

1723

REC.
Reg. J. 17

1723 16/17

Paper Printing 1916 23 Nov. Last previous Paper.	<p>Proposing legislation in Madagascar Position of Bakery Syndicate</p> <p>Submits representation from Messrs. Kealand & Johnston re: appeal position of syndicate as the result of recent legislation. Note that French Govt. has approached with a view to relaxation in favour of this syndicate.</p>
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~~Mr. Tenningson~~
 Mr. Grindle
 Mr. Read.

I send this through Mr. Tenningson
 & Mr. Grindle for an opinion on the
 propriety of making any representation
 to the F.O. in this matter. To do so
 might ^{be} construed as questioning the
 equality of the requirement that three
 fourths of the directing body of the
 companies in question must be French.
 We ourselves already make a similar,
 if not more stringent, stipulation in the

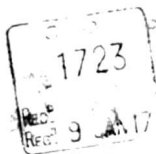
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Next subsequent Paper.

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AFRICA PROTECTORATE
N. 744.

GOVERNMENT HOUSE,
NAIROBI,
BRITISH EAST AFRICA



November 23rd, 1918.

Sir,

At the request of Major Newland and Mr. L. J. Tarlton, I have the honour to transmit for consideration, and for such action as it may be possible to take, a communication from these gentlemen representing the difficulty in which the Petsiriry Syndicate has been placed as the result of recent legislation in Madagascar.

2. I presume that resort was had to this measure in order to exclude the subjects of enemy countries from participation in the commercial industries of the country, but no good object would appear to be served by penalising British subjects who have invested a substantial sum of money in local enterprise.

3. I have therefore the honour to suggest that the Secretary of State for Foreign Affairs may be pleased to approach the French Government with a view to the possible relaxation of the provisions in the case of this Syndicate.

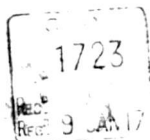
I have the honour to be,
Sir,
Your humble, obedient servant,

[Signature]
Draft by the GOVERNOR

THE RIGHT HONOURABLE
ANDREW BONAR LAW, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W.

EAST AFRICA PROTECTORATE
No. 744.

GOVERNMENT HOUSE,
NAIROBI,
BRITISH EAST AFRICA



November 28th, 1914.

Sir,

At the request of Major Newland and Mr. L. J. Tarlton, I have the honour to transmit for consideration, and for such action as it may be possible to take, a communication from these gentlemen representing the difficulty in which the Petsiriry Syndicate has been placed as the result of recent legislation in Madagascar.

2. I presume that resort was had to this measure in order to exclude the subjects of enemy countries from participation in the commercial industries of the country, but no good object would appear to be served by penalising British subjects who have invested a substantial sum of money in local enterprise.

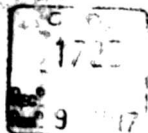
3. I have therefore the honour to suggest that the Secretary of State for Foreign Affairs may be pleased to approach the French Government with a view to the possible relaxation of the provision in the case of this Syndicate.

I have the honour to be,
Sir,
Your humble, obedient servant.

[Signature]
Draft by the GOVERNOR

THE RIGHT HONOURABLE
ANDREW BONAR LAW, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W.

1/3/10/6



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18th. November, 1916.

To H. E.

The Governor & Commander in Chief,
East Africa Protectorate,
Mombasa.

Sir,

Re Retairiv Syndicate, Limited.

We, the undersigned two directors of the above mentioned syndicate, have the honour to beg of Your Excellency's assistance in the following matter.

2. A number of gentlemen in this country and in England, became interested about two years ago in a mining proposition in Madagascar, and a small Company was formed, which was registered in Madagascar in 1914, in accordance with the laws of that colony.
3. A Decree has however been issued in Madagascar in July last, which places the Company in a difficult position. A translation of this Decree is attached, and the section which presses hardest on the Company, is one to the effect that three quarters of the members of the Directorate must be French subjects. The Directors of this Company are at present five in number, of which one only is French.
4. While the Decree provides that Companies registered prior to its promulgation need not comply with paragraphs 1 and 2, it further provides that "no renewal of permit nor any mining concession may in future, unless they satisfy these conditions, be granted or ceded to them except by virtue of decrees made on the proposition of the Colonial Minister on the recommendation of the Governor General or Governor of the Colony." The authorities in Madagascar are pressing for compliance with this Decree and applications for relief, made by the Directors in Madagascar through H. E. E.'s Consul and to the Governor General, have been unsuccessful.
5. Every shareholder is, without exception, personally known to one or more of the Directors, and we have no hesitation in stating that neither directly, nor indirectly, is there the slightest fear of pro-German influence. All are loyal British or French subjects, heart and soul with the cause of the Allies. It will be noted that fourteen of the shareholders are military units, that two have been killed in action; of the remainder, nine are at present actually in the field.
6. Statement is enclosed, giving details of:-
 - a. Name of Company.
 - b. Capital.
 - c. Registered Office, and date of Registration.
 - d. Directors.
 - e. Auditors and Bankers.

J. List

4.
N.T. & Co. to H.E. the Governor.....?.....18/11/16.

Para. 6 continued.

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f. List of Shareholders.

The property of the
development.
I am pleased to say that Your Excellency
Secretary of State, in your statements to His Majesty's
recommendations as you have been so graciously
obtaining the sympathy and approval of the French Government
and permission to change the name of the company with the
Decree until after the termination of hostilities.

to be done, and to be,

Your most obedient servants,

W. W. W. W.
W. W. W. W.

Director

Title. Societe Anonyme "Batairiry Syndicate."
Registered Office. Antsirahana, Miandrivazo, Madagascar.
Date of Registration. March, 1914.
Directors. Captain C.E. Hungeridge. (Chairman)
 Major V. M. Newland.
 Lieut. Leslie J. Tarlton.
 Mr. G. W. Carroll. (Resident in Madagascar)
 Mr. Louis Georger. (Resident in Madagascar)
Managers. R.D. Vaena and Louis Georger.
Bankers. Comptoir National d'Escompte de Paris, Tananarive.
 Standard Bank of South Africa, Limited, London.

List of Shareholders.

<u>Name.</u>	<u>Title or Rank.</u>	<u>Unit.</u>	<u>Nation.</u>	<u>Remarks.</u>
Hungeridge, C.E.	Captain.	Imp. Special Service.	English.	Serving, G.E.A.
Carroll, G.	Mr.		Australian.	
Carroll, G.W.	Mr.		do.	
Georger, L.	Mr.		French.	
Cunningham, R.J.	Major.	Imp. Special Service.	English.	Serving, G.E.A.
Grogan, E.S.	Major.	E.A.I.D.	English.	do.
Hunter, V.C.	Private.	W.D.F.	English.	
Seth-Smith, F.F.	Captain.	K.A.R.	English.	do.
Tompson, A.W.	Captain.	Grenadier Guards.	English.	Killed in France.
Sutherland, V.	Mr.		Australian.	
Tarlton, H.	Mr.		do.	
Thomas, P.	Mr.		English.	
Smith, W.V.	Mr.		English.	
Fairweather, A.	Private.	K.D.F.	Australian.	
Morrison, H.	Mr.		English.	
Salmon, C.S.	Captain.	K.O. Scottish Borderers	English.	Killed in France.
Newland, V.M.	Major.	E.A.S. & T.C.	Australian.	Serv. G.E.A.
Tarlton, L.J.	Lieut.	E.D.F.	do.	Formerly Intelligence.
Tarlton, J.	Mrs.		English.	
Tritton, C.H.	Captain.	A.S.C.	English.	Serving France
Wilson, J.W.	Mr.		English.	
Woperart, J.D.	Mr.		English.	Formerly E.A.S. & T. Capt.
Tarlton, E.	Captain.	3rd. E.A.R.	Australian.	Serv. G.E.A.
Dunlop, W.B.	Lt. Colonel.	I.E.F.	English.	do.
Beave, G.A.	Lt. Colonel.	E.A.S. & T.C.	English.	do.

The above statements are, to the best of our knowledge and belief, true and correct.

V. M. Newland
 Major
Leslie J. Tarlton
 Director

Nairobi, 15th. November, 1914.

ONE.

Art. 1. In the French Colonies and Protectorates other than Algeria, Tunis and Morocco no authorisation or permit for exploration prospecting or mining exploitation, no mining concession, no renewal of permit or concession may be either granted or adjudged or ceded or transferred to nationals or persons under the jurisdiction of those countries at war with France nor acquired or received by such nationals or persons.

In case of infraction of the above enacted ordinance, the forfeiture of the mining permits or concessions shall be declared by the Governor of the Colony under the conditions provided for by the laws regulating mines in the Colonies or Protectorates but always without any necessity for any notification or summons to the persons interested and upon a simple proof of the violation of any one of the above regulations.

This Order shall in no way prevent the enforcement of forfeiture for the other reasons prescribed in the decrees and regulations in force.

Art. 2. Companies formed for mining prospecting or exploitation or engaging in such prospecting or exploitation must be constituted in conformity with the French laws and must have their Company head office either in France or in the French Colonies.

In Joint Stock Companies three fourths of the members of the Administrative Council of which the Chairman (President) and the elected administrators as well as the Directors must be of French nationality or French subjects or dependants. In limited Joint Stock Companies three fourths of the members of the supervising council of which the president and managers must be French nationals subjects or dependants.

In no case shall nationals or persons under the jurisdiction of countries at war with France form any part of the councils of administration or supervision.

Companies formed for the purpose of mining prospecting or exploitation are required to send to the Chief of the Service of Mines a copy of their bylaws and the list of members of their councils of administration or supervision. Every change in the bylaws and list of members of council shall similarly be notified to the Chief of the Service of Mines.

In case of breach of the above enacted regulations the forfeiture of the mining permits or concessions of which these companies may be in possession or of which they may have control or be in the enjoyment may be declared under the conditions provided in the laws regulating mines in the Colonies and Protectorates.

The regulations in paras. 1 and 2 of the present enactment are not applicable to Companies which at the moment of promulgation of this decree in the Colony are in possession or enjoyment of permits or concessions. Nevertheless no permit for prospecting or exploitation, no renewal of permit nor any mining concession may in future, unless they satisfy those conditions, be granted or ceded to them except by virtue of the ~~decree made on the proposition of the Colonial Minister on the recommendation of the Governor General or Governor of the Colony.~~

and the institution of mineral concessions may be refused if the Administration considers fit without such refusal creating any right to indemnity or other benefit in favour of the applicant Company.

EXTRACT FROM THE JOURNAL OFFICIEL DE MADAGASCAR OF 1st July, 1916.

(Company).

- t. 3. All previous regulations or decrees contrary to the terms of the present decree are cancelled.
- t. 4. The Colonial Minister is responsible for the execution of the present decree which will be published in the Official Journal of the French Republic and in the Official Journals of the Colonies and inserted in the Law Bulletin and in the Official Bulletin of the Colonial Minister.

Done at Paris 8th Jan. 1916.

R. POINCARÉ

By the President of the Republic

The Minister of the Colonies

GASTON DOUMERGUE.



20/11/17

Downing Street,

18 January, 1917.

Sir,

Ans 1012/17

DRAFT.

HIS UNDER SECRETARY OF STATE,

FOREIGN OFFICE.

MINUTE.

Mr. Butler 13/1/17

Mr. Thompson 12/1/17

Mr.

Mr. Grandie.

Mr. Lambert.

Mr. Read. 13/1

Mr. G. Fildes. 12/1/17

Mr. Steel-Maitland.

Mr. Bonar Law.

Copy to 25 April 1907

I am directed by Mr. Secretary Long to transmit to you, to be laid before Mr. Secretary Balfour, a copy of a despatch, with its enclosure, from the Governor of the East Africa Protectorate relating to the position of the Betsiriry Syndicate, ^{located,} in Madagascar.

2. The Syndicate finds itself in difficulty owing to the requirement of the French law that three quarters of the governing body of the Syndicate must be French nationals, subjects, or dependants. As Mr. Balfour is no doubt aware, it is the policy of His Majesty's Government to make a similar, and possibly more stringent, stipulation in the case of oil concessions in the British Colonies and Protectorates.

BY S.A.P. to S. of S. No. 744
3rd November, 1916.

It is proposed by a similar device to keep in British hands the control of certain properties formerly belonging to enemy companies in the Colonies and Protectorates. It is not improbable that the same device may be found necessary in order to keep enemy influence out of important British industries after the war.

3. In these circumstances, it is, of course, impossible to suggest that any representations should be made to the French Government which could be construed as questioning the equity of the requirements that a ^{high} proportion of the ^{governing} directing body of companies formed for mining, prospecting, or exploitation in the French Colonies and Protectorates, should be French nationals, subjects, or dependants. ^{in Hong} He would be glad, however, if Mr. Balfour would consider whether the case of the Betsiriry Syndicate can be put forward for special consideration, as one in which the Governor of the Colony and the French Colonial Minister ^{might}