

3 8655

38635  
REC'D  
15 AUG 16

Govr's Deputy  
Hearing 418

1916

7th July.

LIQUIDATION OF ENEMY FIRMS.

Forwards copies of reports on subject from Attorney General, the Liquidator, and the Secretary Inventions and Designs; liquidators have been apptd in case of Messrs Meyer and Coy and Messrs Benhardt & Coy.

Last previous Paper.  
Gov  
38630  
Co 3522  
Co. 20002

Let to Gov - Can 30 Aug 16  
Ans'd. 6th. 2 Sept 16  
Copy enclosed with subject to the Commercial Dept. 2 Sept 16  
B.P. Commercial Dept. was letter to 2 Sept 16  
Copy sent to B.P. Commercial Dept. 26 Nov 16  
179

*Mr Jeffrey* *W.B. Butler*  
15/8/16  
I think it will be convenient to summarise the replies to the questions raised by us on E3522 taking the points as they appear in our despatch of the 24th February.  
Paragraphs 2 and 3 of Enclosure No. 2 states that trade marks do not materially affect the East African market. Enclosure No. 3 gives a list of those registered as the property of enemies. Such of these as belong to liquidated firms will no doubt be sold. We are sending out a circular which will explain the policy to be adopted with regard to the others.  
Paragraph 5. Enclosure 2 deals with good-will.  
Paragraph 6 asks for instructions as to whether fixed property and real estate are to be sold. The Governor does not ask for instructions on this point and no doubt the liquidator has received the necessary instructions. I do not think we need take any action

Next subsequent Paper.

1/11/16  
5/11/16  
4/11/16

General

on this point.

Paragraph 4. East African Trading Company. See the first paragraph of enclosure 5. It appears that we were misinformed. The National Bank has only foreclosed on a small portion of the assets. A liquidator is now to be appointed under the local Winding Up Ordinance, and the parties interested have agreed. This is satisfactory. Liquidators have also been appointed to Messrs Hayer and Messrs Denhardt & Company. The latter own a plantation and deal in provisions and produce. I think we can assume that the plantation is sufficiently involved in the business to justify its sale, and we need not therefore interfere in regard to this.

Paragraphs 5 to 10 inclusive. From paragraphs of enclosure 5 it will be seen that the Attorney General considers that claims directly connected with the local branches of the liquidated firms should be given priority. The question, however, is not material, as ~~it~~<sup>it</sup> will be seen from paragraphs 3 and 5 of the Report in enclosure 4 and from paragraph 3 of enclosure 6, that all the firms except three are completely solvent so far as can be judged. As to the three insolvent firms, two (presumably Alois Schweiger & Company and the East African Trading Company) are heavily indebted to British Banks, who presumably have <sup>the</sup> first charge on the ~~assets~~<sup>assets</sup>, while the assets of the third, the Deutsche Ost Afrika Linie are negligible. With regard to Schweiger we may be able to improve the position out of the funds of the liquidation in the United Kingdom. For the present however, we can accept the Attorney-General's view and we should perhaps<sup>?</sup> inform the Governor accordingly. It will be seen from paragraph 5 of the Report in enclosure 4 that the Attorney-General considered it desirable to announce the liquidations by advertisement in this country. The Governor says nothing about this, perhaps we should<sup>?</sup> enquire by telegram whether he wishes

See 2001  
specimen  
H.

Yes.  
H. B.

Yes  
H. B.

wishes an advertisement issued.

Paragraph 5 of enclosure 1 refers to the cases of Messrs Schauer & Welter, and Messrs Max Klein. With regard to the latter see 41512/15 and previous papers. With regard to Messrs Schauer & Welter see 11546. We seem to have had no reply from the Board of Trade to our letter of the 14th March, and should perhaps remind them.

I think so  
JAB

CB 24/8/16

JAB

25-8-16

As proposed  
And should we not let the Patent Office know that Wuffling's Trade mark is registered? I believe they have cancelled this Trade mark & so, surely we ought to follow suit

CB 26.5.16  
at home

speca

I have spoken to Mr. [unclear] He agrees that the point about Trade Marks must wait for Mr. Thompson.

Bring up on the 18th of Sept

T.O.

JAB

7.9.16

W. Boltonley W. Butler

I did not know when this paper was circulating before that Wulfius mark had been cancelled here I believe however that this has been done on the ground that it is an invalid mark according to the principles of Trade mark law. If this is the ground presumably the mark ought to be cancelled throughout the Empire.

? send copy of the lists of Trade marks & Patents to the Bd. saying that he understands that Wulfius <sup>mark</sup> Patent has been cancelled here & ask if the grounds on which the cancellation is based are such as would make it desirable to cancel the mark in E.A.P.

The reply to the letter suggested here will have to be dealt with as a general paper  
W.B.  
H.J.R.

d. ? Remind Bd. again about 11546  
Separate letters 1896

at once  
H.J.R. 17/11/16  
W. Butler

Enclose copies of E.A.P. order 17/12 & 36/15 for convenience of reference.

Say that we are not aware whether any other Trade marks or any Patents or Designs which are also registered in overseas territories have been cancelled here, but that if that is the case we should be glad to receive the views of the Bd. as to the desirability of cancelling the overseas registration & the steps to be taken for this purpose.

W.B.  
15/11/16  
W.B. 14/1/16

Telegraphic Address  
MARTON 'TEN' LONDON  
Telephone  
41888 KING AVENUE

Memorandum

46

ROBINSON, FLEMING & CO

9, Bulliter Square,

London. 10th Oct., 1916.

Westdeutsche Handels & Plantagen-  
Gesellschaft,

MOMBASA.

Deutsche Ost Afrika Gesellschaft,

ZANZIBAR.

I think it right to put on record that Mr. Fleming, of the firm of Messrs Robinson & Fleming, Fibre Merchants, called on me the other day with regard to the liquidation of the two German firms named on the <sup>attached</sup> enclosed sheet of notepaper.

He was anxious to secure, if possible, that his firm should be chosen to dispose of any fibre which might be shipped home on behalf of these two firms. I told him that we had no knowledge that any such shipments were contemplated; that the matter was in the hands of the liquidators of enemy firms in the East Africa Protectorate, and Zanzibar; that I could not undertake that we should receive any prior notification of shipments on behalf of these two firms; and that in any case, after our experience of the sisal shipments on the "Emir", we should feel bound to let all the principal merchants interested in the fibre trade know of the intention to dispose of any such produce. I also said that we should dispose of any such shipments through the C.A., who would no doubt employ brokers.

Jas B

EAST AFRICA PROTECTORATE.  
No. 418.

GOVERNMENT HOUSE,  
NAIROBI,  
BRITISH EAST AFRICA.

Jul 38675. 1916.  
REC<sup>d</sup>  
Rec<sup>d</sup> 15 AUG 16

Sir,

CO  
3522

Reports.

I have the honour to refer to your despatch No. 129 of February 24th confirming your telegram of the 18rd idem respecting the liquidation of enemy firms and to attach copies of reports on the subject from the Attorney General, the Liquidator, and the Secretary Inventions and Designs.

2. The principles followed have been in accordance with your instructions although as you will perceive from enclosure 5 the Attorney General is doubtful as to the propriety of admitting creditors of head offices in enemy territory to rank pari passu with creditors of local branches. However, as the Liquidator has pointed out in enclosures 4 and 6, this point need not be considered as there are ample assets to satisfy all creditors except in the case of three insolvent firms, which are not in a position to meet even their local liabilities and whose resources bear so small a proportion to their debts that a pro rata distribution

THE RIGHT HONOURABLE  
ANDREW BONAR LAW, P.O., M.P.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET,  
LONDON, S. W.

distribution on the lines which you recommend would not materially assist the head office creditors.

3. The position in regard to the East African Trading Company is explained by the Attorney General in enclosure 5.

4. Liquidators have been appointed in the case of the firms of Messrs. Meyer (not Meyer) and Company and Messrs. Denhardt and Company.

5. It appears that the question of the sale of trademarks and patents and goodwill will not involve any great difficulty, vide the concluding paragraphs of enclosure 4.

6. The necessary legislation in this connection is provided for in the Trading with the Enemy Amendment Ordinance 1916 passed at the last meeting of Legislative Council, power to make the necessary rules being reserved thereunder.

I have the honour to be,

Sir,

Your humble, obedient servant,

  
GOVERNOR'S Secretary



200/16

March 6th 1916.

The Hon. Chief Secretary,

Reference No. S. 12493/50 of the 24th ultimo.

Re Enemy Firms.

3522

With reference to your minute of the 24th ultimo enclosing a copy of the cable of the 23rd ultimo from the Secretary of State the decision to liquidate completely enemy firms in the Protectorate is satisfactory.

2. I am unaware if any trade marks registered in the Protectorate or the United Kingdom are the property of any enemy firm trading in the Protectorate. The Registrar of Trade Marks, Inventions and Designs might be asked to search his register with a view to finding out what trade marks, inventions and designs are the property of enemy subjects.

3. The collection of debts owing to firms under liquidation or control has been placed on a basis which it is thought will afford the maximum instalments being paid without damaging the interests of British, allied or neutral debtors, the majority of such debtors are British Indians.

4. The principle of payment in full, if possible, of the claims of British, allied and neutral creditors

without

200/16

March 8th 1916.

The Hon: Chief Secretary,

Reference No. E.18422/09 of the 24th ultimo.

re Enemy Firms.

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Co/  
3522

With reference to your minute of the 24th ultimo enclosing a copy of the cable of the 23rd ultimo from the Secretary of State the decision to liquidate completely enemy firms in the Protectorate is satisfactory.

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4. The principle of payment in full, if possible, of the claims of British, allied and neutral creditors

without

2.

without regard to enemy creditors has already been adopted vide the Liquidation of Enemy Firms Rules, 1915, Rules 4 (b) and 10. The balance, if any, after such payment is, I believe, paid to the Treasurer for investment in the War Loan.

3. The cases of the East African Trading Company, Messrs. Schaner and Walter and Messrs. Max Klein have been dealt with in my Nos. N.197/15, 198/15 and 199/15 of the 7th instant.

4. I do not think the sale of the goodwill of liquidated enemy firms will increase the receipts in any great extent because the action taken up to the present has been in the majority of cases to render the goodwill valueless and unless there is some guarantee that enemy subjects will not be allowed to trade after the war or to trade only in a very restricted fashion the goodwill of an enemy firm is not <sup>in any event</sup> of much value. <sub>^</sub>

The sale of immovable property may have some effect in increasing the available assets. In the interests of the Protectorate I am of opinion that the local creditors should be paid in full before any part of the assets are made available for the payment of non-enemy creditors against the head office of a liquidated enemy firm in enemy territory or branches elsewhere. It must be remembered that if local creditors had been left to their ordinary legal remedy it would have been possible in the case of all the liquidated enemy firms with perhaps one or two exceptions to have succeeded in getting their claims paid in full. Further it is possible that in the case of

some firms with branches elsewhere the local creditors have already been paid in full from local assets. It is impossible to say whether the commitments of the liquidated firms at their head office or other branches do not exceed the total assets collected. It, therefore, seems desirable from the Protectorate point of view to give priority to local creditors. There is less objection to the proposal that the surplus in one East African protectorate should be available to meet the deficit in another East African protectorate. I believe that while there will be a surplus in East Africa in the case of Messrs. Manning there is a deficit in Zanzibar. The above proposal will enable the liquidator to satisfy the Zanzibar creditors from the East Africa surplus.

7. The decision to liquidate enemy firms completely makes it necessary to refer to Messrs. Manning and Company's lighters and tugs and it is to be hoped that the opinion of the Law Officers of the Crown may soon be received and definite action taken thereon. In my No. N.102/15 of the 10th ultimo I have expressed the opinion for reasons stated that the lighters and tugs are not "navires de commerce" and are not subject to prize or to the treatment provided by the Hague Convention for "navires de commerce" belonging to the enemy found in Port ... at the commencement of hostilities. If Messrs. Manning and Company are to be completely liquidated the tugs and lighters should be sold and the proceeds credited to that firm in the liquidator's books.

Sd/- W. L. G. L. H.

Mombasa,

March 13th, 1916.

Hon. the Chief Secretary,

Nairobi.

Sir,

I have the honour to acknowledge receipt of your memo of 24th ultimo No. 12493/60 with enclosure, which I find awaiting me on my return to the coast.

2. The attitude I have hitherto adopted to the creditors of the various firms I am liquidating has not been inconsistent with the rules now laid down by the Colonial Office.

3. In the collection of the outstanding debts I am extending every possible consideration to the interests of the traders in the Protectorate.

4. The question of trade marks does not so far as I am aware materially affect this market.

5. No saleable value can attach to the goodwill of any of the firms unless a guarantee can be given that the original enemy firms and their managers will not be allowed to return and compete later, which is of course impossible.

6. I shall be glad to have an opinion as to whether the expression "other permanent assets being sold" includes fixed property and real estate, in which case these instructions differ from the previous Colonial Office cable stating that "fixed property may be leased but not sold" on which I have hitherto been acting.

7. Up to the present surplus funds have been handed by me to the Treasury each month and remitted to the Crown Agents by cable for investment in war loan. I presume the expression that surplus funds should be retained by the Official Custodian enemy property need not affect this arrangement. The funds are rather numerous and I am of the opinion that the present arrangement for a direct account between the Treasury and myself is the most satisfactory manner of dealing with the same.

I have, etc.,

Sd/- Ernest Adams,

LIQUIDATOR OF EREMY ALIENS.

ENCLOSURE No. 3

In Despatch No. 418 of July 7th 1916

HIGH COURT,

Nairobi, 28th March 1916.

L. S. D. 6/15

Sir,

With reference to your Memo No. B 12493/74 dated the 10th instant I have the honour to attach list of Trade Marks and Inventions & Designs registered here by enemy subjects.

I have the honour to be,

Sir,

Your most obedient servant,

(Sd) / J. D. Barrett

SECRETARY  
INVENTIONS & DESIGNS.

The Honourable

The Chief Secretary,

Nairobi.

## TRADE MARKS.

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## THE PROPERTY OF ENEMY ALIENS.

Number of Application	Date of Registration.	Number of Certificate.	Name and address of registered proprietor	Class of Goods	Description of Goods.
-	23-6-10	-	Aktion Gesellschaft Appellinaris Brunnen Vormals Georg Kruesberg of Neuenahr, Rhenish Prussia, (address for service in the United Kingdom) C/o The Appellinaris Co., Ltd., 4 Stratford Place, Oxford Street, London W.	44	Mineral Water.
-	10-3-11	-	Faberwerke vorm Meister Lucius & Brunning, Hochst of Main, Germany.	3	Medicines for diseases of the blood for human use.
1/13	2-1-13	1	Deutsch Ostafrikanische Gesellschaft, Berlin, Germany.	45	Tobacco, Cigarettes and Cigars.
4/13	27-1-13	3	Strathmann & Kochis, Mombasa, B.E.A.	47	Matches.
3/13	16-4-13	5	Ernst Reichmann, Chemist & Hugo Braun, Chemist, both of 33, Stalienstrasse, Frankfort-on-the-Maine, Germany.	3	Medicinal and Chemical preparation for giving immunity against try- panosomes and other pathogenic micro-organisms.
4/13	21-4-13	102	Jan Schnobl & Co, also trading as Schnobl & Bleis of XIX/6 Prinzinger- strasse, 112, Vienna, Austria.	39	Cigarette Papers.
1/13	11-7-13	38	Aktion Gesellschaft der Osterreichischen Feinfabriken, 6, Getroidemarkt, 1, Vienna, Austria.	38	Saps and Papes.



TRADE MARKS contd.

(2)

Number of Application	Date of Registration	Number of Certificate	Name and address of registered proprietor	Class of Goods.	Description of goods.
13	22-10-13	147	Johann Abraham von Wulffing trading as Johann A. Wulffing & Bauer & Cie of 231, Friedrichstrasse, Berlin S.W. and as A. Wulffing & Co. and as The Sanagegen Co., 12 Chenies Street, London.	3	A medical preparation for human use.
13	31-10-13	45	Africana Handels Gesellschaft M.B.H. Frankfurt A/M. Germany.	45	All kinds of tobacco manufactured and unmanufactured.
14	2-6-14	Not issued on account of War.	Continental Caoutchouc & Gutta-Percha Compagnie, of Hanover, Germany.	40	Goods manufactured from India Rubber and Gutta-Percha not included in other Classes.

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## INVENTIONS &amp; DESIGNS.

THE PROPERTY OF HENRY ALIENS,

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Number & date of filing application.	Name and address of Applicant.	Nature of Invention.	Date of filing Specification.	Date within which fee 4a should be paid.	Date within which fee 4b should be paid.
1. 14-8-05	Diespacher Rudolph C/o Tombs & Grant, Bombay.	Treatment of fibrous plants by steam pressure enclosing fibre in a cylinder into which steam is then admitted	13-10-05	21-10-09	21-10-14
11. 1-2-09	Leyenthal W. Tanga U. E. A.	Apparatus for collecting exuded rubber from the trunks of rubber trees by means of a grooved fluted corrugated or roughened cylinder and means of rolling said cylinder on the trunks of such trees.	23-3-09	23-3-13	23-3-18
12. 2-12	Max Einstein Adolph Splatz, 6, Borsenhof, Hamburg, Germany.	Process for obtaining bast from ramie stalks and kindred plants.	14-5-12	14-5-16	14-5-21
12.	Soldner Schutz, No. 19, Hellingdorfstrasse, Berlin W.	Improved process for preventing degeneration of cotton and other allied plants.	14-5-12	14-5-16	14-5-21
15-12.	Krausfeichmann & Hugo Braun, 33, Stainless Strasse, Frankfurt am Main, Germany.	The manufacture and preparations for giving immunity against Trypanosomes and other pathogenetic micro organisms	14-8-12	14-8-16	14-8-21.

## INVENTIONS &amp; DESIGNS contd.

(2)

Number & date of filing application.	Name and Address of applicant.	Nature of Invention.	Date of filing Specification.	Date within which fee 4a should be paid.	Date within which fee 4b should be paid.
38 2-12	Paul Hoering, 2, Abornstrasse, Berlin, Germany.	Invention for Improvements relating to fuel blocks or briquettes.	21-4-13	21-4-17	21-4-22.
39 1. 13	Hugo Velton, Magdeburg, Germany.	Ore dressing apparatus.	22-2-13	22-2-17	22-2-22.
40 12-12	Dr. Paul Hoering 2, Abornstrasse, Berlin, Germany.	Improved methods of augmenting the recording effects of vibrations of small amplitude and apparatus therefor.	26-6-13	26-6-17	26-6-22.

May 5th, 1916.

60

St.

No. O/S/43/16.

Hon. the Chief Secretary,

Nairobi.

Sir,

I have the honour to acknowledge receipt of your memorandum No. S. 12493/64 dated April 28th enclosing copy of a despatch No. 129 of 24th February last from the Secretary of State for the Colonies, on the question of Enemy Firms in the Protectorate, and to point out that most of the questions raised therein were dealt with in my letter to you of March 13th last.

2. I am enclosing a further general report on the firms under my control.

I have, etc.,

Sd/- Ernest Adams.

LIQUIDATOR OF ENEMY FIRMS.

cc  
3522

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REPORT ON LIQUIDATION OF ENEMY FIRMS

IN E. ST. AFRICA.

1. Up to the present date, May 5th 1916, about one half of the total moveable assets of the enemy firms in the Protectorate has been sold. The balance should be sold during the next four months. It is necessary to consider the appetite of the market in disposing of the various stocks.

2. The books debts are being collected at a fairly satisfactory rate. Considerably more than one half of the amount which will be recoverable has been collected.

3. The claims submitted have been paid, except in a few cases which are under consideration, with regard to all the firms except three. Two of these firms are insolvent owing to the heavy claims of an English bank, but neither firm has assets in any other British colony. The third firm, the Deutsche Ost-Afrika Linie, is a shipping company having no assets here and its assets in Zanzibar are negligible in comparison with the claims submitted.

4. Funds will be provided from the surplus here and in Uganda to meet the deficiency at Zanzibar in the case of two of the firms.

5. In view of the Colonial Office decision that Home Office claims should be admitted it is desirable to announce by advertisement in England that the following firms are in process of liquidation and that claims should be submitted to the liquidator of Enemy Aliens, Bombay accompanied by:

By Dec 1916

- a - A declaration of the nationality of the claimant
- b An affidavit supporting the debt and affirming that no satisfaction has been received.
- c Copies of all invoices showing marks of packages and port to which goods were shipped.

The firms in question are:

Hansing & Co., Mombasa, Zanzibar, &c.  
 Deutsche-Englische Ost-Afrika Kompagnie, Voi.  
 African-Handels-Gesellschaft m.b.H., Mombasa and Zanzibar.  
 Westdeutsche Handels- & Plantagen-Gesellschaft, Mombasa.  
 Wp. Hintemann & Co., Mombasa.  
 Wm. O'Swald & Co., Mombasa, Zanzibar &c.  
 Strathmann & Joachim, Mombasa.  
 Alois Schweiger & Co., Ltd., Mombasa.  
 George Goetze, Afrika Hotel, Mombasa.  
 Deutsche Ost Afrika Gesellschaft, Zanzibar.  
 Chas. A. Hoyer & Co., Nairobi.  
 G. Benhardt & Co., Lamu. ]

5. So far as can be estimated it does not appear that the admission of Home Office claims will lead to the insolvency of any firms other than the three already mentioned.

6. All the firms owning fixed property in the Protectorate possess sufficient movable assets to discharge the claims submitted. The sale of these fixed properties will however considerably augment the eventual total surplus and also facilitate the displacement of foreign trade by British.

7. There are no patents registered in British

East Africa by these firms under liquidation, and only two designs of unimportance.

8. There is also no saleable goodwill remaining in the case of any of these firms. Their businesses depended in almost every case on the standing and ramifications of their Head Offices, on the keenness and enterprise of their local representatives and above all on their ability and willingness to give to the bazaar almost unlimited credit.

S/- Ernest Adams.

L. LIQUIDATOR OF MESSY ALIENS.

The Hon'ble Chief Secretary,

Reference No. S.12493/44 of the 25th ultimo.  
Re Enemy Firms in East Africa Protectorate.

The facts regarding the East African Trading Company are not quite correctly represented in the Colonial Office No.129 of the 24th February, 1916. The National Bank of India has foreclosed on some real estate mortgaged to it for a comparatively small sum but both that Company and Messrs. David Sassoon and Company have refrained from pursuing their legal remedy with regard to the balance of the sums due to them. I now understand on the ground of the expense entailed. I was under the impression from communications I had received from Mombasa that Mr. Garland was acting under the authority of the Court but I now find that he has no such authority but has been doing his best to wind up the affairs of the Company without such authority I have every reason to believe that Mr. Garland has acted with discretion for the best interests of the Company and its creditors but for the reasons set out in my No. M.410/16 of the 23rd instant I am of opinion that it is advisable to appoint liquidator under the Trading with the Enemy Amendment Ordinance 1915, to wind up the Company under proper authority. As I have already informed you both the parties interested and Mr. Garland have agreed to that course being taken.

2. Liquidators were appointed both to Messrs. Chas. Hayer and Company and to Messrs. Denhardt on the 9th November, 1915, and 3rd January respectively (Vide Government Notices 238 of 1915 and 2 of 1916.)

In view of that fact I do not know if the Secretary of State still wishes for information as to the nature of the businesses carried on by them. Chas. Hayer and Company dealt principally in arms and saddlery and Denhardt and Company



in provisions and produce, Denhardt and Company are also plantation owners. To the best of my knowledge and belief neither of these firms has a branch in enemy territory.

3. I have dealt in my No.M.200/16 of the 8th March 1918 with the question of pooling the debts of non-enemy creditors, whether incurred by the branch of an enemy firm in the Protectorate or by the head office against the assets of the firm in the Protectorate. For the reasons set out in that minute I am of opinion that the local assets should first be used to satisfy the non-enemy creditors with claims against the local branches of enemy firms. The advice of the law Officers of the Crown is based on a broader view but I think regard should be had to the legal position of creditors with claims against the local branches who could, if Government had not interfered, have had their claims satisfied in full by pursuing their ordinary legal remedy.

4. Mr. Adams can probably give you specific information with regard to the methods of trading adopted by enemy firms having branches here and their head offices in enemy territory and whether such methods are similar to those employed by European enemy firms having branches in West Africa or not. He could also I presume give you the total amount of indebtedness to firms in the United Kingdom for goods supplied to local branches whether the indebtedness was incurred by the head offices of the enemy firms or by the local branches.

5. Paragraph 4 of the Colonial Office despatch appears to leave the question of the distribution of assets among creditors in the discretion of the Governor; subject to the consideration of any recommendation made by Mr. Adams I am of opinion that claims directly connected with the local branch should be given priority.

If after creditors with claims against local branches have been satisfied there is a surplus. Such surplus might be used:-

- (1) to satisfy creditors with claims against local branches in the other East Africa Protectorates and
- (2) to satisfy remaining non-enemy creditors other than neutral creditors with claims against the head office.

6. I agree that the claims of neutral creditors enforceable against local branches should be paid from local assets pari passu with "allied" claims.

7. I propose to deal with the question of the legislation necessary to authorize any pooling system when the Bill to amend the Trading with the Enemy Ordinance, 1915, is before the Legislative Council. It would be advisable for the policy to be settled as quickly as possible.

J. W. BARTH.

ATTORNEY GENERAL.

No. O/S/48/16.

Liquidator of Enemy Aliens,  
Mombasa,  
British East Africa  
June 19th, 1916

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REC<sup>d</sup>  
REC<sup>d</sup> 15 JUL 1916

Hon: the Chief Secretary,

Nairobi.

Sir,

I have the honour to acknowledge receipt of your memorandum No. S.12493/102 of 26th ultimo covering copy of a minute made by the Hon. the Attorney General on the question of the liquidations in the Protectorate and to state that the points of importance affecting the administration of these liquidations appear to be covered by the report sent to you by me on May 5th last with my letter No. O/S/48/16.

2. The questions raised by the Hon. the Attorney General as to the pooling of assets do not affect these liquidations materially, since, as pointed out in paragraphs 3 and 4 of my report referred to above local claims have been paid in the cases of the larger trading firms and an ample surplus will be available to pay the claims in Zanzibar and any further Head Office debts which are anticipated to be disclosed.

3. In the cases of the two insolvent trading firms I have up to the present received only one Head Office claim in each instance. The claims of the Bank are so huge that even a pro-rata distribution will not assist these Head Office creditors materially. I am hopeful however that the Bank, whose claims is supported by the endorsement of a German Bank, will be persuaded to consent to these two creditors claims being treated reasonably.

4. The local creditors, other than the Bank, against the two firms mentioned in the last paragraph are only fractional and I purpose paying them in full.

5. The claims of neutral and allied creditors have been admitted pari-passu with the local British claims.

I have the honour to be,

Sir,

Your obedient servant,

Ernest Adams.

LIQUIDATOR OF ENEMY ASSETS.

Gov. 38655

EAR

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Ansod 418-90

sent grouping

Arachide  
30 August

DRAFT.

Telegram (code)

undreading

Two despatches of 7/8

forer nor

Nairni

deperutor

N<sup>o</sup> 418. Do you desire

MINUTE.

Mr. Butler 30. 8-16

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Mr.

Mr.

Mr.

Mr. Read.

Sir H. Just.

Sir G. Fiddes.

Mr. Steel-Maitland.

Mr. Bonar Law.

adver tement as

enemy firms in liquidation

sluggish

suggested by

liquidator in para. 5

paganela

Holla reparings marotique  
of his report of 5/11/16

2 dfts

Ca 38653:16

70

Downing Street,

August, 1916.  
2 Sept

Sir,

DRAFT.

WEST AFRICA PROTECTORATE

624

Governor  
Sir H. Conway Belfield, K.C.M.G.,  
&c., &c., &c.

MINUTE.

I have the honour to acknowledge the receipt of your despatch No. 418 of the 7th July relating to the liquidation of enemy firms.

2. I observe from paragraph 5 of the Attorney-General's Report of the 23rd May that he is of opinion that claims directly connected with the local branches of the liquidated firm should be given priority. I gather from other enclosures in your despatch that the question is not very material, as all the firms, with the exception of three, are believed to be completely solvent, and I am therefore prepared to <sup>accept</sup> concur in the Attorney-General's view for the present.

- Mr. Butler 30.8.16.
- Mr.
- Mr.
- Mr. Grindle.
- Mr. Lambert.
- Mr. Read.
- Sir G. Fiddes.
- Mr. Steel-Maidand.
- Mr. Bonar Lloyd.

*in this case here fore  
I'd had to see the  
recovered in the Waulfing's  
full work*

3 I have already enquired by telegraph

telegram with reference to paragraph 5 of the  
Report by the Liquidator of Enemy Aliens,  
enclosed in his letter of the 5th May, whether  
you wish an advertisement to be inserted in  
the Press in this country that the firms named  
by him are in process of liquidation and that  
claims should be submitted to the Liquidator of  
~~Enemy Aliens, Mombasa~~, accompanied by the  
necessary documents.

I have &c.,



~~SS~~ 24 Nov., 1916

Case 2 59739/16 Final

DRAFT.

The Secretary  
Commercial Dept.  
Board of Trade

MINUTE.

- A.C. 22/11/16
- Mr. Tamyson 22.11.16
- Mr. B. Atkinson 22.11.16
- Mr.
- Mr. Grindle.
- Mr. Lambert.
- Mr. Read.
- Mr. G. Fiddes.
- Mr. Steel-Moulton.
- Mr. Bonar 1 ..

Sir,

I am & to transmit to you, for to be laid before the Board of Trade, a list, which has been received through the Gov. of the E.A.P., of Trade Marks and Inventions & Designs which registered in that Protectorate by enemy subjects. It is understood that Wadling's Trade Mark registered by Johann Abraham von Wadling has been cancelled & in this country by the Registrar and I am to enquire whether the grounds on which the said cancellation is based are such as would make it desirable to cancel the mark in the E.A.P. Copy of the E.A.P. Ordinance N° 17 of 1912

Copy of Trade Marks & (Encls. 3)

Ordinance N° 17 of 1912

Ordinance N° 36 of 1915



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~~93~~

24 Nov, 1916

Ans? 57739/16 Genl.

DRAFT.

The Secretary  
Commercial Dep<sup>t</sup>  
Board of Trade

MINUTE.

A.C. 22/11/16

Mr. Tennyson 22-11-16

Mr. Bostonley 22-11-16

Mr.

Mr. Grindle.

Mr. Lambert.

Mr. Read.

Sir G. Fiddes.

Mr. Steel-Maitland.

Mr. Bonar Law.

Sir  
I am to transmit  
to you, for to be laid before  
the Board of Trade, a list,  
which has been received  
through the Govt of the E.A.P.,  
of Trade Marks and Inventions  
& Designs which registered  
in that Protectorate by enemy  
subjects. It is understood  
that <sup>the</sup>Waijeng's Trade Mark  
registered by John Abraham van Waijeng  
has been cancelled & in this  
country Agricultural Office,  
and I am to enquire whether  
the grounds on which the  
cancellation is based are  
such as would make it  
desirable to cancel the mark  
in the E.A.P. Copies of the  
E.A.P. Ordinance N<sup>o</sup> 17 of 1912

Office of Trade Marks & (Encls 3)

Ordinance N<sup>o</sup> 17 of 1912

Ordinance N<sup>o</sup> 36 of 1915

2 drafts