

1931.

Kenya

No. 17071

SUBJECT

C0533/407

*Letter of Request.*

*bivle base 132 of 1929.*

Previous

Subsequent



1. of Gov. no. 36 \_\_\_\_\_ 16 January 2  
Forwards letter of request in civil case 132 of 1929  
(Hyzjowiczka v. B. & A. Trading Co.), with authentication  
of signature thereon for transmission to Federal  
Ministry of Justice, Vienna.

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~

re Duncan

Apparently, from no. 28 &  
no. 30 on 144/27 L.S.A. below, all  
that is necessary is to send copy  
Exp: & sub in orig. to F.O. for  
transmission. JHT hrs.

G. Eastman  
14.2.31

Apparently authentication of the original  
Exmosi originals is not necessary.

JWHelen  
14/2  
atacc

Notes & Procedures  
note (see  
in file)

To F.O. (w/c 1 + small in orig) 17 FEB 1951

DESTROYED UNDER STATUTE

XWA to take 14.2.31

P.T.O.

3 Foreign Office \_\_\_\_\_ 25 January  
En. copy despatch to H. M. Minister Vienna  
inclosing the letter of request and stating as to cost  
of translation, if letter is necessary.

Parry  
Gentleman  
27/3/31  
at

~~ms~~

4 Foreign Office \_\_\_\_\_ 10 June  
En. copy despatch from H. M. Minister Vienna,  
inclosing note verbale from Federal Chancery  
stating examination of witnesses will take  
place on 8 July 1931.

? not necessary to send  
substance of 2nd encl. to Gov.

If you agree, please "at once"

Gentleman  
1576/31  
I agree. A.P. work.  
15.6.31

Parry  
Gentleman  
1576 at

5 Foreign Office \_\_\_\_\_ 26 August 3  
En. copy despatch from H. M. Minister Vienna  
inclosing documents required.

Mr. Duncan.

? Write as in draft.

Orzechowski  
25.8.31

2 copies.

119.

No. 1. Gov. but at - (1/ sub. mels. to 5 in orig.) - 14 SEP 1931  
(No. 1. Edmund.)  
DESTROYED UNDER STATUTE

In any further communication on this subject, please quote

No. T 10655/2292/371

and address—not to any person by name, but to

"The Under-Secretary of State," Foreign Office, London, S.W. 1.

RECEIVED  
27 AUG 31  
COL. CE

154

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies and, by direction of the Secretary of State, transmits herewith copy of the under-mentioned paper.

Foreign Office,

26<sup>th</sup> August 1931

Reference to previous correspondence:

No. 2 Colonial Office letter no. 1707/131 of Feb. 17<sup>th</sup>  
Description of Enclosure.

Name and Date.	Subject.
From H.M. Representative at Vienna. no. 306 of Aug. 17 <sup>th</sup> (with enclosures in original)	Letter of Request: Bracia Lyczowiczka versus Rudolf Loy and Otto Markow, trading as the Old East African Trading Company.

Similar letter sent to

Sub. encl. in orig. Gov. Lett. - 14 SEP 1931

In any further communication on this subject, please quote  
 No. T 10655/2222/371  
 and address—not to any person by name, but to—  
 "The Under-Secretary of State," Foreign Office, London, S.W. 1.

RECEIVED  
 27 AUG 31  
 COL. GE  
 154

THE Under-Secretary of State for Foreign Affairs presents his  
 compliments to the Under-Secretary of State for the  
*Colonies* and, by direction of the Secretary of State,  
 transmits herewith copy of the under-mentioned paper.

Foreign Office,  
 26<sup>th</sup> August 1931.

Reference to previous correspondence:

No. 2

Colonial Office letter no. 17071/31 of Feb. 17<sup>th</sup>  
 Description of Enclosure.

Name and Date.	Subject.
From H.M. Representative at Vienna. no. 306 of Aug. 17 <sup>th</sup> (with enclosures in original)	Letter of Request: Bracia Ezczerwiczka versus Rudolf Loy and Otto Markow, trading as the Old East African Trading Company.

Sub. made in orig. Gov. Dept. 14 SEP 1931

Similar letter sent to

V i e n n a ,

No. 306.,  
(119/15/31)

August 17th, 1931.

Sir,

With reference to your despatch No.56(T2222/2222/371) of February 23rd last and to subsequent correspondence regarding the Letter of Request from the Supreme Court of Kenya for the taking of evidence in the matter of Bracia Czekowicka versus Rudolf Loy and Otto Markus, I have the honour to transmit to you, herewith, in original, the documents required, which were sent to me by the Federal Chancery, Department for Foreign Affairs under a formal covering letter dated August 13th, 1931.

I have the honour to be with the highest respect,

Sir

Your most obedient,  
humble servant.

(signed) R. H. HADOW

The Right Honourable  
Arthur Henderson, M.P.,  
etc., etc., etc.,

5  
V i e n n a ,

No. 306.,  
(119/15/31)

August 17th, 1931.

Sir,

With reference to your despatch No. 56 (19222/2222/371 of February 23rd last and to subsequent correspondence regarding the Letter of Request from the Supreme Court of Kenya for the taking of evidence in the matter of Bracia Ozecowicska versus Rudolf Loy and Otto Markus, I have the honour to transmit to you herewith, in original, the documents required, which were sent to me by the Federal Chancery, Department for Foreign Affairs under a formal covering letter dated August 13th, 1931.

I have the honour to be with the highest respect.

Sir

Your most obedient,

humble servant.

(signed) R. H. HADOW

The Right Honourable  
Arthur Henderson, M.P.,  
etc., etc., etc.,



In any further communication on this subject, please quote

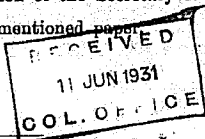
No. T 4258/2222/341.

and address—not to any person by name, but to—

"The Under-Secretary of State," Foreign Office, London, S.W. 1.

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under Secretary of State for the Colonies and, by direction of the Secretary of State, transmits herewith copy of the under-mentioned paper.

Foreign Office,  
10th June, 1931.



Reference to previous correspondence:

No. 2

Colonial Office letter no. 1404/31 of 17th February, 1931.

Description of Enclosure.

Name and Date.	Subject.
From His Majesty's Minister, Vienna, no. 201 of 31st May, 1931.	Letter of Request: Bracia Bzeczowiczka versus Rudolf Loy and Otto Markus trading as the Old East African Trading Company.

Similar letter sent to

No. 201.(119/6/31)

HIS Majesty's Minister at Vienna  
presents his compliments to His Majesty's Principal Secretary of State  
for Foreign Affairs  
and has the honour to transmit to him the under-mentioned documents.

British.....Legation

.....Vienna.....

.....May 31st, 1931.

*Reference to previous correspondence:*

F.O.despatch No. 157(T2222/2222/371)

of April 29th, 1931.

*Description of Enclosure.*

Name and Date.	Subject.
Federal Chancery, Department for Foreign Affairs, May 23rd, 1931.	Letter of request: Bracia Czekowiczka versus Rudolf Loy and Otto Markus.

No. 201. (119/6/31)

HIS Majesty's Minister at Vienna  
presents his compliments to His Majesty's Principal Secretary of State  
for Foreign Affairs  
and has the honour to transmit to him the under-mentioned documents.

British.....Legation:

.....Vienna.....  
.....

.....May 31st....., 19...31.

Reference to previous correspondence:

F.O.despatch No. 157(T2222/2222/371)

of April 20th, 1931.  
Description of Enclosure.

Name and Date.	Subject.
Federal Chancery, Department for Foreign Affairs, May 23rd, 1931.	Letter of request: Bracia Czekowiczka versus Rudolf Loy and Otto Markus.

TRANSLATION

Federal Chancery,  
Department for Foreign Affairs,  
No. 154.043-15.

Note - Verbale

In continuation of its Note-Verbale of May 6th, 1931, No. 146.320-15 and with reference to Note-Verbale No. 36(119/4/31) of May 2nd, 1931, the Federal Chancery, Department for Foreign Affairs has the honour, on the basis of information received from the Federal Ministry of Justice, to inform His Majesty's Legation that the examination of the three witnesses will take place on July 8th, 1931; the lateness of the date is to be explained by the fact that the representatives of the accused, the lawyers Atkinson Wright, Bown and Morrison of Mombasa, British East African Protectorate, had to be informed of the date fixed for the hearing.

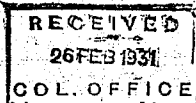
Vienna,

May 23rd, 1931.

The British Legation,  
Vienna.

In any further communication on this subject, please quote  
No. T 2222/2222/341.  
and address—not to any person by name, but to  
"The Under-Secretary of State," Foreign Office, London, S.W. 1.

N.P.



THE Under-Secretary of State for Foreign Affairs presents his  
compliments to the Under Secretary of State for  
the Colonies and, by direction of the Secretary of State,  
transmits herewith copy of the under-mentioned paper.

Foreign Office,  
25th February, 1931.

Reference to previous correspondence :

No. 2. Colonial Office letter no. 17041/31 of 17th February,  
Description of Enclosure. 1931.

Name and Date.	Subject.
<u>To His Majesty's Minister,</u> <u>Vienna,</u> <u>no. 56 of 23rd February,</u> <u>1931.</u>	<u>Letter of Request: Bracia</u> <u>Czeczowiczka versus Rudolf</u> <u>Loy and Otto Markus, trading as</u> <u>the Old East African Trading</u> <u>Company.</u>

Similar letter sent to

23rd February, 1951.

Sir,

I transmit to you herewith a copy of a letter from the Colonial Office forwarding for execution in Vienna a Letter of Request from the Supreme Court of Kenya for the taking of evidence in the matter of *Bracia Czachowicka versus Rudolf Loy and Otto Markus*, trading as the Old East African Trading Company.

2. If a German translation of the documents is required I shall be glad if you will have it prepared and forward it to the Austrian Government with the originals for execution.

3. The cost of such translation as well as any other expenses which may be incurred in connexion with the execution of the Letter of Request should be reported in due course and charged in the next quarterly account of His Majesty's Legation with this Department.

I am, with great truth and regard,

Sir,

Your obedient Servant,  
(For the Secretary of State)

(Signed) G. R. WARNER.

Sir Eric Phipps, K.C.M.G., C.V.O.,

etc., etc., etc.

Vienna.

23rd February, 1931.

Sir,

I transmit to you herewith a copy of a letter from the Colonial Office forwarding for execution in Vienna a Letter of Request from the Supreme Court of Kenya for the taking of evidence in the matter of *Bracia Czeczoskiska* versus Rudolf Loy and Otto Markus, trading as the Old East African Trading Company.

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(For the Secretary of State)

(Signed) G. R. WARNER.

Sir Eric Phipps, K.C.M.G., C.V.O.,

etc., etc., etc.

Vienna.

KENYA.

No. 36



GOVERNMENT HOUSE,  
NAIROBI,  
KENYA.

RECEIVED  
-9 FEB 1931  
COL. OFFICE

16<sup>th</sup> January, 1931.

My Lord,

I have the honour to forward a Letter of Request for transmission to the Federal Ministry of Justice at Vienna.

2. This letter has been submitted by a Judge of the Supreme Court of this Colony and, in accordance with Colonial Regulations and the instructions contained in Mr. Churchill's despatch No.706 of the 11th May, 1922, has been countersigned by me, and an authentication of the signature appearing thereon is attached.

I have the honour to be,

My Lord,

Your Lordship's most obedient, humble servant,

*John Lubbock*

ACTING GOVERNOR.

THE RIGHT HONOURABLE LORD PASSFIELD, P.C.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET,  
LONDON, S.W.1

copy of original in copy to F.O. 17 FEB 1931

CO. / 19961 / 28 Uganda.

Amund. 644 - 14 SEP 1931



KENYA.

No. 36



GOVERNMENT HOUSE,  
NAIROBI,  
KENYA.

16 January, 1931.

RECEIVED  
-9 FEB 1931  
COL. OFFICE

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I have the honour to be,

My Lord,

Your Lordship's most obedient, humble servant,

*Mr. Lukens*

ACTING GOVERNOR.

THE RIGHT HONOURABLE LORD PASSEFIELD, P.C.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET,  
LONDON, S.W.1

*copy of small in orig. to Feb 17 1931*

*CO. / 19961 / 2d Uganda*

*Answered by H. - 14 SEP 1931*

I, HENRY MONCK-MASON MOORE, Companion of the Most Distinguished Order of Saint Michael and Saint George, Acting Governor and Commander-in-Chief of the Colony and Protectorate of Kenya, do hereby certify that Samuel Joyce Thomas who has signed the annexed Letter of Request is duly appointed Puisne Judge of His Majesty's Supreme Court of Kenya and that all documents attested and signed by him receive full faith and credence in the Colony and Protectorate of Kenya.

In witness whereof I have hereunto set my hand and affixed the Public Seal of the Colony and Protectorate of Kenya at Nairobi this 16<sup>th</sup> day of JANUARY, 1931.

H. M. M. MOORE  
ACTING GOVERNOR.