

EAST AFR. PROT.

No. 23263

23263

29 JUN 08



Serial No.
270

1908

2 June

as previous Paper.

(Subject)

Concessions Bonds.

Asks that in all cases drafts may be submitted to him. Refers to Borneo Trading Co's bond in which the guaranteed clause may give rise to difficulties.

(Minutes.)

Mr. Antedus

Reference being made to 4704 will show that I pointed out at the time the objection which the Gov. has made to the form of bond with the Co. & advised that the Gov. did not first consult. This was not however done, & the matter cannot be remedied now.

Reply that the Gov. wishes as to the reference of such documents to him will be done in mind, & give effect

except where the policy is not in
referring them to him might be
filled to the satisfaction.

And in regard to the Borne Co
refer to des on 13503 in
which it was made clear that
the Borne Co. has no monopoly
of trading in this district.

W.M. 30/6

W.M. July 11
at place



Governor's Office,
Mombasa,
June 2nd 1908.

C.O.
23263
20 JUN 08

~~PART AFRICA PROTECTORATE.~~

No. 27a

(Encl. 1.)

My Lord,

I venture to ask that in all cases where Bonds or Agreements in connection with Concessions and other matters are prepared in London by the Crown Agents, the drafts of such Bonds or Agreements be sent to me for consideration before they are finally entered into with the parties concerned.

Capt. Riddell
July 21st

30/6/201

2. In the case of the Bond entered into by the Roma Trading Company, a copy of which was received under cover of Your Lordship's despatch No. 221 of the 8th ultimo, there is a penal clause the insertion of which was agreed upon in the earlier stages of the correspondence with the Company but afterwards we were inclined to doubt whether such a clause might not lead to inconvenience with other parties and somewhat tie our hands as regards other applications to trade in this part of the country on less extended lines than those advocated by the Roma Trading Company.

3. For instance Mr Williams had already entered into

H. Principal Secretary of State
for the Colonies.
Downing Street,
LONDON, W.

Handwritten notes and signatures at the bottom of the page.

into arrangements for developing trade routes from South Abyssinia, without giving such a guarantee as has been required from the Boma Trading Company, and it was felt that this guarantee of £2000 which the Boma Trading Company not only did not object to, but on the contrary were anxious to give, might have the effect of placing the Company in the position of being able to object should others be allowed to trade in that part of the country, without a similar guarantee being required, which we might not always be able to exact.

4. For these reasons I came to the conclusion that it would be well not to insist on the guarantee, or penal clause, and in a letter written to Captain Riddell on the 21st July last, copy of which is enclosed, he was informed that I did not consider it necessary to insist on the guarantee.

5. As a penal clause I have no other objection to the clause in question which I think is right in principle, as long as it is not regarded by the Company as constituting a bar to others from whom a similar guarantee is not exacted, and in view of the letter to Captain Riddell to which I have referred, this contingency should be obviated.

de,
I have the honour to be,
With the highest respect,
My Lord,

Your Lordship's most obedient,
humble servant,

J. Hayes
J. Hayes

ENCLOSURE
In Dispatch No. 27

455

Copy

Governor's Office,
Nairobi,
January 31st, 1908.

C. O.
23263
REC
29 JUN 08

Sir,

In reply to your letter of December 31st relative to the establishment of a trading post at Marsabit, I am directed to inform you that His Excellency will be prepared to give you all reasonable assistance in effecting this purpose and in trading between this post and the Abyssinian frontier but that there can be no question of a monopoly.

2. I am to add that His Excellency does not consider it necessary to insist on the guarantee you propose.

3. I am to inform you however that owing to difficulties which have recently arisen between the Abyssinians and the Italians, and in view of the fact that it is proposed to shortly depute three officers to exercise control on the Abyssinian border, the operations of your Syndicate should be deferred for a few months till the Government is able to afford them assistance on the spot.

I am etc.,
F. J. JACKSON
Lieut. Governor.

CAPTAIN HUGHES,
Nairobi.



25263

CAP

456

Gray

20 July 08

DRAFT

CAP (No. 331)

for table

Sir,

I have the honour to acknowledge the receipt of your despatch

X. 270 of the 2nd of June, in which you request that arrangements should be made in connection with concessions or other matters proposed by the Crown Agents the drafts of such bonds or agreements should be sent to you for consideration before they are finally entered into with the parties concerned.

2. Your wish in this matter will be borne in mind, and effort will be given to them in all cases, except where that delay would be prejudicial to you would seriously prejudice the enterprise

MINUTE.

Mr. Dandy 16 July

Mr. Lee

Mr. Jux.

Mr. Ambrose

Mr. Cox.

Sir Lucas

Sir E. Hopwood.

Col. Seely.

The Earl of Crom.

137-15

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