



DOMESTIC.

EAST AFR. PROT.

C. O.
4707 287

No. 4707

Order Individual

(Subject.)

Order No. F

Boma Trading Co^{ys}

1908

9 Feb 9

Last previous Paper.

asks if agreement can be drawn up, embodying points stated to show scope of bongo work in the future

4405

(Minutes.)

Mr. Read

It is clear that Mr. Ward's proposals are developing into something in the nature of a concession to be signed sealed & delivered. Before he has obtained permission to trade between his managers, Bardua, & to establish a trading station at Mwanbit & especially also at Bardua & Gwasso Njoro, though this is not distinctly

Handwritten notes in left margin: "Award - 8/1/07", "Copy to Mr. Ward", "Copy of report to Mr. Ward", "Match", "70/1/07", "1908"

Next subsequent Paper.

W/5939

stated in the papers.

He now wants a promise from F.O to support an application to Monarch for leave to trade in Abyssinia; & white offering to enter into recognizance for £2000 as a pledge of good behaviour, he asks that no one else shall be allowed to enter the closed districts in which the Co. works without fulfilling the same conditions: and he wants this embodied in a formal agreement.

I think that anything in the nature of a formal agreement is *ultra vires* inasmuch as on the following grounds

1. The F.O. would never agree to limit themselves by contract to pursue a certain line of action towards a foreign sovereign.

(2) Although the Govt. endeavours to prevent unauthorised people from entering the closed districts it is very difficult to prevent all together: and if we entered into such an agreement we should be liable to damages for allowing not preventing such unauthorised entry. 288

(3) Other people such as Mr. Williams & Lud Hin Shif have likewise been trading in this country & they would complain if the condition of depositing £2000 were insisted upon by us against them.

(4) The question might be raised whether such an agreement would not be a breach of the article of the Berlin Act forbidding a monopoly of favour in matters of trade.

I think the agreement could be defended against such a charge. But F.O. Ad. I think, to be consulted.

1907
1908
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1912

Whatever is now in view is taken I hope nothing will be done without giving the Govt, who will have to carry out the agreement of alliance, a full opportunity of expressing his views.

I have no prejudice against Mr. Hard or the Marquis Hornbyd whom I have seen several times on the contrary from the first.

(Mention)

Last position paper

1908

No. 10

NYASALAND PROT
No 10

DESPATCH

I have favored their enterprise. But I think it is now "up to them" to go out with Prot. G. to await the verdict of the permission already granted without waiting for a charter of an extreme character.

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M. 18/2

Mr. Antrobus. I agree. H. J. R. 18/2

So do I. I am only surprised at the moderation with which Mr. Ellis has dealt with these extraordinary proposals.

M. Feb 18.

Mr. Ward will no doubt be content with what we can give him. It is an important arrangement which he has a formal agreement with the difficulties are pointed out to him.

J. H. R.

Mr. Ward is still quite young & his proposals are not in themselves in perfect. I deprecate the haste with which he is proceeding by accumulating. It is in my opinion most desirable - very inadvisable - that persons or companies trading in these districts

should be made to give substantial security for good behaviour. The Governor of S.A.P. certainly thought the same. Such a condition might possibly be imposed equally on all persons, & I see no reason why Lord Huddell should except such a voluntary agreement.

The condition is dictated by policy & is for our advantage.

But of course no formal agreement of this kind is to be thought of.

I think I had better talk to these young gentlemen.

W^m 19.2.

The point which seems to me often to be serious objection is the implied assumption that subjects are not bound to obey the laws unless the Crown gives them something for doing so: see par. 2 (1) and (2) of Draft. This objection is not removed by making the agreement informal instead of formal.

W^m. 26.23.

4707



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Guards Club,

February 24th, 1908.

To the

Under Secretary of State,
Colonial Office,

Sir,

I have the honour to request on behalf of the Boma Trading Company, that the following permissions, and the conditions thereof, that have been extended to us by H. M. Government may be condensed into the form of an agreement between H.M. Government and the Boma Trading Company on the following lines:-

Whereas

1. Permission has been granted to the Boma Trading Company to establish a trade route between Marsabit and Nairobi British East Africa.
2. To trade on the Juba River between Bardera and Kismayu.
3. Establish permanent trading stations at Guaso Nyiro, Marsabit and Bardera.
4. And whereas the Foreign Office will extend their help and support, subject to the concurrence of the Colonial Office, to the Boma Trading Company with a view to their obtaining permission from the Negus Menelik of Abyssinia to trade in the Borana country.

The Boma Trading Company bind themselves

1. To observe all the laws, bye-laws, rules, regulations and orders now, or at any future time, enforced by the Governor of British East African Protectorate.
2. To carry on their business in a peaceful and legitimate manner, and to use all their influence towards the preservation of peace.

3. Not to trade by means of white men over the Anglo Abyssinian border until such time as they shall obtain the necessary permission from the Emperor Menelik as hereinbefore mentioned.
4. To furnish full reports to the (Under) Secretary of State on the Countries in which the Company works, and further reports on any subject that the (Under) Secretary of State may from time to time call upon them to render.
5. To enter into recognisances for the sum of £2,000 for the good behaviour of all their employees operating in the closed districts of the British East African Protectorate.

It is further agreed that all Companies and individuals desirous of entering, and trading in the closed districts of the Protectorate, in which the Company works, shall be required to furnish guarantees for the same amount, and on the same lines, as those furnished by the Boma Trading Company.

I am, *H.*

Your obedient Servant,

H. F. Ward

The Under Secretary of State
for the Colonies,

4707



N
4707

S.A.P.

Sept 22 copy

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DRAFT.

H.F. Ward to

28th Feb. 08

Ans'd 7/4/21

Sir

W. re. to your letter of the 8th inst. I am directed by the Govt of Elgin to inform you that the Govt does not consider that it would be proper for H. M^rs Galt to enter into a formal agreement, such as you suggest, he has no objection to stating the nature of the ^{provision} ^{putting in mind} of rights which

MINUTE.

- Mr. W. 24/2
- Mr. Read 21
- Mr. Just.
- Mr. Andrews. *see further minute*
- Mr. Cor. Feb. 22
- Mr. Lucas.
- Mr. F. Hopwood. *I think the draft as stated will remain the subject differently.*
- Mr. Churchill. *Feb 22*
- The Earl of Elgin. *Feb 22*

for reasons on verbal matters from Mr. Churchill

Copy copies to F.D. - LF & to you in a draft draft

copy sent to Mr. Galt

has been granted to the
14. Boma Trading Co will assume

1. To establish a trading
trade route between

Marsabit & Nairobi
(2) To trade on the
Juba river between
Bardera & Kiismayo.

(3) To establish trading
stations at Gasso
Najiro, Marsabit, &
to near Bardera

(Bardera itself is in
the Italian Protectorate)

2. It is ^{to be} understood that
the Boma Co. and their
~~side undertakings~~
shall observe all the laws
and rules regulations
of the Government, or at any
future time imposed by
the G. A. P.

(2) to carry on their business
in peaceful & legitimate

manner & to use all
their influence towards
the preservation of 293
peace,

(3) Not to trade by means
of intermediaries on the
Anglo-Somaliland
boundary without the
permission of the British

(4) To furnish reports
such reports on the
country & upon their
operations therein as
the Gov. may from
time to time require.

(5) To enter in the course
of 2 years in the sum
of £2000 for the good
behaviour of all their
employees operating
in the cloud districts
of the G. A. P.

3. It would not be possible
for the Ld. Elgin to
appear the F.O. in the
manner which you suggest
in regard to trading
privileges in Abyssinia,
but a copy of this copy
will be sent to that Dept.

lines not to
disappear

4. With regard to the final
part of your letter, H.L.
cannot bind himself
as to the terms on which
other persons may be
allowed to enter the
above district, but it
is of course the intention
of the Govt. of the S.A.P.
to prevent irresponsible
& undesirable persons
from trading there, &
there is no intention
of imposing more onerous
terms on your Co. than
can well be imposed on
other applicants for
trading rights.

18 MAY 1898

J. and S.
H. H. H. H.

4707



W
4707/08
E. A.P.

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DRAFT

E. A.P. (No. 107)
Govt
Sudler.

3 March '08.

MINUTE.

- Mr. Neall 28/2
- Mr. Read. 28/2
- Mr. Judd
- Mr. Ashrobus.
- Mr. Cox.
- Mr. Lucas.
- Sir F. Hammond.
- Mr. Churchill.
- The Earl of Elgin.

Sir,

I have the honour to
transmit to you for your
information, with reference
to your tel. No. 25 of the 7th of
February, the accompanying
copy of correspondence with
Mr. Wood on the subject of the
recognition of the privileges
& obligations of the Boma
Trading Coy.

Mr. Ward 8 Feb.
Mr. E. Ward 25 Feb.

I have, etc.
Crewe