

1923
1922

KENYA

87

C O
6493
R
6 FEB 23

FROM
COMMISSIONERS OF
MISSIONARY SOCIETIES

DATE
5TH FEBRUARY 1923

FOR CIRCULATION :-

- Mr. *Bush*
- Mr. *Battenbee*
- Mr. *Stewart*
- Mr. Grindle
- Sir H. Lambert
- Sir H. Read
- Sir J. Masterton Smith
- Mr. Wood
- Mr. Churchill

SUBJECT

LEIPZIG EVANGELICAL MISSION'S PROPERTY

States that omission of similar Clause to Clause 11 in T.T. Trust Deed was not intentional and there is no objection to inclusion. Explains reasons for omission. Encloses print of Special Resolution of A.I. Mission Trust Ltd.

Previous Paper

411.2
1922
22

MINUTES

As regards the inclusion or omission of clause 11 of the T.T. Deed, which defines the meaning of the word 'Protestant' in the deed, the word only occurs once in the Kenya deed - at the end of clause 1. In the T.T. deed (on 33709/22) it occurs twice, the extra occasion being on clause 5, providing for the appointment of new Trustees. This clause is not reproduced in the Kenya deed. But there appears to be no reason why, for the sake of uniformity, the clause should not be inserted in that deed.

For this purpose it will be necessary for the Court page of the Kenya deed now under consideration to be re-typed, incorporating the clause.

? Then, in accordance with Mr. Bush's

copy of the deed for conf. 8. June 4 1923
with note as per draft attached
[Signature]

Subsequent Paper

411.8
1923

of their Deed, and if not, on 11
that he will submit to S of S
a draft of the necessary Ordinance
to give effect to its provisions

Enclose copies of correspondence
with the Conference of Missionary
Societies in the matter, viz:-

To Conference	9 9 21	55850/21
from A. M.	8 11 21	55852/24
To A. M.	21 11 21	
To Conf.	9 6 22	27826/22
from Conf.	23 6 22	55857/22
To Conf.	29 7 22	
from Conf.	27 11 22	55857/22
To Conf.	10 11 22	
from Conf.	28 11 22	55850/22
To Conf.	29 1 23	
from Conf.	5 2 23	taken
with enclosure.		

And enclose for files
Information ~~of~~ of the
Memo: of Association
(n. 54537/22) showing that it
will be seen from the enclosure to
Conference letter of 5 Feb. 1922
that the Articles of Assoc. have
been modified in accordance
with ~~the~~ S of S's Collection of

memo on 55850/22, write
to the Governor of Kenya, reference
3125/21, regarding the
appl. of the Africa Inland Mission
~~Trust~~ as trustee for the property
of the Kenya Mission and of the
United Methodist Church as
trustee for the property of the
Kenya Mission, and say
that S of S is advised that in order
to carry out the provisions of Art
434 of the Treaty of Versailles,
it is desirable to transfer the
property ~~of the~~ to trustees to
be appointed by the S of S, under certain
conditions to be embodied in
deeds of Trust.

Say that as regards the property
of the Kenya Mission S of S has,
after consultation with the Conf
of Missionary Societies in Gt.
Britain, approved the list of
trustees submitted by them,
and enclose draft Trust Deed (3
copies) in respect of that property.

Ask whether the Governor
has any observations to offer on the form

28 July 1922 and 16 Nov. 1922.

And add that S. G. S. has
not yet received from the United
Methodist Church any proposals
as to how to arrange the
bursarship for the protection
of the Manderley mission
if or in further course
when he does so.

81-
20 2 23
4/10
2/12 22 = 23

Let me see if I

[The "one" of the place
quarrelled with Godly with
the "unintentional"]

Oct 23. 2. 23
a.m.

28 July 1922 and 16 Nov. 1922.

And add that S of S has
not yet received from the United
Methodist Church any proposals
as to their assuming the
trusteeship for the property
of the Newkirchen mission
I promise further comment
when he does so.

83
Do. 2.23

4/13 11/15
2/12 21. 23

[i.e. let us see after.

[The "war" at the place
quarrel continues oddly with
the "not intentional"]

Let 23. 2. 23
at once

I do not think this draft quite meets the case.

1. It does not seem adequately to set out the substance of the draft to Tanganyika on 53613/21 T.T. where it was carefully explained why it was necessary to proceed by ordinance.

2. We cannot in this case talk about approving a list of trustees, since the trustees are a Company. What we must say, I suppose, is - we approve the Directors and the Memorandum and Articles of Association as altered.

3. We should avoid talking about the property being transferred by the Trustees, because it is not.

4. (This is new) We might suggest that the Ordinance should contain provision for re-entry in case of a breach of trust.

Booth

New Draft submitted

HB 1/3
See above

I do not think this draft quite meets the case.

1. It does not seem adequately to set out the substance of the draft to Tanganyika on 53613/21 T.T. where it was carefully explained why it was necessary to proceed by ordinance.

2. We cannot in this case talk about approving a list of trustees, since the trustees are a Company. What we must say, I suppose, is - we approve the Directors and the Memorandum and Articles of Association as altered.

3. We should avoid talking about the property being transferred by the Trust^{or} because it is net.

4. (This is new) We might suggest that the Ordinance should contain provision for re-entry in case of a breach of trust.

Burke

New Draft submitted

HB 1/3
See was draft

CONFERENCE OF MISSIONARY SOCIETIES

IN GREAT BRITAIN AND IRELAND

COMMITTEE ON RELATIONS WITH GOVERNMENTS

Col. Sir ROBERT WILLIAMS, Bt., M.P.

Rev. F. ASHCROFT
Rev. C. C. B. BARBERY
Rev. NALSON BRITTON
Mrs. CHRISTYON
S. H. GLASSBORO
Rev. W. GOUTER
HENRY T. HODGKIN, M.B.

H. G. JUDG, C.B.E.
RUSSELL KING
Mrs. KING
H. LANGRISH, M.D.
WILLIAMSON LAMBLOUGH
Rev. FRANK LEITCH
Miss F. MACDONALD
Very Rev. J. N. OSWELL, D.D.

The Bishop of Winchester
Rev. J. H. BRIDGES, D.D.
Rev. A. BRIDGES
JAMES BROWN
Rev. GEORGE THOMPSON
Rev. C. R. WILSON
The Bishop of Worcester
Rev. RASH WOOD

C O
6493
6 B23

Secretaries

J. H. OLDFIELD
KENNETH MACLENNAN

Hon. Assistant Secretary
Mrs M. J. HUNTER, M.B.E.

EDINBURGH HOUSE

27 EATON GATE, LONDON, S.W.1

5th February 1923.

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

Sir,

In reply to your letter of 29th January 1923, No. 58850/1923, with regard to the draft Trust Deed to transfer the property of the Leipzig Evangelical Mission in Kenya Colony to the Africa Inland Mission Trust Limited, I beg to say that the omission of a clause similar to clause 11 in the Tanganyika Trust Deed was not intentional and there would be no objection on the part of the Conference of Missionary Societies to its inclusion in the draft Trust Deed for Kenya Colony.

In Tanganyika Territory there are several British missionary societies at work including the Universities' Mission to Central Africa (Anglican), the Church of Scotland and the United Free Church of Scotland (Presbyterian), the Church Missionary Society, the Moravian Missions and the American Lutherans, and clause 11 was inserted to define more clearly the term "protestant" and to leave no doubt that it included both Anglican and Lutheran as well as other protestant denominations. In the view of the Conference it was not considered necessary in the case of Kenya where the Africa Inland Mission is becoming trustee for the property of the Leipzig Evangelical Mission only, but I am directed

CONFERENCE OF MISSIONARY SOCIETIES

IN GREAT BRITAIN AND IRELAND

COMMITTEE ON RELATIONS WITH GOVERNMENTS

Chairman

Col. Sir ROBERT WILLIAMS, Bt., M.P.

Rev. F. ASHMOY
Rev. G. C. B. BARDLEY
Rev. NELSON BITTON
Mr. CHRISTY
S. H. CLARKE
Rev. W. COOPER
HENRY T. HODGKIN, M.B.

H. G. JUDG, C.B.E.

ROBERT KING
Mrs. KING
H. LANGRISH, M.D.
WILLIAMSON LAMBLOUGH
Rev. FRANK LINDSAY
Miss F. MACDONALD
Very Rev. J. N. OGDEN, D.D.

The Bishop of Peterborough

Rev. J. H. RAYNES, D.D.
Rev. C. BRIDGEMAN
James STONE
Rev. GEORGE THORNTON
Rev. C. E. WILSON
The Bishop of Winchester
Rev. EARL WOOD

C O
6493
6 B23

Secretaries

J. H. OLEHAM

KENNETH MACLENNAN

Hon. Assistant Secretary

Mrs M. J. HUNTER, M.B.E.

EDINBURGH HOUSE

2 RATON GATE, LONDON, S.W.1

5th February 1923.

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

3c

Sir,

In reply to your letter of 29th January 1923, No. 58850/1923, with regard to the draft Trust Deed to transfer the property of the Leipzig Evangelical Mission in Kenya Colony to the Africa Inland Mission Trust Limited, I beg to say that the omission of a clause similar to clause 11 in the Tanganyika Trust Deed was not intentional and there would be no objection on the part of the Conference of Missionary Societies to its inclusion in the draft Trust Deed for Kenya Colony.

In Tanganyika Territory there are several British missionary societies at work including the Universities' Mission to Central Africa (Anglican), the Church of Scotland and the United Free Church of Scotland (Presbyterian), the Church Missionary Society, the Moravian Missions and the American Lutherans, and clause 11 was inserted to define more clearly the term "protestant" and to leave no doubt that it included both Anglican and Lutheran as well as other protestant denominations. In the view of the Conference it was not considered necessary in the case of Kenya where the Africa Inland Mission is becoming trustee for the property of the Leipzig Evangelical Mission only, but I am directed

- 2 -

Colonial Office

directed to say that there is no objection whatsoever to a similar clause being inserted. We have consulted the solicitors of the Africa Inland Mission Trust Ltd. who are of the same opinion.

I enclose a print of the Special Resolution of the Africa Inland Mission Trust Ltd.

I am,

Sir,

Your obedient Servant,

M. J. Hunter

Encl.

- 2 -

Colonial Office

directed to say that there is no objection whatsoever to a similar clause being inserted. We have consulted the solicitors of the Africa Inland Mission Trust Ltd. who are of the same opinion.

I enclose a print of the Special Resolution of the Africa Inland Mission Trust Ltd.

I am,

Sir,

Your obedient Servant,

M. J. Hunter

Encl.

THE COMPANIES ACTS, 1908 to 1917.

AFRICA INLAND MISSION TRUST
LIMITED:

Special Resolution

Passed 8th December, 1922.

Confirmed 12th January, 1923.

To the Registrar of Joint Stock Companies.

NOTICE IS HEREBY GIVEN that at an Extraordinary General Meeting of the members of the above-named Company, duly convened and held at 78A, ~~East~~ Street, Baker Street, in the County of London, on the 8th day of December, 1922, the subjoined Resolution was duly passed as an Extraordinary Resolution.

Resolution.

That the Articles of Association of the Company be altered as follows:—

- (1) By inserting immediately after Article 1 the Article to be numbered 1a:—

BRITISH CONTROL.

- 1a "The Company shall at all times be and remain a British Company under British control registered in Great Britain or a British Colony, and having its principal place of business within His Majesty's Dominions, the Chairman and Managing Director (if any) and a majority of the other Directors of which shall at all times be British subjects, and neither the Company nor its undertakings shall at any time be or become directly or indirectly controlled or managed by foreigners or any foreign corporation. In this Clause the expression 'foreigner' means 'Any person who is not a British subject'; and the expression 'foreign corporation' means 'Any corporation other than a corporation established under and subject to the laws of some part of His Majesty's Dominions, and having its principal place of business in those Dominions.' Any alteration in the Memorandum or Articles of Association or in the constitution of the Company shall be reported to the Secretary of State. Provided that two months (or such less period as the Secretary of State may generally or in any particular case or cases allow) previous notice

THE COMPANIES ACTS, 1908 to 1917.

AFRICA INLAND MISSION TRUST
LIMITED.

Special Resolution

Passed 8th December, 1922.

Confirmed 12th January, 1923.

To the Registrar of Joint Stock Companies.

NOTICE IS HEREBY GIVEN that at an Extraordinary General Meeting of the members of the above-named Company, duly convened and held at 78A, ~~West~~ Street, Baker Street, in the County of London, on the 8th day of December, 1922, the subjoined Resolution was duly passed as an Extraordinary Resolution.

Resolution.

That the Articles of Association of the Company be altered as follows:—

- (1) By inserting immediately after Article 1 the Article to be numbered 1a:—

BRITISH CONTROL.

- 1a "The Company shall at all times be and remain a British Company under British control registered in Great Britain or a British Colony, and having its principal place of business within His Majesty's Dominions, the Chairman and Managing Director (if any) and a majority of the other Directors of which shall at all times be British subjects, and neither the Company nor its undertakings shall at any time be or become directly or indirectly controlled or managed by foreigners or any foreign corporation. In this Clause the expression 'foreigner' means 'Any person who is not a British subject'; and the expression 'foreign corporation' means 'Any corporation other than a corporation established under and subject to the laws of some part of His Majesty's Dominions, and having its principal place of business in those Dominions.' Any alteration in the Memorandum or Articles of Association or in the constitution of the Company shall be reported to the Secretary of State. Provided that two months (or such less period as the Secretary of State may generally or in any particular case or cases allow) previous notice

"of the intention to make any alteration which might conceivably affect the British character of the Company shall be given in writing to the said Secretary of State, who, if in his opinion, the said alteration shall be contrary to the cardinal principle that the Company shall remain a British Company under British control, may refuse his consent to such alteration."

(2) By inserting at the end of Article 3 the following paragraph:—
"No new member or members of the Company shall be appointed unless and until the approval of the Secretary of State for the Colonies has been first obtained in writing. If the Secretary of State should at any time give notice in writing that a member of the Company is, in his opinion, unsuitable or undesirable as a member of a British Company under British control, the Directors shall, upon the request of the Secretary of State, cause such member to retire."

(3) By substituting a semi colon for the full stop at the end of section (b) of Article 4 and adding the following words:
"or (c) if notice in regard to him shall be given by the Secretary of State in pursuance of Article 3."

(4) By inserting after section "E" of Article 19, the following sections:—
"(f) The Secretary of State gives notice in writing of his desire that he shall cease to hold the office of Director."
and "(g) He ceases to be a British subject and such change of nationality involves a contravention of the provisions of Article 1a."

(5) By inserting in Article 20 after the words "to be Directors" in the second line thereof the following words, viz.:—
"(the approval of the Secretary of State of such additional Director or Directors having first been obtained in writing)." And by inserting after the letter "(e)" in the seventh line of the said Article the letters "(f)" and "(g)."

(6) By inserting at the end of Article 20 the following words:—
"But any appointment or election or purported appointment or election of a person as a Director who is not a British subject shall be null and void if the

"effect of such appointment or election or purported appointment or election would be to contravene this provisions of Article 1a."

At a further Extraordinary General Meeting held at 78A, East Street, Baker Street, in the County of London on the twelfth day of January, 1923, the above Resolution was duly confirmed as a Special Resolution.

Dated this 81st day of January, 1923.

Agull Kemmen Chairman.

- 2 -

" of the intention to make any alteration which might
 " conceivably affect the British character of the Company
 " shall be given in writing to the said Secretary of State,
 " who, if in his opinion, the said alteration shall be con-
 " trary to the cardinal principle that the Company shall
 " remain a British Company under British control, may
 " refuse his consent to such alteration."

(2) By inserting at the end of Article 3 the following paragraph :-
 " No new member or members of the Company shall be
 " appointed unless and until the approval of the Secretary
 " of State for the Colonies has been first obtained in
 " writing. If the Secretary of State should at any time
 " give notice in writing that a member of the Company
 " is, in his opinion, unsuitable or undesirable as a member
 " of a British Company under British control, the
 " Directors shall, upon the request of the Secretary of
 " State, cause such member to retire."

(3) By substituting a semi colon for the full stop at the end of
 section (b) of Article 4 and adding the following
 words

" or (c) if notice in regard to him shall be given by the
 " Secretary of State in pursuance of Article 3."

(4) By inserting after section " E " of Article 19, the following
 sections :-

" (f) The Secretary of State gives notice in writing of his
 " desire that he shall cease to hold the office of Director."
 and " (g) He ceases to be a British subject and such
 " change of nationality involves a contravention of the
 " provisions of Article 1a."

(5) By inserting in Article 20 after the words " to be Directors "
 in the second line thereof the following words, viz :-
 " (the approval of the Secretary of State of such additional
 " Director or Directors having first been obtained in
 " writing)." And by inserting after the letter " (e) " in
 the seventh line of the said Article the letters " (f) "
 and " (g)."

(6) By inserting at the end of Article 20 the following words :-
 " But any appointment or election or purported
 " appointment or election of a person as a Director who
 " is not a British subject shall be null and void if the

- 3 -

" effect of such appointment or election or purported
 " appointment or election would be to contravene the
 " provisions of Article 1a."

At a further Extraordinary General Meeting held at
 78A, East Street, Baker Street, in the County of London
 on the twelfth day of January, 1923, the above Resolution
 was duly confirmed as a Special Resolution.

Dated this 31st day of January, 1923.

Agull Ramen Chairman.

day of _____ 1922 BETWEEN HIS MAJESTY'S
PRINCIPAL SECRETARY OF STATE FOR THE COLONIES (herein-
after called "the Secretary of State") of the one part
and THE AFRICA INLAND MISSION TRUST LIMITED of 78a East
Street Marylebone in the County of London (hereinafter
called "the Trustees") of the other part WHEREAS by
Article 438 of the Treaty of Peace between the Allied and
Associated Powers and Germany signed at Versailles on the
28th day of June 1919 it is provided and agreed that where
Christain Religious Missions were being maintained by Ger-
man Societies and 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 fe
of the Mission whose property is involved AND WHEREAS
certain property in Kenya Colony in British East Africa
was being maintained by German Societies or persons for
missionary purposes and the said property has been
conveyed transferred and assigned to the Trustees by
Ordinance of _____

dated _____ upon such terms
the Secretary of State should determine AND WHEREAS
Secretary of State in exercise of the powers for
purpose vested in him by the said Ordinance has directed
that the Trustees should hold the said property upon
for the Trust and purposes hereinafter set forth

Handwritten initials or mark.

1. The Trustees shall hold the properties conveyed assigned or transferred or expressed so to be by the said Ordinance and all other properties which may hereafter be conveyed assigned or transferred to them in respect to the premises and the profits of sale of the said property or any part thereof and all other property which may be acquired by them by purchase or in exchange or substitution therefor or any part of the said property or otherwise howsoever (all of which are hereinafter referred to as the "Trust Properties") and the income to arise from the Trust Properties upon trust to use employ or apply or permit to be used employed or applied the same or such part of the same as they shall think fit in such shares or proportions and amounts and in such manner in every respect (subject to the restrictions and conditions hereinafter expressed) as they shall think fit for or in aid or furtherance of all or any of the purposes or object or work of any Protestant Mission or Missions Church or Churches in Kenya Colony.

2. In connection with the management and administration of the said properties the Trustees shall have and may exercise all or any of the following powers:

(a) To transfer or make over (either permanently or temporarily and either by way of lease or licence or permission to use or occupy for fixed terms or periods or permissively at will or otherwise and with or without power of resumption and with or without the reservation of any rent and upon or subject to such terms and conditions or restrictions if any as the Trustees may think fit to impose) the Trust Properties or any part thereof to the Trustees or to any body society or association charged with the administration

1. The Trustees shall hold the properties conveyed assigned or transferred or expressed so to be by the said Ordinance and all other properties which may hereafter be conveyed assigned or transferred to them in respect to the premises and the profits of sale of the said property or any part thereof and all other property which may be acquired by them by purchase or in exchange or substitution therefor or any part of the said property or otherwise howsoever (all of which are hereinafter referred to as the "Trust Properties") and the income to arise from the Trust Properties upon trust to use employ or apply or permit to be used employed or applied the same or such part of the same as they shall think fit in such shares or proportions and amounts and in such manner in every respect (subject to the restrictions and conditions hereinafter expressed) as they shall think fit for or in aid or furtherance of all or any of the purposes or object or work of any Protestant Mission or Missions Church or Churches in Kenya Colony.

2. In connection with the management and administration of the said properties the Trustees shall have and may exercise all or any of the following powers:

(a) To transfer or make over (either permanently or temporarily and either by way of lease or licence or permission to use or occupy for fixed terms or periods or permissively at will or otherwise and with or without power of resumption and with or without the reservation of any rent and upon or subject to such terms and conditions or restrictions if any as the Trustees may think fit to impose) the Trust Properties or any part thereof to the Trustees or to any body society or association charged with the administration

of the property or affairs or the carrying on of the work of any mission or missions church or churches or to any other persons or person they may think fit upon such trusts for or in aid or furtherance of all or any of the purposes objects or work of such mission or missions church or churches as the Trustees in their absolute discretion may think fit provided that this present power shall not be exercised in any case of a transfer or handing over of a permanent character without the previous written consent or approval of the Secretary of State and the Secretary of State may prescribe the terms or conditions of any such permanent transfer or handing over as a condition of giving his consent or approval thereto.

(b) In the event of any part of the Trust Properties which have been so transferred or made over to a particular mission or missions church or churches or other body society association or person as aforesaid being afterwards transferred or made over by them to another body (whether mission or missions church or churches or otherwise) either temporarily or permanently or in the form of lease licence or permission or in any other manner whatsoever the Trustees shall have power as a condition of such transfer or making over to require that the incoming mission or missions church or churches or other body shall reimburse their immediate predecessors in respect of any expenditure which the Trustees in their sole discretion may upon the evidence submitted to them by the mission church or other body or person claiming such reimbursements determine to have been reasonably incurred by the latter in erecting new buildings or repairing or main-

of the property or affairs or the carrying on of the work of any mission or missions church or churches or to any other persons or person they may think fit upon such trusts for or in aid or furtherance of all or any of the purposes objects or work of such mission or missions church or churches as the Trustees in their absolute discretion may think fit provided that this present power shall not be exercised in any case of a transfer or handing over of a permanent character without the previous written consent or approval of the Secretary of State and the Secretary of State may prescribe the terms or conditions of any such permanent transfer or handing over as a condition of giving his consent or approval thereto.

(b) In the event of any part of the Trust Properties which have been so transferred or made over to a particular mission or missions church or churches or other body society association or person as aforesaid being afterwards transferred or made over by them to another body (whether mission or missions church or churches or otherwise) either temporarily or permanently or in the form of lease licence or permission or in any other manner whatsoever the Trustees shall have power as a condition of such transfer or making over to require that the incoming mission or missions church or churches or other body shall reimburse their immediate predecessors in respect of any expenditure which the Trustees in their sole discretion may upon the evidence submitted to them by the mission church or other body or person claiming such reimbursements determine to have been reasonably incurred by the latter in erecting new buildings or repairing or main-

taining existing buildings or in acquiring or developing additional land or property during the period of the latter's temporary occupation.

(c) To sell or realize from time to time all or any part of the Trust Properties which in the opinion of the Trustees is no longer required or which the Trustees are not in a position to maintain or to exchange the same for any other property real or personal (with or without payment of money for equality of exchange) or to let the same on any terms which may be considered desirable.

(d) With the consent in writing of the Secretary of State to raise or borrow money for the purposes of the trust and for the purpose of securing the repayment of any such money and any interest payable thereon to mortgage or charge the Trust Properties or any part thereof.

(e) To provide for any present future or contingent liability of the trust by means of reserve funds or sinking fund policies or otherwise as may to the Trustees seem expedient.

(f) To make and to enter into all such contracts and arrangements and to execute and do all such documents and things as they may consider necessary or expedient in connection with the administration of the trust or the exercise of any of the powers vested in the Trustees by these presents.

(g) To accept subscriptions donations legacies bequests and gifts of all kinds for the purpose of the trust and to deal therewith as though the same originally formed part of the Trust Properties.

(h) To invest any money forming part of the Trust

taining existing buildings or in acquiring or developing additional land or property during the period of the latter's temporary occupation.

(c) To sell or realise from time to time all or any part of the Trust Properties which in the opinion of the Trustees is no longer required or which the Trustees are not in a position to maintain or to exchange the same for any other property real or personal (with or without payment of money for equality of exchange) or to let the same on any terms which may be considered desirable.

(d) With the consent in writing of the Secretary of State to raise or borrow money for the purposes of the trust and for the purpose of securing the repayment of any such money and any interest payable thereon to mortgage or charge the Trust Properties or any part thereof.

(e) To provide for any present future or contingent liability of the trust by means of reserve funds or sinking fund policies or otherwise as may to the Trustees seem expedient.

(f) To make and to enter into all such contracts and arrangements and to execute and do all such documents and things as they may consider necessary or expedient in connection with the administration of the trust or the exercise of any of the powers vested in the Trustees by these presents.

(g) To accept subscriptions donations legacies bequests and gifts of all kinds for the purpose of the trust and to deal therewith as though the same originally formed part of the Trust Properties.

(h) To invest any money forming part of the Trust

Properties in any investment for the time being authorised for the investment of trust monies by the laws of England in the joint names of three of the Trustees and to vary and transpose any such investments from time to time as they may think fit or place any such monies on deposit in any Bank Provided always that when any one of such Trustees shall cease to be a Trustee for the time being such property shall be forthwith invested in the joint names of three at least of the Trustees for the time being and so on from time to time.

(i) To pay all expenses incidental to these presents and all expenses in relation to the Trust hereunder and all such rates and taxes and other outgoings of every kind in respect to the Trust Properties and all actual out-of-pocket expenses of the Trustees or their employees in or about the execution of the trust hereunder.

(j) To appoint or delegate any of their powers or duties to any manager or other person or to any committee consisting of at least three of their own number and to revoke and vary any such appointments or delegations from time to time.

(k) To appoint and remove any officers clerks servants managers and auditors permanently or temporarily and to determine their duties and powers and fix and pay their salaries and remuneration.

(l) To improve and maintain and insure any of the Trust Properties and generally to manage the said properties and do all acts necessary for such management as if they were the absolute owners thereof.

(m) To make vary and revoke rules regulating the summoning of and the procedure to be observed at their meetings for the management of the business of the trust

consistently with these presents and in particular to determine the quorum for such meetings.

(n) To do all such other lawful acts and things as may in the opinion of the Trustees be incidental or conducive to the attainment of the above objects.

(o) To pay pensions or allowances to persons formerly in the employ of any mission formerly owning or being interested in the Trust Properties or any part thereof whether now or heretofore in the receipt of pensions or allowances from such missions and to provide for such pensions by setting aside any such funds or monies out of the Trust Properties as they shall think fit and to pay and provide for pensions or allowances to any of the servants or employees of the Trustees.

99

8. Full accounts shall be kept by or under the control of the Trustees in proper books to be provided for the purpose by the Trustees of all money received and paid respectively on account of the trust and of all dealings with the Trust Properties. The accounts of the trust shall be made up at least once in each year and shall be examined and reported upon by an auditor or auditors who shall be Chartered Accountants. The accounts so made up and the Auditors' Report shall be considered and passed by the Trustees at their annual meeting in the following year or at their first meeting after the Auditors' Report is received and the accounts so passed shall be signed by the Chairman of the meeting.

A summary of the accounts in a form approved by the Auditors and certified by them as correct together with a copy of their report thereon shall within fourteen days after such meeting be sent to the Secretary of State the Missionary Conference and also to each of the Trustees.

consistently with these presents and in particular to determine the quorum for such meetings.

(n) To do all such other lawful acts and things as may in the opinion of the Trustees be incidental or conducive to the attainment of the above objects.

(o) To pay pensions or allowances to persons 99
formerly in the employ of any mission formerly owning or being interested in the Trust Properties or any part thereof whether now or heretofore in the receipt of pensions or allowances from such missions and to provide for such pensions by setting aside any such funds or monies out of the Trust Properties as they shall think fit and to pay and provide for pensions or allowances to any of the servants or employees of the Trustees.

5. Full accounts shall be kept by or under the control of the Trustees in proper books to be provided for the purpose by the Trustees of all money received and paid respectively on account of the trust and of all dealings with the Trust Properties. The accounts of the trust shall be made up at least once in each year and shall be examined and reported upon by an auditor or auditors who shall be Chartered Accountants. The accounts so made up and the Auditors' Report shall be considered and passed by the Trustees at their annual meeting in the following year or at their first meeting after the Auditors' Report is received and the accounts so passed shall be signed by the Chairman of the meeting.

A summary of the accounts in a form approved by the Auditors and certified by them as correct together with a copy of their report thereon shall within fourteen days after such meeting be sent to the Secretary of State the Missionary Conference and also to each of the Trustees.

4. It shall be lawful for the Trustees for the time being with the previous written consent or approval of the Secretary of State to revoke or vary or add to any of the provisions of these presents or to declare new trusts in substitution for the trusts hereby declared so long as such revocation variation or addition or the new trusts declared are not in the opinion of the Secretary of State inconsistent with the general scope and object of these presents.

5. Every question arising at any meeting of the Trustees for the time being shall be decided by a majority of the Trustees present and voting and subject thereto every dispute whether between the Trustees for the time being inter se or between them and any third parties and also any question as to the interpretation or effect of these presents either generally or on special points or otherwise shall be referred for decision to the Secretary of State whose decision shall be final.

6. There shall be a meeting of the Trustees in London in each year to be known as the Annual Meeting but subject thereto the Trustees may meet adjourn and otherwise regulate their meetings as they think fit. The first Annual Meeting shall be held in the year

7. The Trustees shall not be entitled to receive any remuneration for their services as such but shall be indemnified out of the Trust Property against all out-of-pocket expenses reasonably incurred by them in the discharge of their duties hereunder except such as may happen through their own wilful default.

IN WITNESS

8. Throughout these presents the word "Protestant" shall be deemed to include Anglican ^{and}/_{or} Lutheran as well as any other body commonly called or known as Protestants.

4. It shall be lawful for the Trustees for the time being with the previous written consent or approval of the Secretary of State to revoke or vary or add to any of the provisions of these presents or to declare new trusts in substitution for the trusts hereby declared so long as such revocation variation or addition or the new trusts declared are not in the opinion of the Secretary of State inconsistent with the general scope and object of these presents. 100

5. Every question arising at any meeting of the Trustees for the time being shall be decided by a majority of the Trustees present and voting and subject thereto every dispute whether between the Trustees for the time being inter se or between them and any third parties and also any question as to the interpretation or effect of these presents either generally or on special points or otherwise shall be referred for decision to the Secretary of State whose decision shall be final.

6. There shall be a meeting of the Trustees in London in each year to be known as the Annual Meeting but subject thereto the Trustees may meet adjourn and otherwise regulate their meetings as they think fit. The first Annual Meeting shall be held in the year

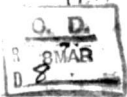
7. The Trustees shall not be entitled to receive any remuneration for their services as such but shall be indemnified out of the Trust Property against all out-of-pocket expenses reasonably incurred by them in the discharge of their duties hereunder except such as may happen through their own wilful default.

IN WITNESS

8. Throughout these presents the word "Protestant" shall be deemed to include Anglican ^{and} _{or} Lutheran as well as any other body commonly called or known as Protestants.

~~C.D.~~
4 copies please

17. 6. 49/23 Kenya



Note

DRAFT.

To be attached to
copy of "Special Resolution"
now issued with Dept. of Kenya
on 6. 6. 49/23.
(v. minutes on 4. 9. 67/23)

MINUTE.

Mr. Dr. M. Parkin
Mr. W. G. L. G. L.
Mr. G. S.
Mr. Davis.
Sir G. Grindle.
Sir H. Read.
Sir J. Masterton Smith.
Mr. Ormsby-Gore.
Duke of Devonshire.

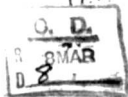
Rec'd. 15th
after 1st.

As more than a month
was allowed to elapse before
calling the confirmatory
meeting referred to in the
last para. of this Special
Resolution, fresh meetings
will have to be called.

When this has been done
the Conference will forward
further prints. They hope
in the meantime that this
will not delay matters as
the Resolution is certain to
be passed in its present
form.

C.D.
4 copies to be sent

17. 6. 49/23, Kenya



Note

DRAFT.

To be attached to
copy of "Special Resolution"
forwarded with Serf to Kenya
6. 4. 49/23.
(V. minute on 4. 6. 7/23)

MINUTE.

Mr. Dr. M. Parkinson

Mr. W. G. G. G. G.

Mr.

8/3

Mr. Davis.

Sir G. Grindle.

Sir H. Read.

Sir J. Masterton Smith.

Mr. Ormsby-Gore.

Duke of Devonshire.

Being the
after Serf.

As more than a month
was allowed to elapse before
calling the confirmatory
meeting referred to in the
last para. of this Special
Resolution, such meetings
will have to be called.

When this has been done
the Conference will forward
further prints. They hope
in the meantime that this
will not delay matters as
the Resolution is certain to
be passed in its present
form.

M.I. 6498/23 Kenya



SZ

8 March 1923

Amal
79549 Sin

DRAFT.

Kenya
Confidential
Gov Compton
MINUTE.

With refⁿ to my predecessor

For
5125/22

Confidential despatch of the
26th of January, on the
^{in Kenya}
subject of the properties of the
Leipzig and New Kirchen
Missions, I have etc. to
inform you that I am advised
that in order to carry out
the provisions of Article
43^b of the Treaty of
Versailles, it is desirable
to transfer the property
to trustees approved by

- Mr. Peel 1/3
- Mr. Bushe 1/3
- Mr. Batterbee 2
- Mr. Davis 3

Sir G. Grindle.

Sir H. Read.

Sir J. Masterton Smith.

Mr. Ormsby-Gore.

Duke of Devonshire.

Sept. 21 (43969/21) ✓

Mr. Inland Revenue	8 Nov. 21	55912/21
I. Ft.	21. Nov 21	
Conference	9. June 22	27826/22
Conference	22. June 22	
Conference	22. June 22	30284/22
Conference	25. July 22	
Confce	2 Nov. 22	54527/22
Confca.	16. Nov. 22	
Confca.	26. Nov 22	55650/22
Confca.	29 Jan 23	
Confca.	5 Feb. 23	60123
Confca.		

Handwritten notes in a small box at the bottom right, including the word 'Name' and some illegible scribbles.

The 8. of S., under certain
conditions to be embodied
in deeds of Trust.

2. In the case of the
East Africa Mission it has been
arranged that the trusteeship
for the property in question shall
be undertaken by the Africa
Inland Mission ^{representatives of/} ~~which~~ ^{have}
been formed into a Trust for this
purpose after ~~conference~~ consultation
with the Conference of Missionary
Societies ~~in~~ in Gt. Britain
and Ireland, I have approved
the Director and the Memorandum
and Articles of Association of
the Africa Inland Mission Trust, Limited,
and I now enclose three copies of the
draft, as finally settled, of the
Deed ~~to be~~

in respect to the trustees in question.

3. In order to give effect
to this arrangement, I am advised
that it will be necessary to pass
an Ordinance in Kenya, since
Article 438 of the Treaty of Versailles
does not in itself create a title to
the property, but only gives to
the poss^r of the territory in which
the property is situated a right
to create a title in Trustees. The
Deed therefore has been drafted
in accordance with this view.

DRAFT.

MINUTE.

- Mr.
- Mr.
- Mr.
- Mr. Davis
- Sir G. Grindle.
- Sir H. Read.
- Sir J. Masterton Smith.
- Mr. Ormsby-Gore.
- Duke of Devonshire.

4. I shall be glad to
learn whether you have any
suggestions to offer on the form of this
Deed; and if not, I shall be
glad if you will ~~give instructions~~
cause the necessary legislation
to be enacted. In drafting the

The S. of S., under certain
conditions to be embodied
in deeds of Trust.

2. In the case of the
Lagos Mission it has been
arranged that the trusteeship
for the property in question shall
be undertaken by the Africa
Inland Mission ^{representatives of} which ~~has~~ have
been formed into a Trust for this
purpose after ~~conference~~ consultation
with the Conference of Missionary
Societies ~~Here~~ in Gr. Britain
and Ireland, I have advised
the Director and the Memorandum
and Articles of Association of
the Africa Inland Mission Trust, Limited,
and I now enclose three copies of the
draft, as finally settled, of the
Deeds of Trust.

in respect to the properties in question.

3. In order to give effect
to this arrangement, I am advised
that it will be necessary to pass
an Ordinance in Kenya, since
Article 438 of the Treaty of Versailles
does not in itself create a title to
the property, but only gives to
the Govt of the territory in which
the property is situated a right
to create a title in Trustees. The
Deed therefore has been drafted
in accordance with this view.

4. I shall be glad to
learn whether you have any
suggestions to offer on the form of this
Deed; and if not, I shall be
glad if you will give instructions
concerning the necessary legislation
to be enacted. In drafting the

DRAFT.

MINUTE.

Mr.

Mr.

Mr.

Mr. Davis

Sir G. Grindle.

Sir H. Read.

Sir J. Masterion Smith.

Mr. Ormsby-Gore.

Duke of Devonshire.

Ordinance I shall be glad
if you will consider the
advisability of inserting a clause
providing for the entry in case
of a breach of trust

5. Copies of Eomes^a with
the Conference of Missionary Societies
in the matter are enclosed, together
with a copy of the News^a and
Articles of Association of the Africa
Inland Mission Trust, Limited.

It will be seen from the enclosure
to the letter from the Conference dated
the 5th of February, 1923, that
the Articles of Association have
been modified in accordance
with B. O. ~~letter~~ letters of the
29th of July and the 16th of Nov. 1922.

As you will observe.
6. It will be seen from the last
para. of the letter from the
Conference of Missionary Societies
of the 2nd of November, ~~that~~ the
United Methodist Church is
taking steps to have a draft
Trust Deed prepared on
similar lines, to enable
representatives of that Society
to become trustees for the property
of the Neukirchen Mission, but
I have not yet received any
definite proposals from the
Society.

DRAFT.

3

MINUTE.

Mr.

Mr.

Mr.

Mr. Davis

Sir G. Grindie

Sir H. Read.

Sir J. Masterton Smith

Mr. Ormsby-Gore.

Duke of Devonshire.

(Signed) ~~REV. J. W. G. G. G.~~