

1923

KENYA

43335

REC
RE 31 AUG 23

616

FROM

DATE

A. G. BOWRING.

TEL
NO.

30th AUGUST 1923.

FOR CIRCULATION

SUBJECT

Mr. *Sherratt*
Mr. *Pastor*
Mr.
Asst. U.S. of S.

B.E.A.D.O.C.

Requests reconsideration, on grounds stated
of S of S's decision not to approve proposals.

Form^s U.S. of S.

Part^s U.S. of S.

Secretary of State.

DR & A

Previous Paper

in 9.

39400

MINUTES

Would you, please, look at
this. The matter of
immediate importance
is 33676/23 - reyn.
It had the dip., minutes
& tel. thereon.

When you have considered
this, we can perhaps
get out 24 all again
again for further
discussion.

Ans. Tel. 6 Sept. 1923

Mr. Pastors • *accl*
1.3.23

As at present advised (but I shall be glad to
discuss with you & the legal part) I am in
favor to vary the decision arrived at in 30th
in my opinion the fact, if its application
for further facts, etc (as the present address) should

Subsequent Paper

39400

aside from the liquidation =
 If the ^{trust} have incurred an obligation to the bank, it will have to be met, but it should not influence the ^{trust}'s action in regard to the ^{trust}'s ~~propos~~ ^{recommendations} of the C. If the general interests of the creditors require that the ^{trust}'s claim to preference should be resisted by the liquidator, he ought to act accordingly & the ^{trust} cannot ^{in any way} induce him to act otherwise by agreeing to a proposition which is ^{in your} ~~trust~~ ^{trust} had breached to a particular ^{creditor} ~~debtor~~ or creditors. It shall be available at any time that is convenient to you if you wish to discuss this further.

(this is from attached)

A.L.

8/9/23

This has been discussed with Mr. Edmund & Mr. Legall Grant, a true annexed draft represents the agreed reply.

~~See 6/11/23, Legall Grant~~
 the ~~trust~~ ^{trust} died, handed in
 my ~~draft~~ ^{draft} (see 6/11/23)
 memo in 11/24/23
 was not really read by
 the ~~trust~~ ^{trust} ~~trust~~

aside from the liquidation &
 If the job^s have incurred an
 obligation to the bank, (it will
 have to be met), but it shd not
 influence the job's action in regard
 to the ~~propo~~ ^{recomm}ndations of the C. If
 the general interests of the creditors
 require that the ^{job's} claim to forfeiture
 shd be resisted by the liquidator, he
 ought to act accordingly & the job^s
 cannot ^{be a party to} induce him to act otherwise
 by agreeing to a proposition wh:
 wd give preferential treatment to
 a particular ^{creditor} debtor or creditors.

(this is from attached)

I shall be available at any time
 that is convenient to you if you
 wish to discuss this further.

A.L.
 9/9/23

This has been discussed
 with Mr. Robert & Mr.
 Lyell Grant, a true
 annexed draft
 represents the agreed
 reply.

~~The draft was not read by~~
 the job^s died handed to
 Mr. Grant (see p 5 of
 memo in 11377/23)
 was not really read by
 Mr. Grant

Royal Society Club,

St James's St.

St. 1.

6/9/23

Dear Parkinson,

You remember the
Beats business there was a
mention as to registration which
I was not sure of.

I have been losing my
recollection & remember now what
happened.

Royal Societies Club

St James's St

Ch. 1.

6/9/23

Dear Parkinson,

You remember in the
Beards business there was a
question as to registration which
I was not aware of.

I have been losing my
recollection & remember now what
happened.

My memorandum quite

Correctly states what happened.

The first deed was never
registered.

The mistaken information I
got from the lands office related
to the second deed only. My friend
of all told me it had not been
registered & afterwards I did
not know registered by the
Bank as soon as it came
into their hands. I think the
point is also correct as set
forth in the memorandum.

I am sorry my memory was
a little hazy in the first place
but mine

was sure of

Philippus Christ

registered then lien quite
improperly without the
consent of the trustees, although
the deed had a clause
stipulating for such 618
consent. The bank
thought the deed was
similar to the earlier
one given up. This
clearly puts the bank
in a bad position -
& makes it all the more
difficult to understand
the view on this point.

W. W. W. W.

Alb.

8-9-23

~~Alb.~~

Alb.

6/9

5-0 letters from Mr
Loyal Grant attached got
away & only came to light
today. I have shown it
to Mr. Burkhardt no
action required

W. W. W. W.
27-9-23.

43335 619

TELEGRAM from the Officer Administering the Government of Kenya to the Secretary of State for the Colonies.

Dated 30th August 1923.

(Received Colonial Office 10.18 a.m. 31st August 1923)

500
336/6

251. 20th August. My telegram of 31st July Beadco my legal adviser considers that forbearance of bank to press Beadco Colony for immediate payment of overdraft in January 1922 and its further advances were induced by Government waiving stand premium and rendering land negotiable and therefore afford bank fairly good cause for action against the Government if the bank fail to establish its claim in the courts to equitable mortgage. If the proposals in my despatch of 7th June 1923 are not approved the government will probably fail to obtain forfeiture and will then not only have sacrificed stand premium but will also probably be held liable to the bank for £10,000. In view of the above I concur in the advice of the Executive Council to request reconsideration of your telegram under reply and approval of terms of my despatch 873.

36

TELEGRAM from the Officer Administering the Government
of Kenya to the Secretary of State for the Colonies.

Dated 30th August 1923.

(Received Colonial Office 10.15 a.m. 31st August 1923)

C O
43335 619
REC 31 AUG 23

251. 30th August. My telegram of 31st July Beadco my
legal adviser considers that forbearance of bank to press
Beadco Colony for immediate payment of overdraft in
January 1922 and its further advances were induced by
Government waiving stand premium and rendering land
negotiable and therefore afford bank fairly good cause
for action against the Government. If the bank fail to
establish its claim in the courts to equitable mortgage.
If the proposals in my despatch of 7th June 1923 are not
approved the government will probably fail to obtain
forfeiture and will then not only have sacrificed stand
premium but will also probably be held liable to the bank
for £10,000. In view of the above I concur in the
advice of the Executive Council to request reconsideration
of your telegram under reply and approval of terms of
my despatch 873.

500
326/6

36/6

POST OFFICE

TELEGRAPHS



Government Telegram

4335 Service Instructions

Received from

By

REG: 51 AUG 23

620

Office of Origin

Handed in at

Received at

H. M.

10 11

Date

AIROBI 20 0 0 5 VIA WIRELESS 12/2252 30/8 12/30 PM 50 =



CHAPELRIE LONDON

TO

251 YAFTEYMDEJ BEADOC MAEHCLENEU REDELHOWPU AMPHQARNI

OTREEI OOPPUBEADO DYQALHIWAP OIRYPOGLYX, JIRQEXEEMU ANODETDDSI

LEFONBOE JYCDOIHLEW UKOOUSFOOB OOECSAMRIP PAEZIKYMC E NERYUENOV

CODBIJUO GLYDIZARKA HIROBAEOHB AIBTHLEW 1WYZZBIJUO GLOKIFYDNI

NCODZEG JEJMEIGLE TREETIFUSFE WYBUVICFUR OSBATYPIEB WOGNOASECC

OIHLEW UTALGGLOK OAINSHUOST ANULITENDE NUPUKPUJIA SFOOBDOECS

LALATH OPWHUIEPIE LHYANGIJUO HIECTXOKKI ONIRABYTA JOUBIVLEAM

ZGEDUT TUJGYOKKAF YAGEVUDADA AMRIPAREOR TACXINAFI WOGNOSUVNE

Decoded

REF. 1111/1921.

TELEGRAM

From the Secretary of State for the Colonies
to the Governor of Kenya.

(Sent 4.55 p.m. 6th September, 1921)

Your telegram of 30th August 261. Reader on facts as known by advisers proposed arrangement with liquidator open to very strong objection and would probably not meet with Court's approval. Do not understand why it is thought that Government might be held liable to Bank for £10,000 if failure of Government and by Bank fail and still possible action should be taken as in by agreement of 1st July. (Sent 4.55 p.m. 6th September, 1921)

COPI 43335/1953.

TELEGRAM

From the Secretary of State for the Colonies
to the Governor of Kenya.

(Sent 4:10 p.m. 5th September, 1953)

Your telegram of 30th August 1953. Beaded
leather is known by several proposed arrangements with
illustrator open on very strong grounds and would
probably not need with Court's approval. Is not
understandable as it is thought that Government
be held liable to Bank for £10,000 of services by
Government and by Bank £10,000 of services. It is
suggested to Bank in the telegram of 24th August
Lyall Grant contains as above.

Very truly
yours

any 43335 *Reverend*

622

Amos
30535

W. J. C. P.
6/2/22

DRAFT.

Red (code)

F. J. C. P.
W. J. C. P.

MINUTE

of the meeting by

Mr. P. J. C.

Mr. J. C. P.

Sir G. G. G.

Sir H. H. H.

Sir J. J. J.

Mr. M. M. M.

Mr. N. N. N.

Duke of Devonshire.

you had of 30 August

251 Beadon

on facts as known to

my advisers proposed

arrangement with

liquidator open to

very strong objection

it would probably

not meet with Courts

approval & do not

Government might be held
liable to Bank for
£10,000 if actions

by Government & by Bank
fail - still consider

action should be taken

as in my ltr. of 31 July 20

Lyall Grant memo.

v. above

Lees

Government might be held
liable to Bank for
£10,000 if actions
by Government & by Bank
fail or still consider

action should be taken

as in my ltr. of 31 July 20

Legal Grant amount

as above

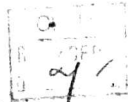
Secy

a
336
K

copy 43335 - Kenya

622

~~Handwritten scribble~~
Annot
50935



Could use
46/2/20

DRAFT.

Red (code)

James
Kaisie

MINUTE.

Mr. [illegible]

Mr. [illegible]

Mr. [illegible]

Sir C. Davis.

Sir G. Grindle.

Sir H. Read.

Sir J. Masterton Smith.

Mr. Ormsby-Gore.

Duke of Devonshire.

Can tel. of 30 August
251 Beadon
on facts as known to
my advisers proposed
arrangement with
liquidator open to
very strong objection
& would probably
not meet with Courts
approval. Do not