



EAST AFR. PROT
34649

34649
REC'D
REG'D 12 SEP 14

Ca Syndicat

Draft Supplemental Agreement

1914
10 Sept
Last previous Paper.
mg
28102

Submits for consideration modification of sub-clause (g) of clause (5) contained in last para of this Solicitors letter (copy enclosed)

Mr. DeGwynon Gov. G. Fiddles
~~be present~~

as regards speculation, we are only concerned with profits made out of enhanced value if the land has first been allowed to lie idle or nearly so. If we can prevent this I don't think we need refer to speculation expressly.

In the clause generally I think we might meet the Syndicate. If it were a question of ^{providing} ~~arranging~~ in the lease for penalties for inadequate development, we should have to define very closely what adequate development is; but the Govt. will have the first say in the matter, & so long as the conditions he lays down are for the "beneficial development of the resources of the land"

Ans? 24 Sep 14
C.P. cans
Copy done for 805 - 24 Sept 14

Next subsequent Paper.

see M.D.

M.D. 346200
346459

I don't see that either the Syndicate
or its purchasers will have the right
to say that they go beyond what ^{they consider to be}
absolutely necessary.

6.15.9.14

I agree. I think
we can meet them
on this.

Cb.

15.9.14

Deputy

Accept the proposed modifiⁿ - &
say that the C.A. will be
instructed ^{to arrange for the} execution of the Indenture
as soon as possible - make
the necessary alteration in the
SPT: Indenture attached to
M.D.
28102 + send copy of the
amended SPT: to the C.A.
instructing them to arrange with
the Syndicate for the execution
of the Indenture as soon as
possible - + send copy of 134649
with copies of SPTs to the Syndicate
& C.A. to the fur^r of infoⁿ D.F.?

H. J. R.

16/9/14

I don't see that either the Syndicate
or its purchasers will have the right
to say that they go beyond what ^{they consider to be}
absolutely necessary.

Oct. 15. 9. 14

I agree. I think
we can meet them
on this.

CB.

15. 9. 14

I propose

accept the proposed modification - &
say that the C.A. will be
instructed to ^{arrange for the} execution of the Indenture
as soon as possible - make
the necessary alteration in the
S.P.C. Indenture attached to
M.D.
28102 & send copy of the
amended S.P.C. to the C.A.
instructing them to arrange with
the Syndicate for the execution
of the Indenture as soon as
possible - & send copy of 34649
with copies of S.P.C. to the Syndicate
& C.A. to the firm for info. U.F.?

H. J. R.

16/9/14

Alton P. 22. 0. 14

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19, ST SWITHIN'S LANE,
LONDON E.C.

34649

REC.
REG. 12 SEP 14

EAST AFRICA SYNDICATE LIMITED.

465

10th September, 1914.

Reference No. -
28102/1914.



4631

Sir,

Referring to Your letter of the 8th which I had the honour to acknowledge on the 10th ultimo I am directed to thank you for accepting the amendment proposed by my Directors, in clause 2 of the draft supplemental agreement between the Government of the East Africa Protectorate and this Syndicate.

My Board has consulted the Syndicate's Solicitors, Messrs. Ingle, Holmes, Sons & Pott, on the subject of the suggested amendment to sub-clause (g) of clause 5, and I am now directed to submit for your consideration, a copy of a letter from Messrs. Ingle, Holmes, Sons & Pott dated the 8th instant, and to ask whether you could see your way to accept the modification of sub-clause (g) of clause 5 suggested by the last paragraph of the letter referred to.

I have the honour to be, Sir,
Your Obedient Servant,

Enclosure -
Copy letter.

J. Colman

Secretary.

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

XAP 28102

Copy
Carleton
GLE, HOLMES, SONS & POTT.

Capel House,

New Broad Street,
London, E.C.

8th September 1914.

34649
Rec^d
Rec^d 12 SEP 14

460

Dear Sir,

Supplemental Agreement with the Government of
the East African Protectorate.

We have to acknowledge receipt of a copy of the letter from the Colonial Office of the 8th ult. and note that the Secretary of State cannot accept the amendment which we proposed in subclause (b) of clause 1 on the ground that the form proposed would afford no guarantee that the land would be used for purposes beneficial to the development of the Protectorate. We must express our surprise that the Secretary of State should be of opinion that the proposed amendment would have this effect; and as we are responsible for the form proposed we should like to be allowed to point out our reasons for proposing this form and for differing from the opinion expressed by the Secretary of State.

The expression "beneficial occupation of land" has been used for many years in connection with South African titles and is recognised as the customary expression importing such occupation as most calculated to develop the resources of the land for the benefit of the community. This is the expressed object of the provision, which we would submit is not carried out by the Government's proposed use of words "properly used for purposes approved by the Governor and Secretary, East Africa Syn.Ltd.

used for speculative purposes".

Moreover the form of words suggested by the Government, would make it impossible for the Syndicate to know in what direction the Governor's regulations would operate, inasmuch as "Speculative purposes" cannot be defined and it would be vital for purchasers to be assured that as long as they are developing the resources of their lands to the best advantage they would not be interfered with.

Personally, if it would meet the Government's views and those of your Directors, we should be prepared to accept the Government's own wording in the draft, if the words - "Beneficial to the development of their resources" were substituted for the words "approved by the Governor and shall not be used for speculative purposes"; so that the phrase would then run "in order to secure that the lands so to be sold shall be properly used for purposes beneficial to the development of their resources."

We return you the draft.

Yours faithfully,

(Signed) Ingle, Holmes, Sons, & Pott.

Secretary,

East Africa Syndicate Ltd.,

19, St. Swithin's Lane, E.C.

34649

34649
J.S.

E.A.S.

468



22 Sept / 1914

Sir

4649

I am directed by Mr.

DRAFT.

The Secretary

of the E.A.S. Syndicate Ltd

Secy. Harcourt to ask the
re: of your letter of the
10th of Sept., on the subject
of the draft supplemental

MINUTE.

- Mr. ~~Booth~~ 22/9/14
- Mr. ~~Jennings~~ 22/9/14
- Mr. Reed 22
- Sir G. Fiddes.
- Sir H. Just.
- Sir J. Anderson.
- Lord Emmott.
- Mr. Harcourt.

agreement between the
Govt of the E.A.S. and
the East Africa
Syndicate, and to inf.

you that he accepts
the modification of clause
5(9)

of the draft Agreement
prepared in the last
para. of the letter from
the Syndicate's Solicitors
dated the 8th Sept.

2. The C.A.S. the Col
will be instructed to
proceed for the execution

I have asked the Secretary
of the E.A.S. Syndicate, to check
this minute with
by of 34649 v. ind. 24/11/14
of these 2 drafts to Sir.
for info A.I.

10/34649

Copy for obs. 24 Sept 14

2/14

La S. CAP

4640

34649

469

Set

C.D.
R 23 SEP
D 13

24 Sept. 1914



Gentlemen

I am directed by the
Secy. Harcourt to transmit
by the accompanying
draft of an agreement
which it is proposed
to make with the
East Africa Syndicate,
Ltd., respecting the
land leased to them
in the East Africa
Protectorate. The
plan, a copy of which
is to be annexed to the
agreement, is enclosed
as original for return.
2. The terms of the
draft have been
accepted by the Syndicate
and I am to request you

DRAFT.

The Crown Agents

MINUTE.

- Mr. ~~...~~ 22/9/14
- Mr. ~~...~~ 22/9/14
- Mr. Reed 22/9/14
- Sir G. Fiddes.
- Sir H. Just.
- Sir J. Anderson.
- Lord Emmott.
- Mr. Harcourt.

25180
28102

x Encls. in No
with clause 2
No 28102, + 5(1) as in
346490

Draft.
copy of plan 28102
attached
Plan (delivered 28102)
in orig.

copy to 585 24 Sept 14

to arrange with them
as soon as possible
for the execution of
the Indenture.

H. J. READ

(Signed) H. J. READ.
for the Under Secretary of State