

1925

KENYA

293

C.O.  
30201  
3 JUL 25

DATE

2nd July 1925.

A.G. DENHAM.

TEL  
297

MAGADI SODA CO. OIL PIPE LINE.

Is serving notice of breach of lease on local representative of Company, and demanding remedy within two months. Suggests S. of S. should notify all concerned before further action regarding new lease is taken.

Previous Paper

MINUTES

discussed in Mr Bottomley's room on July 4<sup>th</sup>.

The lease which is alleged to have been broken is presumably the local lease of the Port. (copy on 24481/25) which refers to the conditions of the contract of 1911.

The As Governor's action in serving this notice without prior consultation with S of S. was thought to be a little hasty, & Mr Bottomley feared that the new Coy. might take the step, common in the midst of the negotiations for the new lease, as an unfriendly act. Mr Burke, however, thought that the notice was probably only of a warning character and that proceedings would not necessarily

*Ans: Tel Bureau 8/25*  
*\* S. Magadi Soda Co. - cons.*  
*copy x above to R.S. Marriott*  
*to Mr. Bottomley, Mr. Manning, Mr. White*  
*x 2 Liquidator (Mag. Soda Co.)*  
*copy x to Mr 441 - 4 Aug 25 of 4. S.*  
*31000/25*  
*M.H.*

Subsequent Paper

S 30777

follow unless the Govt. took further action.

It appears to be doubtful whether the notice should have been served on the liquidator, clearly the new Coy. who have no lease at all, cannot be sued for breach.

In the case it was thought best to let the OAG deprecating further action until SJS had the facts and notify up those concerned.

Copy herewith to

OAG (sic)

Nagadi Coy.  
H.F. Newman (The former Gov. Director on the Nagadi Board)

The liquidator (At Mr. Bushie's suggestion  
Incorporates Mr. Benyon who  
confirms that he is now  
the liquidator)

Butcher Owen  
+ Jones

6/7/55

There is not so much as the attempt to say  
in relation to the present position which  
has been broken; we had better wait for the  
Acting Government to inform us definitely on  
the point.)

W. C. H. H. H. H. H.  
6.7.55

*Hugh F. Marriott*, R. INST. M. E. (PAST PRES.) R. INST. C. E. A. R. E. M. A. R. E. S. E. M.  
Consulting Mining Engineer

299

TELEPHONE CENTRAL 589.  
TELEGRAMS OYNARE LONDON.

REC D  
16 JUL 1925  
COL OFFICE

1, BROAD STREET PLACE,  
LONDON, E.C. 2.

15th July 1925.

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

Your ref. 30201/25.

Sir,

I have duly received your letter of 10th July with enclosures and have arranged to discuss the matter with the Chairman of the Magadi Soda Company. I will report to you on the subject as soon as this has taken place.

I am, Sir,

Yours faithfully,

*H. F. Marriott*

*[Handwritten notes and signatures]*  
Assoc. Comm  
Att. on return SRCA  
Yes  
J. H. [unclear]  
16  
[unclear]

R. No. 169.

300

BOARD OF TRADE,

DEPARTMENT OF THE OFFICIAL RECEIVERS IN COMPANIES LIQUIDATION,

33, CAREY STREET,

LINCOLN'S INN,

W.C. 2. 13th July 1925.

Ref:- 30201/25.

RECEIVED  
14 JUL 1925  
COLLEGE

IN THE MATTER OF THE ~~ESTRADA~~ SODA COMPANY LIMITED.

Please address all communications respecting this matter to the Official Receiver in Liquidation, of the name of the company.

TELEGRAMS:- including, Estrada, London.

Sir,

I have to acknowledge the receipt of your communication of the 10th instant, and to state that I am writing to the new Company on the matter and on receipt of their observations will communicate with you again.

I am, Sir,

Your obedient servant,

*K. B. ...*  
SENIOR OFFICIAL RECEIVER.

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

*S.R.C.A.*  
*Yes please*  
*for*  
*1927*  
*As in letter*  
*Attach on return*  
*14/7*

SUTTON, OSMANNEY & OLIVER.

E. G. OLIVER.

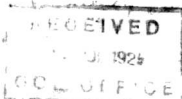
H. M. OSMANNEY.

TELEGRAPHIC ADDRESS: "OSMANNEY, LONDON."

TELEPHONE: NO 1259 } LONDON WALL  
NO 9318 }

3 & 4, GREAT WINCHESTER STREET,

LONDON, E.C.2.



30801/25.

13th July, 1925.

Sir,

Magadi Soda Company Limited.

We beg to acknowledge receipt of your letter of 10th instant and the accompanying copy of a letter sent to the Magadi Soda Company Ltd. regarding the action taken by the Acting Governor of Kenya in serving a notice of breach of lease upon the Company in respect of construction of a pipe line across the Company's Depot Works in Killindini the contents of which we note.

We have the honour to be,

Sir,

Your obedient Servants,

*Sutton Osmanney & Oliver*

The Under Secretary of State,  
Colonial Office,

S.W.1.

*M. Seal*  
*Colonial Office*

C. O.  
30201

3 JUL 25

302

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

(Dated 2nd July, 1925.)

(Received, Colonial Office, 9.47 p.m., 2nd July,  
1925.)

*0111.  
24481*

No. 297 2nd July My despatch of 5th  
May No. 523 paragraph 3 Construction of oil pipe  
line(s). I am serving notice of breach of lease  
upon the local representative of the Magadi Soda  
Company and demanding remedy within 2 months.  
Copy of the notice follows by next mail. Suggest  
you notify all parties concerned before any further  
action is taken regarding the new lease.

Seel 67.25

Bush 67

Bottomley 6.7.

Wachey. J. at the

Shuckburgh.

Wavis.

Windle.

Winsterton Smith.

Winsty Gore.

Winsty.

RAFT.

Code  
Telegram

Winsty.

Winsty.

Winsty.

Winsty.

Winsty.

OTG. 30201 / 25 Kewra

303

C. D.	
R	8 JUL
D	9

~~Winsty~~

Coded & sent.  
J.C. 3:25 pm.  
8/7/25

8th July

Your let. 2nd July No 297

Nagadi In present cases it

would appear that any notice of breach should be served on liquidator. but

~~in any case trust that no~~

further action Presume notice already served but in any

case trust that no further step

will be taken until I have

received your denials. Full  
information should be given ©  
~~SECRET~~

Meanwhile all concerned  
will be informed

Secer.



Seel 6.7.25  
Boshe by  
Bottomley 6.7  
Strachey  
J. Shuckburgh.

OTG 30201/2r Kenya

Davis.  
Grindle.  
J. Masterton Smith.  
Ormsby-Gore.  
Amery.

*Handwritten:*  
AUSA  
32147

*Handwritten:*  
Zippis

10 July 1925

DRAFT.

Secretary  
Nagadi Soda Co.,  
M.A.

Sir,  
10 JUL 1925  
48/3400/25

With reference to para.  
of the letter from this Dept.  
of the ~~date~~ of the 3<sup>rd</sup> of July,  
an eli. to inform you that  
the Acting Governor of Kenya  
reported by telegram that  
he is serving a notice of  
breach of lease upon the  
local representative of  
the Nagadi Soda Company,  
in respect of the pipe line  
which has been constructed

*Vertical handwritten notes:*  
Copy to Lutter, Curran, ...  
Copy to Mr. Harcourt  
Nov 1941 - 7 Aug 25.

Onson  
5 PM

The British Imperial Oil Company Ltd,  
at the Kitiindivi Depot works of  
the Nagadi Soda Company.

2. The As. Governor <sup>suggests</sup> ~~wishes~~  
that all parties concerned <sup>should</sup> ~~may~~ be  
notified before any further action  
is taken with regard to the new  
lease of the Depo. works ~~to the~~  
~~recess~~ Mr Amery hopes, however,  
that a receipt of full information,  
which has been asked for, it may  
be possible to settle this matter  
by ~~private~~ negotiation, and  
he has sent a telegram to the  
As. Governor expressing the hope  
that, if the notice has already  
been served, no further steps  
will be taken until he has  
received this information.

2. In the meantime B. Amery

305  
Strachey.  
J. Shackburgh.  
C. Davis.  
G. Grindle.  
J. Maestron Smith.  
Ormsby-Gore.  
Mr Amery.

DRAFT.

Sir

Trust that copies of the  
revised leases of the Lake,  
Railway, and Depot  
works, in accordance  
with the letters from this  
Depo. No 19788/25 of the 9<sup>th</sup> 8  
May, No 20686/25 of the  
11<sup>th</sup> of June, and No 24481/25  
of the 5<sup>th</sup> of July, has proceeded.

(Signed) W. D. BOTTOMLEY.

Leel 6.7.25

Bushy 6/7

Bottomley 6/7 6

Strachey.

Shuckburgh.

Davis.

Grindle.

Masterton Smith.

Stansby-Gore.

Amery.

306

OTAG. 30201/25 Keura

DRAFT.

SIR,

Magdalen.

Nasadi Soda Company,  
Ltd.

(H. E. Burgess Esq.)

Carey Street,  
Lincoln's Inn  
WC2

Coma.

S M

~~copy to Sir yet - 7/8/25 L. 1/3400/2501~~

~~Notes~~  
10 July 1925

With reference to your letter of the 10 of April, 1924, ~~Law~~ on the subject of the Nasadi Soda Company, Ltd. I am etc. to inform you that the As. Gov. of Keura has reported by let that he is serving a notice of breach of lease on the local representation of the Nasadi Soda Company, in respect of the construction of by the

British Imperial Oil Coy. Ltd.

of a pipe-line across the Nagadi  
Soda Coy's Dept works at

Kilindini. The C.S. Governor

has suggested that all concerned  
should be notified. ~~before~~

2. The Mr Amery has  
requested the C.S. Gov<sup>t</sup> to report  
fully on this matter by despatch,  
and in the meantime he has  
sent a telegram expressing the  
hope that the C.S. Governor  
take no further steps with regard  
to the notice before this despatch  
has been received and considered

Signed W. C. BOTTOMLEY

Seal 6.725  
Bottomley 6.725 f

307

- Strachey.
- J. Shuckburgh.
- Davis.
- Grindle.
- J. Masterton Smith.
- Ormsby-Gore.
- Amery.

for

DA. 30201/25 Kenya

[Handwritten mark]

10 July 1925

DRAFT.

SIR

E. Narasimha Swamy  
N. Ind. N.A.  
M.C.C. clerk.

Broad Street Place,  
[EC 2]

Nagadi Soda Coy. 3 July ✓  
24481/25  
do. 10 JUL 1925  
M. H. H. H. H.

I am all to tis. to you  
for your information,  
the acc. copy of a letter  
which has been sent to  
the Secretary of the Nagadi  
Soda Coy., Ltd, with  
regard to a ~~breach~~ notice  
of breach of lease which  
the As. Gov. of Kenya  
reports that he is serving  
on the local rep<sup>rs</sup> of the  
Nagadi Soda Coy., Ltd,  
in respect of a pipe line

which has been constructed  
at the Coy's Millindini ~~Dept~~  
works by the British Imperial  
Oil Company. Ltd.

2. A copy of the letter  
from this Dept. of the 3<sup>rd</sup> July  
to para. 6 of which the letter  
refers, is also enclosed.

(Signed) W. C. BOTTOMLEY.

Seal 6.7.25  
Boshe by  
Bottomley 6.7.25

303

- Strachey.
- J. Shuckburgh.
- Davis.
- Grindle.
- J. Masterton Smith.
- Ormsby-Gore.
- Amery.

Handwritten initials and scribbles.

OTC 30201/25 Kenya

10 July 1925

RAFT.

utton,  
ainers and  
vies. &

Sentences

on son

With ref<sup>o</sup> to the letter from  
 this Dep<sup>t</sup> No 24481/25 of the  
 3<sup>d</sup> of July. I am etc. to  
 you, for your info., the acc<sup>y</sup>  
 copy of a letter which has been  
 sent to the Nagadi Soda Coy,  
 Ltd, regarding the <sup>actions taken by</sup> ~~services~~  
 by the Acting Governor of Kenya  
 in <sup>in services</sup> ~~in services~~ notice of breach of lease  
 by the Nagadi Soda Coy. Ltd,  
 in respect of the construction  
 of a pipe line across the

Nagadi Soda Coy.  
1925

Company's Depot Works  
at Kildare.

(Signed) W

TOMLEY.