

1923

599

KENYA

35344

Dep. Sec.
Northcote

987

DATE

21st June, 1923.

REC
REL 16 JUL '23

CIRCULATION:-

Mr.
Mr.
Mr.
U.S. of S.

+ Smith Read
6/18/23

U.S. of S.
U.S. of S.
Secretary of State.

SUBJECT

Water on Disputes
Macalister Concession.

Submits proposal to grant
option on 60,000 acres for
one (60), with proviso
that area may be
used as a source of water supply
provided in a separate

MINUTES

We discussed with Mr. Hambling
on Monday this paper, and decided,
but the least of dispute with the
maps

1. It will be some time before
we know where we are over the
Indian area question: on the
other hand, it will help toward
a solution of that question if
by coming to terms with the
Goldman group we can cut out
this ^{from} ~~the~~ area and throw
the west area into the Indian
reservation.

On the whole therefore I
think

Previous Paper

6.00 \$
22320

Subsequent Paper

1. to Mr. Cavan 23 Aug 22.
2. to Mr. Cavan 26 Sept 22.
3. to Mr. Cavan 26 Sept 22.
4. to Mr. Cavan 26 Sept 22.
5. to Mr. Cavan 26 Sept 22.
6. to Mr. Cavan 26 Sept 22.
7. to Mr. Cavan 26 Sept 22.
8. to Mr. Cavan 26 Sept 22.
9. to Mr. Cavan 26 Sept 22.
10. to Mr. Cavan 26 Sept 22.

think that - unless
we are to give horses
the chance of the whole of
the non-landed island
(which has never been suggested)

everything points to getting
on with this present
matter as quickly as
possible.

2. One point of the scheme
seems to me to hold implications
possibilities for the future: -

They are to try the 60,000
acres, with the ^{right} ~~power~~

to exchange any part (or
the whole) for a "similar
piece of land elsewhere

with suitable soil and
water". What is "similar"?

What is "suitable soil"?

What is "suitable water"?

I am confident that
Major Coldman is my answer
to

to get to work, and I have of an 600
E. Africa of whom I have a higher
opinion than of the Hansburg, but
there is a danger that at the end
of another 17 years we may still
be searching for 60,000 acres of
land which is above suspicion
as regard soil & water. Further,
if a similar "duplication" close to a
railway" the difficulty is increased.
These points must be defined in
some way, & it is a great pity
that the Commissioners for Land has
not taken the matter up.

I first discuss with Sir R. Cory and
next week.

C.C.S. 21.7.23

See nos

G.

38417

at mee

H. J. D.

8/8/23

KENYA.

NO. 987.



35344

RE
RE 18 JUL 31

601
GOVERNMENT HOUSE,
NAIROBI,
KENYA.

21st June, 1923.

My Lord Duke,

19462
22320
ser.

With reference to Sir C. C. Bowring's telegrams Nos. 117 and 132 of April 17th and May 3rd last, relating to the Waleran-Diespecker Macallister Concession, I have the honour to inform Your Grace that subsequent to Sir C. C. Bowring's discussions with Mr. Hausburg which led to the despatch of those telegrams, Mr. Hausburg visited the locality in which the 60,000 acres are to be chosen and was impressed with the difficulties arising from scarcity of water which may impede successful development.

2. The Mwatati River which will no doubt form one of the boundaries of the proposed concession will in normal seasons suffice for the purposes of only one factory. The rainfall is usually not great and unless catchment areas are provided or subterranean sources tapped, there is little doubt but that the concessionaires will be severely handicapped.

3. Mr. Hausburg, therefore, proposed immediately prior to his departure for England, that his principals should be granted an option over the area of 60,000 acres for a reasonable period, not less than one year from the time they have had an opportunity of fully discussing the proposition and coming to some decision on the water question: and that, if after a reasonable period the water is found to be deficient they -

HIS GRACE

THE DUKE OF DEVONSHIRE, K.G., P.C., G.C.M.G., G.C.V.O.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET, LONDON, S. W.,

(2)

they should be allowed to exchange all or part of the area of 60,000 acres for a similar piece of land elsewhere with suitable soil and water. I enclose copy of a letter addressed by Mr. Hausburg to the Acting Governor on this subject.

4. Sir Charles Bowring is inclined to agree to an option over an area of 60,000 acres for one year from such date as Your Grace indicates, having regard to the negotiations now proceeding with regard to the Indian question with the proviso that land of equal area and value may be sought in exchange elsewhere in lieu of such portion of the area of 60,000 acres as the concessionaires can prove to the satisfaction of Government is impossible of development through lack of water surface, caught and subterranean.

5. Your Grace's decision that final approval could not be accorded to these negotiations until the Indian question is settled was conveyed to Mr. Hausburg, who urged that this area is eminently fitted for development on a large scale and that by its grant a larger area of land near Mwele will be released for small holdings. These arguments are cogent, but final settlement of this concession is not considered to be of such pressing importance as to warrant compliance with Mr. Hausburg's request that this Government should ask for a reconsideration of Your Grace's decision.

6. The proposal in paragraph 4 above is therefore submitted for Your Grace's approval on the understanding that formal offer of the option will not be made until the Indian question is settled and if it commends itself to Your Grace, it will no doubt be communicated to Mr. Hausburg's principals. I may add that no objections have been raised to the proposed grant at the present stage by the Native Affairs Department, but, if and when the area is defined,

(3)

all necessary steps will be taken to safeguard existing native rights within the concession.

I have the honour to be,

My Lord Duke,

Your Grace's most devoted and most obedient servant,

J. H. V. Ker
GOVERNOR'S DEPUTY.

P. O. Chania Bridge,

3rd May, 1923.

604

His Excellency
The Acting Governor,
Nairobi.

Sir,

re: PROPOSED VOI-MWATANI CONCESSION.

With reference to the interview you granted me this morning I now beg to confirm what transpired ^{at} it:

(1) Your Excellency advised me that a cable had been received from the Secretary of State for the Colonies intimating that the Government is prepared to agree to the terms and conditions set out in your cable of the 17th April; and further that they are prepared to forego the survey fees incurred in connection with the original coast concession.

The Secretary of State for the Colonies adds, however, that no definite decision can be arrived at until such time as the Indian question is settled.

(2) I pointed out that I had been down to the area in question during the past week with a view to looking over the land in greater detail and particularly to look more fully into the question of water supply. Mr. R. W. Lambert, the acting D.C. at Voi; Mr. C. O. Gilbert, the acting Land Officer at Mombasa; and Mr. J. H. Jordan, my surveyor, accompanied me at different times.

(3) The result of my inspection was that though my second visit fully bore out the impression that I had already formed of the land, the water supply was apt to be deficient, and this particularly

particularly applied to normally dry seasons.

A further inspection by Mr. Jordan fully confirmed this opinion which is contained in his report I showed you, a copy of which I append.

It was further confirmed by Mr. Verhey, a missionary who had lived in that district for nineteen years; Mr. Trail, later D.C. at Mwatani, and various natives.

(4) I understand that neither Mr. Lambert nor Mr. Gilbert could see any "local objections" in the shape of native occupation to the concession being granted.

(5) In view of the water difficulty, I beg to submit the following proposals for your favourable consideration:-

- (a) that an option on the area in question be granted, which option is to cover a reasonable period, but certainly not less than a year from the time the concessionaires have had an opportunity of fully discussing the proposition and coming to some decision, so as to give them an opportunity of deciding whether or not the water question is as serious as at present it would appear to be.

That if it is found after a reasonable period of time that the water supply is deficient, then the concessionaires be allowed to exchange all or part of the area for an area of similar size, and with suitable soil and water.

- (b) That in the event of the Voi River not forming part of the boundary of the concessio
permission

permission be given to draw and use water from that source should occasion arise.

6. Your Excellency pointed out that the Indian question not being settled need not interfere with the progress of negotiations in view of the fact that should the Voi-Mwatati concession go through, it will liberate a far larger area in the shape of the old coast concession.

May I further add that whereas the concession under discussion is essentially one for big development the one on the coast is particularly well adapted to small holdings, and is therefore well suited to the Indian cultivator.

I respectfully submit that these points be referred by cable to the Secretary of State for the Colonies and specially emphasized as they might materially alter his opinion.

7. I am leaving by the S.S. "Mashobra" which sails on Saturday next.

My address at home will be:- Heathside,
Weybridge, Surrey.

Should any point of urgent importance occur after my departure Major H. Robertson-Bustace of Mombasa has kindly consented to act on my behalf.

I am handing him my file, so he ought to be well posted in all details.

I should be greatly obliged if you will let me have a copy of your cable, from the Secretary of State.

I have, etc., etc.,

Sd/- Campbell & Hamburg.

April 30th 1923.

Mr. Jordan's Notes on Mwatati Water Supply.

Three small streams unite about 1 mile from swamp A but local accounts state that only the one to the Right or the most northerly one delivers any water at the junction in dry seasons as the natives use the other two completely for irrigation at such times.

The swamp A is reported to be permanent water but this evidently only applies to that portion which grows the deep water bulrush and about 15 acres in extent as the greater part of the swamp which is covered with a growth of Ithanji grass has a firm bottom in the part visited.

Five feet of water over 15 acres would give 140000 gallons a day for 225 days.

It seems feasible to increase the storage capacity of the swamp in question to about 20 times the present capacity by an embankment costing about £1000/- sterling but the fact that permanent underground water is reported to exist at Mwatati ^{station} in small quantities seems to indicate an underground leakage from the swamp which the extra head of water might well increase to an extent which would nullify the work.

The suitability of the swamp as a reservoir could be tested by a system of bores but this to be complete would necessarily be expensive and might only prove the place unsuitable.

Mr. Veroy considers my estimate of 5 feet of water over the 15 acres to be much too low an estimate but I feel that I cannot increase it without making

making a survey in dry weather say in September or October.

Water from the swamps in question would need raising about 150 feet in the first mile after which it would fall by gravity to the proposed factory site. The only information we have as to the swamp being permanent is native report, but I believe this report to be correct.

The plan supplied by the Survey Department is not supposed to be very accurate so that a good deal of give and take as to distances between different places must be expected.

Sd/- F. H. Jordan.

Handwritten notes at the top of the page, including "any 35 mile" and "Kura".

609

23 AUG 23

DRAFT.

Tel (late)
former
Naiohi

Calculation: $11.56 \times 23 = 265.88$

23 Aug

MINUTE.

- Mr. [Handwritten name]
- Mr. [Handwritten name]
- Mr. [Handwritten name]
- Mr. Davis.
- Sir G. Grindell.
- [Handwritten name]
- Sir J. Masterton Smith.
- Mr. Ormsby-Gore.
- Duke of Devonshire.

Should be glad to receive reply to my tel. 13 August
Wateran concerning

Deer

When up all together just as

In Kenya
35844

Coded sent 610
H-45 Ph
13/8/23 RD

Ind.

Ans'd
43956

O. D.
R 14 AUG
15

DRAFT.

*Telegrams
Governor
Nairobi.*

MINUTE.

Your despatch: No 987

of 21 June

may I assume that

Executive Council

concern in proposal
contained in 4th para.

In any case take no
action until you hear

further from me
Barnsley

- Mr.
- Mr.
- Mr.
- Mr. Davis.
- Sir G. Grindle.
- Sir H. Read, 13 Aug
- Sir J. Masterton Smith.
- Mr. Ormsby-Gore.
- Duke of Devonshire.

*Salome
D.J.R.*