

1923

KENYA

27 252

C. D.
21033

WARD BANK OF
SOUTH AFRICA.

DATE
26th APRIL 1923.

REC.
27 APR. 23

SUBJECT

CUSTOMS CLAIM AGAINST MESSRS CHILDS
AND JOSEPH.

States as to judgment given in favour of Messrs Childs and Joseph in Supreme Court and encloses copy of judgment. In view of very definite nature of latter suggests that expense incurred if Customs Dept's intention to appeal is carried out, would be unproductive of any result.

Requests Sir R. Coryndon's attention, be drawn to matter.

MINUTES

Mr. Bushe,

I intended to discuss with Sir Robert Coryndon on Monday, but the three hours we were together ~~was~~ too much occupied with other matters for me to find time for this.

Although our view has been entirely on the side of the Bank in this matter, I do not think that they are quite reasonable in objecting to the Government having entered an appeal when they themselves (see 6519) expressly maintained the right of appeal in the event of an adverse decision.

In addition, you may find some loophole in the judgment which might have

given

Previous Paper

1305
6591

Subsequent Paper

31775
173

2 May 23
To Sir R. Coryndon

MINUTES.

MINUTES NOT TO BE WRIT
ON THIS SIDE.

given a reasonable opening for the Government's appeal, and, although they are, no doubt, merely once more indulging in the painful amusement referred to in Sir G. Grindle's minute on 43443/22, it is a difficult matter for us to interfere from here.

However, I suppose we are bound to communicate with Sir P. Carndon, and, in order to ~~consider~~ ^{have} the discussion when he is next here (on Friday), I suggest that we should write to-day as in my draft herewith.

W.G.S.
2/5/23

I am not much impressed by the alleged grievance of the bank, but am impressed by the waste of good money involved in this appeal. I can find anything wrong with the judgment, which follows the view I formed very long ago.

H.L.S. 2/5-

W.G.S. 2/5/23 and

MINUTES.

MINUTES NOT TO BE WRIT
ON THIS SIDE.

given a reasonable opening for the Government's appeal, and, although they are, no doubt, merely once more indulging in the painful amusement referred to in Sir G. Grindle's minute on 43443/22, it is a difficult matter for us to interfere from here.

However, I suppose we are bound to communicate with Sir P. Cayndon, and, in order to ^{have} ~~consider~~ the discussion when he is next here (on Friday), I suggest that we should write to-day as in my draft herewith.

W.G.S.
2/5/23

I am not much impressed by the alleged pervasiveness of the banks, but I am impressed by the waste of Government money involved in this appeal. I can find anything wrong with the judgment, which follows the view I formed very long ago.

A.P.B. 2/5-

W.G.S. 2/5/23 and

BANK
OF LONDONTELEPHONE
LONDON WALL 5420 (3 LINES)

THE STANDARD BANK OF SOUTH AFRICA, LIMITED
WITH WHICH IS INCORPORATED THE AFRICAN BANKING CORPORATION LIMITED



YOUR REF: 55500/22.

ADDRESS ONLY
 CHIEF INSPECTOR

*10 Clements Lane,
 Lombard Street,*

London

26th. April, 1953.

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

21033

REC
 27 APR 25

Sir,

With reference to your letter of 14th. November last and to our previous correspondence regarding the claim of the Kenya Customs Authorities against Messrs. Childs & Joseph, we now beg to inform you that we have been advised by the Superintendent of our East African Branches in Mombasa that advantage has been taken of the facilities granted by the Governor, in response to the representations you were good enough to make on behalf of the Banks interested, for testing the matter in the Courts.

The Case was argued last month before Mr. Justice Sheridan in the Supreme Court at Mombasa, and judgment was given in favour of Messrs. Childs & Joseph.

Copy of the judgment is enclosed for your perusal.

It is with great regret, however, that we have

/to

26/4/23.

254

to inform you that in spite of the unequivocal nature of the remarks of Mr. Justice Sheridan, the Chief of the Customs in Kenya has lodged an Appeal.

If there were any point at issue in regard to which there could be any reasonable doubt, our friends and ourselves would be prepared to seek such further elucidation as might be obtained by referring the case to a Higher Court, but in this instance we think you will agree that the action taken by the Customs Authorities is not governed by such considerations.

We certainly feel that incurring further expenses ought, if possible, to be avoided. To this end we are reluctantly compelled to again seek your assistance, and to ask you to be good enough to place our case before the Governor, Sir Richard Coryndon, who, we understand, is now in this Country.

Thanking you in anticipation,

I am, Sir,
Yours faithfully,

Chief Inspector.

Handwritten mark

Handwritten mark

Downing Street,

2nd May, 1903.

DRAFT.

INSPECTOR,
STANDARD BANK OF SOUTH
AFRICA, LIMITED

Sir,

I am &c. to acknowledge

MINUTE.

the receipt of your letter of the

26th of April on the subject of

Mr. Bottomley. *Handwritten initials*

the claim of the Kenya Customs

Mr.

Mr.

Authorities against Messrs. Childs

Mr. Davis.

and Joseph, and to inform you that

Sir G. Grindle.

Sir H. Bead.

he is in communication with Sir R.

Sir J. Masterton Smith.

Mr. Ormsby-Gore.

Goryndon on the matter.

Duke of Devonshire.

I am &c.,

drafts.

ang

[Handwritten scribble]

Downing Street,

2nd May, 1903.

DRAFT.

INSPECTOR,
STANDARD BANK OF SOUTH
AFRICA, LIMITED

Sir,

I am &c. to acknowledge

MINUTE.

the receipt of your letter of the

26th of April on the subject of

Mr. Bottomley. *2/3/23*

the claim of the Kenya Customs

Mr.

Mr.

Authorities against Messrs. Childs

Mr. Davis.

and Joseph, and to inform you that

Sir G. Grindle.

Sir H. Bead.

he is in communication with Sir R.

Sir J. Masterton Smith.

Mr. Ormsby-Gore.

Coryndon on the matter.

Duke of Devonshire.

I am &c.,

drafts.

Downing Street,

2nd May, 1923.

DRAFT.

BYNDON, K.C.M.G.

Sir,

I am &c. to transmit to

you the accompanying copy of a letter from the Standard Bank of South Africa together with its enclosure on the subject of the judgment given against the Customs Department of Kenya in the matter of payment of Import

Duty in kind.

In

2 drafts.

MINUTE.

Mr. Bottomley. 2/5/23

Mr. Burke 2/5

Mr. Bottomley 2/5

Mr. Davis.

Sir G. Grindle.

Sir H. Read.

Sir J. Maisteron Smith.

Mr. Ormby-Gore.

Duke of Devonshire.

S.A. 21033 (2/5/23)
 enclosed to be returned

1/EA
27

SC

Downing Street,

2nd May, 1923.

DRAFT.

BYNDON, K.C.M.G.

Sir,

I am &c. to transmit to

MINUTE.

you the accompanying copy of a

Mr. Bottomley. 2/5/23

letter from the Standard Bank of

Mr. Burke 2/5

South Africa together with its

Mr. Bottomley 2/5

enclosure on the subject of the

Mr. Davis.

judgment given against the

Sir G. Grindle.

Customs Department of Kenya in

Sir H. Road.

the matter of payment of Import

Sir J. Masterton Smith.

Mr. Ormsby-Gore.

Duty in kind.

Duke of Devonshire.

In

2 drafts.

S.A. 21033 (2077)
 enclosed to be returned

2 In view of the definite request

made by ^{the} ~~the~~ Bank that the matter should
be referred to you, His Grace has

~~considered it desirable to communicate~~

~~with you on the subject, and, I am to~~

~~suggest~~ that it should be discussed with

the East Africa Department when you next

visit the Colonial Office.

I am &c.,

2 In view of the definite request

made by ^{the} ~~that~~ Bank that the matter should

be referred to you, ~~His Grace has~~

~~considered it desirable to communicate~~

~~with you on the subject, and, I am to~~

~~the~~
suggest that it should be discussed with

the East Africa Department when you next

visit the Colonial Office.

I am &c.,