

EAST AFR. PROT.

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Recd
Gen^l 13 MAR 17

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447

billable
billable
Messrs

1917

12 March

MESSRS SCHAUER WELTER & CO.

Last previous Paper.

6
6307

Have received instructions from Mr Holzappel to prepare transfer of all interests in B.E.A. Encloses papers for approval. Note that assignment of debts of Messrs "A", may be approved and for info as to any sale. Offer to call on Mr Tenyson.

Seen WJG
6.03 19.17
alone
H.S.H
19/11/17

Encls return
Copy to Gen 242 encls
AT
Copy 600

See
23 March 1917

Next subsequent Paper.

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302
14329

TELEGRAMS THROUGH NEWCASTLE ON TYNE

RIDDELL & CRIDDLE

REGISTERS

RIDDELL & CRIDDLE

RIDDELL CENTRAL

Northern Assurance Buildings
 2, Collingwood Street
 Newcastle upon Tyne

14 March 1917

Dear Sir,

Mr M. Holsapfel. - Schauer Walter & Co. Ltd.77/1917

We regret the omission to send you the transfer of shares with our letter of the 13th inst and herewith enclose same. As a matter of fact we find the transfer in question was inadvertently sent, along with 34 other transfers, to Mr Holsapfel for his signature on the 15th inst.

Yours faithfully,

Ridde & Criddle

The Under Secretary of State
 Colonial Office
 London S W

TELEGRAMS CRIDDLE NEWCASTLE ON TYNE

CRIDDLE & CRIDDLE

AGENTS
 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000

C/1

Northern Assurance Co. Ltd.
2, Collingwood Street
Newcastle upon Tyne

14 March 1917

Dear Sir,

Mr M. Holzappel. - Schauer Walter & Co. Ltd.77/1917

We regret the omission to send you the transfer of shares with our letter of the 13th inst and herewith enclose same. As a matter of fact we find the transfer in question was inadvertently sent, along with 34 other transfers, to Mr Holzappel for his signature on the 15th inst.

Yours faithfully,

J. C. C. C.

The Under Secretary of State
 Colonial Office
 London S W

HOBBS & CRIDDLE

SOLICITORS

12, COLLEGE STREET, LONDON, E.C. 4

TELEGRAMS: HOBBS CENTRAL

TELEPHONE: 2500

Northern Assurance Buildings
2 Colingwood Street
Newcastle upon Tyne

13431

12 March 1917

Dear Sir,

Schafer Welter & Co. Ltd. No. 77/1917

449

We have now received definite instructions from Mr
Schäpfel to prepare the transfer of all his interest in British
East Africa and we enclose for your perusal the following documents:-

- (i) Transfer of his shares in Schafer Welter & Co. Ltd.
- (ii) Assignment of debts owing to him by that Company and by Messrs
Schafer & Welter.
- (iii) Deed of Settlement which it will be observed is expressed
to be irrevocable.

We have given instructions to Mr. Horace Criddle, a
Solicitor in Nairobi to prepare conveyances of all his properties.
These conveyances will be in the form of conveyances to three
trustees upon the trusts of the Settlement, the object of course
being to keep the trusts of the Settlement off the title to the
properties.

We shall be glad to receive back the documents in
due course so that we may proceed to get them executed; and to hear
that the assignment of the debts owing by Messrs Schafer & Welter
to the alien enemy subjects meets with the official approval.
It will be remembered that the ~~transactions~~ ^{documents} referred to above, carry

out what our Mr Horace Criddle suggested in his interview with Mr
Rayson, and we shall be pleased to hear that, seeing that Mr

CRIDDLE & CRIDDLE

15, COLTOWN
LONDON, E.C. 4
CRIDDLE & CRIDDLE
15, COLTOWN CENTRAL
LONDON, E.C. 4

Northern Assurance Buildings
2 Coltingwood Street
Newcastle upon Tyne

12 March 1917

-9-

Holzappel is now divesting himself entirely of all his estate and interest both in the Company and in the farms. Facilities will be granted for the Trustees if needs be, acquiring the assets of Schauer Walter & Co. Ltd. at a reasonable price rather than that they should be allowed to be unduly sacrificed by a forced sale. With this object in view we ask that timely information will be given of any intention to effect a sale of the assets of the Company so that the Trustees can make the necessary financial arrangements for purchasing any of the assets.

Our Mr Horace Criddle will be in London again next week and will be pleased to call upon Mr Lawson and give him any further explanation that may be required if a further interview is considered desirable.

Yours, Sir,

Your Obedient Servants,

The Under Secretary of State
Colonial Office
London S W

H. Criddle

THIS INDENTURE is made the 450

day of One thousand nine

hundred and seventeen. JOHN MAX HOLZAPFEL

of Ilburn House in the City and County of Newcastle

upon Tyne Merchant (hereinafter called "the Assignor")

of the one part and ROBERT JAMES ILLI of

2, Callingswood Street Newcastle upon Tyne aforesaid

Solicitor, ROBERT FRARSON JUNIOR of Newcastle upon

Tyne aforesaid Chartered Accountant and FRANCIS

JAMES BIRD of 18 Victoria Avenue Whitley Bay in the

County of Northumberland Clerk (hereinafter called

"the Assignees") of the other part. WHEREAS

the several persons whose names are set out in the

first column of the Schedule hereto are indebted to

the Assignor in the several sums set opposite to their

respective names in the second column of such schedule.

NOW KNOW YE THAT WHEREAS IN CONSIDERATION

of the sum of THREE THOUSAND POUNDS now paid by

the Assignees to the Assignor (the receipt whereof is

hereby acknowledged) the Assignor as beneficial owner

assigns to the Assignees ALL the several debts

or sums of money specified in the second column of the

Schedule hereto due and owing to the Assignor as

aforesaid from the several persons whose names are set

opposite to such respective sums in the first column of

such schedule and the benefit of all securities for

the same and all interest if any due and to become

due for the same. TO HAVE AND TO HOLD the same unto the

Assignees absolutely. AND WHEREAS the Assignor hereby

covenants with the Assignees that the several debts

hereby assigned are still due and owing to the Assignor

from the several persons named in the said schedule.

I N

IN WITNESS whereof the said parties
to these presents have hereunto set their hands and
seals the day and year first above written.

THE SCHEDULE.

<u>Names of Debtors.</u>	<u>Amount of Debt.</u>
Schauer Welter & Company, limited.	£1771: 12: 0 and interest (loan account).
Konrad Schauer	£1198: 8: 8 on current account.
Max Welter	£1913: 0: 0 and interest.
	£2256: 11: 2 and interest.

SIGNED SEALED and Delivered by the
said Max Holzapfel in the presence of }

SEAL.

intended that this deed shall be irrevocable N O W
THIS INDENTURE WITNESSETH that it is hereby declared and
agreed that the said Horace John Griddis, Robert Pearson
Winter and Francis James Dick and the survivors and **153**
survivor of them, their or his heirs executors or admini-
strators or other the trustees or trustee for the time being
of these presents hereinafter called the trustees or
trustee shall stand seized and possessed of the aforesaid
Farms and hereditaments, shares, moneys and premises as
and when respectively vested in or received by them or him
IN TRUST for the said Max Albert Holzapfel his heirs
executors and administrators respectively for his absolute
use and benefit if and when the said Max Albert Holzapfel
shall attain the age of twenty one years But if the said
Max Albert Holzapfel shall not attain the age of twentyone
years then from and after his death IN TRUST to pay the
net income of the said premises to Susan Gray Holzapfel
the wife of the said Max Holzapfel during the joint lives
of the said Max Holzapfel and Susan Gray Holzapfel for her
separate use without power of anticipation and in the
event of her surviving the said Max Holzapfel then during
her widowhood and subject as aforesaid in trust for Susan
Henrietta Holzapfel, Marian Sophie Fougner the wife of
Bicalay Fougner, and Dorothy Julia Holzapfel, the daughters
of the said Max Holzapfel their heirs executors and
administrators respectively in equal shares as tenants in
common. A. N. D. IT IS HEREBY DECLARED that during the
minority of the said Max Albert Holzapfel the said trustee
or trustee shall apply the net income arising from the
said premises or such part thereof as they or he in to
or his absolute discretion shall think fit in or toward
repairs or improvements of any sort or kind to the afore-
said Farms and shall accumulate the surplus if any of the
same income at compound interest by investing the same and
the resulting income thereof in any of the Investments

day of One thousand nine hundred and seventeen

BETWEEN MAX HOLZAPFEL of Kenton Lodge in the City and County of Newcastle upon Tyne Merchant of the one part and HORACE JOHN CRIDDLE of the City and County of Newcastle upon Tyne Solicitor, ROBERT PEARSON WINTER of 16 Market Street Newcastle upon Tyne aforesaid Chartered Accountant and FRANCIS JAMES DICK of 16 Victoria Avenue Whitley Bay in the County of Northumberland, Clerk of the other part WHEREAS the said Max Holzapfel is desirous of making such settlement upon his son Max Albert Holzapfel now aged ten years or thereabouts as hereinafter appears AND WHEREAS the said Horace John Criddle, Robert Pearson Winter and Francis James Dick have agreed to be the Trustees of such Settlement AND WHEREAS the said Max Holzapfel is entitled to two farms known as Kenton Farm and Heddon Farm both situate in British East Africa and he has caused the same to be transferred to the said Horace John Criddle, Robert Pearson Winter and Francis James Dick AND WHEREAS the said Max Holzapfel has transferred or is about to transfer into the names of the said Horace John Criddle, Robert Pearson Winter and ^{Francis} James Dick, Four thousand shares of One pound each in Schauer Welter and Company Limited a Company registered in England and now in course of liquidation, AND WHEREAS the said Max Holzapfel is entitled to the several sums of money mentioned in the Schedule hereto owing to him from the said Welter and Company Limited and from the persons respectively mentioned in the same Schedule which said sums with all interest thereon he has assigned or intends to assign to the said Horace John Criddle, Robert Pearson Winter and Francis James Dick. AND WHEREAS it is intended

intended that this deed shall be irrevocable NOW
THIS INDENTURE WITNESSETH that it is hereby declared and
agreed that the said Horace John Criddle, Robert Pearson
Winter and Francis James Dick and the survivors and 453
survivor of them, their or his heirs executors or admini-
trators or other the trustees or trustee for the time being
of these presents hereinafter called the trustees or
trustee shall stand seized and possessed of the aforesaid
Estate and hereditaments, shares, moneys and premises as
and when respectively vested in or received by them or him
IN TRUST for the said Max Albert Holzappel his heirs
executors and administrators respectively for his absolute
use and benefit if and when the said Max Albert Holzappel
shall attain the age of twenty one years But if the said
Max Albert Holzappel shall not attain the age of twentyone
years then from and after his death IN TRUST to pay the
net income of the said premises to Susan Gray Holzappel
the wife of the said Max Holzappel during the joint lives
of the said Max Holzappel and Susan Gray Holzappel for her
separate use without power of anticipation and in the
event of her surviving the said Max Holzappel then during
her widowhood And subject as aforesaid In trust for Susan
Henrietta Holzappel, Marian Sophia Fougner the wife of
Nicelay Fougner, and Dorothy Julia Holzappel, the daughters
of the said Max Holzappel their heirs executors and
administrators respectively in equal shares as tenants in
common. A N D IT IS HEREBY DECLARED that during the
minority of the said Max Albert Holzappel the said trustees
or trustee shall apply the net income arising from the
said premises or such part thereof as they or he in
or his absolute discretion shall think fit in or toward
repairs or improvements of any sort or kind to the afore-
said Estate and shall accumulate the surplus if any of the
same income at compound interest by investing the same and
the resulting income thereof in any of the investments

intended that this deed shall be irrevocable. NOW
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Farms and hereditaments, shares, moneys and premises as
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or trustee shall apply the net income arising from the
said premises or such part thereof as they or he in
or his absolute discretion shall think fit in or toward
repairs or improvements of any sort or kind to the afore-
said Farms and shall accumulate the surplus if any of the
same income at compound interest by investing the same and
the resulting income thereof in any of the investments

hereinafter authorized for the benefit of the person or persons who shall eventually become entitled to the said premises. And may apply the accumulations of any preceding year or years in or towards such repairs or improvements as aforesaid. A N D IT IS HEREBY DECLARED that the said trustees or trustee shall invest all capital moneys coming to their hands as trustees hereof in the names or name or under the legal control of such trustees or trustee in or upon any stocks, funds, securities or investments they or he think fit and whether trustee investments or not as if they or he were absolute owners thereof and without any liability if any loss should arise on any of such investments and with power from time to time to vary all or any of such investments. AND the power of investment hereinbefore given to the said trustees or trustee shall extend to and cover a power for them or him to agree to any **454** reconstruction of Schauer Welter and Company Limited and to accept shares in any new Company or Companies formed thereout or in connection therewith and in particular power to purchase all or any of the assets of the said Company in the event of such assets being sold. A N D IT IS HEREBY DECLARED that the said trustees or trustee shall have power in their or his absolute discretion to raise money by mortgage of the said farm for the purpose of purchasing the assets of Schauer Welter and Company Limited. A N D IT IS HEREBY DECLARED that the said trustees or trustee shall have absolute power to sell the said farms and other property hereby settled and also any farms lands or property which may be purchased as assets of Schauer Welter and Company Limited upon such terms and conditions and in such manner as they or he think fit and to let the said farms lands or property on such terms as they or he think fit and to lay out any moneys from time

hereinafter authorised for the benefit of the person or persons who shall eventually become entitled to the said premises. And may apply the accumulations of any preceding year or years in or towards such repairs or improvements as aforesaid. A N D IT IS HEREBY DECLARED that the said trustees or trustee shall invest all capital moneys coming to their hands as trustees hereof in the names or name or under the legal control of such trustees or trustee in or upon any stocks, funds, securities or investments they or he think fit and whether trustee investments or not as if they or he were absolute owners thereof, and without any liability if any loss should arise on any of such investments and with power from time to time to vary all or any of such investments, AND the power of investment hereinbefore given to the said trustees or trustee shall extend to and cover a power for them or him to agree to any 454 reconstruction of Schauer Welter and Company Limited and to accept shares in any new Company or Companies formed thereout or in connection therewith and in particular power to purchase all or any of the assets of the said Company in the event of such assets being sold. A N D IT IS HEREBY DECLARED that the said trustees or trustee shall have power in their or his absolute discretion to raise money by mortgage of the said farm for the purpose of purchasing the assets of Schauer Welter and Company Limited. A N D IT IS HEREBY DECLARED that the said trustees or trustee shall have absolute power to sell the said farms and other property hereby settled and also any farms lands or property which may be purchased as assets or Schauer Welter and Company Limited upon such terms and conditions and in such manner as they or he think fit and to let the said farms lands or property on such terms as they or he think fit and to lay out any moneys from time

to time on improving or developing the said farms lands or property or in the erection of buildings or other improvements or repairs and for the aforesaid purposes to raise money on mortgage of the said farms lands or property and to compromise and compound any of the said debts mentioned in the said Schedule and generally to deal with the said farms and property hereby settled including the assets of Schauer Walter and Company Limited if purchased by the said trustees or trustee as absolute owners thereof without being in any way responsible for any loss which may arise in the exercise of the aforesaid powers. AND shall have power to delegate either expressly or by implication to any person or persons whomsoever during such period or periods and upon such terms as they or he think fit all or any of the powers of sale, management and improvement and other powers herein contained without being responsible for any loss occasioned thereby And shall not be bound in any case to act personally but shall be at full liberty to employ a Solicitor or Solicitors or any other agent or agents to transact all business of whatsoever nature required to be done in the premises including the receipt and payment of money and shall be entitled to be allowed and paid all charges and expenses so incurred and shall not be responsible for the default of any such Solicitor or agent or any loss occasioned by his employment. AND IT IS HEREBY DECLARED that the said trustees or trustee shall not be responsible for any loss which may arise in the execution or exercise or from the omission to execute or exercise any of the trusts or powers hereinbefore contained. And it is hereby declared that the said Horace John Criddle and Robert Pearson Winter or any future trustee who may be a Solicitor

or

to time on improving or developing the said farms lands or property or in the erection of buildings or other improvements or repairs and for the aforesaid purposes to raise money on mortgage of the said farms lands or property and to compromise and compound any of the said debts mentioned in the said Schedule and generally to deal with the said farms and property hereby settled including the assets of Schauer Welter and Company Limited if purchased by the said trustees or trustee as absolute owners thereof without being in any way responsible for any loss which may arise in the exercise of the aforesaid powers. AND shall have power to delegate either expressly or by implication to any person or persons whomsoever during such period or periods and upon such terms as they or he think fit all or any of the powers of sale, management and improvement and other powers herein contained without being responsible for any loss occasioned thereby And shall not be bound in any case to act personally but shall be at full liberty to employ a Solicitor or Solicitors or any other agent or agents to transact all business of whatsoever nature required to be done in the premises including the receipt and payment of money and shall be entitled to be allowed and paid all charges and expenses so incurred and shall not be responsible for the default of any such Solicitor or agent or any loss occasioned by his employment. AND IT IS HEREBY DECLARED that the said trustees or trustee shall not be responsible for any loss which may arise in the execution or exercise or from the omission to execute or exercise any of the trusts or powers hereinbefore contained. And it is hereby declared that the said Horace John Criddle and Robert Pearson Winter or any future trustee who may be a Solicitor

or

or Chartered Accountant shall be entitled to charge and shall be paid out of the property hereby settled for all business done by him in relation to the trusts of these presents whether in the ordinary course of his profession or business or not and although not of a nature requiring the employment of a Solicitor or Chartered Accountant (as the case may be) in the same manner as if he had not been a trustee.

IN WITNESS whereof the said parties to these presents have hereunto set their hands and seals the day and year first hereinbefore written.

455

THE SCHEDULE referred to.

<u>Name of Debtor</u>	<u>Amount of debt.</u>
Schauer Welter & Company } Limited. }	£1771. 12. 0 and interest (loan account)
	£1195. 5. 8 on current account.
Konrad Schauer	£1913 and interest.
Max Welter	£2266. 11. 2 and interest.

UNSEALD and Delivered by
the said Max Holzappel in the
presence of

SEAL.

UNSEALD and Delivered in
the said Horace John Criddle,
Walter Pearson Winter and
Francis James Dick in the
presence of

SEAL.
SEAL.
SEAL.

