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144, QUEEN VICTORIA STREET,
LONDON, E. C.
August 8th. 1910.

The Under Secretary of State for the Colonies,
Downing Street,
Whitehall, S. W.

Sir,
East Africa (Malindi) Concession

I have received notice from Mr. Joseph Foulkes that the Company registered on May 27th last under the title of "Malindi Cotton and Rubber Estates, Limited" with a nominal Capital of £90,000, has not gone to allotment, and that all public subscriptions received have been returned.

Mr. Foulkes has therefore failed not only to carry out the terms of his Agreement with the Crown Agents for the Colonies dated February 28th 1910, but also his Contract with Lady Mackenzie of April 28th last whereby he undertook to form a Company to acquire and develop the land in consideration of her granting him power to do so on certain conditions.

The three months given him for this purpose in the Agreement with the Crown Agents were extended for one month to June 28th by you, and at his urgent request I wrote you on June 25th, supporting his petition for a further extension of three months on the understanding that he would complete his contract and carry the matter through in each further period were granted him.

Since he has failed, however, and consequently has jeopardised the whole business, I must now, on behalf of Lady Mackenzie and those who associated with her, beg to withdraw my letter of June 25th, and refer you to my letter of May 12th 1910 in which I graciously explained

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Mr. Foulkes' status in the matter.

I have therefore to ask you to kindly give instructions for the Agreement of February 28th with the Crown Agents to be transferred from Mr. Foulkes' name into that of Lady Mackenzie so that she may once more obtain control of the undertaking and enable the land to be dealt with in such manner as the Crown Agents may deem advisable.

So far as Mr. Foulkes is concerned, this Agreement has lapsed through default, but, as explained in my letter of May 12th, he was only permitted to appear as Concessionaire on account of his having contracted with Lady Mackenzie to deal with the lands on the terms arranged with the Crown Agents through their Solicitors, Messrs. Sutton, Ommalley & Rendall.

Lady Mackenzie is prepared to make any equitable arrangement with Mr. Foulkes to compensate him as may be necessary, but it is first of all essential that the right to deal with the Property be re-invested in those who provided the funds to acquire it, and who paid Mr. Foulkes for his services in so doing.

I am prepared to go into the matter at once, and shall probably be able to come to some arrangement with persons in the Protectorate who some time ago expressed a desire to co-operate, but whose assistance Mr. Foulkes declined.

If you will kindly give the necessary instructions, I will confer with the Crown Agents & their Solicitors so that no further time may be lost in carrying the matter through to a successful issue.

I have the honour, Sir, to be
Your obedient servant,

Alfred Mackenzie & Partners

The Under Secretary of State for the Colonies,
Downing Street,
Whitehall, S. W.

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