

E. AFRICA

35419

35419

Royal African Maritime Service

Agents

910

Refers to recent agreement with known Castle Co. signed by Col. on behalf of K.M. Government. Raises question whether K.M. Govt. includes Admiralty War Office & other Dept. for whom Col. has signed.

Mr. Messer

The following is I believe, correct statement of the terms in which the terms of agreement were inserted in the agreement.

When you & I were negotiating the final agreement with the help of the three Castle line (Mr. Bell & Mr. Cooke), the latter expressed a strong wish to have the limits inserted because they thought the insertion their interference would require further prestige of it was followed by Mr. M's foot.

You pointed out when that the Commission could not have it.

35419

is the understanding about the carriage of mails (cf S.F. contract)

This is the really important matter. As regard the possible difficulties

to which Major Cameron refers with the War Office and Admiralty

I think they are today the least serious. The only matter which

might arise is the carriage of all Govt. Passengers (July 2)

not in what occasion any such department could lend a Govt. Passenger - C. B. E. A.

If say a W.O. man is engaged for service then we should take his passage

In any case such occasions would be of trivial importance. As a

matter of form the S.F. can undertake us (if any in else) to

conclude an agreement on behalf of His Govt. and in the circumstances

of the present case you concluded - I have no doubt quite correctly -

that there was reason for the wording of the contract and that the intention

of the S.F. was that we should sign it. W. M. W. 12

Mr. Fisher

The legal position is simple. Any one
contract on behalf of Army if authorized
do so. If he does so without authority
his authority is repudiated he lays himself
open to damages for breach of authority
In this case the CA were
to act & have acted as agents for Army
within the limits of their authority so to say
Army will as they are bound to do uphold
the CA & if actions & claims arise out of
contract Army will have to ~~defend~~ ^{suffer} the loss
agents. In my opinion Major Jameson has
nothing to fear if he repudiate the contract
In fact as the two Admirals are concerned
they are bound to enable the CA to carry
the contract & if they do not & there are
made against the CA they will have to
be responsible to the CA just as the CA are
responsible to the Company. I explained
to him privately but apparently he was
further assured. Jameson's purpose to
to him in the above sense.

John

27/11

Mr Cox / Secy

Jameson P. 26

Mr Stewart 28/11

As proposed. the case seems clear

27-11-10



10-1
35
P

ALL COMMUNICATIONS
TO BE ADDRESSED TO THE
COMMISSIONERS OF THE CUSTOMS,
10, WHITEHALL GARDENS, LONDON, S.W.
AS THIS LETTER BEING ROUTED

TELEGRAMS, LONDON, LONDON
TELEPHONE 4632 VICTORIA

WHITEHALL GARDENS,
LONDON, S.W.

16th November 1910

Dear Cox

You will remember my speaking to you a few
days ago about the agreement with the Union Castle
Company for the East African service.

I was absent when this was negotiated and
signed, and hence have not signed it. The Company have
now asked for my signature to be added; which has led me
to look into the point which I mentioned to you.

This point is that paragraphs 2, 3, 4, and 5
bind "His Majesty's Government" to certain undertakings.
"His Majesty's Government" includes, I take it, the
Admiralty, War Office and other departments, for whom
we have no power to act, and who are not bound by any
agreement into which we may have entered.

Yours

W. H. D. Cox Esq. C. S. I.

before signing I should like to know how the clauses will
be made operative *what the provisions will be made*
in about case which.

You will remember I proposed to raise the
point officially but you thought it scarcely necessary
to do so. Perhaps however you and Reed will not mind
clearing it up for me.

Yours sincerely,

Wm. L. Murray

Elafuca

35419

10

Quete
For by [unclear]

DRAFT

Manila Camp

29 Nov 10

MINUTE.

- Mr. [unclear]
- Mr. Fiddes.
- Mr. [unclear]
- Mr. [unclear]
- Mr. [unclear]
- Mr. [unclear]
- Mr. [unclear]
- Mr. [unclear]
- Mr. [unclear]
- Mr. [unclear]

Dear General

In reply to your letter of the 16th I do not see why you should feel any difficulty in signing the agreement. The Commission Agents were requested to act as agents for H.M. Govt ^{& host} in the and if the other parties to the contract make claims against the Commission Agents H.M. Govt are bound to support

in Nov 20/13