1923

KENYA

21033

ARD BANK OF SOUTH AFRICA.

ATION:

DATE 26th APRIL 1923.

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 Custome Dept's intention to appeal is carried out, would be unproductive of any result.

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

Previous Paper

6591

Way 23

MINUTES

Mr. Bushe,

time for this.

Sir Robert Coryndon on Monday, but the three hours we were together was too much occupied with other matters for me to find

I intended to discuss with

Although our view has been entirely on the mide 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 maintaing the right of appeal in the event of an adverse decision.

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

Subsequent Paper

MINUTES NOT TO BE WAT

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

However, I suppose we

matter for us to interfere from

are bound to communicate with Sir

R. Saryndon, and, in order to consider the discussion when he is next here (on Friday), I suggest that we should write to-day as in my draft

6.5. 2/5/13

wed 2/5/23

Jam not much empressed by to alley a sevence of the bank, but am empressed by the water of some control of the appeal. I can find anything wrong with the paryment bound form the afolion to rice of formed very long ago.

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.

are bound to communicate with Sir

the discussion when he is next
here (on Priday), I suggest that

West. 2/5/13

Jam not much impressed by the law, but I am impressed by the waste of fortunes in white waste of fortunes with the Tury many to him follows the view of formed very long ago.



Tue Under Secretary of State, Golonial Office, . S.W. 1.

COL MAPILOS

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 Gevernor, 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. Childe, & Joseph.

Copy of the judgment is enclosed for your perusal.

It is with great regret, however, that we have

26/4/23.

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.

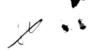
We certainly feel that incurring further expenses ought, if possible to be avoided. To this end we are reluctantly compelled to again seek your assistance, and to ask you to be good enough to place our case before the Governor, Sir Richard Coryndon, who, we understand, is now in this Country.

Thanking you in an cipation,

I am, Sir, faithfully,

Ohief Inspector.





Downing Street,

2 May, 1923.

DRAFT.

INSPECTOR,

AFRICA, LIMITED

Sir,

I am &c. to acknowledge

MINUTE.

26+h o

Mr. Bottomley. 4/3/23

Mr.

Mr. Davis.

Sir H. Read.

Sir J. Masterton Smith.

Duke of Describing

the receipt of your letter of the

26th of April on the subject of

the claim of the Kenya Customs

Muthorities against Messrs. Childs

and Joseph, and to inform you that he is in communication with Sir R.

Coryndon on the matter.

I am &c.,

drafts.





Downing Street,

2 May, 1923.

DRAFT.

INSPECTOR,

TANDARD BANK OF SOUTH AFRICA, LIMITED Sir,

MINUTE.

Mr. Bottomley. 43/25

Mr.

Mr. Davis.

Sir G. Grindle.

Sir H. Read.

Sir J. Masterton Smith.

Mr. Ormsby Gore.

Duke of Deventhire.

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DRAFT.

DYNDON, K.C.M.G.

W:

Downing Street,

2 May, 1923

Sir,

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MINUTE.

H. Bottomley 2/5/1

Mr. Davis.

Nir G. Grindle.

Sir J. Masterton Smith.

Mr. Ormsby Gore.

Duke of Devonshire.

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

Gustoms Department of Kenya in

the matter of payment of Import

Duty in kind.

In

2 drafts.

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DRAFT.

PYNDON, K.C.M.G.

XV

Downing Street,

2 May, 1923

Sir,

... Blu wines)

MINUTE.

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Mr. Sommer 2/5

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