

1925

KENYA

C.O.
19788
2 MAY 25

CROWN AGENTS.

DATE

1st May 1925.

DESCRIPTION

MASADI SODA CO. CAPITAL OUTLAY ON CONSTRUCTION OF RAILWAY.

U.S. of S.

203

U.S. of S.

Unable to furnish information desired. Doubtful whether it can be obtained from any other source than Company's books.

U.S. of S.

Secretary of State

Previous Paper

MINUTES

S 19788

The local Govt. cannot state the sum to be inserted in clause 20(A) of the Railway lease (see F. of let. in 1788/15). As the Crown Agents cannot furnish it either, it appears that there is no alternative to the undisguised course of asking the Coy. if they can make any suggestion. There is therefore included in the draft which I submit for consideration to the Coy. in reply to 19499. (see in 1978/25)

copy attached to letter concerning this
comes to be for 1925 2 June 25
169
19788

Subsequent Paper

60 20433

When the promised despatch of April 9th is received, we must hope that the corresponding

SUTTON, OMMARNEY & OLIVER.

S. S. OLIVER.

H. M. OMMARNEY.

TELEGRAPHIC ADDRESS: "OMMARNEY, LONDON."

NO. 1388 }
TELEPHONE: HT 9310 } LONDON WALL.

RECEIVED
12 MAY 1925
OGL OFFICE

3 & 4, GREAT WINCHESTER STREET,

LONDON, E.C.2.

11th May 1925.

201

19788/25.

Sir,

Magadi Soda Company Limited.

We beg to acknowledge receipt of your letter of 9th instant and its enclosures relating to the drafts of the Leases to the Magadi Soda Company Limited.

We will send you shortly for approval a draft of the new clauses for the Lake Lease and of the letter which we propose to send to the Company.

Your further instructions shall have our attention.

We have the honour to be,

Sir,

Your obedient Servants,

Sutton Ommarney Oliver

*2/20/25
W. A. Hughes*

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

TELEGRAPHIC ADDRESS: "ONMARNEY, LONDON"

NO. 1288 } LONDON WALL
ST. 9210 }

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Sir,

Your obedient Servants,

Sutton Onmarney Oliver

Handwritten notes:
19788/25
7. A. High
12 May 25

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

SUTTON, OMMANNEY & OLIVER.

E. G. OLIVER.

H. M. OMMANNEY.

TELEGRAPHIC ADDRESS "OMMANNEY, LONDON."

TELEPHONE NO 1289 LONDON WALL. NO 9319

RECEIVED
12 MAY 1925
OGL OFFICE

3 & 4, GREAT WINCHESTER STREET,
LONDON, E.C.2.

11th May 1925.

201

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We have the honour to be,

Sir,

Your obedient Servants,

Sutton Ommanney Oliver

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

*11/5/25
2. A. Hughes
12/5/25*

Seel. 526.25

- Mr. Brooke
- Mr. Bostanley
- Mr. Smalley
- Mr. E. Shuckburgh
- Mr. D. Davis
- Mr. G. Grindle
- Mr. H. H. Hart
- Mr. Ormsby-Gore
- Mr. Avery

Handwritten initials and scribbles, including 'Lc' and a large '3'.

DOWNING STREET,

9 May, 1925.

DRAFT.

Mrs. Sutton, ^{Sr} Ommaney and Oliver,

Gentlemen,

I am etc., to acknowledge the

receipt of your letter of the 27th of March, ^{concerning} ~~transmitting~~ copies of the draft leases of Lake Magadi and the Magadi Railway in Kenya, amended after ~~the~~ discussion with Mr. E. G. Oliver, on the 24th of March, ~~of~~ of the alterations to the draft leases suggested by the Magadi Soda Company; and

2 I am now to transmit to you the accompanying copies of correspondence with the Magadi Soda Company, regarding the draft leases and other matters arising out of the reorganisation of the former Magadi Soda

Company.

Handwritten notes on the left margin:
 copy to be made
 58/46
 16/11/25
 copy to be made

Magadi Soda Coy. 9th Mar. 11105.
 Magadi Soda Coy. 28th Apl. 18410.
 Magadi Soda Coy. 29th Apl. 19499.
 Magadi Soda Coy. 9th Apl. 19499.

5 MAY 1925

the sub-clause.

236

4. With regard to paragraph 5 of the letter from this Department to the Company dated the 28th of April, I am to request you to arrange for the substitution of the expression "Magadi Pier and Depot Works" for the word "port" in the definitions in Clause 1 of the Railway Lease and to make any consequential alterations in the draft letters.

5. With regard to paragraph 6 of the letter of the 28th of April to the Company, Mr. Amery would be glad if you would submit to him before writing to the Company on this point a draft clause to be inserted in the Lake Lease giving effect to the intention explained to the Company in that paragraph.

~~6. I am also to enclose for your information and guidance a copy of a further letter which is being~~

CA-19788/25 Kenya

237

Mr. Seel. S.S. 25

Mr. Brooke

Mr. Bromley 6.5.25

Mr. Crocker

Mr. Shackburgh

Mr. Davis

Mr. Grindle

Mr. H. J. Hunt

Mr. Urquhart Gore

Mr. Amery

C. D.
R
D
2 MAY
1925

Handwritten scribbles and initials

DOWNING STREET,

9 May 1925

DRAFT

Secretary,
Magadi Soda Co. Ltd.,

Sir

I am etc., to acknowledge the

receipt of your letter of the 29th of April

and to inform you that printed copies of the

preliminary draft lease of the Magadi Pier

and Depot Works have now been received, and

~~forwarded~~ *Two copies of the draft are now enclosed*
to transmit to you two copies thereof for

your information in accordance with

paragraph 3 of the letter from this

Department of the 28th of April.

Pending
2. Upon further consideration of this

draft lease in this Department, Mr. Amery

wishes to offer the following observations

on its terms -

(1) Space has been left, on page 2 of the
draft lease, for a reference *inserted* in the preamble

to the lease of the former Magadi Soda
Company

*2 copies lease
in case of
blueprint*

copy to be sent to Mr. H. J. Hunt

Kenya (1977)

Company's property at Kilindini, which formed the subject of a lease executed locally. A copy of this ^(local) lease is ~~now~~ being sent ^{home} by the Acting Governor, and on its receipt the necessary reference will be inserted.

(2) A full description of the Depot Works etc., will also be incorporated in Clause 2 of the draft lease on the receipt from the Acting Governor of the earlier local lease.

(3) With regard to the last paragraph of Clause 2, the payments provided for in respect of rent and premium are those recommended by the Government of Kenya. In this connection, the following extract is given from a memorandum which has been received from the Acting Governor:-

"Apart from the Branch Railway line, etc., the parcels of land to be granted in the new deed are as shown on the enclosed plan. The area bordered red is the present plot of 13.65 acres. The three portions coloured green comprise in the aggregate 3.89 acres. These portions

36
AM
to

portions are planned to contain the buildings already erected on the land over which a lien was given in 1910.

No stand premium is payable in respect of the original area and the rental thereon is to be as heretofore, one peppercorn if demanded. The portions coloured green, however, should be subject to a stand premium of £1167 and an annual rent of £280/2/66. These figures are based on a capital valuation of £1500 per acre, and are proportioned in the manner authorised by Government, i.e. one-fifth of the capital value as stand premium and 6% of the remaining four-fifths as annual rent".

(4) The sum to be named in Clause 12 as the agreed amount of the capital outlay on the construction of the Pier and Depot Works will be inserted later:

3 5. I am to take this

opportunity

Mr Goss

The error here was due to a incorrect assumption on the part of the C.A. From 13 Sept. 1921 to 30 Sept 1923 ^(May) he should have been assessed at £15 instead of £16 a year. From 1 May 1923 to 28 May 1924 ^(May) his assessment was £400 & £18 was ~~...~~

Mr Caldwell

This also is a case of ignoring the first efficiency law

It appears from that a contribution in all these cases have been exacted beyond the law they should be refunded to Mr Caldwell for his observations
25.5.25

* with interest at 5% by the Board (1925)

I think that the position should be explained to the Sappers concerned & that they should be given an opportunity to overrule now and for all of having a refund with interest at 5% or leaving the matter as it stands

CJ/27.5.25

W.D. 27.5.25

Wood 28/5

W. 28/5

atms / 28/5

Mr. Jones

The error here was due to an incorrect assumption on the part of the C.A. From 13 Sept. 1921 to 30 April 1923 ^(Royal) he should have been assessed at £15 instead of £18 a year; from 1 May 1923 to 26 Aug. 1924 ^(Legal) his assessment was £400 & £18 was correct.

Mr. Aldwell

This also is a case of ignoring the first efficiency law.

It appears from that a contribution in all these cases have been expected beyond the law they should be refunded to Mr. Aldwell for his observation May 25 1925

signed
A.A.

* with interest at 5% to be done in July B.D. Gould (1925)

I think that the position should be explained to the 3 officers concerned, & that they should be given an option to exercise now or, if you all, of having a refund with interest at 5% or leaving the matter as it stands.

CJF 27.5.25.

J.P.D. 27.5.25.

W.D. 28/5.

at me / 28/5
28/5

RECEIVED
MAY 1925
COL. OFFICE

P/D. F. 5433.

SEA

Mr. Jewell,
Colonial Office.

C.O.
20430
6 MAY 25

10

I enclose herewith a copy of a letter from the Treasurer, Kenya, regarding the collection of Widows' and Orphans' Pension Scheme contributions from Dr. J. H. Thomson and Mr. H. B. Joss, Postal Clerk at rates higher than those applicable to their scales of salary and shall be glad if you will let us know what reply should be made.

When Dr. Thomson first became a contributor to the Scheme i.e., on the 1st October, 1921, the Government of Kenya furnished us with this officer's Statement of Particulars, which showed that he entered the East African Service in 1913, and ticked in red ink the entry that his maximum was £900 per annum. Consequently we assumed that he had passed his £800 bar and assessed him for Widows' and Orphans' contributions on his maximum of £900 per annum and a notification to this effect was sent to Kenya on the 13th September, 1921.

A Statement of Particulars form was also the only information furnished by the Colonial Government in the case of Mr. Joss, who became a contributor on the 13th September, 1921, and in the absence of any particulars concerning his salary, he was regarded for the purpose of the Scheme as on the usual scale applicable to Postal Clerks i.e., £300-15-£350 per annum. Contributions were therefore assessed at £18 per annum and a notification of this sent to Kenya on the 12th June, 1922.

The enclosed letter from Kenya points out that these assessments were wrong and asked for our views on the question

question of a refund of contributions overcollected.

Dr. Thomson was transferred to Tanganyika Territory on the 4th October, 1923 and still contributes at £67.10.0 per annum i.e., £45 scale rate plus £22.10.0 additional annual contribution whereas the appointment of Mr. Joss, who was transferred to Uganda on the 1st May, 1923, was terminated on the 26th August, 1924 but he remains covered for a widow's pension until the 15th August, 1925.

The Scheme has been under risk in both cases to pay a pension at a rate applicable to the contributions actually made by these officers and it seems doubtful whether we should offer refunds.

On the other hand if we are legally compelled to refund the contributions overcollected it would appear that this should be done as early as possible in order to relieve the Scheme of the extra risk, as Dr. Thomson could very well wait until all benefits under the Scheme had lapsed and then ask for a refund of the contributions overcollected. Similarly Mr. Joss could ask for a refund after the expiry of the ¹3rd. period for which he remains registered for a widow's pension under the Scheme.

The case of Mr. R.P. Caldwell, Assistant Auditor, Tanganyika Territory, concerning which we minuted to you on the 9th April, is similar to the above cases, and we shall be glad if you will please inform us whether a refund should be made in this case also.

1022 543. Mr. Caldwell is married and commenced to contribute on the 24th January, 1925. We assessed his widows' and Orphans' contributions at £30 per annum but were afterwards informed by the Government of Tanganyika Territory that there was an efficiency bar in his scale of salary at £500 per annum. Contributions have therefore been overcollected at the rate of £6 per annum with effect from the 24th January, 1925.

Handwritten signature

Pay Office

question of a refund of contributions overcollected.

Dr. Thomson was transferred to Tanganyika Territory on the 4th October, 1923 and still contributes at £67.10.0 per annum i.e., £45 scale rate plus £22.10.0 additional annual contribution whereas the appointment of Mr. Joas, who was transferred to Uganda on the 1st May, 1923, was terminated on the 26th August, 1924 but he remains covered for a widow's pension until the 15th August, 1925.

The Scheme has been under risk in both cases to pay a pension at a rate applicable to the contributions actually made by these officers and it seems doubtful whether we should offer refunds.

On the other hand if we are legally compelled to refund the contributions overcollected it would appear that this should be done as early as possible in order to relieve the Scheme of the extra risk. Dr. Thomson could very well wait until all benefits under the Scheme had lapsed and then ask for a refund of the contributions overcollected. Similarly Mr. Joas could ask for a refund after the expiry of the 3rd period for which he remains registered for a widow's pension under the Scheme.

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21622 SR3

75/11/25

RECEIVED
MAY 1925
COL OFFICE

P/D. P. 5433

ME

Mr. Jewell,
Colonial Office.

C.O.
20430
6 MAY 25

I enclose herewith a copy of a letter from the Treasurer, Kenya, regarding the collection of Widows' and Orphans' Pension Scheme contributions from ^{Finance Dept} Dr. J.H. Thomson and Mr. H.B. Joss, Postal Clerk at rates higher than those applicable to their scales of salary and shall be glad if you will let us know what reply should be made.

When Dr. Thomson first became a contributor to the Scheme i.e., on the 1st October, 1921, the Government of Kenya furnished us with this officer's Statement of Particulars, which showed that he entered the East African Service in 1913, and ticked in red ink the entry that his maximum was £900 per annum. Consequently we assumed that he had passed his £800 bar and assessed him for Widows' and Orphans' contributions on his maximum of £900 per annum and a notification to this effect was sent to Kenya on the 13th September, 1921.

A Statement of Particulars form was also the only information furnished by the Colonial Government in the case of Mr. Joss, who became a contributor on the 13th September, 1921, and in the absence of any particulars concerning his salary, he was regarded for the purpose of the Scheme as on the usual scale applicable to Postal Clerks i.e., £300-15-£350 per annum. Contributions were therefore assessed at £18 per annum and a notification of this sent to Kenya on the 12th June, 1922.

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On the other hand if we are legally compelled to refund the contributions overcollected it would appear that this should be done as early as possible in order to relieve the Scheme of the extra risk, as Dr. Thomson could very well wait until all benefits under the Scheme had lapsed and then ask for a refund of the contributions overcollected. Similarly Mr. Joss could ask for a refund after the expiry of the 3rd. period for which he remains registered for a widow's pension under the Scheme.

The case of Mr. R.P. Caldwell, Assistant Auditor, Tanganyika Territory, concerning which we minuted to you on the 9th April, is similar to the above cases, and we shall be glad if you will please inform us whether a refund should be made in this case also.

Mr. Caldwell is married and commenced to contribute on the 24th January, 1925. We assessed his Widows' and Orphans' contributions at £30 per annum but were afterwards informed by the Government of Tanganyika Territory that there was an efficiency bar in his scale of salary at £500 per annum. Contributions have therefore been overcollected at the rate of £6 per annum with effect from the 24th January, 1925.

23622 543

Y. K. K.
Pay of 300
30/4/25

COPY

242

The Treasury,

Nairobi, 10th March, 1926

(Recd. C.A. 14th April)

Gentlemen,

Widows' and Orphans' Pension Scheme.

It has come to my notice that Dr. J.H. Thomson, Medical Officer, and Mr. E.B. Joss, Postal Clerk contributed to the Scheme in 1923 at a rate higher than that applicable to their scales of salary and I shall be grateful if you will let me have your advice on the subject.

Dr. Thomson was then drawing £700 on the scale of £500 - £900 but as there is an efficiency bar at £800, his maximum for the purposes of the scheme was £800 and his contributions should therefore have been at the rate of £40 per annum. Your notification No. 1386 K. D/P. 5433 dated the 13th September, 1921, however, stated that his normal contribution would be at the rate of £45 per annum, i.e. that applicable to a maximum salary of £900 and contributions were recovered at this rate, in addition to his voluntary subscription of £22. 10. 0 per annum, during the period from 1st October, 1921 to the 3rd October, 1923. There would appear to be an excess-recovery therefore, of £15. 1. 3. Dr. Thomson was transferred to Tanganyika in October, 1923.

The case of Mr. E.B. Joss is similar. His scale of salary was £150 to £290, whilst your notification No. 774 K.P.D.P. 5829 registered his contribution at £18 per annum i.e. the rate applicable to a maximum salary of £400 per annum. Mr. Joss contributed at the rate of £18 per annum during the period from the 13th September, 1921 to the 30th April, 1923, when he was transferred to Uganda. In this instance there appears to have been an excess-recovery of £4. 18. 0.

COPY

242

The Treasury,

Nairobi, 10th March, 1925

(Recd. C.A. 14th April)

Gentlemen,

Widows' and Orphan's Pension Scheme.

It has come to my notice that Dr. J. R. Thomson, Medical Officer, and Mr. E. B. Joss, Postal Clerk contributed to the Scheme in 1925 at a rate higher than that applicable to their scales of salary and I shall be grateful if you will let me have your advice on the subject.

Dr. Thomson was then drawing £700 on the scale of £600 - £800 but as there is an efficiency bar at £800, his maximum for the purposes of the scheme was £800 and his contributions should therefore have been at the rate of 240 per annum. Our notification No. 1388 K. P./S. 5433 dated the 13th September, 1921, however, stated that his normal contribution would be at the rate of 225 per annum i.e. that applicable to a maximum salary of £700 and contributions were recovered at this rate, in addition to his voluntary subscription of £22. 10. 0 per annum, during the period from 1st October, 1921 to the 3rd October, 1923. There would appear to be an excess-recovery therefore, of £15. 1. 3. Dr. Thomson was transferred to Tanganyika in October, 1925.

The case of Mr. E. B. Joss is similar. His scale of salary was £150 to £200, whilst your notification No. 774 K.P.P.S. 5829 registered his contribution at 118 per annum i.e. the rate applicable to a maximum salary of £400 per annum. Mr. Joss contributed at the rate of £18 per annum during the period from the 13th September, 1921 to the 30th April, 1923, when he was transferred to Uganda. In this instance there appears to have been an excess-recovery of £4. 18. 0.

As these Officers were erroneously advised as to the amount to be contributed by them, I should be glad to receive your views on the question of a refund. I may add that neither of the Officers concerned has applied for a repayment, and, as any refund would reduce the amount of pension payable, it is probable that they would prefer the position to remain as it is at present.

I am keeping this matter pending, until I receive your comments on the subject.

I have the honour to be,

Gentlemen,

Your obedient Servant,

(Sgd. E.W. BAYLES)

Cor Treasurer.

829

As these Officers were erroneously advised as to the amount to be contributed by them, I should be glad to receive your views on the question of a refund. I may add that neither of the Officers concerned has applied for a repayment, and, as any refund would reduce the amount of pension payable, it is probable that they would prefer the position to remain as it is at present.

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I have the honour to be,

Gentlemen,

Your obedient servant,

(Sgd. H.W. BAILLIE)

for Treasurer.

CA 1A
20/3/25

243

June 16/25
June 16/6/25

- Sirachy.
- J. Stuckburgh.
- C. Dams.
- G. Grindle.
- J. Munerton Smith.
- Ormsby Gore.
- Amery.

affy

RAFT. minute
for the office signature

18 June 1925

for the office
for the office

with ref to your minute P/BF 5433
 of the 30th of April, regarding the
 collection of Widows' War
 Pension Scheme contributions for
 Mr J.H. Thomas, T.T., R.N.P. from
 Uganda, & Mr R.P. Caldwell, T.T.,

at rates higher than those
applicable to the salary
salary. It has been decided

that the position should be
explained to the staff

Officers concerned that they
should be given an option to be
exercised now and for all

of having a refund with interest
at five percent or leaving the
matter as it stands. Please
arrange accordingly

of the excess
contributions

(Sd) C. J. Jeffries