

1924

KENYA

45

G.O.
50902

23 OCT 24

BUNNEN MOHD AND CO.

DATE
28th October 1924.

REGULATION

B. M. Mohd

MAGADI SODA CO., RECONSTRUCTION.

U.S. of S.

Petition likely to be presented to Court for formal sanction almost immediately; would therefore like to have draft leases approved soon as possible. Suggest Governor be invited to cable approval.

U.S. of S.

U.S. of S.

Secretary of State.

Previous Paper

S. 49798

MINUTES

The draft leases (45739/24) and various suggested amendments (copy hereon) were discussed this morning with Mr. Oliver (of Sutton, then advised Oliver) and Mr. Bushe.

I now send on for consideration a draft letter to the Governor & Mr. B. M. Mohd and the Official Receiver, on lines you have indicated.

(Point about the ~~amendment~~ clause 2 of the Lake lease (water) is not quite clear, & I have left a blank space in the draft letter.)

Nyong Springs. Sd/

3. XI. 24

The papers will have to be prepared when we have made further progress.

6 NOV 1924

Handwritten notes:
P.O. R. in log file in case 3

Subsequent Paper

Handwritten:
Sd/ 50906

MINUTES.

MINUTES NOT TO BE WRITTEN
ON THIS SIDE.

has not yet

web

3-11-24

alone

Brunner Mond & Co Limited

30902

29 Oct 24

TELEGRAMS CRESCENT

TELEPHONE 1

REFERENCE OF

OUR REFERENCE 25546/1924

Winnington

Northwich 29 Oct 1924

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

Dear Sir,

Magadi Soda Co. Limited.

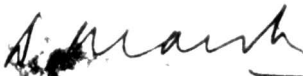
5546
Referring to your letter of 27th September;
as the meetings of shareholders and others interested in the
Magadi Company held on the 17th October, resulted in agreement,
and a Petition is likely to be presented to the Court almost
immediately for formal sanction to the scheme of reorganisation, we
are anxious that all the necessary documents should be settled
at the earliest possible moment in order that the new Company
may get into full operation with the minimum of delay. To this
end we should like to have the draft Leases of Lake Magadi and
the Magadi Railway approved as soon as possible.

We presume from your letter of September 27th that
copies of the draft Leases are at present with the Governor of
Kenya, and we suggest that if the Governor has no material

amendments to suggest, he should cable you his approval of the documents. If we could see your way to arrange for this we should be much obliged.

Yours truly,

for Brunner, Mond & Co. Limited,



Secretary.

LEASE LEASE.

Page 2. Omit definition (I) and re-number (J) as (I)
Add (J) "Year" means calendar year ending on
the 31st of October.

Page 4 Term. Read

Insert date
(Registration)

"To hold unto the Lessees for the term of
"about 99 years beginning on the
"of _____, 1924 and ending on the
"31st day October, 2023, yielding _____"

3. Line 3. Read

" 1st day of November in every year the
payment in respect of the period up to the
31st day of October 1925 having been _____"

4. (i) Read

"Until the expiration of the period ending
"on the 31st day of October 1929 no Royalty..."
(ii) line 1 omit "of five years" line 2 for
"June and December" read "April and October".

Page 5. Line 2. for "December" read "October"

" 3 for "June" read "April".

(iii). Omit.

5. (iii). For "June" and "December" read "April"
and "October".

Page 6. (iv) line 8. Read

"until the expiration of the Lease or its
"sooner determination or until"

(v) (A) line 2 Read

"will in each of the last three years of the
"period referred to in clause 4 (i) of
this

this Lease get and "

line 5 Read

"and in every year after the expiration of
"the said period will get and despatch by
"Railway"

line 10 Read

"In each of the first two years after the
"expiration of the said period not less than
"75,000 tons and in every subsequent year
"not less than 100,000 tons"

(B) line 5. Read

"but the amount making good such deficiency
"shall not also be taken as part of the tonnage
"stipulated for the latter year. No excess"

Page 8. (xvi) line 4 after "removing" insert "raw"

Page 10. (xxiii) (B) line 11 omit "such".

Page 13. 9. line 20. Read

"thereafter to reenter into"

line 21 Read

" name of the whole and to have again"

line 22 Read

"enjoy the same as in"

RAILWAY LEASE.

Page 3. (L) Omit and renumber (M)

Add "Year" means calendar year ending on the
31st of October.

2. Line 2. for "sha" read "the".

Page 4. last line but one

"After "over the Railway" insert "or to the Port".

19. line 2. Omit "of 99 years".

Page 15.

21 (A) Look up amount.

21 line 14 Omit "from and after Governor's Day

At and add

"provided that for the period up to the
last day of October 1929 there shall in
determining the amount of the deficiency for
any year be added to the amount of the Railway
rate of nine-sixteenths of a penny per ton mil
the amount of royalty which would have been du
if the provisions of clause 4 (ii) of the
Magadi Lease had been applicable before the
said date".

902/24

TELEGRAM from the Secretary of State for the Colonies
to the Governor of Kenya

(Sent 11.55 a.m. 4th November 1924.)

4th November

My despatch 30th September 1009 Following principal alterations will be made in draft leases before they are referred to Brammer Mend.

A Omit "Governor's day" and make 31st October ruling date throughout i.e. for expiration of leases in 2023 and for end of first period of five years in 1929 also make October and April dates for returns mentioned in Lake Lease Clause 4 B. Railway Lease Clause 5 subject to your views will be omitted altogether as its provisions appear to have been fulfilled already Clause 8 (ii) add as to rates as at end of Clause 20 of 1923 draft Clause 11 delete third column of Clause 11 c(i) misleading and will be omitted from both tables intention being explained in proviso. Clause 11 c(iv) I agree with solicitors have you any objection 11 C.(x) No alteration being made but Company may ask for some procedure for decrease as for increase of rates Clause 21 A Have you definite figure for insertion. Clause 21 last paragraph substitute "17 shillings ⁸/₁₆ pence per ton" for "9/16 pence per ton mile" and As regards first period add provision for adding normal royalty to above freight rate. C. Lake Lease Clause 2 should not provision be made for retention of other water rights now held. Clause 5 (iv) line 8 delete all words after "until" and substitute "the expiration of the lease or its sooner determination." Clause ⁵(v)(A) Restore provision contained in

memorandum

memorandum of agreement as to payment of railway freight on stipulated output Clause 5(v) (B) line 5 It will be made clear that amount making good deficiency not to be taken as part of stipulated tonnage for the latter year.

Your despatch 24th September 1285 paragraph 2 consider this should be ~~done~~ with in Port Lease draft of which I shall await Company being informed accordingly.

Shall be glad if you will reply by telegraph as progress of reconstruction makes it desirable to proceed as quickly as possible.

Brunner Mond & Co. Limited

TELEGRAMS CRESCENT

TELEPHONE 1

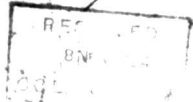
OUR REFERENCE O.F

OUR REFERENCE 50902/24

Winnington

Northwich

7th November 1924.



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

Dear Sir,

We are obliged for your letter of the 6th instant,
and shall hope to hear further from you in due course.

Yours faithfully,

for Brunner, Mond & Co., Limited,

S. Marsh
Secretary.

*430/24
2/11/24*

*S.W.
5/11/24
101*

17.50202/2 Kenya.

7/11

~~8/9~~

Called to see ^{sent} 11:55 a.m. 4/11/11

4 November 11

45739/11

Pls despatch 30 Sept. 1009

DRAFT. Code of L.

Governor
Nairobi

Following principal alterations
will be made in draft leases
before they are referred to

MINUTE.

Bremer Road

- Mr. Seel 3/11
- Mr. Bottomley 3/11 at once
- Mr.

A Omit 'Governor's day'

- Sir D. Davis
- Sir G. Grindle
- Sir H. Road
- Sir J. Masterton Smith
- Lord Arnold
- Mr. Thomas

and make 31st October ruling
date throughout i.e. for
expiration of leases in 2023
and for end of first period
of five years in 1929 also
make ~~late~~ ^{late} October and April dates
for returns mentioned in

Late Lease Clause 4

Two Restore provision
contained in memorandum

2 Mr
also

of Agreement see my
dep ~~to~~ 30 May 52
as to payment of railway
freight or stipulated
output

~~200~~
~~100~~ Railway lease

Clause 5^{on} subject to your
view will be omitted
altogether as its provisions
appear to have been fulfilled
already

~~200~~
~~100~~ Railway lease

Clause 8 (i) ^{fill as to rates}
as at end of
that provisions to be inserted

should be remain as in record of

Clause 20 of 1923 draft

~~200~~ Railway lease
Clause 11 delete

third column of Clause
11A and 11C (D) ^{including and will be}
omitted from ~~the~~ later schedule being
inserted in ~~the~~ schedule

of Agreement for ~~the~~ minimum
payment ~~for~~ as low
as explained in ~~the~~ proviso

23752/4

DRAFT

MINUTE.

Mr.

Mr.

Mr.

Sir C. Davis.

Sir J. G. G. G.

Sir H. Road.

Sir J. Masterjon Smith.

Lord Arnold.

Mr. Thomas.

53

~~100~~ Railway lease
11 C (X) No alteration being
made but Company may
ask for same procedure
in ~~the~~ event of decrease as
for increase of rates

~~100~~ Railway lease

Clause 11 c (iv) ^{agree} with
objections have you any
objection

~~100~~ Railway lease

Clause 21 A. have you definite
figure for insertion

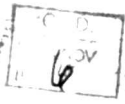
~~100~~ Railway lease Clause

21 last paragraph substitute

"7 shillings 8 $\frac{1}{2}$ pence per
ton" for "9/16 pence per
ton mile" and add

provision as regards first
add provision
period for adding normal
rate to above freight

50902
171. ~~4528~~ / 24 Kenya.



6 November

Gentlemen

DRAFT.

Messrs. Brunner, Mond & Co. Ltd.

I am etc. to ack. the receipt of your letter (O.F.) of the 28th of October, 1924 on the subject of the scheme of reconstruction of the Nagadi Soda Company, Ltd and to inform you that he has received from the Solicitors to the C.A. for the lts. proofs of the draft leases of land Nagadi and of the Nagadi Railway.

MINUTE.

- Mr. Seal 3.21.24
- Mr. Astinley 3
- Mr. [Signature]
- Sir C. Davis.
- Sir G. Grindle.
- Sir H. Read.
- Sir J. Masterton Smith.
- Lord Arnold.
- Mr. Thomas.

for copy

2 JH
in file

2. A telegram has been sent to the Governor of

Kenya on the subject of
certain proposed alterations
in the text of the draft
~~which has been~~
ceased. In the meantime,
revised drafts are being
printed, and it is hoped to
furnish you with copies of
the reprinted drafts in
the course of a few days.

3. I am to take this
opportunity to advise that
the Governor of Kenya has
expressed the opinion that ~~the right~~
the right should be secured
to the Uganda Railways
Administration in connection
with the settlement ^{General} to
purchase from the Company,
at a valuation, the proposed

^{Railway Commission}
portion of the Company's interest
with the Company's port
line to its port at Mombasa

over which traffic for the new
~~proposed~~
Pier at Kilindini is run,
under the understanding
that the same facilities
will be given to the Company's
traffic as would be given
if this ^{Railway Commission} ~~proposed~~ line remained
in their possession.

DRAFT.

MINUTE.

- Mr.
- Mr.
- Mr.
- Sir C. Davis.
- Sir G. Grindle.
- Sir H. Read.
- Sir J. Masterion Smith.
- Lord Arnold.
- Mr. Thomas.

4. Mr. Thomas is of
opinion that this point
could most suitably be
dealt with in connection
with the proposed lease
to be executed in respect of
the Company's port of at
Kilindini. The draft
of this lease has not yet
been received from the Governor.

50902
P.I. ~~11/24~~ 124 Kansas

Sc 6th November

Printed
5/11/24

DRAFT.

The Official Receiver
in Companies Liquidation

with reference to C.O.
letter No 23752/1924 of the

MINUTE.

30 of (May last) and etc to inform

Mr. Seel 3. XI. 24.

Mr. Bottomley 3

Mr.

Sir C. Davis.

Sir G. Grindle.

Sir H. Road.

Sir J. Masterton Smith.

Lord Arnold.

Mr. Thomas.

for copy
in minute

29/6
20/11/24

you that he has received from

Messrs. Sutton, Chummaney and

Oliver, the Solicitors to the

Crown Agents for the Colonies,

a copy of the scheme of reconstruction

of the Masadi Soda Coy. Ltd,

which was passed at a

Meeting of the debenture

holders and shareholders of

but it is understood to be
in an advanced state of
preparation. A further
communication on this point
will be sent to you as soon
as possible.

Yours faithfully,
W. C. Bottomley.

for the Under Secretary of State.

Company
the Cont. on Friday, the

17 of October.

2. Mr. Thomas would

be glad to learn whether

you have any ideas.

10 Offer on the ^{modifications in the} Scheme of
reconstruction ~~as proposed~~ ^{modified} by
the meetings.

(2a) W.C. Bottonley

for the Under Secretary of State.