



1911

EAST AFR. PROT.
3340

Edward J. P.
K.M.G.

Date
1911
1 Feb.

Last Previous Paper
a/285

Grogan Concession

Expresses satisfaction at decision. Suggests that new agreement be drawn up in England & referred to Govt before finally approved.

To Grogan, Congo & Arab
Copy comes by 18 Feb. 12/17
Copy forwarded to [unclear] Aug 1911

Mr Fiddes.

I suppose that we had better do as Sir B. Girouard suggests. I submit a draft accordingly. I say nothing in it about the payment of the legal expenses involved. As this is a compromise, and a substitution of a new agreement for an old one which we shall be glad to see the last of, we cannot very well ask ~~Mr~~ Grogan to pay all the expenses connected with the preparation of the new agreement, as we should if the concession were a new one. We must, I think, bear our own legal expenses in the matter, and leave Captain Grogan to bear his.

F.G.A.B. 4 Feb.

[Handwritten signature]

next subsequent Paper

89/2592

COLONIAL OFFICE,
LONDON.

1st February 1911.



Sir,

I beg to acknowledge the receipt of your Despatch No. 1217/1910, dated 31st January, and note with great satisfaction the decision of the Secretary of State with regard to this Concession.

2. With reference to Para. 4, as I have finally discussed all the details with the officers of the Department, and as Captain Grogan is in England and likely to remain here, I would suggest that the new Agreement should be drawn up by the Colonial Department and not in the Protectorate. I would further suggest that before it is finally approved by the Secretary of State, it should be referred to the Government of the Protectorate.

I am, Sir,

Your obedient servant,

The Under Secretary of State
for the Colonies,

LONDON.

D/3340/E.A.P.

965

DRAFT.

HART/S.G. MOGAN, ESQ.

Downing Street,

MINUTE.

10 February 1911.

Mr Butler. 4 Feb.

Mr Fiddes.

Mr Just.

Mr Cox.

Mr C. Lucas.

Mr Seely.

Mr Harcourt.

Sir,

I am directed by Mr Secretary Harcourt to inform you that, after consultation with Sir Percy Girouard, the Governor of the East Africa Protectorate, during his visit to this country, he is prepared to approve of a new agreement being entered into with you in the terms of the provisional agreement arranged with you by Mr ^{Cole} ~~Seely~~, the Crown Advocate of the Protectorate, (a copy of which is enclosed for convenience of reference), with the following modifications:-

Handwritten signature/initials

Doc 8586

Handwritten note: for the... of any...

for consent

Provisional agreement

(enclosure to be in 352/10/14)

copy of... M.O. 1217

(a)

7104-20 + enclosure No 38479

(a) A royalty of Rs 1.38 per one hundred cubic ft. will be substituted for the royalty of Rs 2. per tree.

(b) In addition to the licence to cut timber mentioned in the provisional agreement you will be granted a licence to cut timber in the forest situated between the area surveyed by Mr Coryell and the Uganda Railway, the boundaries of this new area being as defined in the last paragraph of section(1) of your letter to Sir P. Girouard dated Nairobi, the 15th September, 1910. The terms on which this licence will be granted will be the same as those contained in the provisional agreement (as modified under (a) above in respect of royalty), with the exception that, instead of being permitted to take up any "glade" land included in the new forest area on the terms stated in paragraph 2(8) of the provisional agreement, you will be required to pay for any such "glade" land such a rental as the Governor, at the time of ^{the} your exercise of your option in this respect, shall decide to be fair.

2. It is to be understood that it is a part of

of the terms now offered that you accept the wording of paragraph 2(4) of the provisional agreement, by which the licence fees to be paid in any year may only be deducted from the royalties payable in respect of that year, and not from royalties payable at any time during the currency of the licences.

3. Sir Percy Girouard has asked that an agreement on these lines may be drafted in this country and sent out to him before being finally executed. On learning that you are prepared to enter into an agreement on the lines proposed, Mr Harcourt will instruct the Crown Agents for the Colonies to have the necessary draft prepared.

I am, etc.,

[Signature]