges subject to existing Water Statutes.

At this juncture and in my desire to obtain finality, I would suggest that some proposal be made to me which will protect the rights in respect of water conceded to me by the Colonial Office and the Kenya Government, and although the application for water required for development or otherwise is governed by the Statute concerning water rights and water licences for diversion and storage, and is subject to these regulations, such application or applications will be interpreted liberally and in the spirit of the Concession granted and of its reasonable requirements.

The point I venture to stress moreover is that a completely new area is to come under development. Considerable expenditure must necessarily be incurred, and as water is the essential factor, it seems only reasonable to suppose that the water which nature has placed there will be allowed to be used in the first place, and only if these supplies should fail or appear to be inadequate should capital be requisitioned with a view to discover subterranean supplies.

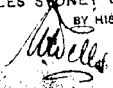
I submit that the view expressed by His Excellency the Governor is a most unusual one, and that it is one which was never contemplated by the Colonial Office, and will not be upheld by them.

The fact that the Mwatati River disappears entirely beyond the boundary of the Concession, and as far as is known, does not appear again, is an additional reason why it should be used before it is lost and therefore becomes valueless..

I have the honour to be,

Sir,

Your obedient Servant,
 CHARLES SWDNEY GOLDMAN
 BY HIS ATTORNEY.



X 15183/28 Kenya

37

- Mr. Eastwood 5/10
- Mr. Parkings 5/10 1/8
- Mr. Ba
- Mr. Bottomley 5/10 28/10
- Sir E. Harding
- Sir J. Shuckburgh
- Sir G. Grindle
- Sir C. Davis
- Sir S. Wilson
- Mr. Ormsby-Gore
- Lord Locat
- Mr. Amory

6 October
 Your despatch of 10th August
 no 450 - Voi - Musabale
 matter was discussed
 with Goldman and in
 middle of September he
 stated that he was going
 away on medical advice
 but that he was willing
 No letter has been received
 but in the circumstances
 there can be no question
 of inserting a definite
 time limit of one month
 I am endeavouring to
 ascertain position

DRAFT Tel for ~~...~~

Continued
 E. Namib

Recive: 16/10/28
 Bottomley

Seen

Reveries to letter as to terms

base of some months ^{last 2 or 3 to the letter}

and another with grant
and different part

and with water - no

different - do to part

and with water - no

not taken up before, details

Castle
6th Dec 1927

The Duke of Devonshire
to the Hon. Secy of State

and with water - no
different - do to part
and with water - no
not taken up before, details

James
Monday
The Duke of Devonshire
Secretary

no previous case of conspiracy with the Secretary of State

Reveries to letter

1. of the same name - starting account
2. of the same name - starting account

and with water - no
different - do to part
and with water - no
not taken up before, details

Reveries to letter

These are the previous cases and
also to letter of 1927

any other you cover for
that at any time in course of the day
and with water - no
different - do to part
and with water - no
not taken up before, details

X 15783-20
Kenya

39
11A

1 Mr Allen 5/19

Mr.

Mr.

Mr. Boltonley 5.7.18 p

Sir E. Harding

Sir J. Shuckburgh

Sir G. Grindle

Sir C. Davis

Sir S. Wilson

Mr. Ormsby-Gore

Lord Lovat

Mr. Amery

5-SEP
5

5 Sep 1923

Account No. 13

Sir,

DRAFT

Carson:

V. Mearns

(not)

C. S. Goldman Esq

RECEIVED
SEP 10 1923
Gen. Secy

With ref^{ce} to the
letter from this Dept of
the 18th April I am to
inform you that a
dispatch has now been
received from the Governor
of Kenya with regard
to the Vri Mearns
Concession.

with
hand
or
not
(separate)

2. The Governor
states that there

affects

KENYA.

No. 50

10th August, 1928.

Sir,

I have the honour to refer to your despatch No.276 of the 12th of April last on the subject of the Voi-Wharfedale Concession in the name of Major C.S.Goldman.

2- There appears to have been a misunderstanding on the part of Major Goldman as regards the form in which water rights are granted; *it explains that*

3- Existing legislation in this Colony provides no means for granting definite water rights. Under the Crown Lands Ordinances (~~Cap. 110 Revised Laws of Kenya~~) permission of the Director of Public Works is required before any abstraction of water from any river or stream lawfully take place. The document by which the right to abstract water is granted - called a water permit - gives such permission conditionally, the primary condition being the full and effective use of the water for the purpose for which it was granted.

4- A water permit cannot, therefore, be granted at present for the proposed diversion of the Voi River,

but/

THE RT. HON.

LT. COL. L.C.M.S. SMITH, B.Sc., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWLING STREET,

LONDON, S.W.1

Letter from
Major R.W.R.
Eustace of
21/8/27
and
D.P.W. of
29/8/28.

August, 1928.

Sir,

I have the honour to refer to your despatch No. 276 of the 12th of April last on the subject of the Voi-Watete Concession in the name of Major G.S. Goldman.

2- There appears to have been a misunderstanding on the part of Major Goldman as regards the form in which water rights are granted; *it explains that*

3- Existing legislation in this Colony provides no means for granting definite water rights. Under the Crown Lands Ordinance (No. 110 - *Harvest Laws of 1907*) permission of the Director of Public Works is required before any abstraction of water from any river or stream can lawfully take place. The document by which the right to abstract water is granted - called a water permit - gives such permission conditionally, the primary condition being the full and effective use of the water for the purpose for which it was granted.

4- A water permit cannot, therefore, be granted at present for the proposed diversion of the Voi River,

but/

THE RT. HON.

LT. COL. L. C. H. S. SMERY, F. C. S., M. P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,

LONDON, E. V. 1

Letter from
Major R.W.R.
Eustace of
21/3/27
and
D.P.W. of
29/6/28:

but the discharge of this river is such that permission ^{this} for diversion could be considered should Major Goldman submit an application in the near future when he has ascertained that he definitely requires this water, and is able to put up concrete proposals as to the method of abstraction, etc., which would be acceptable considering the other interests affected.

4 In regard to the availability of 50,000 gallons per day from the Mantato stream, the surface flow of this stream regularly ceases above the point where it enters the concession. Major Robertson Austaco has, however, several times been informed that there is a very high probability of a permanent underground flow in the deep sand composing the bed of the river and that an adequate supply could be obtained by sinking shallow wells. He has stated that he would have trial wells put down to ascertain this, but it appears that this has not yet been done.

The Governor is informed that

5 / the area of the concession, ~~is an~~ ^{is an} ~~interest~~, affords satisfactory prospects in respect of water-boring, ^{to wit} ~~in~~ ^{the} ~~strength~~ of the opinion that until it has been proved that water in sufficient quantities cannot be obtained by boring, no definite consideration as regards the extraction of water from the Mantato River should be made.

In this connection ~~I refer to~~ ^{he refers to} ~~copies of~~ ^{copies of} ~~correspondence~~ dated May and June 1927 between Major Robertson Austaco and the Director of Public Works, ^{copies of which are} ~~enclosed~~ ^{for convenience of reference}

6 / when the draft grant was in possession of Major Robertson Austaco was handed to him and Major Hausberg these gentlemen were definitely informed by the Commissioner/

Commissioner of Lands that water rights could not be granted by any method other than that indicated in paragraph 1, ^{2 of the letter} and they appeared to be satisfied with the position.

^{The Governor adds that}
 B. 7. Repeated endeavours have been made by the Director of Public Works to obtain from the local representatives of Major Estess a definite statement of water requirements but without success, nor have the assurances of Major Estess that trial wells would be sunk been carried out.

address to you

As regards the date of the commencement of the grant, ^{the Govt refers to the letter from the Dept of the Public Works Secretary of the 10th of May, 1937, which includes the condition that the grant should not be in force for less than 12 months and that rent should then commence to accrue.} ^{The Governor explains that} as some delay caused for which the grantees was not responsible it was agreed by the Commissioner of Lands in December, 1936, that the term should commence on the 1st April, 1937: ^{the Governor} as any delay that has occurred subsequent to that date has been ^{the Governor} entirely due to the grantees and their representatives.

^{to agree} There can be no reason for any further concession on this point.

^{The Governor} I consider that the grantees should be given a definite time limit of say one month in which to return the draft grant duly approved, and that they should then be required to submit to the Director of Public Works the necessary information on which a lease water permits can be issued.

I have the honour to be,

Yours

Your obedient servant,

Commissioner of Lands that water rights could not be granted by any method other than that indicated in paragraph 1, and they appeared to be satisfied with the position.

7. Repeated endeavours have been made by the Director of Public Works to obtain from the local representatives a definite statement of water requirements but without success, nor have the assurances of Major Easton that trial wells would be sunk been carried out.

address to you

As regards the date of the commencement of the grant, the Under-Secretary of State for India in 1906, and of the 30th of May, 1904, specified that the grant should commence six months from that date and that rent should then commence to accrue. In some delay caused for which the grantee was not responsible it was agreed by the Commissioner of Lands in December, 1904, that the term should commence on the 1st April, 1907. *the Government are responsible for any delay that has occurred subsequent to that date has been entirely due to the grantee and his representatives.*

I see no reason for any further concession on this point.

9. I consider that the grantee should be given a definite time limit of say one month in which to return the draft grant duly approved, and that he should then be required to submit to the Director of Public Works the necessary information on which alone water permits can be issued.

I have the honour to be,

Your obedient servant,

KENYA

No. 483



GOVERNMENT HOUSE,
NAIROBI,
KENYA.

August, 1928.

COLONY

Sir,

I have the honour to refer to your despatch No. 276 of the 19th of April last on the subject of the Voi-Mwatate Concession in the name of Major C.S. Goldman.

Letter from
Major R.W.B.
Eustace of
21/5/27.

Letter from
D.P.W. of
29/6/28.

5 SEP 1928

2. There appears to have been a misunderstanding on the part of Major Goldman as regards the form in which water rights are granted.

3. Existing legislation in this Colony provides no means for granting definite water rights, under the Crown Lands Ordinance (Cap. 140 Revised Laws of Kenya) permission of the Director of Public Works is required before any abstraction of water from any river or stream can lawfully take place. The document by which the right to abstract water is granted - called a water permit - gives such permission conditionally, the primary condition being the full and effective use of the water for the purpose for which it was granted.

4. A water permit cannot, therefore, be granted at present for the proposed diversion of the Voi River,

but

THE RT. HON.

LT. COL. L.C.M.S. AMERY, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,

LONDON, S.W.1

9/145
und. 53 to 62
copy sent to Mr. ...
for and 756, 20 Oct 1928

11
43

but the discharge of this river is such that permission for ^{this} diversion could be considered should Major Goldman submit an application in the near future when he has ascertained that he definitely requires this water, and is able to put up concrete proposals as to the method of abstraction, etc., which would be acceptable considering the other interests affected.

5. In regard to the availability of 50,000 gallons per day from the Mwatate stream, the surface flow of this stream regularly ceases above the point where it enters the concession. Major Robertson Eustace has, however, several times been informed that there is a very high probability of a permanent underground flow in the deep sand composing the bed of the river and that an adequate supply could be obtained by sinking shallow wells. He has stated that he would have trial wells put down to ascertain this, but it appears that this has not yet been done.

6. The area of the Concession, I am informed, affords satisfactory prospects in respect of water-boring; I am strongly of the opinion that until it has been proved that water in sufficient quantities cannot be obtained by boring, no definite commitments as regards the extraction of water from the Mwatate River should be made. In this connection I append copies of correspondence dated May and June 1927 between Major Robertson Eustace and the Director of Public Works.

When the draft grant now in possession of Major Robertson Eustace was handed to him and Mr. Hausberg these gentlemen were definitely informed by the Commissioner

3.

Commissioner of Lands that water rights could not be granted by any method other than that indicated in paragraph 3, and they appeared to be satisfied with the position.

8. Repeated endeavours have been made by the Director of Public Works to obtain from the local representatives of Major Goldman a definite statement of water requirements but without success, nor have the assurances of Major Eustace that trial wells would be sunk been carried out.

9. As regards the date of the commencement of the grant, the Under Secretary of State's letter No. 18965/24 of the 30th of May, 1924, specified that the grant should commence six months from that date and that rent should then commence to accrue. As some delay ensued for which the grantee was not responsible it was agreed by the Commissioner of Lands in December, 1926, that the term should commence on the 1st April, 1927. As any delay that has occurred subsequent to that date has been entirely due to the grantee and his representatives, I see no reason for any further concession on this point.

*Gov. 18965/24
Kenya
file 991*

10. I consider that the grantee should be given a definite time limit of say one month in which to return the draft grant duly approved, and that he should then be required to submit to the Director of Public Works the necessary information on which alone water permits can be issued.

I have the honour to be,

Sir,

Your obedient servant,

M. T. Martin

GOVERNOR

(Copy)

46
Muthiga Country Club,
Nairobi.

Kenya Colony, 21st May, 1927.

The Director,
Public Works Department,
Nairobi.

Sir,

Reference our conversation of a few days ago re water supply to the Wateran Concession at Mwatate. I would be very much obliged if you would kindly inform me on the following points:-

- (1) That water can be obtained from the Swamp lying outside the concession at Mwatate.
- (2) That water may be obtained from the Tetta Hills by putting in dams.
- (3) That water may be taken from the Voi River.

As the Bura River runs through the concession I take it there is no necessity to get permission to take the water from it.

Yours faithfully,

(Sd.) R.W.B. Robertson Eustace.

(Copy)

PUBLIC WORKS DEPARTMENT,
HEAD OFFICE,
NAIROBI.

Ref: No. 4787

29th June, 1927.

The Hon. Major Robert Shaw Malace,
c/o Lunenburg Country Club,
Nairobi.

Sir,

WATER CONCESSION.
L.O. Nos. 3880 and 3881.

I have the honour to express my regret for the delay in replying to your letter of 21st May. It was found to be necessary to review the correspondence which has taken place in the past with Government regarding the above concession before replying to your letter.

2. I would observe that you have not furnished information yet regarding the quantity of water which is required per day.

3. With regard to the three questions contained in your letter, I beg to reply as follows:-

(1) I would refer you to my letter No. 4995

dated 10.11.26 regarding sinking shallow wells in the alluvial flat in the valley of the Mwatate River. It will be necessary to know whether sufficient water to fulfil requirements for the development of the western part of L.O. No. 3880 can be obtained by that means or not before considering the question of diversion from the swamp to which you refer. I understand that you have arranged for these wells to be sunk.

(2) No such undertaking can be given. In the event

(Copy)

PUBLIC WORKS DEPARTMENT

HEAD OFFICE,

NAIROBI.

Ref: No. 4787

28th June, 1927.

The Hon. Major Robertson Estlin,
c/o East Africa Country Club,
Nairobi.

Sir,

WATERAN CONCESSION.
L.O. Nos. 3880 and 3881.

I have the honour to express my regret for the delay in replying to your letter of 21st May. It was found to be necessary to review the correspondence which has taken place in the past with Government regarding the above concession before replying to your letter.

2. I would observe that you have not furnished information yet regarding the quantity of water which is required per day.

3. With regard to the three questions contained in your letter, I beg to reply as follows:-

(1) I would refer you to my letter No. 4995

dated 10.11.26 regarding sinking shallow wells in the alluvial flat in the valley of the Mwatate River. It will be necessary to know whether sufficient water to fulfil requirements for the development of the western part of L.O. No. 3880 can be obtained by that means or not before considering the question of diversion from the swamp to which you refer. I understand that you have arranged for these wells to be sunk.

(2) No such undertaking can be given. In the event

of there being a source of supply in the Taita Hills which is not required by the Natives, consideration would be given to diversion of water from it if it is shown that other sources of supply on or adjacent to your land are ~~inadequate~~ inadequate for your reasonable requirements.

(3) Farm L.O. No. 3880 is riparian to the Voi River and authority to divert a portion of the flow from some point on its course where it bounds your land can be granted. Before action can be taken it is necessary for me to know fully the quantity of water and proportion of the flow which you desire to divert, the method of diversion, the nature and position of the works or plant required to effect such diversion and other relevant matters. I enclose in duplicate Form No. 73A which should be filled in and returned to me with the sketch map delineating the proposals. On receipt of this form, the application will be considered in relation to the existing rights to the water of the Voi River.

4. With regard to the last paragraph of your letter, diversion of water from a stream is illegal under section 145 of Cap. 140 of the Laws of Kenya without authority from the prescribed officer, even though diversion is made within the boundaries of land owned by the person responsible for the diversion. I enclose Form 73A in duplicate. If you desire to divert water from the Bura River for Farm No. 3881, the form should be filled in and returned to me.

I have the honour to be,
Sir,
Your obedient servant,
(Sd.) H. L. Sikes,
Director of Public Works.

7 49

- Mr. Peel 26 5/28
- Mr. Parkhurst 26 15/24
- Mr. Bottomley 26 5/28
- Mr. E. J. Harting
- Sir J. Shuckburgh
- Sir G. Gifford
- Sir C. Davis
- Sir S. Wilson
- Mr. Ormsby-Gore
- Lord Lothian
- Mr. Amery

X 15783/28 Kenya

S.O. for Mr B Attenley

Dear Mr Goldman

28 May 1928

DRAFT.

C. S. Goldman

An official letter
 is (now) to you by this
 post (with) for an
 undertaking a writing
 that you will repay
 the cost of the telegram
 which also you explain to the day
 which I agreed should
 be sent to the Governor
 of Kenya at your request
 & of the Governor's reply.
 When you came to see me
 I have signed the letter
 with reluctance but
 when I gave directions
 for the telegram to the
 post

(I don't entirely agree)

2/28

sent? came up against

the Treasury regulations on
the subject which, I find,
leave me absolutely no
option

Yours sincerely

(Signed) W. C. BOTTLEY

26.5.28
Mr. Parkin
15/183/28 Kenya

- Mr. Bottomley
- Mr. B. J. Harding
- Sir J. Shackburgh
- Sir G. Grindle
- Sir G. Davis
- Sir S. Wilson
- Mr. Ormsby-Gore
- Lord Lovat
- Mr. Amery

Mr. Bottomley to sign

28 May 1928

Sir

DRAFT

C. S. Goldman Esq.

(at the office of
the
G.O.S.)

With reference to the
letter ^{re Kenya} ~~your~~ ^{of 15/183/28} ~~sent to the~~
~~Bottomley~~ of this Dept
I am etc. to inform you that
he is prepared to send
a telegram to the Governor
of Kenya asking for
a telegraphic reply to the
despatch sent to him on the
19th of April, asking for his
views on the your letters
of the 5th and 27th March
and the 5th April on the
subject of the Voi District
concession.

2/25

however that it would not be possible for her to regard the telegrams as sent on public business and in accordance with the regulations it is necessary that, before the telegram to the Governor in respect, you should be in a position to reply with an acknowledgment for the refund the cost of the telegram. ~~The telegrams would not be sent as full public business unless it is not possible to ascertain the nature of the reply and the balance.~~ ~~Length of the Governor's reply may be estimated in terms of telegrams and therefore be estimated? The telegrams can therefore be estimated. I appreciate the fact that the Governor's reply may be of considerable length.~~ ~~The telegrams would be sent in code, but they will be sent by the Cable Company at public rates.~~

(Signed) W. O. BOTTOMLEY

- Mr. Speal 14.4
- Mr. Wicks 14/4
- Mr. Bottomley
- Mr. E. J. Harding
- Sir J. Shuckburgh.
- Sir G. Grindle.
- Sir C. Davis.
- Sir S. Wilson.
- Mr. Ormsby-Gere.
- Lord Lovat.
- Mr. Amery.

Answer No 11 2/4

(48985/25)

Downing Street,
19 April, 1928.

Sir,

I have etc., to invite reference

to your despatch No.1251 of the 5th of October, 1925, and to transmit to you for your information the

DRAFT.

KENYA

No. 276

Gov. Grigg.

accompanying copy of correspondence with Mr.C.J.Goldman, together with a note of an interview with Mr.Goldman at the Colonial Office, on the subject of the Voi-Mwatati Concession.

From Mr. Colman 27th March
" " " 5th April
Date of interview

2. I should be glad to be furnished with your observations generally upon the points raised in the enclosed papers. You will no doubt bear in mind in considering Mr. Goldman's representations ^(the fact) that an assurance on the question of

2 Afta.

water

water supply is essential to

holders of the
the ~~concessions~~ is

making arrangements for *its*

development of the ~~concession~~

... etc.,

(Signed) L. S. AMERY

water supply is essential to

holders of the
the ~~concessions~~ in

making arrangements for ~~the~~

development of the concession

and, etc..

(Signed) L. S. AMERY

C/S. GOLDMAN
TELEGRAPHIC ADDRESS
GOLDMANNIA, LONDON.
LONDON WALL 2238.

3
52
SALISBURY HOUSE,
LONDON WALL,
LONDON, E. C. 2,
5th April 1928.

The Under Secretary of State,
The Colonial Office,

7 APR 1928

Sir, Re Voi - Mwatati Concession.

With further reference to my letter of the 27th ultimo, and my subsequent interview with Mr. Bottomley and Mr. Wiseman, I gather that the information required on the other side, apart from the general principle of availability and use of water from the sources as set out in previous correspondence, is an approximate statement of the proposed development in the first instance; where the development is to be, and the estimated quantity of water required for such preliminary development.

It is presumed that the letter dated the 29th June 1927, No. 4787, from the Public Works Department was written with this object in view.

The delay in dealing with this matter is due in the first instance to this communication not having reached me until the 5th November last. Major Robertson Eustace held it up as he expected me in the Kenya Colony and thought it could best be dealt with on the spot. This was not possible due to my being detained in Canada till the end of 1927. I give these facts to show how this delay unavoidably arose, which I very much regret.

I have since discussed the situation with Mr. Hausburg who recommends that the first development should take place on the right and left banks of the Mwatati River. This will be a sisal plantation, probably extending to 4,000 acres.

The water estimated for the purposes of a factory to deal with this acreage would be about 50,000 gallons per 24 hours.

It is also proposed to develop say 500 acres adjoining the Voi River for the purpose of growing Maize.

in this respect
Although we do not anticipate that irrigation will be necessary, I should like, as a precautionary measure, to have

18 APR 1928
C/S. Goldman
Copy to Sec. 276 - 119 APR 1928
(2)
(6)

5th April 1928.

53

from the Voi River
the right to take a minimum of say 10,000 gallons a day
for this purpose, so as to give us an opportunity of
thoroughly testing the soil and climate.

Mr. Hausburg is further of opinion that the
subsequent development will be on that portion of the land
lying on each side of the railway line between Mwatati and
Mtungu stations. This would be another sisal proposition,
and would call for a further 50,000 gallons a day.

This water would have to be drawn either from the
Voi River or from the Mwatati Swamp, depending on the site
chosen for the factory.

I presume these particulars are what the Public Works
Department are asking for, and I trust will meet their
requirements.

The development of the Bura Block must be a matter
for subsequent discussion and arrangement.

I have the honour to be,

Sir,

Your obedient servant.



*Note of interview at
Mr. Bottomley's office*

54

Mr. Bottomley and I saw Major Goldman today. The main points he raised were with regard to the date inserted on the draft contract and the question of his water rights. Other minor points were also discussed but need not be mentioned here.

As regards the delay in sending him the document relating to the supply of water, it appears that in June 1927 the Department ^{in Nairobi} sent Major Robertson-Eustace a letter asking for certain particulars ^{as to} the amount of water which Major Goldman would require for working his concession. This letter was kept by Major Eustace under the impression that Major Goldman was going out to East Africa, and he only forwarded it in October, by which time Major Goldman was in Canada. There again it missed him and in fact he did not see the letter until quite a short time ago. We felt, however, that as Major Goldman was not in possession of the proposals of the Government for giving him water, it was unreasonable to expect that his concession should be dated some time in 1917 during which he ^{was unable to start} had been unable to start and that we would ^{bring up} take up with the Governor the question of putting forward the date from which the concession would operate.

As regards the second point, it was made clear to Major Goldman that the Government were not in possession of an unlimited quantity of water rights which they could allot according to his needs, but that the water supply was probably limited, and that the Government was really not in a position to come to any decision about water without knowing what his probable requirements were, particularly as it was necessary to consult the natives in regard to the allotment of such rights.

19 APR 1928

Copy to Gen. 276

Lord Wateran had died the whole of the concession
was now in his hands.

He will write in putting the various points
discussed, which he is first going to talk over
with his colleague, Mr. Hausburg.

[2 Attachments]

W. W. W. W.

24/3/25

Subject to a letter from Lord to the
office of Mr. C. G. G. G.

[To. C. G. G. G. 20. 5. 28 alone]

57 /

C. S. GOLDMAN.
TELEGRAPHIC ADDRESS:
GOLDMANNIA, LONDON.
LONDON WALL, E.C. 2.

RECEIVED
28 MAR 1928
COL. OFFICE

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

27th March 1928.

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

Sir: Re Voi - Mwatati Concession.

With reference to my conversation with Mr. Bottomley a few days ago, I then pointed out that in order to advance the financial arrangements necessary for the development of the Concession, it was essential that I should be able to produce the Contract in its final form.

So far I have only received a Draft Contract dated the 9th of February 1927 from the Department of Lands, Nairobi, which deal with the area of the Concession, and sets out the terms of rent payable, and the capital to be expended.

I was given to understand that the rights and privileges conceded as to the supply of water were to form a separate document attaching to the Concession Lease itself. As this is the vital factor of the whole business, I would remind you of the undertakings given by the Colonial Office on various occasions on the water question, and would in particular refer you to attached extracts from your letters.

I have been expecting to receive the document above referred to for sometime past, and have no doubt that its

Copy to Sec 276 - 19 APR 1928

X

27/3/28

non-arrival is due to an oversight.

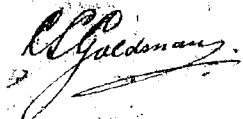
58

I shall therefore be greatly obliged if you will give instructions that it be drawn up as an Appendix to the Concession itself, and sent to me as soon as possible.

Major Robertson Eustace has recently informed me that certain detailed information has been asked for by the Director of Public Works, relating to specific water requirements. You will readily understand how difficult, in fact impossible, it is to answer these questions at this juncture. I feel that such information really to be of any practical value can only be given as and when development proceeds, and the capabilities and possibilities of the Concession are proved. All that seems essential at this moment is that the general principle of access to the available water sources, which will enable both the Mwatani and Bura blocks to be adequately developed, be agreed in accordance with the spirit of the undertaking already indicated in your letters. The details, I venture to submit, are incidental to this, and will necessarily be a matter of arrangement between the Management and the Water Department, as and when the occasion arises.

I have the honour to be, Sir,

Your obedient Servant,



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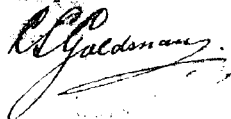
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C.S.GOLDMAN.
TELEGRAPHIC ADDRESS,
GOLDMANIA, LONDON.
LONDON WALL 2288.

SALISBURY HOUSE,
LONDON WALL,
LONDON, E.C.2.
27th March 1928.

Extracts of letters from the Colonial Office:

No.34913/1924, dated 9th August 1924:-

(5) "With regard to the question of water rights, Mr.Thomas agrees to your having the right to take water from the Mwatati and Voi Rivers, subject to the requirements of the natives and to the fair needs of any other persons who may at any time hold Government land bordering on the streams. With regard to the swamp mentioned in your letter, Mr.Thomas is not able to trace the position of this swamp on the map, but if it is within or on the bank of the land to be granted to you, the same conditions will apply to the taking of water as in the case of the Mwatati and Voi rivers."

No.14506/25, dated 2nd April 1925:-

(2) "Water rights in respect of both Teita Hill and the swamp will be granted sufficient for factory purposes, provided that the needs of the natives are previously met satisfactorily. A bond is to be given to ensure that the drawing of water from the swamp should cease at the direction of the District Commissioner, if the water should fall below the limit which this officer considers reasonable for the needs of the natives."
