

1925

KENYA

C. O.
12033
16 MAR 25

M
A. G. DENHAM.

DATE
14th March 1925.

CIRCULATION:—
Mr.
Mr.
Mr.
Asst. U.S. of S.
U.S. of S.
U.S. of S.
Secretary of State.

Mr. BARSKI.

Executive Council unable agree to utilisation of Rly Funds or Transport Loan except on conditions stated: it will be necessary to consult Uganda. Refers to Wharfage Co and its relation to Port control; and to Inchcape's waiver, which is of little use unless he agrees to right of Govt to maintenance tenancy.

Previous Paper

MINUTES

In red, as the Secretary of State leaves on Thursday morning.

We can either:-

- (1) Tell Major Goran that he must wait for a settlement till a settlement is ready. Apart from considerations of equity, this would mean that he would abandon his attitude of more or less friendly expostulation and do his best to "show us up" - principally the local Government as, apart from a few lapses into strictness and a period when we left out of account Lord Inchcape's position while we were discussing details with the local Government, we can stand up against criticism.
- (2) Override the local Government, and have yet another case in which official members would dissociate themselves publicly from the policy of the Secretary of State, or the "Colonial Office" as they would put it.

O.A.C. 7934
mind tel. P. 8/19/25 19 March 25

Subsequent Paper

O.A.C. 12508

waiting further, if he wishes to do so.

(2) Tel. to C.A.G. referring to the despatch just sent on port control, say what Major Grogan has been told and that we will await the C.A.G.'s telegraphic reply to the despatch. And add, briefly, our idea of the arrangements to be made as to capital charges as I have indicated above, *if it is approved.*

(It is *not* to be answered by telegraph the last paragraph of the D.A.G.'s telegram, but I think it *should* be shown that much delay was caused by the *Government's* attitude on Major Grogan's frontage rights and the validity of Lord Inchcape's lease.)

W.C.S. 17.3.25

I am sure you see a large affair to feel very sensitive about concerning the local government, and hopes to see improvement that the process will do things good in the long run - But I do propose.

C.S. 17.3.25

This telegram amounts to an uncompromising refusal. It shows that the official opposition, based I suppose on Mr. Felling's views, is very strong, and that as a result unofficial opposition will be added to it. The Secretary of State cannot, I think, hope to force through purchase against both.

S.S.

W.C.S. 17/3/25

I would not abandon the struggle. I think you should send a private and personal telegram to the C.A.G. telling him that you are personally convinced that the Executive Council are taking a short sighted view & proportional regret the attitude they are taking.

up. Don't act that the
 existing lubrication
 is only a small portion
 of a very valuable property,
 that you have seen Mr.
 Grogan personally & think
 that to break off negotiations
 with him after such long
 discussion is hardly fair
 to him, & that you hope
 he will use all his
 influence with E. C.
 to induce them to settle
 now.

W. G. 18 3 25

Please don't let a long delay hinder
 & prevent in documents

W. G. 18 3 25

only 120.33/25 K

124

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

Dated 14th March 1925.

(Received Colonial Office 9.10 p.m. 14th March 1925.)

O.A.C. 7934
No. 117 of 14th March. Your telegram 5th March. General Manager and Railway Council state they are unable to agree to utilization of railway fund(s) or transportation loan for purchase of Mbaraki for £2350,000 except on the terms proposed in my telegram 18th February No. 74. I have consulted Executive Council with General Manager and Executive Council unanimously associate themselves with this view it is felt very strongly that the interest of the African Wharfage Company in Mbaraki is being used by Inchebe as a lever to force the issue immediately in respect of larger question of Port control consider this question must be dealt with separately after ^{full} (~~re-arrange~~ group) investigation and presentation of facts to you your despatch on this subject is awaited in any case as the railway authorities do not concur in purchase on the terms proposed it will be necessary to consult the Uganda Government before taking any action which would result in charging interest and sinking fund to railway revenue any proposal to charge expenditure to the Colony revenue would require further consideration and would certainly meet with strong opposition in the Legislative Council who have not been consulted in any of these negotiations waiving of option by Inchebe of little value to this Government unless he also agrees to right of government to determine tenancy on 6 months notice. As regards protraction of negotiations it has been pointed out from the start by this Government that postponement of settlement has been mainly due to Grogan's property being subject to tenancy which materially affects its value.

Gov/12033/25

Mr. ~~Adams~~
Mr. 19/3
Mr.

Anscl
13825

2nd



Mr. Strachey (any)
Sir J. Shuckburgh.
Sir C. Davis.
Sir C. Grindon.
Sir J. ...
Mr. ...
Mr. ...

10c
20p
19.3.25
S. G. W.

1911
1912

Sir

Kaiohi

Private & Personal 19th March

Your telegram of 14th March '17

Mabrouki I am personally

convinced that Executive Council

are taking short-sighted view and I

profoundly regret attitude which

they are taking

I must point out that meeting

Mabrouki where only small

portion of my valuable property

I have seen Ergon personally

and I am satisfied that to reach

of negotiations with him after such

long discussion would be most unfair.

I am satisfied also that to make

settlement depend on fulfilment

of local Government's desire to

acquire wharf without leaving

perhaps any standing there

is to amount to extracting off

the Government the responsibility of the

in any case the wharf is a public

property and the wharf is a public

property free to anyone of

whom the Government may wish to

use it.

I must ask you to see all other

agreements with Executive Council

and Railway to indicate them to

settle us, and I regard transaction

with wharf railway matter and I

consider that it should be finally

accepted by Council however and

good agreement for the future.

Yours truly
Henry

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

Sent 2.20 p.m., 19th March, 1925.

Private and Personal 19th March.

Your telegram of 14th March 117 Mbaraki. I am personally convinced that Executive Council are taking shortsighted view and I profoundly regret attitude which they are taking.

I must point out that existing Mbaraki wharf only small portion of very valuable property. I have seen Grogan personally and I am satisfied that to break off negotiations with him after such long discussion would be most unfair. I am satisfied also that to make settlement depend on fulfilment of local Government's desire to acquire wharf without leaving Incheape any standing there is tantamount to breaking off negotiations with Grogan and that in any case in view of prospective further delay he would have to be left perfectly free to dispose of whole property otherwise if he wished to do so.

I must ask you to use all your influence with Executive Council and Railway to induce them to settle now. I regard transaction as a purely railway matter and I consider that it should be frankly accepted by General Manager