

1923

KENYA

61934

22 DEC 23

FROM
Conference of
Missionaries

DATE
21st. December 1923

FOR CIRCULATION:-

SUBJECT

Mr. *Coche*
Mr. *Coche*
Mr. *Boothley*
Asst. U.S. of S.

Leipzig Evangelical
Mission's Property.
Transfer to Cap. Inland Mission Trust.

Perm. U.S. of S.
Part. U.S. of S.
Secretary of State.

Encloses draft deed prepared by
Solicitor of Cap. Inland Mission Trust,
for consideration.

Previous Paper

505
49549

MINUTES

The alteration in drafted in para
2(i) of the dft. on 49549/23 has
^{but here and}
been made; ~~and~~ in the rest of
the deed the words "Trustee
Company" have been substituted
for "Trustees". A proviso which
is no longer necessary has been
omitted from clause 2 (h).

(The original draft deed may
be seen on 64967/23)

The final clause 8 as to
the meaning of the word 'Protestant'
has not been incorporated. &
the Conference should be told

miss - 17 JAN 1924
copy come to be 928. 30 left 26
on 15/1/1924

Subsequent Paper

M. 9
7396

of this.

? Subject to this, inform
~~the~~ Conference that
the Draft Trust ~~Deed~~ is
approved.

? no need to say
anything to you?

? Review pp. 10
find out if anything
has happened about
the property of the
NeuKirchen Mission - see
para 6. of dft. on 6498/23.

SJ

31.12.23

"Trustee Company" in last line
last one of second recital
must be altered to "Trustees".
If this is done, all the other
references to "Trustee Company"
can stand - see descriptive
words at the beginning of
the deed and the third
recital

X.A.

1/1/24

I have made some pencil alterations
in the clause lines to which the we
shall draw the attention of the lawyers
I think it would be

improvements to add the words
"of the Leipzig Evangelical Mission"
after "properties" in the first line
of clause I. The Ordinance transfers
all property of German Missions to
Trustees in clause I as it
stands says that the Trustee Company
shall hold "the properties -
transferred - by the said Ordinance."

W.P.

5.1.24

Dft. for case

W.P. 5.1.24

W.P.

CONFERENCE OF MISSIONARY SOCIETIES
IN GREAT BRITAIN AND IRELAND

COMMITTEE ON RELATIONS WITH GOVERNMENTS

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

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Rev. C. C. B. BARNARDY
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Mrs. CHURCHTON
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DORIS KING
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Rev. GEORGE THOMPSON, M.B.
Rev. C. E. WILSON
The BISHOP OF WINCHESTER
Rev. BASIL WOOD

C.O.O.
61934
32 DEC 23

Secretary
J. H. O'NEILL
KATHRINE MACLEODAN

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

EDINBURGH HOUSE

2, EATON GATE, LONDON, S.W.1

21st December, 1923.

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

Sir,

With reference to your letter of October 24th 1923, (NO. 49549/1923) with regard to the Bill of the Legislature of Kenya to give effect to the proposal to transfer to the Africa Inland Mission Trust, Ltd, the property of the Leipzig Evangelical Mission in Kenya, I beg to say that we forwarded this document to the secretary of the Africa Inland Mission along with the suggested alterations to be made to the draft trust deed contained in your letter.

We have now received from the Africa Inland Mission the draft deed prepared by their solicitors incorporating the proposed alterations and amendments, which we have been asked to submit to you for approval. On being informed by the Colonial Office that this draft deed is considered satisfactory, it will be brought before the Africa Inland Mission Trust, Ltd, for formal approval.

I am,

Sir,

Your obedient servant,

M. J. Hunter

THIS INDENTURE made the _____ day of
 1923 BETWEEN HIS MAJESTY'S PRINCIPAL SECRETARY OF
 STATE FOR THE COLONIES (hereinafter 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 Trustee Company") 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 Christian Religious Missions were being
 maintained by German Societies ^{or} ^{territory} persons 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 Kenya
 Colony in British East Africa was being maintained by German
 ✓ Societies or persons for missionary purposes and the said
 property is by an ordinance of the Legislature ^{ure} of the Colony
 entitled "An ordinance to make provisions for giving effect
 to Article 438 of the Treaty of Peace with Germany as to the
 property of the Christian Religious Missions formerly
 maintained by Germans in the Colony" and known as "The German
 Missions Ordinance 1923" and numbered _____ of 1923 vested
 in such ^{Trustees} Trustee Company and upon such trusts as the Secretary
 of State may appoint and determine AND WHEREAS the Secretary
 ✓ of State in exercise of the powers for this purpose vested in

him by the said Ordinance has appointed the Africa Inland Mission Trust Limited as a Trustee and has directed that the said Trustee Company shall hold the property in the Colony or Protectorate of Kenya of the Leipzig Evangelical Mission upon and for the Trusts and purposes hereinafter set forth N O W THIS INDENTURE WITNESSETH :-

1. THE Trustee Company 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 Trustee Company 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 license 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 Trustee Company may think fit to impose) the Trust Properties or any part thereof to the Trustees of 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 Trustee Company in its 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 Trustee Company 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 Trustee Company in its 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 maintaining 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 Trustee Company is no longer required or which the Trustee Company is 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 Trustee

Company 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 Trustee Company 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 name of the Trustee Company and to vary and trans- pose any such investments from time to time as it may think fit or place any such monies on deposit in any Bank

(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 Trustee Company or its employees in or about the execution of the trust hereunder

(j) To appoint or delegate any of its powers or duties to any manager or other person or to any committee consisting of at least three members of their own company 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 its 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 Trustee Company 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 Trustee Company.

3. Full accounts shall be kept by or under the control of the Trustee Company in proper books to be provided for the purpose by the Trustee Company 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 Trustee Company at its 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 14 days after such meeting be sent to the Secretary of State and the Missionary Conference and also to each member of the Trustee Company.

4. It shall be lawful for the Trustee Company 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 members of the Trustee Company shall be decided by a majority of the members present and voting and subject thereto every dispute whether between the members of the Trustee Company 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 Trustee Company in London in each year to be known as the Annual Meeting but subject thereto the Trustee Company may meet adjourn and otherwise regulate their meetings as they think fit. The first Annual meeting shall be held in the year

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

IN WITNESS etc.

C. D.
R 16 JAN
D 16

17.1.1934/24 Kenya

17 January 1934

DRAFT.

The Secretary
in
reference of
Missionary Societies
MINUTE.

Annual
1396
24

Sir

15/11/34

20/1/34

copy to Mr G28

I am etc to ack. the

receipt of your letter of the
(1933, regarding the purchase of the Leipzig
Evangelical Mission in Kenya)
21st of December, and to

inform you that he approves

of the terms of the draft

deed which was enclosed

herewith, subject to the

following amendments:-

(a) On line 5 of the first

"recital", the words

"German Societies and
persons belonging" should

read "German Societies

or persons in territory

- Mr. Peel 7.1.24
- Mr. Calder 1
- Mr. P. R. 8/1
- Mr. P. 8/1/34
- Sir G. Davis
- Sir G. Grindle
- Sir H. Read 15
- Sir J. Masterton Smith
- Mr. Ormsby-Gore
- Duke of Devonshire

for comment

belonging"

(b) On line 4 of the second

"reital", the word "Legislations"
should be replaced by "Legislature"

(c) On ~~the~~ line 10 of the

second "reital", the words
"Trustee Company" should be
replaced by the word "Trustees"

(d) In view of the fact that
the ~~Ordinance~~ German Missions
Ordinance, 1923, transfers

all property formerly belonging to
German missions to trustees
to be appointed by the S. of S.,

it is necessary to add after

the word "properties" in
~~the~~ line 1 of clause I of the
deed, the words "of the

Lepzig Evangelical Mission"

(e) ~~The deed should~~
~~contain~~ The following clause
should be added to the
draft deed

"8. Throughout there
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"

(Signed) H. J. READ

DRAFT.

MINUTE.

Mr.

Mr.

Mr.

Sir C. Davis

Sir G. Grindle.

Sir H. Read.

Sir J. Masterton Smith

Mr. Ormsby-Gore

Duke of Devonshire

PUBLIC RECORD OFFICE

C0533/305

END

TOTAL EXPOSURES →

PUBLIC RECORD OFFICE

C0533/305

ORDER NO. ⇨ 777
CAMERA NO. ⇨ 19
OPERATOR. ⇨ CE
REDUCTION. ⇨ 12
EMULSION NO. ⇨ 311081
DATE. ⇨ 5/7/71

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C0533/306

ORDER NO. ⇒ 777
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OPERATOR. ⇒ CE
REDUCTION. ⇒ 12
EMULSION NO. ⇒ 311081
DATE. ⇒ 5/7/71

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1923

VOL. 15

(18590) 22000/80 2,000 10/30 N. & S. Ltd., Co. Ltd.

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Arthur Rev. J.W.	1 Aug	Position of Indians - Native Policy
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Coryndon Sir R.	10 May	Position of Indians - Gov's Visit to England
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Coryndon Sir R.	7 "	Control of Helandine Harbour
"	"	Use - Taveta Railway
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Goldman C.S.	30 Oct.	Forest Concession
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