

DOMESTIC

EAST AFR. PROT.

No. 29744

29744

Rec. 15. AUG 05

Individual.

(Subject.)

Foreign

COMMISSION TO TAKE EVIDENCE FROM FRENCH CITIZENS.

905

10 AUG.

Foreign Paper.

This copy of a despatch from Paris resp a Commission to take evidence from Baron M. de Rothschild. Points out procedure is irregular and states course that should be followed.

(Minutes.)

Mr. Cox Telegraph the substance of the 70. 1: to the Comm. - + then send copy of it, it one: 2 of same. in orig, to the Comm. for inf. L. 7?

H. J. R.

19/8

at home

19/8

Copy (not sent) to Comm. 30. 23 Aug 05  
 2 copies & March Comptrol.

Foreign Paper.

38623

29744 493

FOREIGN OFFICE, Aug 15

August 18, 1905.

Sir:-

I am directed by the Marquess of Lansdowne to transmit to you, to be laid before Mr. Secretary Lyttelton, a copy of a despatch from the Acting British Consul General at Paris respecting a Commission which he has received from His Majesty's High Court of the East Africa Protectorate at Mombasa to take evidence from Baron Maurice de Rothschild, who is a French citizen.

I am to point out that the procedure which has been followed by the High Court in the matter is irregular, since His Majesty's Consular officers cannot take evidence on commission in France from a French citizen.

The proper course to follow in the matter would be for the High Court at Mombasa to issue a "Commission Rogatoire" which would be delivered to the French Government through the diplomatic channel.

I am, Sir,

Your most obedient,  
humble Servant,

*F. H. Villiers*

Under Secretary of State,  
Colonial Office.

29744

AUG 05 1905

BRITISH CONSULATE GENERAL,  
P A R I S.

3rd August, 1905.

My Lord:-

I have the honour to request that I may be furnished with instructions in the following matter.

I have received from His Majesty's High Court of the East African Protectorate at Mombasa, a Commission to take evidence from Baron Maurice de Rothschild, and which I have the honour to enclose herewith in original.

There is no Power of Substitution to enable me to appoint another Commissioner in my stead.

Owing to Mombasa being so far from Paris considerable delay would be necessitated in corresponding with the Principal Judge of the East African Protectorate and for him to name another Commissioner, and this might therefore be prejudicial to the case.

I have the honour to draw Your Lordship's attention

The Marquess of Lansdowne, K.G.,  
&c., &c., &c.

attention to Despatch No.3 Treaty of January 31st  
1903 bearing on a similar subject.

I have &c.,

(Signed) George Falconer Atlee.  
Acting British Consul General at Paris.

70  
29744

3 Apr. 1905

496

backside  
19 Aug

Commission

DRAFT.

Telegram to  
Stewart  
Nairobi.

has been received by  
Pappy

British Consul General at  
Breasts

MINUTE.

Paris from

Mr. Read. 19 Aug.

High Court Mombasa

Mr. Andrews.

to take evidence from

Mr. Cox.

Mr. Lucas.

Mr. Graham.

Baron Maurice Rothschild

Sir M. Omurany.

The Duke of Marlborough

Mr. Lyttelton.

who is French citizen  
spark expressly

Sent  
with  
5.15.05  
1905

full stop This is  
forgiving society

an irregular procedure  
obitual

full stop Proper course  
forgiving omnibus

T.O.

WEBB-099-1205