

EAST AFR. PROT.
ZANZIBAR
31956

C.O.
81059

Foreign

1910

14 Dec

(Bills or Papers)

21946

Records of old Court of Appeal

Consider that these records should be kept
at Zanzibar, for reasons already set forth
Request that they be now returned to
Zanzibar

to Zanzibar

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It was under the control of the Sols for private affairs for the time being, & that when it was attached to records could not be dealt with in any way without the concurrence of Sir Edward Grey.

I am not sure that this may not be traversed, and in the absence of such a provision as was put into the new Ord. of 1909 §3 (requisite "Sols"), and even if it is sound the action which the J.C. desires to take is unnecessary & obstructive, because

(1) The records of the former Court do not include or relate to appeals from any Court in Zanzibar and if kept in that island will be useless for any legal purpose and in course of time will probably be allowed to perish from neglect.

(2) The present Court of Appeal though technically constituted a new Court by the 1909 Ord. hears appeals from the same 3 Provs. as the former Court, and art. 10 of that Order clearly shows that it was intended that the present Court should have continuity with the former Court as regards its legal business, and therefore is the only Court which has a reasonable claim to the possession of the records of the former Court.

Hope we shall stick to our views in this & discuss with the J.C.

JBR

19/10/1906

Mr. Lido
Jaffee

H3

19/10

at once p. 19



FOREIGN OFFICE,

October 17/1910.

6649/10)

Sir:-

With reference to your letter 2183/1910 of the 15th of July last respecting the custody of the records of the old Court of Appeal (now abolished) for West Africa at Zanzibar I am directed by Secretary Sir Edward Grey to state that he understands that the records in question were sent to Zanzibar owing to a misapprehension.

Sir E. Grey is moreover of opinion that these records should be kept at Zanzibar for the reasons set forth in the letter from this Department of the 3rd December last and I am therefore to express the hope that the Earl of Crewe will agree to the records being returned to His Britannic Majesty's Court of Session and will issue instructions in this sense to the authorities in East Africa.

Yours most obediently,
 H. G. G. G.

H. G. G. G.

Under Secretary of State,
 Colonial Office.

7.01 21959 } East
Langibar

DRAFT.

U.S.G.S.
F.O.

Dated 31/10/1910

31 October 1910.

MINUTE.

- Mr. Pakenham 21/10
- Mr. Risley 28
- Mr. Smith 28
- Mr. Fiddes.
- Mr. Just.
- Mr. Cox.
- Sir C. Lucas.
- Sir F. Hopwood.
- Col. Seely.
- Lord Crewe.

Sir,

I am directed by the Earl of Cromer to acknowledge the receipt of your letter, No 3669/10, of the 17th of October, respecting the custody of the records of the old Court of Appeal for East Africa at Langibar & to request you to inform Secretary Sir E. Grey that H.E. regrets that he is unable to accept the

the view that these records which are now at Legation, should be returned to His Britannic Majesty's Court at Legation.

2. As regards paragraph 3 of your letter of 25/4/09, of the 3rd of December 1909, I am to observe that although the present Court of Appeal, though technically constituted a new Court by the Order in Council of 1909, hears appeals from the same three Districts as the former Court and it is with apparent from the article

Article 10 of that Order that it was intended that the present Court should have continuity with the former Court as regards its legal business, and consequently it is the only Court which has a reasonable claim to the possession of the records of the former Court.

3. I am further to observe that the records of the former Court neither include nor relate to appeals from any Court in Legation, & if they were kept by the Court in that place they would be useless for all legal purposes.