

1923

KENYA

1/277  
C.O  
49555

FROM  
GOVERNOR  
CORYNDON

CONF  
503

DATE

13TH SEPTEMBER 1923

REC  
R 10 OCT 23

FOR CIRCULATION:

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

SUBJECT  
RAILWAY CONSTRUCTION  
EMPLOYMENT OF CONTRACTORS

Encloses with comments of Rlwy G.M. copy of letter from Messrs Griffiths & Co: preferring claim for employment. Similar enquiries on record from Messrs Pauling and Messrs Macdonald Gibbs & Co. States departmental control does not necessarily exclude contract construction. Considers that for main contracts tenders should be invited.

Perm<sup>t</sup> U.S. of S.  
Parlt<sup>y</sup> U.S. of S.  
Secretary of State.

Previous Paper

B.A.

45592

MINUTES

1) In his despatch in 16205/23, Sir R. Coryndon advocated Departmental Supervision of Construction and left over the question of Departmental Construction. As a result of discussions with him here (at the last of which Sir James Stevenson presided) the telegram of the 17th <sup>(1924)</sup> May was sent saying that the Secretary of State had decided on Departmental Construction. We meant it, and the position was maintained in answering many parliamentary questions.

2) Shortly before leaving England, Sir R. Coryndon told me that his mind was open on the point; he did not regard the decision as precluding the use of contractors for the whole work. All he had in mind was that

Subsequent Paper

B.A.  
62819

20 OCT 1923  
88/45592/23

copy acc. m. n. H.

that the General Manager and under him the Chief Engineer should be in charge, i.e. the General Manager (not the Crown Agents) would give out the Contract and the Contractor would be answerable to him. This is going back to 16505, and I pointed out to Sir R. Coryndon what was the definite intention of the telegram.

3) The plans, etc. for the first part of the Nyeri Railway have arrived and have been sent to the Crown Agents for the Consulting Engineers' observations in consultation with Major Rhodes, Chief Engineer. In those papers the General Manager has asked (11th September) for permission to build the Railway in order to show that he can build it more economically than the Usin Gishu Railway is being built.

(49588)

if in the course of the Post's questions the possibility of getting comparative tenders was admitted - for comparison in its name is not clear. In the case of the Nyeri railway, it would involve

Minister  
said yes

Much delay, and it would  
be shown to General Manager

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It would also be something of a breach of faith towards Major Rhodes, who agreed to extend his employment on the understanding that he would be in charge of construction under the direction of the General Manager.

35364

5) All that the Governor's despatch (with encl. of 13 Sept.) comes to is that, if there is to be a contract, it shall be based on tender & not on negotiation like the Uasin Gishu contract, and, although I hope that it may be possible to put departmental construction to a test in the case of the Nyeri line, it is not necessary that any formal price decision should be notified yet.

We have been waiting for this  
despatch to this point of CA  
45592/1

which we can now send to the  
CA. a copy of the Government's  
description & its enclosures and  
draw attention to the letter of  
13 Sept. addressed to Messrs  
Giffiths & Co, Nairobi, - saying  
that it is not yet possible to  
add anything to that letter?

Oct 15. X. 23

at once.

H. J. R.

15/10/23

KENYA.

NO. 503.

CONFIDENTIAL.



GOVERNMENT HOUSE,  
NAIROBI,  
KENYA.

C O

49555

13th September, 1923.

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REF  
RE 10 OCT 23

My Lord Duke,

*See C.A.*

*45592  
33838*

*M Griffiths & Co.  
dated 17-8-1923.  
General Manager.  
dated 24-8-1923.  
Griffiths & Co.  
dated 13-9-23.*

At the request of the signatories, I have the honour to transmit for Your Grace's consideration, a copy of a letter with relative enclosure from the Managing Director of Messrs: Griffiths and Company, Limited, preferring their claim to be afforded an opportunity of constructing any Railway Extensions which are projected in the near future. I also enclose the comments of the General Manager, Uganda Railway, upon their representations as well as a copy of the reply which I have caused to be addressed to Major Gailey.

2. Similar inquiries are on record here from Messrs: Pauling and Company, Limited, and from the local Agents of the London Engineers, Messrs: Macdonald, Gibbs and Company, Limited.

3. All the applicants have been notified that by Your Grace's instruction decision as to the method of construction of the Thika-Nyeri line must await consideration of the plans, specifications and Estimates submitted by the Chief Engineer, Construction and Survey of Railways. The reports referred to in paragraph 2 (a) and (b) of Kenya despatch, Confidential No. 557 of the 20th June have now been received and are at present under review by the Uganda Railway Administration.

*Soi  
35364  
Nyeri Exch.  
Hps.*

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.

Administration. They will be forwarded to Your Grace as soon as the covering remarks of the General Manager are available.

Soo  
16505 ✓

4. For the reasons adduced in my despatch Confidential No. 212 of the 8th March last, departmental control of future Construction by the Railway Administration was advocated with the proviso that medical and sanitary arrangements in the interests of labour should be vested in the hands of the Medical Department.

Soo  
19254 ✓

Approval to my recommendations was conveyed in Your Grace's telegram of the 17th May. Any decision on the method of construction, however, was expressly avoided as will be seen from paragraph 8 of my despatch last quoted, and departmental control does not necessarily exclude construction by contract, provided that the contractors are prepared to work under the supervision of the General Manager. If a main contract is ultimately agreed to as the most suitable form of construction, I am of opinion that tenders should be invited publicly both in this country and the United Kingdom.

contract for  
is proposed to  
be made under  
control of departmental  
trust

I have the honour to be,

My Lord Duke,

Your Grace's most devoted  
and most obedient servant,

R. J. Comynson

GOVERNOR.

GRIFFITHS & Co., Ltd.,

Nairobi, 17th. August, 1923.

To His Excellency  
The Acting Governor,  
Kenya Colony - Nairobi

Your Excellency,

I have the honour to forward a letter from the Agent in charge of the construction of the Uasin Gishu Railway, for your favourable consideration.

I would further emphasise the fact that Messrs. Griffiths & Co. Ltd. are a local firm, employing almost entirely local men, the only exception being a few experts in their special line of Railway Construction, and that this policy which we have carried out from the beginning has been of inestimable value to the Colony during the period of depression through which we have passed in the last two years.

I have &c., &c.,

Sd/- G. H. Gailey

Managing Director,  
Griffiths & Co. Ltd. - Nairobi.

Hon. G.S.

1. It is asked that this be sent home.
2. No objection, but first we must obtain the comments of the Hon. G.M.
3. I take it that the expression "Departmental construction" does not necessarily rule out construction by contract provided that the Contractor work under the supervision of and to the specifications of the G.M. of the Uganda Railway.

Sd/- C. C. B.  
18. 8. 23

Uasin Gishu Railway Construction,  
Nakuru, B. E. A.

10th August, 1923.

Your Excellency,

As you are doubtless aware Construction work on the Uasin Gishu Railway is rapidly approaching completion. At the present moment earthworks are practically completed throughout the entire length. The recent, and present abnormal rains have had the effect of holding up Platelaying, but as soon as weather conditions become normal, Railhead will be rapidly pushed forward to Eldoret, and thence to Turbo, the terminus.

We would venture to bring to your notice the following points:-

(1) That the work of construction has been systematically and speedily pushed forward to the satisfaction of, we are given to understand, the Resident Engineer, and yourself.

(2) That the work has been performed almost entirely by utilising native local labour. (The labour strength has at times exceeded 16,000). In the looking after of native labour every effort has been put forward to comply with the conditions regarding food, housing, etc. with the result that, considering the <sup>arduous</sup> nature of the work, and the trying climatic conditions, the mortality and sick rate has been exceedingly small, and compares most favourably with construction work in this, or any other Colony.

(3) That in conjunction with expedition, expenditure has been reduced to the minimum, resulting in considerable savings in the original estimate. These savings have to a large extent been achieved by:-

- (a) Careful organization in carrying out the work.
- (b) By Messrs. Griffiths and Co. Ltd having

at their command a competent, and fully qualified Staff.

(c) By Messrs. Griffiths & Co. Ltd, being in the position of a local firm, who through their London Agents, were in the unique position of being able to purchase materials in the best markets, and at the most advantageous "cut terms" and again through the same Agency, able to effect large ocean freights.

From the foregoing, we would respectfully put before you for your kind consideration, our contention that as good work has been done by our Firm on the Uasin Gishu Railway Construction, and considerable savings effected, we should, have the opportunity of constructing any Railway extensions which are projected in the near future, as we understand it is proposed to carry out certain Extensions from funds available from savings on the Uasin Gishu Railway. Were we denied this opportunity, we would feel we were subject to something akin to unfair treatment, and would most respectfully request that you would bring your influence to bear on the authorities concerned with a view of supporting what we consider to be just contention.

Should you desire any further information or evidence we are at your commands at all times. We would deem it a favour if, after perusal of this letter, you would forward a copy to the Colonial Office, London, and trust that the evidence put before you in the foregoing, will allow you to formally endorse our contention.

I have &c., &c.,

Sd/- Chas Mitchell  
Agent.  
Griffiths & Co. Ltd.  
Uasin-Gishu Railway Construction.



28th August

3.

The Hon. the Acting Colonial Secretary,  
Colony and Protectorate of Kenya,  
Nairobi.

Railway Extensions.  
Your No. S/E.23042/3 dated 23rd instant.

As I understand the position what has been agreed to for the future is not departmental construction, but departmental control, whether the construction is carried out departmentally, by one main contract, or by a number of petty contracts.

2. I am quite unable to say whether Messrs. Norton Griffiths & Company have carried out their work satisfactorily. The work has not been under the observation or control of the Uganda Railway.
3. The line has been most costly (over £11,000 per mile without accumulated interest) and is no advertisement to the contractors (see my No. E.952, dated the 23rd August, 1923), but Mr. Mitchell would be quite justified in referring to the heavy overhead and general charges, while no doubt also the contractors had to comply with the standards and methods of the Resident Engineer.
4. I am personally in the serious difficulty that my engineers will require many things done before they will certify the line as fit to take over.
5. I have insufficient knowledge to express an opinion about the treatment of the native labour.
6. On the principle raised I can only say that it would be quite

wrong to give Messrs. Horton Griffiths & Company further work to the exclusion of other contractors without calling for tenders.

G.L.N. Felling,

General Manager,  
Uganda Railway.

CLNF/AGH

23042/23.

15th September, 1923.

SIR,

I have the honour to inform you that your letter of the 17th August, together with the enclosure from the local Agent of your firm have been laid before the Governor, who directs me to state in reply that, if and when it may become necessary to enter into contracts in respect of future railway construction, it is His Excellency's intention to recommend that applications should be invited generally both in this country and the United Kingdom.

2. A copy of the correspondence under reference is being forwarded to the Secretary of State in accordance with your request.

3. I may add for your information that by instruction of the Secretary of State the method of construction of the Thika-Nyeri branch line cannot be decided until there has been time to consider the plans, specifications and estimates which have been compiled as the result of the recent survey.

I have the honour to be,

Sir,

Your most obedient servant,

Sd. G. A. S. NORTHCOTE

FOR COLONIAL SECRETARY.

MANAGING DIRECTOR,

MESSRS. GRIFFITHS & COMPANY, LTD.,

P. O. Box No. 66,

NAIROBI.