

EAST R. PROT.
58356

REC:
REC# 5 DEC 16

Y. of Trade
1916

Case of Schana Weltas & Co.

4 Dec
last previous Paper:
11546

Sends copies with Messrs. Cridder & Cridder, acting for the Holmquist who claims that he is interested in practically all the shares in the Co. His business is solely in E.R. There is no need for order under Dept. T. He has no objection to Company being liquidated in accordance with recommendation of Interdepartmental Committee.

See to previous & Dec 16
to Cridder & Cridder - 22 Dec 16
Answers (copy to Mr. C) 6 Jan 17
Copy for Mr. C 20 March 17

~~Mr. Cridder~~ ^{Read} Mr. Cridder

It would seem likely, from ^{from} 11546/16

that the local authorities, hearing nothing from us, may have taken steps to liquidate this firm. If not, I think they should be told to do so at once, in view of all there is against ^{the firm} it (800/9744-05)

I don't understand how the ⁸⁰⁰ who come in to the question of liquidation ⁸⁰⁰ see no need to say with them. Feb. 5. 12. 16 P.T.O.

subsequent Paper:
61104

Public Trustee & sold to
British Subjects. There would
therefore seem to be no ⁵⁹⁶
great objection to allowing
Mr. H. to take over the enemy
interests in this property, if
he should wish to do so.

This might be done either
by selling the enemy owned
shares to him, which would
raise difficulties as he claims
to be the real owner of ~~some~~
so large a number of them
already; or by letting him
buy the properties from
the Company.

However we could not do this
without the Gov's Consent.

Perhaps the best thing to
do now will be to

Tel to the Gov
asking if he is
liquidating the
Company's business

[C. No. 118.]

It is requested that any reply to this Letter may be addressed to the Comptroller of the Companies Department, 55, Whitehall, London, S.W., (Telegraphic Address: "Companies, London,") and that the following number may be quoted:

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58356
REC.
REG. 5 DEC 16

597

BOARD OF TRADE.

4th December 1916.

Sir,

I am directed by the Board of Trade to refer to your letter of the 24th November 1916⁴⁰⁰ inquiring whether the Board would see any objection to the application of the recommendation of the Interdepartmental Committee in the case of Schauer Welter & Company Limited in the East Africa Protectorate, and in reply I am to forward for the information of Mr. Secretary Pender Esq. a copy of some correspondence which has taken place between Messrs Criddle & Criddle of Newcastle-on-Tyne, who are the Solicitors for Mr. Holzner a naturalised British subject.

It will be seen that Mr. Holzner claims that he is interested in practically all the shares in Schauer Welter & Co. Ltd.

I need to add that as the business of the Company is carried on solely in the East Africa Protectorate it appears to the Board of Trade that no useful purpose would be served by their making an order under the provisions of Section 1 of the Trading with the Enemy Amendment Act 1916, but so far as the Board are concerned they have no objection to the business of the Company being liquidated in accordance with the recommendation of the Interdepartmental Committee.

It is understood that Messrs Criddle & Criddle have been in communication with the War Office on the matter,

and it may be considered desirable to communicate with the
Department having regard to the correspondence a copy of
which is now forwarded.

It is regretted that your letter of the 14th March
was mislaid.

I have the honour to be,

Sir,

Your obedient servant,

H. M. Win. Lamb.

The Under Secretary of State,

Colonial Office,

S.W.

(COPY)

58356

REC.
REC'D 5 DEC 16

CRIDDLE & CRIDDLE.

Northern Assurance Buildings,
2, Collingwood Street,
Newcastle upon Tyne.

28th March 1916.

Sir,

59

773 - Schauer Welter & Co. Limited.

Adverting to the Board's letter of the 23rd Inst., the distinctive numbers of the shares held by Mr. Max Welter and the certificate for which is now in our possession, are, 8501 to 12,000, and the distinctive numbers of the 1000 shares of Mr. Conrad Schauer the certificate for which is also in our possession are, 4001 to 5000.

As we mentioned in our letter to the Board of the 15th Inst. we also hold a blank transfer for a further 500 shares executed by Mr. Schauer but we hold no certificate for more than the 1000 shares above referred to. We therefore think that we shall have to content ourselves in asking that the shares, the distinctive numbers of which are given as above should be vested in the Custodian.

The distinctive share numbers of the remaining shares belonging to Mr. Schauer are 5001 to 8400.

If the Board consider that by causing all Mr. Schauer's shares to be vested in the Custodian, it will be furthering the interests of Mr. Holzapfel if the Board can see its way clear so to do, we should feel obliged if the Board would cause such steps to be taken.

We have already given full information concerning Mr. Holzapfel's interests in the Company but to save trouble in referring to the previous correspondence for details, we may here repeat them as follows:-

Mr. Holzapfel has been a naturalised British subject for upwards of 30 years - is the registered proprietor of 4000 shares and there is owing to him from Mr. Schauer £2189 17s 6d up to the

(COPY)

58356

CRIDDLE & CRIDDLE.

Northern Assurance Buildings,
2, Collingwood Street,
NEWCASTLE UPON TYNE.

1 May 1916.

599

Sir,

Schauer Welter & Co. Ltd. - 773.

Referring to the Board's letter of the 4th ulto. we enclose herewith a copy of a letter we have received from our client Mr. Max Holzapfel, setting forth more clearly his position in the Company. We draw the Board's special attention to the last paragraph of his letter in which he says that if he had only an assurance that the property of the Company would not be forcibly sold previous to the liquidation of assets, he would prefer the Trustee now in possession remaining in possession. He seems to be under the impression that the causing of Schauer and Welter to be divested of their shares would be releasing them from their indebtedness to him. He is obviously under a misapprehension on that score for the vesting of the shares in the Custodian could not as far as we can see, in any way affect the indebtedness of Schauer & Welter to Mr. Holzapfel.

It seems to us however that provided no realisation of the Company's assets takes place during the War, it might be simpler to let matters remain in their present condition. We shall be glad to hear from the Board, further, in due course.

We are, Sir,

Your Obedient Servants,

(Signed) Criddle & Criddle.

The Controller,
Companies Department,
55, Whitehall, S.W.

(COPY)

VOKSENOLLEN KURHOTEL

600

pr. CHRISTIANIA.

18-4-16.

Messrs Criddle & Criddle,
Solicitors,
2, Collingwood Street,
Newcastle upon Tyne.

Dear Sirs,

I am in receipt of your two letters of the 10th inst., with enclosures, contents of which I carefully note:-

SCHAUER WELTER & COMPANY. I note the correspondence I have had with the Controller of the Companies Department. In reference to the question put by them who the two Dautzenbergs were, they are father and son - the father, I believe, is a wool manufacturer somewhere in Germany, the son was on a trip round the world, and in the course of his travel, came to British East Africa for big game shooting and stayed at Kijabe Hill, and during his stay there became enamoured of the place and decided to stay there, and arranged with Mr. Schauer to acquire an interest in the Company, and this interest is evidently divided between father and son. - When corresponding about this Company, it had altogether slipped my mind that the Dautzenbergs were shareholders, and probably for the reason that I did not carry on the negotiations and the whole of the arrangements were made at Kijabe Hill:-

As regards Albert Welter, he is the brother of Max Welter, who resides in Russia. I was not aware that he is a shareholder. As regards your request for permission to effect transfer to me for the amount of the debt which Schauer & Welter owe me,

I would certainly not discharge the debt for the transfer of equal value of shares. I do not think that the shares will worth more than 25% of face value once the war is over and property comes on for sale and it would be foolish on my part to accept par value in shares for the amount owing to me. I will not carry on the Company beyond the time of this war after it is declared. I will force on a liquidation and either sell the property to the highest bidder, or if no reasonable bid is obtained, acquire its property myself. Should the trustee transfer the property to my representative in British East Africa for the shares of Schauer & Welter transferred to me at par value, then I would prefer not to have the property returned to me because Welter's shares belong to me in any case, and the shares I can acquire at any time for less than 50% of face value and in consequence by negotiations I would obtain the value of the shares for the amount of his debt to me, there are only Dautzenberg and Albert Keller left to deal with, and I am sure, they will be only too pleased after the war is over to give up their holding at a mere fraction of the par value of the shares, but in any case their holding can only be a small one, and the amount they do hold is not in my mind, and I am speaking purely from surmise.

I trust this letter will put the position clear. Originally a liquidator was appointed by the Governor of East Africa, but later on the liquidator was removed and a trustee was appointed. If I have a reasonable guarantee that the property will not be forcibly sold previous to the restoration of peace, I would rather let the trustee remain in possession than, as already stated effect a transfer of the property from Schauer & Welter at par.

I remain,
Yours truly,
(Signed) M. Holzapfel.

(PY)

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672

TRADE.

Pat
Riot

SCHAUER - WALTER & CO. LTD.

With reference to your letter of the 1st May, I am
 glad to refer the Comptroller of the Companies Department to
 the fact that no objection would be raised to the registration
 of transfers of shares to which Mr. Holzappel is entitled
 in the names of Messrs. Schauer & Walter in those pages
 of the books in his possession the certificates and also the
 proceeds excepted by Messrs. Schauer & Walter.

Yours, Gentlemen,

Your obedient servant,

(Signed) H. M. Pearls

W. G. & Criddle,
 Northern Assurance Buildings,
 2, Collingwood Street,
 Newcastle on Tyne.

(COPY)

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602

BOARD OF TRADE.

JUL 10th July, 1918.

SCHAUER WELTER & CO. LTD.

Gentlemen,

with reference to your letter of the 1st May, I am
pleased to inform you that no objection would be raised to the registra-
tion of transfers of shares to which Mr. Holzappel is entitled
out of the names of Messrs. Schauer & Welter in those cases
in which he has in his possession the certificates and also the
transfers duly executed by Messrs Schauer & Welter.

I am, Gentlemen,

Your obedient servant,

(Signed) H. M. Viney.

W. G. Criddle & Criddle,
Northern Assurance Buildings,
2, Collingwood Street,
Newcastle on Tyne.

(COPY)

603

CRIDDLE & CRIDDLE.

NORTHERN ASSURANCE BUILDINGS,
2, Collingwood Street,
Newcastle upon Tyne.

12 July 1916.

Schauer Weller & Co. Ltd. 773.

We beg to thank you for your letter of yesterday's
and are.

Your Obedient Servants,

(Signed) Criddle & Criddle.

Controller

Companies Department,

55, Whitehall,

S.W.

(COPY)

58356

REC

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REGD 5 DEC 16

Criddle & Criddle.

Northern Assurance Buildings,
2, Collingwood Street,
Newcastle upon Tyne.

Sir,

Schaner-Welter & Co. Ltd. 773.

We beg to acknowledge receipt of the Board's
communication of the 15th inst.

Your faithfully,

(Signed) Criddle & Criddle.

Comptroller,

Companies Department,

55, Whitehall,

S.W.

(COPY)

605

BOARD OF TRADE.

15th August 1916.

Gentlemen,

SCHAUER WELTER & CO. LTD.

With reference to your letters of the 2nd and 3th August, I am directed by the Comptroller of the Companies Department to inform you that having regard to the uncertainty of Mr. Holzapfel's interest in the shares held by Schauer Welter, the Board of Trade as at present advised are not prepared to make an order vesting these shares in the Public Trustee and, as there is no business in this country, the case is one in which an order would be made under Section 1 of the Trading with the Enemy Amendment Act 1916.

I am, Gentlemen,

Your obedient servant,

(Signed) H. M. Winouris.

Criddle & Criddle,
Insurance Buildings,
2, Collingwood Street,
Newcastle-on-Tyne.

(COPY)

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REC
BOARD OF TRADE
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12th October 1915.

Gentlemen,

SCHAUER WELTER & CO. LTD.

With reference to your letter of the 7th October, directed by the Comptroller of the Companies Department, I request you to forward the drafts of the letters which you are to write to Mr. Welter in India and to Mr. Schauer through a neutral country. The question of authorising you to send these letters shall then be considered.

I am to add that unless you can obtain definite information as to the present addresses of Messrs Schauer and the Board of Trade would not be prepared to authorise communications being sent on the chance of such communications reaching them.

I am, Gentlemen,

Your obedient servant,

(Signed) H. M. Winchalls.

Criddle & Criddle,
Collingwood Street,
Newcastle upon Tyne.

(COPY)

58356

607

CRIDDLE & CRIDDLE.

Recd.

Northern Assurance Buildings,

2, Collingwood Street,

Newcastle upon Tyne,

2 August 1916.

Sir,

Schauer Welter & Co.

Referring to the matter of the transfer of shares, we have been looking further into this matter but we cannot find any more documents than those referred to in our letter of the 29th ult. The effect would therefore be that we could only carry out the registration of 1000 of the shares belonging to Mr Schauer, although as pointed out in the earlier correspondence we hold a transfer from Mr Schauer of 500 further shares and hold a certificate for 3500 shares standing in the name of Mr. Holzapfel. Furthermore there would appear to be an insuperable difficulty in regard to effecting registration of even the 1000 shares above referred to inasmuch as there are only three directors, two of whom are Messrs. Schauer and Welter who are inaccessible at the present moment. We do not see very well how Mr. Holzapfel could constitute himself a Board meeting for the purpose of passing a resolution to register the transfer of the shares. Under these circumstances we would once more invoke on Mr. Holzapfel's behalf, the assistance of the Board of Trade and ask them to effect what Mr. Holzapfel is otherwise unable to do, namely, the elimination of the alien enemy shareholders from the register.

Alternatively perhaps the Board would see their way clear to take steps to prevent the Company from being wound up during the War. Its assets realised so as to thereby protect Mr. Holzapfel's inter-

ests. We would once more remind the Board that Mr. Holzappel is a naturalised British subject of 30 years standing and we are sure that he is a loyal British subject. Owing to his German origin his position like that of most other naturalised German subjects in this country at the present time is from a strictly one and hence the reason for him and his family (Wife and 3 children) living in Norway at the present time.

If under these circumstances the Board of Trade take steps to protect Mr. Holzappel's interests, they will be taking a course which will be much appreciated by him, and,

your obedient servants,

(Signed) Criddle & Criddle.

The Controller,
Companies Department,
55, Whitehall,
London, S.W.

(COPY)

609

de & Criddle.

Northern Assurance Buildings,
2, Collingwood Street,
Newcastle upon Tyne.

773

Schauer Welter & Co. Ltd.

We are obliged for yours of yesterday's date.
We regret that in ours of the 2nd inst., we referred to
previous letter of the 28th July which should have read
'March'. No doubt you will find this amongst your
correspondence.

Yours faithfully,

(Signed) Criddle & Criddle.

Comptroller,
Companies Department,
55, Whitehall, S.W.

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REC.
REG. DEC '16

611

CRIDDLE & CRIDDLE.

Northern Assurance Buildings,
2, Colliagwood Street,
Newcastle upon Tyne.

7 October 1916.

Sir,

Schauer Welter & Co. Ltd. 773.

Referring to our previous correspondence, seeing that the Board cannot see their way clear for the reason stated in their letter to us of the 15th August last, to make an order vesting the shares held by Schauer and Welter in Mr. Holzapfel, may we again draw the Controller's attention to the request set out in the latter portion of our letter of the 15th March last in which we enquired whether the Board might see their way clear to licence Mr. Holzapfel to obtain if possible transfers of shares from Messrs Schauer & Welter.

As we stated in such letter, Welter is at present in a War prison camp in India but Schauer apparently is in Germany he having been sent there by the Authorities in British East Africa on the outbreak of War.

We are, Sir,

Your obedient Servants,

(Signed) Criddle & Criddle.

The Controller,
Companies Department,
55, Whitehall,
S.W.

(COPY)

58356

REC

REC'D 5 DEC 16

611

CRIDDLE & CRIDDLE.

Northern Assurance Buildings,
2, Collingwood Street,
Newcastle upon Tyne.

25th October 1916.

Sir,

Schauer Welter & Co. Ltd. 773.

Adverting to the Board's letter of the 12th inst., we herewith enclose you drafts of the letters which we suggest we should be authorised to send to Mr. Welter in India and to Mr. Schauer through a neutral country. At the time of writing we have no information as to the present addresses of Messrs Schauer and Welter, except that shortly after the outbreak of war we were informed that Mr. Welter had been sent to an internment camp in India and that Mr. Schauer had been allowed to return to his native country, Germany. It is quite possible that Mr. Holzappel may be acquainted with Mr. Schauer's original German address, and we think that Mr. Welter's whereabouts could be ascertained by making enquiries from the War Office, from whom we heard on the 27th December last that a report was being obtained from the Governor of British East Africa.

If the draft letters are approved of, we propose writing Mr. Holzappel to ask him if he knows Mr. Schauer's original address in Germany.

We are, Sir,

Your obedient servants,

(Signed) Criddle & Criddle.

The Controller,

Companies Department,

(COPY)

58356

Rec:
REGD 5 DEC 16

611

CRIDDLE & CRIDDLE.

Northern Assurance Buildings,
2, Collingwood Street,
Newcastle upon Tyne.

25th October 1916.

Sir,

Schauer Welter & Co., Ltd. 773.

Adverting to the Board's letter of the 22nd inst., we herewith enclose you drafts of the letters which we suggest we should be authorised to send to Mr. Welter in London and to Mr. Schauer through a neutral country. At the time of writing we have no information as to the present addresses of Messrs Schauer and Welter, except that shortly after the outbreak of war we were informed that Mr. Welter had been sent to an internment camp in India and that Mr. Schauer had been allowed to return to his native country, Germany. It is quite possible that Mr. Holzappel may be acquainted with Mr. Schauer's original German address, and we think that Mr. Welter's whereabouts could be ascertained by making enquiries from the War Office from whom we heard on the 27th December last that a report was being obtained from the Governor of British East Africa.

If the draft letters are approved of, we propose writing Mr. Holzappel to ask him if he knows Mr. Schauer's original address in Germany.

We are, Sir,

Your obedient servants,

(Signed) Criddle & Criddle.

The Controller,

Companies Department,

55, Whitehall, S.W.

(COPY)

58356

REC:
REGD 5 DEC 16

611

CRIDDLE & CRIDDLE.

Northern Assurance Buildings,
2, Collingwood Street,
Newcastle upon Tyne.

25th October 1916.

Sir,

Schauer Welter & Co. Ltd. 773.

Adverting to the Board's letter of the 12th inst., we herewith
enclose drafts of the letters which we suggest we should be
sent to Mr. Welter in India and to Mr. Schauer through
a neutral. At the time of writing we have no information
as to the present addresses of Messrs Schauer and Welter, except that
shortly after the outbreak of war we were informed that Mr. Welter
had been sent to an internment camp in India and that Mr. Schauer had
been allowed to return to his native country, Germany. It is quite
possible that Mr. Holzappel may be acquainted with Schauer's
original German address, and we think that it
could be ascertained by making enquiries
whom we heard on the 27th December last that
obtained from the Governor of British East Africa.

If the draft letters are approved, we propose writing
Mr. Holzappel to ask him if he knows Mr. Schauer's original address
in Germany.

We are, Sir,

Your obedient servants,

(Signed) Criddle & Criddle.

The Controlley,

Companies Department,

55, Whitehall, S.W.

CRIDDLE & CRIDDLE.

Northern Assurance Buildings,
2, Collingwood Street,
Newcastle upon Tyne.Draft letter

25 October 1916.

Sir,

Schauer Welter & Co. Ltd.

We understand from our client Mr. Max Holzapfel that you are indebted to him for moneys advanced from time to time, to the extent of £1918. The interest thereon calculated to the 30th September last amounts to £329.5.11, making a total indebtedness of £2242.5.11. Mr. Holzapfel anticipates that having regard to the circumstances you will offer no objection to transferring your shares to him by way of security for the payment of the amount you owe and acting on this assumption we are accordingly enclosing you a transfer of the shares for your signature. Will you please sign the transfer where we have marked your name in pencil, in the presence of a witness who should write his name, address and description at the place indicated.

Mr. Holzapfel at present holds transfers for 1000 and 500 of your shares respectively and a share certificate for 1000 shares numbered 4001 to 5000. We propose that on your signing the one transfer of your entire holding that the two earlier transfers should be destroyed. Will you return with the new transfer, the certificate for the remaining 3400 shares or if you have not got it by you let us know where it is.

Of course it will be understood that if and when Mr. Holzapfel is able to dispose of the shares, he will at the conclusion of the War, account to you for the proceeds and will also

(COPY)

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CRIDDLE & CRIDDLE.

Northern Assurance Buildings,
2, Collingwood Street,
Newcastle upon Tyne.
25 October 1916.

Draft letter

Dear Sir,

Schauer Welter & Co. Ltd.

We understand from our client Mr. Max Holzappel that you are indebted to him for moneys advanced from time to time to the extent of £2256.11.2. The interest thereon calculated to the 30th September last amounts to £779.15.1, making a total indebtedness of £3037.6.3. Mr. Holzappel anticipates that having regard to the circumstances, you will offer no objection to transferring your shares to him by way of security for the payment of the amount you owe and acting on this assumption we are accordingly enclosing you a transfer of your shares for signature. Will you please sign the transfer where we have marked your name in pencil in the presence of a witness who should write his name, address and description at the place indicated. We at present hold ^{on} Mr. Holzappel's behalf the certificates for your shares. Of course if and when Mr. Holzappel is able to dispose of the shares he will at the conclusion of the War account to you for the proceeds and will also then account to you for any dividends he may meanwhile receive. We gather however that there is no prospect whatever of receiving any dividends from the shares and we should doubt very much whether the shares will ever prove of much value.

Yours faithfully,

Mr. Max Welter.

(COPY)

58356

614

Rec.

BOARD OF TRADE.

Recd 5 DEC 16

11th November 1916.

Gentlemen,

SCHAUER WELTEN & CO. LTD.

With reference to your letter of the 25th October,
I am directed by the Comptroller of the Companies Department
to inform you that upon further consideration the Board of
Trade are not prepared to authorise any communication being
sent to Mr. Schauer.

I am, Gentlemen,

Your obedient servant,

(Signed) H. M. Winearls.

Wm. Criddle & Criddle,

2, Collingwood Street,

Newcastle on Tyne.

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- r. Read.
- r. G. Fiddes.
- r. Steel-Maitland.
- r. Bonar Lau.

Copy BT 6 Jan 7

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