

1933

Kenya

No. 3039

SUBJECT

CO 533/431

German Mission Property

Previous

15080/32

Subsequent

23178/34

1 Governor Byrne 3 Conf _____ 13 Jan 33
States is of the opinion that the sum of \$255/5/9 should
be released & that no further legislation is necessary in
connection with the liquidated property of the Evangelical
Lutheran Union.

Mr. Roberto Tracy sees no
objection (see minutes of 16/11/32 in Cf
Minutes 15485) & will
now write the necessary slips for
the release of the \$255/5/9 to the
H. P. Smith
12/2/33

J. O. [Signature]
14/2

2 To [unclear] [unclear] } 16 Feb 33
3 To H.A. (page 1 & 2) } (Cf 15485/15
ll.)

Mr. Roberto Tracy has agreed to see the Board
at 2:30 ^{pm} on Wednesday 18 March in the
Question mentioned in the slip attached
I have so informed the latter H. P. Smith
24/2/33

Mr Roberto Tracy
You might like to collect these papers
for the interview on Wed. H.P. 27/2

Mr. Prudman. I shall want more than
this. Can you get all papers
papers please - especially the draft
order under cover

[Signature] 27-2

I shall try to make up in last two lines
H.P. 28/2

Slips were
attached when
this left me [unclear]
H.P. 27/2

Mr. Roberts' way discussed today
with Mr. Brown of Goodman Brown Co
various points which the latter raised
in connection with the draft order
(Serials to 16 i 18080/32) including
proposal to omit clause 3

It was agreed that after consultation
with the Africa Standard Mission and
the Liverpool Liverpool Mission Mr. Brown
should submit his proposals.

W. R.

J. H. P. Smith
1/13/32

W. R.

Smith

Mr. P. C. ...

Serials to 18 on 18080/32 has got

been received

J. H. P. Smith
1/15/32

write to Messrs Goodman Brown
to inform No 18 on 18080/32
inquiring when their views may
be reported

J. H. P. Smith
1/15/32

you may care to see

W. R.

Present things in Germany may put a spoke in the
wheel

I would not commit until 5 months
18080/32
85 since

forward

(11)

5. Goodman Brown Co.

Letter on draft Bill approved on 12/29/31
the Africa Standard Mission, Africa Standard Mission Trust Ltd.
9 give explanation of their amendments. Enquire whether same
mentioned in No 2 can be regarded as belonging to their clients
beneficially.

Serials to 1 - 18080/32

The proposed omission from the draft
Bill of the details of the friendly agreement
for the subsequent transfer of part
of the property after it is again vested
in the Liverpool Liverpool Mission seems
to simplify the procedure and would
fit in a cetera with Mr. Bucker's suggestion
in his minute of 22/7/29 in 15637/29

There may however be legal objection to
the omission of any provision reference to
the date ^{from} which the transfer should operate
- but as the original draft was indefinite
in this respect this may not be material (c
inde (3) of Mr Roberts' ways minute of
11/3/32 i 18080/32

? subject to any legal objections
send a copy of 5 and of the amended

draft Bill to former Kenya ^{for Oboro} reference
16 L 180-80/32 informing him that because
~~the draft~~ the draft submitted did
not carry out the wishes of the
Africa Inland Mission in regard to the
two estates mentioned in para 2 of the Family
agreement (vide 17-1808/32) it was
considered desirable to amend the
same. The terms of the Family
agreement & the terms of the Family
agreement as regards the property of the
Kenya Colony.

5. The use of the money is presumably
governed by the first clause of the
Trust Deed (in synopsis 15637/32)
which says in substance that the money
is to be used for any of the purposes of
the Leipzig Lutheran Mission in the
Kenya Colony.
subject to any stipulation in
the Family agreement & in the deed
in the deed which has been dealt with
draft with this.

As regards the date in which the
Trust Deed should be revoked this should
be presumably taken with effect from the
date of completion of the conveyance of
the property. Should the draft Bill
so provide under Mr. Roberts-Wray's minute
of 11/3/32. If so this might be suggested
to the former.
H.S. P. M. S. M. S.
15/5/33

It is much better to delete from the
draft Bill all reference to the private arrange-
ment as to the subsequent transfer of the property,
and we can certainly accept that amendment.

I agree that it is desirable to include
in the Bill that the revocation of the Trust Deed
shall take effect from the date of the conveyance of
the real property, as suggested by Mr. Roberts-Wray
in his minute of 11.3.32.

As to the fifth paragraph of the letter
from Messrs Goodman, Brown and Company, they appear
to have made a mistake in the figure. The papers
show the amount involved to be £255.5.0. The
correspondence in file No. C.F. 15485/25 Gen. Kenya,
is important in connection with their enquiry.
It will be seen from (25) on that file that a
miscellaneous collection of German Missions' property
was sold by the Custodian of Enemy Property, and the
amount now under discussion represents the balance
left after personal claims had been satisfied, and
in this, in origin, the property of the Leipzig
Lutheran Mission.

The Secretary of State authorised the
handing over of this sum to the African Inland
Mission Trust, Limited, in their capacity as
Trustees of the German Missions' property in accord-
ance with clause 1 of the Trust Deed. The legal
position therefore is that so long as the Trust
Deed continues to be in force, the Trustees must use
the money for the purposes of the Trust. If any
of the money remains unspent at the date of the
revocation of the Deed, it would seem to form part
of the property which is to revert to the Leipzig
Lutheran Mission under clause 2 of the draft Bill,
although

although, of course, its disposal may be subject to any private arrangement which may be arrived at between the two parties concerned.

R. C. Vernon
19.5.33.

M. Vernon

you should see this.

The action proposed appears correct, i.e. send a copy of 5 to Kenya saying that the amendments appear reasonable and that a clause should be added providing that the revocation of the Trust deed shall take effect from the date of the conveyance of the property.
I am with to Gordon, B.A. 9/6/32 under the point above & explaining to 4-16-255-5-9 as in the memo to (copy to 6/30 to Kenya)

See what M. Vernon says later about all this.

R. C. Vernon
10/25 22.5.33 22/5

6 To Messrs Gordon, Brown & Co (Sandy) 31/5/33

7 To Gov Conf (2) (1/2/17 on 19080/32) + 5-6 on file (16 on 19080/32 amended) 51

519
MAY 1933

8. M. B. Davis, Deputy Esq. 101 Claf _____ 18 July 33
Encs. a copy of a letter from the Attorney General giving some on Nov 9 asks for further instructions.

W. H. B. Davis
advise what reply should be sent
C. H. Brown
12/7/33

W. H. B. Davis

I agree with the suggestion in the Order does not follow the form suggested in my minute of 11.2.32 on 19080/32 mentioned in the form of the proposed form and, I suggested, I suggested immediately in regard to the proclamation a clause made by the form - which the Trustees prefer.

Then an order that the form is suggested put to them a check to the form if they agree:

(1) The Order will transfer movable property vested in the Trustees under the 1924 Order. This would include money etc. and the property is now, we don't, not identical with that which is vested in that date. In cl. 2 of the Order, therefore, I suggested inserting the words "irrevocable", the words "which is now vested in the Trustees" is or represents property... It is

* See clause 1 of trust deed of this various forms under clause 2 (copy in 7396/29) See p. 5. below

A

divine
products that some of the original
papers ^{must} belong to someone
else. It is easier to draft

then ~~the~~ ~~alteration~~ ~~if~~
the ~~Order~~ ~~relate~~ ~~respectfully~~
to the A.I. ~~Wetmore~~ ~~instead~~
of the drafted ~~...~~ ~~...~~
inferred to the trustee
when the papers ~~...~~ ~~...~~
alteration ~~...~~ ~~...~~ in fact
in the end ~~...~~

(3) States in clause 2
complete ~~...~~ ~~...~~ ~~...~~
of ~~...~~ ~~...~~ ~~...~~ ~~...~~
the trust ~~...~~

J.P. Roberts
1948

P.S. An ~~...~~ ~~...~~ ~~...~~ ~~...~~
alteration ~~...~~ ~~...~~ ~~...~~ ~~...~~
it might be better for cl. 2 simply
to transfer "all" ~~...~~ ~~...~~ ~~...~~
written in the trustee under and
by notice of the said deed under
the 17th day of Sept. 1956" Thus
words ~~...~~ ~~...~~ ~~...~~ ~~...~~ ~~...~~
first 7 lines, & the first word in the
8th line, in clause 2.

Rogers
14

Please aft. cover through Th. Roberts Wray

B. Dravida
14.9.56

M. Roberts
~~...~~ ~~...~~ ~~...~~ ~~...~~
~~...~~ ~~...~~ ~~...~~ ~~...~~
~~...~~ ~~...~~ ~~...~~ ~~...~~
~~...~~ ~~...~~ ~~...~~ ~~...~~

To Messrs. Gurney & Co. ~~...~~ ~~...~~
(M)

Presby. to Neg. has not yet been received.

Reginald

The details have had their 2 1/2 months but
months communication will have been dealt with

long time
B. U. Dec. 1956
R.D. Wray

(M) Revised, vide minute above.

Wait another 2 months

B. Dravida
5/12/56

10 Goodman Brown & Co. 12th Dec. 23.
DESTROYED UNDER STATUTE
No. 9 requests an interview during the present week.

Mr Roberts' Wray received
Mr Brown's at previous interview
the invitation to oblige again.

Thompson
13/11/23

Th. Roberts' Wray
They will favour interview

Can you manage this

13

at 3.30 tomorrow
or Friday morning

13.12

Suggest 11.0 am on Friday -
Mr Thompson will represent the Dept.
If not return promptly to him

13/12

Mr Brown will be able to attend
on Friday morning - but he
asked that the time should be
11.30 am. I told him that
unless he heard to the contrary
11.30 would be all right.

Interview postponed (to suit
anniversary of Goodman Brown & Co.)
6. 11.30 am Monday 14th Dec. Mr Roberts' Wray, agent
Chancellor
13/12/23

Mr Roberts' Wray discussed today with
Mr Brown of Goodman Brown & Co. the
suggested amendments to his late draft
Ordinance.

As regards the time when the Ordinance
is to come into effect, Mr Brown states
that his clients were prepared for the
Ordinance to operate immediately.

The States had the proposed Ordinance
referred to Kenya & have there been
the transfer from the Kenya Land Commission
to the African Inland Mission. The reference
must be dropped. It should be done
by the Ordinance.

As regards the African
Inland Mission is required to help in the
working of the Ordinance for the conveyance to
them of the property.

Clause 2 of the Ordinance. Mr Brown
agrees that the second alternative amend-
ment suggested by Mr Roberts' Wray was
preferable. That reference should be to
"the Trustees".

Mr Brown pointed out that the
African Inland Mission is not incorporated
and that the African Inland Mission must
be a separate body and merely a
'holding' Company.

As regards the disposal of the sum
of £253.5.9 Mr Brown after some discussion
agrees that it would be better that his
clients should give up any idea of

expending his sum on this property, at least for his payment. Mr Roberts writing agreed that there would be no objection to a private arrangement being reached between the two men.

As regards the election of new members of the Trust Co. Mr Brown intimates that he would raise as a valid date his position of still the discontinuance of seeking the approval of the Board being was of opinion that Co would not desire to receive his notice after the negotiation of the Trust deed.

Mr Brown will write at an early date that to no 9 on his part as his direction.

Jan 18/12
J. J. J. J.
18/12 at once

May 22/12 if no letter received earlier

DESTROYED UNDER STATUTE

Goodman Brown & Co 19th Dec. 33

State that their clients while generally appearing draft orders & alterations they wish to formally consent the directors of Africa Island Assurance Trust.

? have bring up in one month unless a further letter arrives.

J. J. J. J.
20/12
18/12 at once

18/12

Received via minute of 20 Dec 33
Noted
one month after
20.1.34
24/1 at once

Received via minute above.
Noted
20.1.34
24/1 at once

Received via minute above.
Noted
20.1.34
24/1 at once

Received via minute above.
Noted
20.1.34
24/1 at once

Received via minute above.
Noted
20.1.34
24/1 at once

Received via minute above.
Noted
20.1.34
24/1 at once

DESTROYED UNDER STATUTE

To Goodman, Brown & Co 19th Dec. 33

Copy to No 12 has yet been received.

Wait 1 month
20/12/33

30.1.34
24/1 at once

Noted

- Mr. Davies 17-8
- Mr. Roberts-Wray, 18.8.
- Mr. ^{Flood} Proston, 18.8
- Mr. Parkinson
- Mr. Tomlinson
- Sir G. Bottomley
- Sir J. Shuckburgh
- Permt. U.S. of S.
- Parly. U.S. of S.
- Secretary of State

Approved by Noel
23/78/34

C
R. 19AUG
D 21

DRAFT - CONSON.

MESSRS. GOODMAN BROWN AND COMPANY,

Downing Street,

August, 1936.

Gentlemen,

With reference to the

letter from this Department of the

31st of May, I am directed by

Secretary Sir Philip

Gunliffe-Lister to inform you

that further correspondence has

passed with the Acting Governor

of Kenya regarding the draft Bill

to give effect to the agreement

between the African Inland

Mission and the Leipzig Lutheran

Mission relating to properties

in the Colony.

See below

copy of price to Kenya (23/78/34)

FURTHER ACTION.

2. The Secretary of State is now

advised that ^a ~~it would be~~ (such as that mentioned in the letter under reference) providing that the property shall vest and the Trust cease

to have effect as from the date of the registration of the conveyance, ~~should be~~

conveyance is mentioned elsewhere in the draft Ordinance
but that the ~~said~~ Ordinance should *come into operation* immediately,

or alternatively, upon a proclamation ^{the making of} or order made by the Governor. I am to enquire whether

your clients agree with this view, and if so, which alternative they would prefer to be adopted.

3. *the following*
There are the further suggestions

for the modification of the Bill. *which* If your clients concur, Sir Phillip Cunliffe-Lister proposes to put forward for the consideration of the Acting Governor

(a) in the first place, he is advised that clause 2 of the draft should be amended, either by inserting after the word "immovable", the words "which is now vested in the Trustees and is or represents property"; or, preferably, *perhaps* by substituting for the first

C. O.

- Mr.
- Mr.
- Mr.
- Mr. Parkinson.
- Mr. Tomlinson.
- Sir C. Bonhotey.
- Sir J. Shuckburgh.
- Prmt. U.S. of S.
- Prsly. U.S. of S.
- Secretary of State.

DRAFT.

FURTHER ACTION.

lines of the clause down to the

words 'held in trust for the

Lutheran Mission' the words

shall property now vested in the

Trustees under and by virtue of the

said deed made the 30th day of

September 1926. Some such

amendment is thought desirable in

view of the facts that the *Ordinance*

transfer moveable property

in the Trustees under the German

Law of 1926, and

that the property was *now*

vested held by the trustees

which is no doubt the new addition

with that which vested in 1926

the wording of the clause of the

Trust deed.

It will be noted that in the amendments suggested above the expression *the* Trustees has been used.

In this connection I am to suggest that it would make for simplicity *the* Bill referred to *if* instead of relating

relating specifically to the African Inland

instead of (as in the present draft)

Mission the ~~draft~~ ^{letter} ~~was~~ ^{is} ~~to~~ ^{to} refer to

~~the~~ ^{the} report ~~immediately~~ ^{immediately} to the Trustees in

whom the property was vested. A revised draft

of the Bill embodying this suggestion is enclosed for your consideration.

*See table
and the first of the
alternative amendments
I draw I suggested
above*

(b) It is suggested that clause 2
~~should be amended~~ ^{amended} ~~of the Bill~~ ^{to read}
~~should contain an expression~~

The Trust Deed.

4. Sir Philip Cunliffe-Lister would be

and be furnished with your views

views upon the above proposals.

(Signed) E. W. FLOOD

A B I L

RELATING TO THE RE-TRANSFER OF PROPERTY TO
A CERTAIN GERMAN MISSION.

23

Preamble.

WHEREAS by Article 458 of the Treaty of Peace between the Allied and Associated Powers and Germany signed at Versailles on the Twenty-eighth day of June One thousand nine hundred and nineteen it is provided and agreed that where Christian religious missions were being maintained by German Societies or persons in territory belonging to any one of the Allied and Associated Powers the property which such Missionary Societies possessed should continue to be devoted to Missionary purposes and that in order to ensure the due execution of this undertaking the Allied and Associated Governments would hand over such property to Boards of Trustees to be appointed by or approved by the Governments and composed of persons holding the faith of the Mission whose property is involved:

AND WHEREAS certain property in the Colony was being maintained by German Societies or persons for missionary purposes and the said property is by the German Missions Ordinance, 1924, vested in such trustees and upon such trusts as the Secretary of State may appoint and determine:

AND WHEREAS by a Deed made the Thirtieth day of September one thousand nine hundred and twenty-six between the Secretary of State of the one part and the Africa Inland Mission Trust Limited of 30 John Street Bedford Row in the County of London of the other part, the Secretary of State in

exercise

11

A B I L L
RELATING TO THE RE-TRANSFER OF PROPERTY TO
A CERTAIN GERMAN MISSION.

Preamble.

WHEREAS by Article 438 of the Treaty of Peace between the Allied and Associated Powers and Germany signed at Versailles on the Twenty-eighth day of June One thousand nine hundred and nineteen it is provided and agreed that where Christian religious missions were being maintained by German Societies or persons in territory belonging to any one of the Allied and Associated Powers the property which such Missions or Missionary Societies possessed should continue to be devoted to Missionary purposes and that in order to ensure the due execution of this undertaking the Allied and Associated Governments would hand over such property to Boards of Trustees to be appointed by or approved by the Governments and composed of persons holding the faith of the Mission whose property is involved:

AND WHEREAS certain property in the Colony was being maintained by German Societies or persons for missionary purposes and the said property is by the German Missions Ordinance, 1924, vested in such trustees and upon such trusts as the Secretary of State may appoint and determine:

AND WHEREAS by a Deed made the Thirtieth day of September one thousand nine hundred and twenty-six between the Secretary of State of the one part and the Africa Inland Mission Trust Limited of 50 John Street Bedford Row in the County of London of the other part, the Secretary of State in

exercise of the powers vested in him by the said German Missions Ordinance, 1924, appointed the said Africa Inland Mission Trust Limited (hereinafter called "The Trustees") as a Trustee and directed that the ~~(Trustees said Africa Inland Mission Trust Limited)~~ should hold the property in the Colony of the Leipzig Evangelical Mission upon and for the trusts and purposes therein set forth:

AND WHEREAS the said German Missions Ordinance, 1924, was repealed by the German Missions (Repeal) Ordinance, 1951:

AND WHEREAS by an Agreement made on or about the 13th day of November 1950, between the Trustees of the one part and the Leipzig Lutheran Mission of the other part, the Trustees consented, inter alia, to the said Deed dated the 30th day of September, 1926, being revoked.

AND WHEREAS it is deemed expedient to empower the parties to the said Agreement to give effect to the said Agreement:

BE IT THEREFORE ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:-

1. This Ordinance may be cited as "the German Mission (Revesting) Ordinance, 1952".

2. All property in the Colony, whether movable or immovable, which is now vested in the Trustees and is or represents property which became vested in Trustees under and by virtue of the provisions of Section 3 of the German Missions Ordinance, 1924, and which immediately before it became vested in a custodian of enemy property, or on the 10th

Short title.

Revesting of
certain mission
property.

day of June, 1920, belonged to or was held in trust for the Leipzig Lutheran Mission, and shall by virtue of this Ordinance, be vested in the said Leipzig Lutheran Mission.

release of trustees.

3. This Ordinance shall operate as a complete release and discharge of the trustees in respect of any acts, omissions or liability on the part of them or their agents relating to the property mentioned in section 2 of this Ordinance.

814



KENYA

GOVERNMENT HOUSE,
NAIROBI,
KENYA.

No. 101.
CONFIDENTIAL.

RECEIVED
14 AUG 1933
G. O. REG.

18th JULY, 1933.

23/7/34

Not

Sir,

I have the honour to refer to your despatch Kenya Confidential (2) of the 31st May, 1933, enclosing copies of correspondence with the Solicitors of the African Inland Mission, together with a copy of the draft Bill showing the amendments which they suggest.

2. The matter has been referred to my Attorney General and I have the honour to enclose a copy of a letter, No. 195/1/1/19 dated 13th July, 1933, from him.

3. I shall be grateful for your further instructions.

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

W. G. White

ACTING GOVERNOR'S DEPUTY.

THE RIGHT HONOURABLE
 MAJOR SIR PHILIP CURLIFFE-LISTER, P.C., G.B.E., M.C., M.P.,
 SECRETARY OF STATE FOR THE COLONIES,
 DOWNING STREET,
 LONDON, S. W. I.

COPY.

ATTORNEY GENERAL'S OFFICE,
P.O. BOX 112,
NAIROBI,
KENYA.

Ref.No.L. 195/1/1/19.

The Hon'ble the Acting Chief Native Commissioner,
Nairobi.

GERMAN MISSION PROPERTY.
Ref. Your No. NLEG/77/1/48 of 29.6.33.

Not

I have read the Secretary of State's despatch Kenya Confidential (2) dated the 31st May and I agree that in the circumstances disclosed in the correspondence forwarded under cover of that despatch the amendments appear reasonable and such as this Government can accept.

I am unable however to appreciate the meaning of the second paragraph of the despatch. If the Bill had remained unamended I agree that such an additional clause as is suggested would have been necessary to determine the trust, but as the amendments to the Bill have the effect of deleting all reference to the conveyance of the trust land and buildings to the Africa Inland Mission Trust Limited, and as the Bill in its present form provides that the property shall vest in the Leipzig Lutheran Mission I do not understand what conveyance is referred to in the paragraph in question, and I shall be glad if you will refer the matter to the Secretary of State for further instructions.

SD: A.D.A. MacGREGOR.

ATTORNEY GENERAL.

G. O.

16 Mr
7

Mr. Davies 23/5

3039, 33 Kenyl.

Mr. Flood Home 26/6

Mr. Flood 26/6

Mr. Parkinson

Mr. Tomlinson

Sir C. Bottomley

Sir J. Shackelton

Perm. U.S. of S.

Party U.S. of S.

Secretary of State

Approved By No 8

31 May, 1933.

DRAFT

I have etc. to

KENYA

CONFIDENTIAL. (2)

GOV.

(No. 16 on 18089/32)

To Messrs. Goodman 10th Jan.
(No. 17 on 18089)

Fr. Messrs. Goodman 12th May
(No. 5 with encl. 1)

To Messrs. Goodman
(comp. dit)

N.B

X An extract of the enclosure should be made with the appropriate messages copied out for use which is on the original.

2 dfts.

acknowledge the receipt of your

Confidential despatch No. 143 of

the 29th of November transmitting

a copy of a draft Bill intended

to give effect to the agreement

between the African Inland

Mission and the Leipzig Lutheran

Mission relating to properties

in Kenya, and to forward copies

of correspondence with the

Solicitors of the African

Inland Mission, together with

a copy of the draft Bill ^{with} ~~on~~

showing the amendments which they suggest, amended by them. (The amendments

appear reasonable, but

shall

C. O.

Mr. Davies 23/5
Mr. Flood Home 26/5
Mr. Flood 26/5

C.O.
R 27 MAY
D 20

17
6

Mr. Parkinson.
Mr. Tomlinson.
Sir C. Blomley.
Sir J. Shackburgh.
Permt. U.S. of S.
Parly. U.S. of S.
Secretary of State.

31 May 1954

DRAFT

MESSRS. GOODMAN, BROWN & CO.

S/S

(5)

Goodman & Co

Gentlemen,

I am etc. to acknowledge
the receipt of your letter of the
27th of May forwarding a copy of the
~~bill~~ drafted to give effect to the
agreement between the African Inland
Mission and the Leipzig Lutheran
Mission relating to properties in
Kenya with certain suggested amendments
and to inform you that ~~copies have~~
been transmitted to the Governor of
Kenya for his ~~consideration~~
also been suggested to the Governor
that a clause should be added to the
draft providing that the property
shall vest and the Trust cease to
have effect as from the date of the
registration

2 dfts.

registration

registration of the conveyance of the real property which is to be transferred

2. With reference to the

fifth para. of your letter I am first

to point out that the sum in question would appear to be £225.0.9d. ^{and not} £225.5.9d. &

As regards your enquiry

whether this amount can be deemed to belong to your client beneficially

the S. of S. is advised that as long as the Trust Deed continues to be in force the trustees must use the money for the

purposes of the Trust. If any money remains unspent at the date of the revocation of the

Deed, it would seem to form part of the property which is to revert to the Leipzig

Lutheran Mission under clause 2 of the draft Bill, although its disposal may be

subject to any private arrangement which may be ^{reached} ~~arrived~~ at between the parties

concerned.

I am, etc.

(Signed) L. B. FREESTON

This sum forms part of the property of the trust and therefore

30 JOHN STREET
BEDFORD ROW.
LONDON W.C.1

ALAN W BROWN
INCORPORATING
WOODMAN BUILDERS' EQUIPMENT & CO
'THOMAS' SECURITY'
Telephone ROSEBORN 7465 to 7468
100 MARK LANE, LONDON

12th May, 1933.

ACKD BY P.C.

COB OFFICE

P.C

Sir, 18080/32 Africa Inland Mission Trust Ltd.

We refer to your letter to us of the 10th January last and to our subsequent interview when the question of amending the Draft Bill was discussed. We are now able to return the latter approved on behalf of our Clients, the Africa Inland Mission and the Africa Inland Mission Trust Ltd as amended in red.

You will see that the object of the amendments is to provide for the revocation of the Trust Deed only, and leaves the question of the transfer by the Leipzig Lutheran Mission to the Africa Inland Mission Trust Ltd of the Mulango site.

We are of opinion that by this method the matter will be simplified, and our Clients are prepared to rely upon the undertaking contained in the Agreement between the parties whereby the Leipzig Lutheran Mission agree, after revocation, to execute whatever document may be necessary to transfer the land and buildings at Mulango to our Clients.

We shall be glad to hear that the Draft as amended is agreeable to you, and presume that in this event you will send it to the authorities in Kenya for further consideration prior to the promotion of the Bill by the Legislature.

Referring to your letter to us of the 10th February last we shall be glad to have your assurance that the sum of £225 S. 9. can be regarded as belonging to our Clients beneficially since they are naturally cautious of being fully assured on this point before dealing with the fund in question.

We are, Sir,

Your obedient servants,

Under Secretary of State,
Colonial Office. S.W.1.

[Handwritten signature]

No 17 *[Handwritten]*

[Handwritten notes]

ENCLOSURE
No 418

12th May, 1933.

BOOK OFFICE

P.C

Sir, 18080/32 Africa Inland Mission Trust Ltd.

We refer to your letter to us of the 10th January last and to our subsequent interview when the question of amending the Draft Bill was discussed. We are now able to return the latter approved on behalf of our Clients, the Africa Inland Mission and the Africa Inland Mission Trust Ltd as amended in red.

You will see that the object of the amendments is to provide for the revocation of the Trust Deed only, and leaves the question of the transfer by the Lapsic Lutheran Mission to the Africa Inland Mission Trust Ltd of the Mulango site.

We are of opinion that by this method the matter will be simplified, and our Clients are prepared to rely upon the undertaking contained in the Agreement between the parties whereby the Lapsic Lutheran Mission agree, after revocation, to execute whatever document may be necessary to transfer the land and buildings at Mulango to our Clients.

We shall be glad to hear that the Draft as amended is agreeable to you, and presume that in this event you will send it to the authorities in Kenya for further consideration prior to the promotion of the Bill by the Legislature.

Referring to your letter to us of the 16th February last we shall be glad to have your assurance that the sum of £228 S. 9. can be regarded as belonging to our Clients beneficially since they are naturally desirous of being fully assured on this point before dealing with the fund in question.

We are, Sir,

Your obedient servants,

The Under Secretary of State,
Colonial Office. S.W.1.

Handwritten signature

No 17
18080/32
Chambers (C)

copy to 3000 (C)

ENCLOSURE
N° 418

19

A B I L L
RELATIVE TO THE RE-TRANSFER OF PROPERTY TO A
CERTAIN GERMAN MISSION.

Preamble.

WHEREAS by Article 458 of the Treaty of Peace between the Allied and Associated Powers and Germany signed at Versailles on the Twenty-eighth day of June One thousand nine hundred and nineteen it is provided and agreed that where Christian religious missions were being maintained by German Societies or persons in territory belonging to any one of the Allied and Associated Powers the property which such Missions or Missionary Societies possessed should continue to be devoted to Missionary purposes and that in order to ensure the due execution of this undertaking the Allied and Associated Governments would hand over such property to Boards of Trustees to be appointed by or approved by the Governments and composed of persons holding the faith of the Mission whose property is involved;

AND WHEREAS certain property in the Colony was being maintained by German Societies or persons for missionary purposes and the said property is by the German Missions Ordinance, 1924, vested in such trustees and upon such trusts as the Secretary of State may appoint and determine;

AND WHEREAS by a Deed made the Thirtieth day of September one thousand nine hundred and twenty-six between the Secretary of State of the one part and the Africa Inland Mission Trust Limited of 80 John Street Bedford Row in the County of London of the other part, the Secretary of State in exercise of the powers vested in him by the said German Missions Ordinance, 1924, appointed the said Africa Inland Mission Trust Limited

as a Trustee and directed that the said Africa Inland Mission Trust Limited should hold the property in the Colony of the Leipzig Evangelical Mission upon and for the trusts and purposes therein set forth:

AND WHEREAS the said German Missions Ordinance, 1904, was repealed by the German Missions (Repeal) Ordinance, 1931:

AND WHEREAS by an Agreement made ^{on or about} the 12th day of November 1930, between the ^(said Africa Inland Mission Trust Limited) of the one part and the Leipzig Lutheran Mission of the other part, the said Africa Inland Mission Trust Limited consented, inter alia, to the said Deed dated the 20th day of September, 1926, being revoked, and the Leipzig Lutheran Mission agreed, inter alia, after the revocation of the said Deed, to execute whatever document that may be necessary to transfer the land and buildings, the subject of the said Deed, to the Africa Inland Mission Trust Limited:

AND WHEREAS it is deemed expedient to empower the parties to the said Agreement to give effect to the said Agreement:

BE IT THEREFORE ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:-

Short title.

1. This Ordinance may be cited as "the German Missions (Revesting) Ordinance, 1932".

2. All property in the Colony, whether moveable or immovable, which became vested in trustees under and by virtue of the provisions of Section 3 of the German Missions Ordinance, 1904, and which immediately before it became vested in a custodian of enemy property, or on the 10th day of June, 1920, belonged to persons held in trust for the Leipzig Lutheran

Revesting of certain mission property.

Handwritten notes:
This was vested in the Trustees of the Africa Inland Mission Trust Limited

Mission, shall by virtue of this Ordinance, be vested in the said Leipzig Lutheran Mission.

Transfer of property.

6. ~~As soon as may be convenient and practicable~~ after the date of the coming into operation of this Ordinance the said Leipzig Lutheran Mission shall ~~transfer~~ all such property to the Africa Inland Mission in accordance with the terms and conditions of the said Agreement ^{on or about} dated the 12th day of November 1930, and such other terms and conditions as may be agreed upon.

Release of trustees.

7. This Ordinance shall operate as a complete release and discharge of the trustees in whom all such property was vested under and by virtue of the provisions of Section 5 of the German Missions Ordinance in respect of any note, omission or liability on the part of them or their agents relating to such property.

OBJECTS AND REASONS.

The objects and reasons for this Bill are detailed in its preamble.

No expenditure of public moneys will be involved if the provisions of this Bill become law.

*The transmitted in act and resolution
from letter to the Hon. Secretary
of State dated 12th Nov 1930
appears the draft in English of
the Africa Inland Mission Trust
Act and the Africa Inland
Mission*

*Goodman Member
to John Smith
Secretary
12.5.33*

3 12

16 February 3

U. N. 15425/25.

Gentlemen,

With reference to Colonial Office letter of the 5th January and connected correspondence regarding the account of the local Custodian of Enemy Property, Kenya, I am directed by Secretary Sir Philip Cunliffe-Lister to transmit to you, for your information, a copy of a despatch from the Governor of Kenya and to authorize you to pay the sum of £255.0.0 to the African Inland Mission Trust Limited.

A copy of a letter addressed to the solicitors to the Trust is enclosed for your information. I am,

Gentlemen,

Your most obedient servant,

Richard V. Allen

THE CHIEF AGENT
FOR THE COLONIES.

15.1.33
16.2.33

C.F. 15485/25.

Gentlemen,

With reference to your letter of the 12th of February, 1931, I am directed by Secretary Sir Philip Cunliffe-Lister to inform you that a sum of £255.5.9 is available from the liquidation of the Evangelical Lutheran Mission which is to be released, as being mission property, pure and simple.

As the properties of the Mission were vested in the Africa Inland Mission Trust Limited by deed between the Trust and the Secretary of State for the Colonies and the deed is still in force, it follows that the sum referred to above should be paid to the Trust and the Crown Agents for the Colonies are accordingly being authorised to make the payment.

I am,

Gentlemen,

Your obedient servant,

(Sd) R. V. Vernon

2
13

Received 16 February 3
5/-

C.F. 15488/26.

Gentlemen,

With reference to your letter of the 12th of February, 1931, I am directed by Secretary Sir Philip Cunliffe-Lister to inform you that a sum of 2255.5.9. is available from the liquidation of the Evangelical Lutheran Mission which is to be released, as being mission property, pure and simple.

As the properties of the Mission were vested in the African Inland Mission Trust Ltd. & by deed between the Trust and the Secretary of State for the Colonies and the deed is still in force, it follows that the sum referred to above should be paid to the Trust and the Crown Agents for the Colonies are accordingly being authorized to make the payment.

I am,

Gentlemen,

Your obedient servant.

(Sd) R. V. Vernon



KENYA.

GOVERNMENT HOUSE,

NAIROBI,

KENYA

No. 3.

CONFIDENTIAL.

RECEIVED
- 6 FEB 1933 / 3
COL. OFFICE

JANUARY, 1933,

Sir,

I have the honour to refer to your Confidential despatch of the 25th November, 1932, on the subject of the liquidated property of the Evangelical Lutheran Mission.

No 14
17010/31

2. I regret that you have received no reply to your Confidential despatch of the 8th October, 1931, but in view of the discussions described in paragraph 5, of your

No 2.
17300/31

Confidential despatch of the 23rd March, 1932, I was under the impression that no reply was necessary.

No 14
15080/32

3. In accordance with clause 2, of the draft Bill which was transmitted to you under cover of my Confidential

No 16
15000/31

despatch No. 14, of 29th November, 1932, all property of the Leipzig Lutheran Mission will vest again in the same

Mission, but under Clause 5, that Mission must transfer all such property to the African Inland Mission.

4. I am, therefore, of the opinion that the sum of £255/5/0 should be released as you suggest, and that no further legislation is necessary.

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

BRIGADIER-GENERAL.
GOVERNOR.

THE RIGHT HONOURABLE
MAJOR-GENERAL PHILIP GUNLIFE-LISTER, P.C., G.B.E., M.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W.1.