

1933.

copy

No. 3029

SUBJECT C0533/431

K. W. R. Lighter on Lake Albert.

*Seizure by Belgian Authorities in respect
of claims for loss of property.*

Previous

17084/31.

Subsequent

38179/17/36.

1 part of a ...
H. ...
to ...

9 Casey
9 2 33

3 think ...
J. ...
7/2

2 J.A.H. Wigg (F.O.) (USA) cons. 210 12/1/33

3. H. G. ...
Comforms No 1, furnishes further details of M. Callobaut's
claim for legal costs & sends a copy of translation of a letter
sent to the Chief Accountant by J. P. Shauff
send copy of to F.O. (M. ...)
reference 2.

H. ...
24/2/33
...

1. C. Howard Smith ...
Ref No 2 states have no further claims to make, & asks that
H. G. be communicated with on the lines of No. 3800 (19084/31).
State instructions are being given to ask Belgian Govt. to prevent
judgment being executed in the Callobaut case.

To C. Howard Smith (F.O.) (USA) cons. 2/3/33
(USA)

6 to H.C.T. 20 (3 conserved) cons. 3 MAR 1933

4 Foreign Office ...
Trans. copy of dispatch to H.M. Representative Busacchi
requesting that Belgian Govt. may be asked to prevent judgment
being executed in the Callobaut case.

- Copy H.C.T. 15 reference 6.
- A 3 pm should also issue to
H.C.T. requesting that the word
"une" may be substituted for
the word "under" in the 16 line
of para 4.

H. ...
12 6/3/33

...

8 To H.C.T. 22 (w/c ...)

To Sec 6 H.C.1

11 MAR 1933

DESTROYED UNDER STATUTE

10. Foreign Office.

Trans. Copy despatch from M. M. Macossey at Brussels regarding claims against the Kenya and Uganda Admin.

We can hardly concur in the draft Note
bill the KUA administration have agreed to
the suggestion for reciprocal legislation which
was put together in 6.6, and which
they will not yet have received.

As a draft with copy of 6
copy to F.O. LF

ref. 10.

See
Folder
minutes
10/3

11. to H. - ~~despatch~~ 1st No. 7 - 17/11/33 ✓
(in ex)

12 F.O. (S.O.) 17.3.33.

For reasons stated, would propose to
reject M. Gallewans claim for legal costs
on the ground that the whole proceedings
were invalid

If our legal advisers support
this view there seems no reason
to await a reply to 11.

? Reply to 10 suggesting that
the request to the Belgian Govt
for a stay of the execution
of the judgment should be
based on the reasons

in draft in 12, enclose a copy
of 11 and promise to send a
copy of the F.O.'s reply.

H.S. Pors & Co

20/3/33

agree

H.S. Pors & Co

(on the plan)

I have tried to find someone in F.O.
dealing with this but have failed. As I
am in need of an opinion on whether
waiting to try again

I see no objection to taking the point
raised in 12. I did not take it
previously myself because I thought
there was a general view to the effect
that claims should be cancelled
without argument. (I am not sure
whether F.O. have changed their mind
on this but I presume not.) The
whole world is by no means

unanimous on questions of public domain
law but F.O. are in the best position
to judge whether the rule they
proposed is acceptable by Belgium

It seems, however, that the Gallewans
claim is for 45,000 frs (for damages
& interest) plus court costs. The
argument in 12 is only directed to

question of costs. I do not know
how far it is relevant to the matter
the other items (i.e. the 45,000 fr). We
have not enough information to
judge. Based on the argument
in 12 therefore, probably is only
a partial justification for the
request for a stay of execution?

I should have thought that
the mere fact that if execution
is levied on K.O.R. property, the
Belge's will be seizing property
of the Crown would have been
a very good ground upon which
to make the request.

J. A. Roberts-Lang

20.3.33

re Roberts-Lang

In the first instance to No 3, dated 17-12-32, the
L.C. proposes "to demand no court costs" That is
the latest thing I know of and proceeding on it, apparently
He even the earlier letters also in No 3 are so
wordily that it may not be correct.

Mr. Hester might reply to 12 saying we have
noted Kenya as per Belgium (NO 11 sending a copy)
and putting your points

J. A. Roberts-Lang
20.3

re Hester

It is certainly very difficult to understand
what the claim is. I see that in
para 2 of 3 it is stated that a "legal
costs damages & interest" was repudiated

in the ground that the proceedings are
irregular and that a stay of the
damages are concerned with the original
cause & action & cannot
see how the fact that irregular
proceedings are instituted to prevent them
entitled ^{to K.O.R.} to say that they are done
in good faith & the cause you propose

J. A. Roberts-Lang
22.3.33

13 To (Howard Bond (FO) (12 ans) 27/3/33
(page 6 of 11)

(M)

14. H.C. Transport. Vol. 7. 1st April

State that Callebaut and Tajadine's claims have been
paid to extent of value of goods not delivered. Agree
to proposal to approach the Belgian Govt. on lines
stated in para. 2 of No 16.

now with specially to FO reference
13 and say informing them that the
M.C. has been consulted on the proposals
contained in their letter of the 29 Oct 1931
(last is 17084/31) and agrees that
the Belgian Govt should be approached
on the lines there suggested regarding
FO. to proceed accordingly.

H. P. Roberts-Lang
3/4/33

J. A. Roberts-Lang

110 H.C.

54 same

15 To F.O.

5/4/33

11 Foreign Office _____ 10 April 33
Trans. copy of letter to H. M. Embassy, Brussels
regarding grounds ~~upon~~ which request for a stay
of execution might be based.

? Put by

H.S. PMS/ma

12/4/33

(N^o 15 had presumably not reached the
L.M. & U. Dept.)

Proctor

12/4/33

17 Foreign Office _____ 25 April 33

Trans. a copy of a despatch to H. M. Representative
Brussels requesting that Belgian Govt. may be approached
with a view to a reciprocal liquidation of claims.

? Copy with copy of 15 to

the H.F. in reference 14

H.S. PMS/ma

20/4/33

Proctor

28/4/33

18 in H.C.T. 38 (w/c 15-17) A/1a 3 MAY 1933

14 unwork

19 Foreign Office _____ 22 April 33

Trans. copy of despatch from H. M. Representative Brussels
enclosing a copy of note from Belgian Minister of Foreign Affairs

Put by

T. W. D. 24/4/33

20 Foreign Office _____ 25 April 33

Trans. copy of despatch from H. M. Ambassador,
Brussels transmitting a copy of a note from Belgian Minister
of Foreign Affairs regarding instructions sent to the German
General of the Corps.

Copies of the Ambassador's communication
to the Belgian Govt of 17th & 27th April
are not enclosed. I understand
from F.O. (Western Registry) that no
copies have been received from
Brussels. In view of the last
paragraph of the Belgian reply
? Ask F.O. by letter for a
copy of Lou Franck's communication
of the 27th April.

Yes - the copy will not be finally
intelligible to the U.V.R. authorities without it.

Proctor
24/4/33

4/8 21 To F.O. (20 unwork) Gans 29/6/33

✓ 22 Foreign Office _____ 10 July 33

Trans. copy of a note to Brussels Chancery requesting
copy of note to Belgian Govt of 27 April.

DESTROYED UNDER STATUTE

lat by
C. J. Dawson TB
13/7/33
at all

✓ 23 Foreign Office _____ 24 July 33

Forwards copy of note from Chancery (Brussels) enclosing
copy of Lord Granville's communication to the Belgian Govt of
30 April 33.

? how send copies of sub enclosure 6, 23
& enclosure 6, 20 to H.C. Transport
off. with reference to 18, for his
operations.

C. J. Dawson TB
29/7/33
P. Davis
26/8/33

✓ 24 To H.C.T. 86 (w/c 26) 29/7/33
sub encl 6, 20
A/l/a
W.D. 29 JUL 1933

✓ 25 At Gen Transport 117 _____ 30 Aug 33.

States agreement to cancel mutually all claims & counter
claims has been put on record & unprosecuted liquidation of all
present & future claims agreed to.

after Granville's detractions
no 20
14/8/33
sub encl 6, 20
copy of letter to H.C.T. LP
P. Davis 28/8/33
C. J. Dawson
27/8/33

✓ 30 F.O. _____ 5 OCT 1933

To H.C.T. 111 (w/c 26) A/l/a 5 OCT 1933
20 enclosed

✓ 26 Foreign Office _____ 13 October 33

DESTROYED UNDER STATUTE
C.D.
R 16OCT
D

copy of a despatch to H.M. Representative, Brussels
stating S. of S. opinion is concerned in no further communication
need be addressed to the Belgian Govt.

Copy to H.C.T. LP
W.D. 16/10/33
P. Davis
16/10/33

✓ 27 To: H.C.T. 114 (w/c 28) A/l/a 18 OCT 1933

✓ 22 Foreign Office _____ 10 July 33

Trans. copy of a note to Brussels Chancery requesting
copy of Note to Belgian Govt of 27 Apr.

DESTROYED UNDER STATUTE

let by
C. J. [unclear] TB
13/7/33
[unclear]

(M)

23 Foreign Office _____ 24 July 33

Forwarded copy of note from Chancery (Brussels) enclosing
copy of Lord Granville's communication to the Belgian Govt. of
27 Apr. 33.

? how send copies of sub enclosure 1, 2, 3
& enclosure 6, 20 to H.C. Transport
with reference to 18, for his
statements.

C. J. [unclear] TB
29/7/33
P. [unclear] TB
26/8/33

24 To H.C.T. 86 (w/c 20) 29/11
" sub-enc 6 to 23) M/A
was 29 JUL 1933

(C)

25 H. Gen Transport 117 _____ 30 Aug 33.

States agreement to cancel mutually all claims & counter-
claims has been but a record of unproposed liquidation of all
present & future claims agreed to.

copies of [unclear] [unclear] [unclear]
[unclear] [unclear] [unclear] [unclear] [unclear]
[unclear] [unclear] [unclear] [unclear] [unclear]
copy of letter [unclear] to H.C.T. L.P.

Pro Davis 26/9

C. J. [unclear] TB
27/9/33

To F.O. _____ 5 OCT 1933

To H.C.T. 111 (w/c 26) M/A 5 OCT 1933
20 enclosed

28 Foreign Office _____ 13 October 33

DESTROYED UNDER STATUTE

C.D.
R 16 OCT
D

copy of a despatch to H.M. Representative, Brussels
stating S. of S. opinion is concerned in & no further communication
need be addressed to the Belgian Govt.

Copy to H.C.T. L.P.
[unclear] 13/10
[unclear] 16/10

29 To H.C.T. 114 (w/c 28) M/A 18 OCT 1933

[unclear]

370/1000000

C. O.

11

Mr. Davies. 29.9
Mr. K. ...
Mr.

C. O.
R 29 SEP
D

Downing Street,

September, 1953

3 OCT 1953

Sir,

With reference to your letter

No. W 7141/1069 '4 of the 22nd of June,

transmitting a copy of a despatch from
H. Ambassador at Brussels regarding the
claims of Monsieur Callebaut and others
against the Kenya-Uganda Railway
Administration, I am etc. to request
you to inform Secretary of State
that the High Commission at Nairobi
has now expressed its views on the

DRAFT.

UNDER SECRETARY OF STATE,
FOREIGN OFFICE.

W. J. & H. C. T. (27)

Copy to the H.C.T. 17.

agreement to cancel mutually all claims
and counter-claims has sufficiently been
put on record *clearly*.

2. In Sir Philip Cunliffe-Lister's
opinion the Belgian Government's attitude
is completely satisfactory and in the
circumstances therefore he would suggest
that it will not be necessary for
Lord Granville to address to them a further
communication.

I am, etc.

(Signed) J. E. W FLOOD

agreement to cancel mutually all claims
and counter-claims has sufficiently been
put on records *affidavits* *deeds*.

2. In Sir Philip Cunliffe-Lister's
opinion the Belgian Government's attitude
is completely satisfactory and in the
circumstances therefore he would suggest
that it will not be necessary for
Lord Granville to address to them a further
communication.

I am, etc.

(Signed) J. E. W FLOOD



25
/ 10

TRANSPORT

OFFICE OF THE HIGH COMMISSIONER FOR TRANSPORT,
GOVERNMENT HOUSE,

KENYA-UGANDA

NAIROBI,
KENYA.

NO. 117

RECEIVED
25 SEP 1933
C O REGY

30th August, 1933.

Sir,

Forward (27)

No 27

I have the honour to refer to your Despatch Transport Kenya-Uganda No. 86 of the 29th July 1933, on the subject of the claims of monsieur Callebaut and others against this Administration, and to state that the position now appears to be entirely satisfactory. The agreement to cancel mutually all claims and counter-claims has been clearly put on record, and the reciprocal liquidation of all present and future claims in this matter was agreed to in my telegram No. 7 of 1st April 1933.

No 14

I have the honour to be,

Sir,

Your most obedient, humble servant,

C. G. G. G. G.

HIGH COMMISSIONER.

THE RIGHT HONOURABLE
MAJOR SIR PHILIP CUNLIFFE-LISTER, G.B.E., M.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, S. W. 1.



25
10

OFFICE OF THE HIGH COMMISSIONER FOR TRANSPORT,
GOVERNMENT HOUSE,

NAIROBI,
KENYA.

TRANSPORT

KENYA-UGANDA

NO. 114

RECEIVED
25 SEP 1933
D. O. REGY

50th August, 1933.

Sir,

No 24

Richard (27)

I have the honour to refer to your Despatch Transport Kenya-Uganda No.86 of the 29th July 1933, on the subject of the claims of monsieur Callebaut and others against this Administration, and to state that the position now appears to be entirely satisfactory. The agreement to cancel mutually all claims and counter-claims has been clearly put on record, and the reciprocal liquidation of all present and future claims in this matter was agreed to in my telegram No.7 of 1st April 1933.

No 14

I have the honour to be,

Sir,

Your most obedient, humble servant,

C. G. G. G.

HIGH COMMISSIONER.

THE RIGHT HONOURABLE
MAJOR SIR PHILIP GUNLIFFE-LISTER, G.B.E., M.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, S. W. 1.

In any further communication on this subject, please quote
No. W. 5542/1669/H
and address—not to any person by name, but to
"The Under-Secretary of State," Foreign Office, London, S.W. 1.

23

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
July 2nd 1933.

RECEIVED
2 JUL 1933
REGISTRY
No 21

Reference to previous correspondence
C.C. letter of 29th June, 1933 (5039/33)
Description of Enclosure.

Name and Date.	Subject.
<p>From Chancery (Brussels) To Western Dept of 13th July, 1933</p>	<p>Claims of Monsieur Callebat and others against Kenya-Uganda Railway Administration.</p>

Similar letter sent to

copy sub-mtd to H.C.T. (24)

COPY.

No. 102.

British Embassy,

Brussels

27th April, 1933.

Monsieur le Ministre,

With reference to my note No. 93 of April 17th and previous correspondence concerning the claim of Monsieur Callebaut against the Kenya-Uganda Railway Administration,

I have the honour to inform Your Excellency that there are two counter-claims against the Belgian Congo authorities which His Majesty's Government in the United Kingdom are prepared to support. These are stated under the headings (c) and (d) below, and I am instructed by His Majesty's Principal Secretary of State for Foreign Affairs to propose to Your Excellency reciprocal liquidation of all present and future claims made against the Administration, and claims or counter-claims against the authorities of the Belgian Congo.

2. The claims now outstanding on both sides are four :-

(a) Monsieur Callebaut's claim against the Railway Administration - 45,000 francs;

(b) The claim of Mir Mohamed Tajadine against the Railway Administration - 6,614 francs, which was the subject of correspondence ending with my note of May 15th, 1931, No. 154;

(c) The claim of the Railway Administration against the Belgian Congo authorities in respect of the seizure of their lighter on Lake Albert - 90,000 francs approximately, discussed in Your Excellency's note of April 16th, 1931, Direction P. No. 1920/2111, and previous correspondence

(d) The claim of the Shell Company of East Africa in respect ...

His Excellency
Monsieur Paul Hymans,
Minister for Foreign Affairs.

+ ans
4675 fr
paid
Sep 14

respect of the interference with the transport of their petrol to the Belgian Congo caused by the seizure of the lighter - 42,300 francs.

I avail myself, etc.,

Sgd: GRANVILLE.

C. O.

Mr. Cross Smith
Mr. *Freeston*

26/6

652/50

C. O.
R 27 JUN
D 28⁴

Mr. Parkinson.
Mr. Tomlinson.
Sir C. Bottonley.
Sir J. Shuckburgh.
Permt. U.S. of S.
Parly. U.S. of S.
Secretary of State.

Answer by No 23
873

29 June 1966.

Sir,

DRAFT

THE U. S. OF STATE
FOREIGN OFFICE.

I am etc. to acknowledge
the receipt of your letter No. W. 7141/
1669/4 of the 22nd of June
transmitting a copy of a despatch
from H.M.'s Ambassador at Brussels
regarding the claims of ^{the} ~~the~~ Callebaut
and others against the Kenya-Uganda
Railway Administration and to request
you to inform Secretary Sir John
Simon that, in order to ^{that} ~~give~~ full
^{may happen} consideration to the question raised in
para. 3 of the Ambassador's despatch,
the Secretary of State would be glad
to be furnished with a copy of
Lord Granville's communication to the
Belgian Government of the 27th. of April

I am, etc.

(Signed) J. E. W. FLOOD

In any further communication on this subject, please quote

No. W 7141 / 1669/4

20

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, in transmitting herewith, by direction
of the Secretary of State, copy of the under-mentioned paper, would
be glad to be advised what answer should be returned to H.M. Ambassador

Foreign Office,
June 22, 1983

RECEIVED
23 JUN 1983
C. O. REGY

Brussels

Reference to previous correspondence:

to letter W 3857 / 1669/4 of April 25

Description of Enclosure.

No 17.

Name and Date.

Subject.

From Ambassador
Brussels.

Claims against
Kenya Uganda
Railway administration

no 288 of June 13

2024 Annex 21

Part 2 of T. 2242 22 June 83

Similar letter sent to

In any further communication on this subject, please quote
No. *W 7141 / 1669 / 4*
and address—not to any person by name, but to
The Under-Secretary of State, Foreign Office, London, S.W. 1.

20

THE Under-Secretary of State for Foreign Affairs presents his
compliments to *the under Secretary of State*
for the Colonies and, in transmitting herewith, by direction
of the Secretary of State, copy of the under-mentioned paper, would
be glad to be advised what answer should be returned to *H.M. Ambassador*

Foreign Office,

June 22, 1933.

RECEIVED
23 JUN 1933
C.O. REGY

Brussels

Reference to previous correspondence:

to letter W 5057 / 1669 / 4 of April 25

Description of Enclosure.

No. 1.

Name and Date.

Subject.

From Ambassador
Brussels.

Claims against
Kenya Uganda

no 288 of June 13

Railway administration

Similar letter sent to

Copy made to H.C.T. (2)

13th June, 1933.

No. 288.
(169/13/33).

Sir,

With reference to your despatch No. 189 (V 3887/1669/4) of April 31st and to connected correspondence regarding claims against the Konyu-Uganda Railway Administration, I have the honour to transmit to you, herewith, a copy of a note which I have received from the Belgian Minister for Foreign Affairs on this subject.

2. The instructions which have been sent to the Governor-General of the Congo seem to be eminently satisfactory and the general attitude of the Belgian Government, as set out in the concluding paragraphs of the note, seems as far as I can judge to be entirely in conformity with the wishes of the Colonial Office.

3. I should be glad to learn in due course whether it is considered that the agreement to cancel mutually all claims and counter-claims arising out of this case has now been sufficiently clearly put on record, or alternatively whether I should address a further communication to the Belgian Government.

I have the honour to be, with great truth and respect

Sir,

Your most obedient, humble servant,

(Sd.) GRANVILLE

The Right Honourable
Sir John Simon, G.C.S.I., K.C.V.O.
etc. etc. etc.

Bruxelles, le 10 juin, 1933.

Monsieur l'Ambassadeur.

(23)

La lettre que Votre Excellence m'a fait l'honneur de m'adresser, sous la date du 27 avril 1933, au sujet de difficultés qui mettent en cause les autorités du Congo belge et l'Administration des Chemins de fer du Kenya-Uganda, a retenu toute l'attention du Gouvernement du Roi.

Il résulte des informations que m'a fait parvenir le Ministre des Colonies que l'administration coloniale n'a pas connaissance de la nouvelle réclamation formulée par M. Callebaut contre l'administration du Chemin de fer de Kenya-Uganda, au sujet des frais judiciaires exposés par lui, pas plus que du jugement auquel se rapporte la lettre de Votre Excellence du 17 avril 1933, (et qui aurait été rendu par un tribunal de la Colonie.

Quant à l'affaire Mir Mohamed Tajadin, l'administration coloniale n'en a plus eu de nouvelles depuis les sentences rendues en la cause en 1932, sentences déboutant le préclité.

Quel qu'il en soit, M. le Ministre des Colonies a rappelé télégraphiquement au Gouverneur Général du Congo que les Autorités de la Colonie ne doivent d'aucune manière prêter leur assistance à ceux qui voudraient poursuivre, sur des biens qui sont la propriété de l'Etat britannique, l'exécution des décisions judiciaires qui auraient éventuellement été rendues en leur faveur.

Le Gouvernement belge n'accordera d'ailleurs pas son appui aux demandes des sieurs Callebaut et Mir Mohamed Tajadin tendant à obtenir le remboursement des frais de procédure de saisie de biens appartenant à la couronne.

Le ...

En Excellence
Le Très Honorable Comte Granville,
etc. etc. etc.

Le Gouvernement belge compte que, dès lors, le Gouvernement britannique renoncera de son côté, à toute prétention de réclamer à la Belgique une indemnité du chef de la saisie de l'allège et qu'il n'appuiera pas la ou les réclamations qui pourraient être formulées à cet égard. Je crois d'ailleurs devoir souligner que, de l'avis du Gouvernement belge, la responsabilité de la Colonie n'est nullement engagée.

Si, par impossible, le Gouvernement britannique éprouvait de nouvelles difficultés du genre de celles qui sont à l'origine de toute cette affaire, il serait désirable que le Gouvernement belge en soit avisé d'urgence afin qu'il puisse prendre, sans désespérer, les mesures nécessaires pour les lever.

Le Gouvernement du Roi accepte donc ce fait, en ce qui le concerne, la proposition contenue dans la lettre de Votre Excellence du 27 avril écoulé.

Je saisie, etc.

Signé: RYMANS.

In any further communication on this subject, please quote

No. *W 5284 / 1669/11*

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

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

179

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 copies of the under-mentioned paper.

Foreign Office,
May 22nd, 1933.

RECEIVED
23 MAY 1933
COL OFFICE

Reference to previous correspondence:

66 letter of 5th April, 1933

Description of Enclosure: *(3029/33)* No. 15

Name and Date.

Subject.

From

*His Representative
at Brussels N^o 238
of 15th May, 1933*

*Claim of Mons Callebaut
against Kenya Uganda
Railway*

Similar letter sent to

238
(169/10/33)

His Majesty's Representative at Brussels presents his compliments to the Secretary of State for Foreign Affairs and has the honour to transmit herewith copy of the under-mentioned paper.

BRUSSELS,

15th April 1933

Reference to previous communication

Foreign Office despatch No. 189 (W 3857/1669/4)
of 21st April 1933

Description of Enclosure

Name, Date, etc.

Subject

From: Ministry of Foreign
Affairs.

12th May 1933

Claim of Monsieur Callobaut against
the Kenya-Uganda Railway.

MINISTÈRE DES
AFFAIRES ÉTRANGÈRES

Bruxelles, le 12 mai 1933

Direction P. No. 2589/3403
Affaires Coloniales

Monsieur l'Ambassadeur,

J'ai eu l'honneur de recevoir la
Note que Votre Excellence m'a fait parvenir sous la date
du 17 avril dernier, No. 92 (169-6.33), relative à une
nouvelle revendication de M. Callebaut contre l'Adminis-
tration des Chemins de Fer et Ports du Kenya et de
l'Uganda.

Je me suis empressé de transmettre
cette communication à mon Collègue des Colonies qui,
j'en suis persuadé, prendra bonne note des observations
qu'elle formule.

Je saisis cette occasion, Monsieur
l'Ambassadeur, de renouveler à Votre Excellence les
assurances de ma très haute considération.

Signé: Hymans.

MINISTÈRE DES
AFFAIRES ÉTRANGÈRES

Bruxelles, le 12 mai 1933

Direction F. No. 2589/3403
Affaires Coloniales

Monsieur l'Ambassadeur,

J'ai eu l'honneur de recevoir la
note que Votre Excellence m'a fait parvenir sous la date
du 17 avril dernier, No. 93 (169-8.33), relative à une
nouvelle revendication de M. Callobaut contre l'adminis-
tration des Chemins de fer et ports du Kenya et de
l'Uganda.

Je me suis empressé de transmettre
cette communication à mon Collègue des Colonies qui,
j'en suis persuadé, prendra bonne note des observations
qu'elle formule.

Je saisis cette occasion, Monsieur
l'Ambassadeur, de renouveler à Votre Excellence les
assurances de ma très haute considération.

signé: Hymans.

In any further communication on this subject, please quote

No. *W.3854/1869/4*

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

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

17
22

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 copies of the under-mentioned paper.

Foreign Office:

April 25th, 1933

RECEIVED
27 APR 1933

Reference to previous correspondence:

CC letter of 5th April, 1933.

Description of Enclosure: *(5029/33)*

No 15

Name and Date.	Subject.
<i>To The Representative at Brussels n^o 189 of 21st April, 1933.</i>	<i>Claims against Kenya Uganda transport administration.</i>

Similar letter sent to

14-61p-818 (2)

*(15)
574 5-4-33*

My Lord,

With reference to my despatch No. 92 of the 23rd February last regarding the claims of Monsieur Callebaut and others against the Kenya-Uganda Railway Administration, I transmit herewith a copy of a letter from the Colonial Office, and shall be glad if Your Lordship will now approach the Belgian Government on the lines of the letter from this Department addressed to the Colonial Office on the 29th October, 1921, a copy of which was transmitted to you under cover of my despatch under reference, with a view to inducing the Belgian Government to agree to a reciprocal liquidation of all present and future claims made against the Administration, and claims or counter-claims against the authorities of the Belgian Congo.

I am, with great truth and respect,

My Lord,

Your Excellency's obedient servant,

(For the Secretary of State)

(Sd.) A W A LEEPER.

His Excellency

The Right Honourable

Earl Granville, G.C.M.G., G.C.V.O.,

etc., etc., etc.,

Brussels.

In any further communication on this subject, please quote

No. *W 3434 / 166 9/4*

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

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

24
H
/

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 copies of the under-mentioned paper.

Foreign Office,

April 10, 1933

3029/33

Reference to previous correspondence:

Mr. Trevelyan's letter to Mr. Smith of 27 March

Description of Enclosure.

N015

Name and Date.

Subject.

To:
The Embassy
at Brussels
of April 7

Claims against
Kenya - Uganda
Railways
Administration

Similar letter sent to

FOR: IGNO (K) ICE, S.F.I.

7th April, 1938.

(V 3434/1669/4)

Dear Chancery,

Your letter (169/3/38) of the 6th March, regarding the claims against Kenya-Uganda Railway administration.

We are sending you herewith copies of a letter from us to the Colonial Office, and of the reply thereto, with enclosure.

From the Colonial Office reply you will see that you cannot properly base your representations on our proposal to liquidate reciprocal claims against the Administration and against the authorities in the Belgian Congo, as proposed in the second paragraph of your draft note to the Ministry of Foreign Affairs.

The Colonial Office suggest that representations might be based on one of two grounds, which they mention, but on the whole, we think that it would be best to base our request for a stay of execution on both grounds

mentioned

The Chancery,

British Embassy,

Brussels.

mentioned by the Colonial Office, i.e. (a) their own proposal, and (b) the proposal set forth in our letter to them of the 17th March.

Yours ever,

LEAGUE OF NATIONS AND WESTERN DEPARTMENT.

3029/33 Kenya

C. O.

Mr. P. M. S. 3/4

Mr. Draxton 30.

Mr. Parkinson

Mr. Tomlinson

Sir C. Hottelpley

Sir J. Stuckburgh

Perms. U.S. of S.

Pass. U.S. of S.

Secretary of State.

DRAFT.

U.S. vs.

FD.

copy to H.C.T. (15)

5 APR 1933

Sir,

4

I am etc to refer to
the ~~Semi Official~~ Correspondence
ending with the Semi Official
letter from the ~~Department~~
office of the 27th March
on the subject of the claims

(13)

by Monsieur Callbant and
others against the Kenya -
Uganda Transport Administration

2. I am to say that the
High Commissioner for
Transport, ^{who} has been consulted
on the proposals contained
in your letter of the 29th of
October 1931 (no 12/22/
2656/4), agrees that the
Belgian Government shall
be approached on the

Lewis theorem suggested.

3. Sir P. Cumbiffe has been in agreement with the course of action proposed by the Marquess of Reading and will be glad if Sir John Simon will proceed accordingly.

(Signed) J. E. W. FLOOD

14/18

FOR RECORD

Telegram from the High Commissioner for Transport Kenya and Uganda Railways to the Secretary of State for the Colonies.

Dated 1st April. Received at 9-37am 1st April 1933.

No 7.

Your telegram No 7. Position is that Callebauts claim paid to extent of value of goods not delivered i.e. 1051 shillings 44 cents ditto Tadjines 4625 francs reference to your despatch No 20 of 3rd March I agree to proposals in paragraph 2.

W.M.

Rob

Unpaid (18)

1428

Telegram from the High Commissioner for Transport Kenya and Uganda
Railways to the Secretary of State for the Colonies.

Dated 1st April. Received at 9.37am 1st April 1933.

No 7.

Use 11

Your telegram No 7. Position is that Callebauts claim paid
to extent of value of goods not delivered i.e. 1051 shillings 44
cents ditto Tajedines 4625 francs reference to your despatch No 20
of 3rd March I agree to proposals in paragraph 2.

7/10/6

Kenward (16)

Mr C. O.

Mr. Freeston 23

Mr. Roberts-Wray 23

Mr. Howard. B.S.

Mr. Parkinson

Mr. Tomlinson.

Sir C. Bottomley.

Sir J. Stuckburgh.

Perm. U.S. of S.

Party U.S. of S.

Secretary of State.

DRAFT

C. HOWARD SMITH, ESQ.

(F.O.)

Qto. for Mr. Freeston's signature.

27 March, 1969.

Dear Howard Smith,

This is in reply to your letter of March 17th (2567/1669.4) about the Belgian claims against the Kenya-Uganda Railway Administration.

I enclose a copy of a telegram sent to Nairobi just before your letter arrived and of the S. of S.'s despatch to which that telegram refers. The despatch will not reach Nairobi until the end of this month so we cannot expect a reply to the telegram before the first week in April. If it is received we cannot properly comment in the second para. of the Brussels

(11)

(6 (making correction shown in para 4)

C. O.

Mr.

Mr.

Mr.

Mr. Parkinson.

Mr. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Perms. U.S. of S.

Parly. U.S. of S.

Secretary of State.

DRAFT

~~and~~
 the request for a...
 The argument in would be relevant
 question of whereas it appears that
 to the point, ~~not to~~
 48,000 francs in respect of damages
 and interest, though the precise nature
 of that claim is not clear.
 Yours sincerely

(Signed) E. B. FREESTON

FOREIGN OFFICE,

17th. March, 1933.

W. 2667/1669/4.

IMMEDIATE.

Freeston

Answer (13)

No. 10

Dear Freeston:-

Our official letter W. 2667/1669/4 of yesterday's date regarding claims against the Kenya and Uganda Railway Administration and enclosing a letter from the Chancery at Brussels asking how they should justify a demand to the Belgian Government for a stay of execution in the Callebaut case.

We think we should draw your attention in this connexion to the regrettable habit apparently habitually indulged in by the Court in the Belgian Congo of entering judgments against defendants in another country who have never received any notice of the proceedings and have had no opportunity of defending themselves or of placing their point of

W.B. Freeston, Esq.,
Colonial Office.

FOREIGN OFFICE.

17th March, 1933.

W. 2667/1369/4.

IMMEDIATE.

Freeston

Dear Freeston:-

*Answer (13)
No. 10*

Our official letter W. 2667/1369/4 of yesterday's date regarding claims against the Kenya and Uganda Railway Administration and enclosing a letter from the Chancery at Brussels asking how they should justify a demand to the Belgian Government for a stay of execution in the Callebaut case.

We think we should draw your attention in this connexion to the regrettable habit apparently habitually indulged in by the Court in the Belgian Congo of entering judgments against defendants in another country who have never received any notice of the proceedings and have had no opportunity of defending themselves or of placing their point of

view

W.B. Freeston, Esq.,
Colonial Office.

view before the Court. This has apparently occurred in the present instance both in the Callebaut case and in the Tajedine case. As regards the Callebaut case it is safe to say that if he had begun as he ought to have done by presenting a claim direct to the Kenya and Uganda Railway or if alternatively, proceedings having been brought in the Courts of the Belgian Congo, due notice thereof had been given to the Railway, most of the trouble in the present case could have been avoided. Failure to give notice to a defendant of the proceedings and an opportunity to defend himself is under international law one of the best recognised and most clearly established cases of denial of justice. A defendant so situated is entitled wholly to ignore the proceedings and the judgment, and if any attempt is made to enforce the judgment against him or his property his Government is entitled to intervene and claim that the whole proceedings are invalid and inoperative.

Our inclination therefore is to resist M. Callebaut's present claim for legal costs on the
ground

ground namely that the whole proceedings were invalid and that the Railway cannot be called upon to pay any costs given in respect thereof. M. Callebaut's substantive claim has, we understand, been settled. Our position is that if we had put that claim direct to the Railway at the outset or if alternatively the Railway had had notice of the proceedings the whole matter would have been settled without any fuss or trouble and his just dues would have been met without the necessity for incurring the heavy legal costs which he had in fact incurred. It is entirely owing to his own fault that these costs were incurred in proceedings of which the Railway had no notice and which therefore are entirely inoperative in regard to it. Moreover if he had brought his claims to the notice of the Railway before taking proceedings it is not unlikely that none would have been necessary.

Yours sincerely,

Herbert Smith

C. O.

3029/55

11

100. Austin 16

Kenya

100. Austin 16 atomic

Am 20-14

60250 sent 17.iii.55

2.25.7m SFA

Mr.

Mr. Parkinson

Mr. Taminson

Sir C. Bottamley

Sir L. Shackleton

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State

Room 29

O.D.
17 MAR
140

No. 7

DRAFT. Tel.

Highways

Nairobi

(3)

(6)

Your disp. Jan 28 No. 8. See

my dispatch 13 of March No 20

Please telegraph your reply to para

6. as action cannot well be

taken under para 7 until

I can express concurrence on your

behalf in suggestion made in

para. 2.

LF action

under

C. O.

3029/35
Kenya

11

Mr. Austin 16

Mr. Flood 16

Mr.

Mr. Parkinson

Mr. Tardinson

Sir G. Boddanley

Sir J. Shreckburgh

Permt. U.S. of S.

Party. U.S. of S.

Secretary of State

Ans d. 14

Room 29

Q.D.
17 MAR
D 14

*6225 sent
2.25 pm 17 iii 88
S.A.*

No. 7

DRAFT. Tel.

Highcom

Nauri

3)
6)

You dep Jan 28 N° 8. See

my despatch 34 March N° 20

Please telegraph your reply to para
6. as action cannot well be
taken under para. 7 until

I can express ~~concern~~ ^{concern} on your
behalf in suggestion made in
para. 2

Hoe

LF action

In any further communication on this subject, please quote

No. W2667/11669/4

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

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

10³⁵

THE Under-Secretary of State for Foreign Affairs presents his compliments to

to the Hon. the Under Secretary of State

and, in transmitting herewith, by direction of the Secretary of State, copy of the under-mentioned paper, would be glad to be advised what answer should be returned to

Hon. Embassy at Brussels - Foreign Office, March 16 1933.

Reference to previous correspondence: *No 2*

Mr. Deaton's letter to Mr. Wiggan of 13 Feb.

Description of Enclosure.

Name and Date.

Subject.

Hon Embassy at Brussels

No 169/3/33

of March.

Claims against Kenya & Uganda Railway Administration

Similar letter sent to

Copy

No. 169/3/33

(W 2667/1669/4)

British Embassy,

Brussels.

6th March, 1933.

Dear Department,

Foreign Office despatch No. 92 (W 1669/1669/4)
of February 23rd: claims against the Kenya and Uganda
Railway Administration.

We are sure you will agree that we cannot merely
address to the Belgian Government the request which
you contemplate without some justification or, at the
very least, some introduction. The only thing of
this nature which we can conceive is a statement that
a general negotiation of reciprocal liquidation of
claims is contemplated. We propose therefore to make
this statement when approaching the Belgian Government,
but since the official despatch does not authorise us
to mention His Majesty's Government's intentions in this
respect we must ask for your sanction before we do so.

We enclose, therefore, for approval or amendment,
our draft Note to the Belgian Government.

Yours ever,

CHANCERY.

The Western Department,
Foreign Office.

Draft

Brussels,

To

1931.

Minister for Foreign

Affairs

No.

Monsieur le Ministre,

With reference to your Excellency's note No. 1820/2111 Direction P of April 16th 1931 and to connected correspondence on the subject of the claim of Monsieur Callebaut against the Railways and Harbours Administration of Kenya and Uganda, I have the honour to inform your excellency, under instructions from His Majesty's Principal Secretary of State for Foreign Affairs, that, in spite of the fact that that part of Monsieur Callebaut's claim which relates to the actual loss of goods was met as long ago as on September 28th 1931, the Administration has recently received a claim on behalf of this gentleman for the payment of 45,000 francs more.

This claim is considered by the Administration to be ill-founded, and in view of the intention of His Majesty's Government in the United Kingdom to suggest to the

Belgian

Belgian Government a reciprocal liquidation
of all present and future claims made against
the Administration and claims or counter-
claims against the authorities of the
Belgian Congo, I have the honour to request,
under instructions, that appropriate measures
may be taken to prevent any judgment being
executed in Monsieur Gallébaud's case in the
meanwhile.

4

In any further communication on this subject, please quote

No. *W 1669/1669/4*

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 copies of the under-mentioned paper.

Foreign Office,

27 February, 1933.

RE
28
OFFICE

Reference to previous correspondence.

Mr. Trenton's letter of 13 Dec 1932 re Uganda

Description of Enclosure.

No 2

Name and Date	Subject.
<p>To:- Unrepresentative at Brussels No. 92 of 23 Feb.</p>	<p>Claims against Railway Administration in Kenya & Uganda</p>

Copy sent to H.C.T. (E)

Similar letter sent to

W 1250/1960/4)

23rd February, 1935.

Sir,

With reference to Lord Granville's despatch No. 298 (W 189/12/31) of the 17th April, 1931 and to Foreign Office despatch No. 640 of the 6th October, 1931 regarding the claims of Monsieur Callibaut and of Sir Mohamed Tadjidine against the Kenya and Uganda Railway Administration, I transmit to you herewith copies of a letter and enclosure from the Colonial Office, dated 20th October, 1931 and of a reply thereto from the Foreign Office dated 29th October, 1931, together with a copy of a private letter from the Colonial Office dated 18th February, 1935.

B. I shall be glad if you will request the Belgian Government to prevent any judgment being pronounced in the Callibaut case as requested by the High Commissioner in his telegram transmitted under cover of the last-mentioned letter from the Colonial Office.

I am, with great truth,

Sir,

Your obedient servant,

(For the Secretary of State)

G.H.H. Blamé, Esq., C.M.G.,

etc., etc., etc.,

Brussels.

C. O.

Mr. Priestman 28/2

Mr. *Dissolm* 1/3 p.

Mr.

Mr. Parkinson.

Mr. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Permi. U.S. of S.

Parly. U.S. of S.

Secretary of State.

Amended

2

3 *Mark*
Fahrer, 1.00.

DRAFT. *Conan*

TRANSPORT.

KENYA-UGANDA

NO. 20

(3)

H.C.R.

I have etc. to acknowledge
the receipt of your despatch No. 18
of the 13th January on the subject of
a claim by McCall about against the
Kenya-Uganda Transport Administration.

On consideration of the
corres. ending with your telegram
No. 61 of the 12th October 1951
the Director for Foreign Affairs
suggested that the claim should
be approached on the basis of the
existence of the Kenya-Uganda
and of the counter claim of the Kenya-
Uganda Transport Administration
against the Regulation of the

2 dfts.

Mr.

Mr.

Mr.

Mr. Parkinson.

Mr. Tomlinson.

Sir C. Bellomley.

Sir J. Shuckburgh.

Permu. U.S. of S.

Parly. U.S. of S.

Secretary of State.

4. The lawyer in a case of

this kind of further claims like that

of Mir Mohammed Begajins being

preferred against the ^{Transport} Administration

would be obviated if U.G.B. and

the Belgian Govt. agreed to liquidate

all present and future claims.

DRAFT. In this connection

although it was not claimed by H.M.G. that the H.G. for Transport is as such a servant of the Crown as that the Transport Administration is a Government Body, it is not only that the property of the Administration is Crown property, but will be claimed that the note of the 16 April 1931 from the Belgian Government to H.M. Ambassador at Brussels (a copy of which was enclosed with Lord Passfield's despatch no 63 of the 6 May 1931) states that the Administration is "une administration d'Etat". This may account for the steps taken for the reversal of the judgment in the Tazadin's case reported in your despatch no 132 of the 10th August 1931.

5. If H.M.G. put forward claims (c) and (d) of far greater value than (a) and (b) and suggest mutual liquidation, it seems

probable that the Belgian Govt. would agree, more especially as H.M.G.

have shown good faith in settling

that part of the claim of M. Calissaut

which covered the actual loss of

6. I shall be glad to receive an expression of your views on the above suggestion.

7. In the meantime the Ambassador at Brussels is being instructed by the F.O. to ask the

Belgian

C. O.

Mr. Priestman 28/2

Mr. J. J. Smith 1/3

Mr.

Mr. Parkinson.

Mr. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Perm. U.S. of S.

Perm. U.S. of S.

Secretary of State.

to. for signature by Mr. Freeston.

2 MAR

February, 1969

Dear Howard Smith,

DRAFT.

C. HOWARD SMITH, ESQ.

Ex-116. x 28 Jan 69
(2 with Smith)

(4) Thank you for your letter of the 24th February No. 1669/1669/74 regarding certain claims which have been made against the Kenya-Uganda Transport Administration. I enclose for your information a copy of a despatch with enclosures now received from the ... about the Callebaut case.

2 dfts.

We are communicating with the H.C. as you suggest and informing him of the interim action you are taking vis-à-vis the Belgian Govt.

Yours sincerely,

(Signed) L. B. FREESTON

RE
27 FEB 1933
OOL

FOREIGN OFFICE, S.W.1.

24th February, 1933.

(V 1669/1669/4)

Dear Sir:

No 2

Your letter of the 13th February regarding certain claims against the railway administration in Kenya and Uganda.

Christ (5)

We have no further observations to make for the moment, and should be glad if you would now communicate with the High Commissioner on the lines of our letter of the 29th October, 1931.

~~38~~
17084/31
F

We are, in the meanwhile, instructing Lord Granville to ask the Belgian Government to prevent any judgment being executed in the Callebaut case, as requested by the High Commissioner.

L. B. FREESTON, Esq., C.B.E.



OFFICE OF THE HIGH COMMISSIONER FOR TRANSPORT,
GOVERNMENT HOUSE.

NAIROBI,
KENYA.

TRANSPORT.

KENYA-UGANDA.

28th January, 1933.

NO. 18

JAN 1933
COL. OFFICE

Sir,

I have the honour to refer to my telegram No. 31 of the 14th October, 1931, on the subject of a claim by M. Callebaut against this Administration and to confirm my telegram of the 27th instant which reads as follows:-

"No. 31. Reference my telegram No. 31 of 14th October, 1931.

General Manager has now received letter from Shariff acting on behalf of his client Callebaut for payment 45,000 francs Court costs. This claim was repudiated on grounds legal proceedings void. In somewhat similar case of Tajedine, vide my No. 11, 4th April, 1931, information was subsequently received that Procureur General, Leopoldville, was setting aside judgment and Tajedine paying all costs. No such news received in Callebaut's case.

Request Belgian government may be made to prevent any judgment being executed. In meanwhile letter has been sent to Shariff saying matter being referred through you to Belgian Government. Please see also my despatch 119 of 15th July, 1931, regarding this Administration's counterclaim."

and I also enclose a copy of a translation of a letter and enclosure addressed to the Chief Accountant of this Administration by Monsieur F. Shariff regarding the claim of his client, M. Callebaut, for payment of the costs, etc., incurred in connection with his claim for the payment of loss of goods out of which arose the incident of

THE RIGHT HONOURABLE
MAJOR SIR PHILIP CUNLIFFE-LISTER, G.B.E., M.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES.

the/

22-1-33 (6)

No 36

17054/31

A

No 1

Enc.

No 36

17054/31

A

No 12

17054/31

B

22-1-33

No 19, 17054/31

the attachment of this Administration's lighter at Kasenyi.

2. M. Callebaut's claim for loss of goods for Shs. 1051.44 was paid - vide my telegram No. 31 of the 14th October, 1931 - but his claim for legal costs, damages and interest was repudiated on the grounds that the legal proceedings were irregularly instituted and accordingly were void. Subsequently a letter, dated 22nd October, 1931, was received from Monsieur P. Sharff, a copy of which is enclosed, and it is presumed that the fresh communication dated the 17th December, 1932, is that referred to in the last paragraph of M. Sharff's letter dated the 22nd October, 1931.

No 36

1708 2/31

A

3. In a somewhat similar case instituted by Mir Mohamed Tajedine - vide paragraph 3 of Lord Passfield's Transport despatch, Kenya-Uganda, No. 53 of the 6th May, 1931, and connected correspondence - information was subsequently received that action was being taken by the Procureur-General, Leopoldville, to have the judgment set aside and for Mir Mohamed Tajedine to pay all costs. Information has, however, not been received as to whether similar action was taken in M. Callebaut's case.

No 1708 4/31

1)

4. In accordance with Lord Passfield's Transport despatch No. 30 dated the 31st March, 1931, I despatched my telegram No. 3 of the 27th January, 1933 explaining the position and requesting that the Belgian Government might be asked to take all the necessary steps to prevent any judgment being executed, and a letter has been sent

No 1708 4/31

No 1

2/1708 4/31

to M. Sharff by this Administration saying that the matter is being referred to the Belgian Government through the proper channels.

5. I have also discussed the matter with M. Jansen, Belgian Consul-General in Nairobi, who informs me that he considered that the incident had been closed more than a year ago and has had no recent communications on the subject.

I have the honour to be,

Sir,

Your most obedient, humble Servant,

HIGH COMMISSIONER.

Letter from

Pierre ALBERT, Director.

to the

Chief Accountant,
Kenya and Uganda Railways and Harbours.

Sir,

CALLEBAUT V. K.U.R.

Permit me to remind you that in this litigation, judgment was returned by the Tribunal of the County Court of Bata at Borogo - Ituri against you for the payment of loss of goods during transport, with costs.

At the actual trial you were pleased to pay the equivalent value of the goods lost, but did not pay the court costs fixed by judgment at 45,000 francs.

I submit and notify you that this judgment is in order, and that the period in which to lodge an appeal has long since elapsed.

Since then I regret to be obliged to put you in arrears for not having settled within a month of receiving notice, the outstanding amounts according to the copy of legal notice attached. These amounts comprise the costs and the judicial interests since the date of the writ.

Saying, failed to comply with the notice given, I shall be compelled to take out a new writ against you. In view of your non-compliance to settle this matter in a friendly spirit, you will be liable for whatever complications, including diplomatic complications that might follow from this case.

Yours faithfully,
Pierre Albert, Director.

COPY.

October 11th, 1930.

At the request of Pierre Sharif, Lawyer, residing at Stanlerville, Coliere on behalf of Monsieur Callebaut, colonist residing at ...

I, the undersigned Tepupelika Pierre, Bailiff, was notified and forwarded copies of above to the Kenya and Uganda Railways at their address, Box 121, Nairobi, rendered in default by the County Court of Gata (they having jurisdiction to hear Civil and Commercial cases) on November 6th, 1929, between Callebaut and the Kenya and Uganda Railway.

This notice is given for your information and ...

I, the undersigned as Bailiff by virtue of the judgment given, order within twenty four days without delay to pay to Mon. Callebaut or immediately to Messrs Bailiff :-

1. 45,000 frs. total for carriages and interest.
2. 9,505 frs 25 cms being the difference in the rate of exchange of 8.25 - 1,0.1/- 44 cts.
3. 2,172 frs 20 cms proportional tax at 4%
4. 235 frs half the cost and expenses at the time taxed on a total of 1870 frs.
5. 160 frs judge's costs and a copy of same.
6. 50 frs costs of this notification.
7. Judicial interest on the lot or set out hereinafter the lot of land settled on ... total sum of 45,300 frs. 20 cms with ... expenses that may be incurred ...

Without further notice by ...

A copy of this ... letter and a similar notice was ... Court Court of Gata.

This letter ...

October 11th, 1909.

At the request of Pierre Sharff, Lawyer, residing at Stanleville, hereon behalf of Monsieur Callébaud, colonist residing at ...

I, the undersigned Tepupelika ... Bailiff, was notified and forwarded copies of above to the ... Railways at their address, Box 124, Wairoa, rendered in default by the County Court of Otago (they having jurisdiction to hear Civil and Commercial cases) on the 6th, 1909, between Callébaud and the ... and ... Railway.

I, the undersigned ... Bailiff in virtue of the judgment given, order within twenty four hours without delay to pay to Mon. Callébaud or some other, to the Bailiff :-

1. 45,000 ... damages and interest.
2. 3,305 ... the difference in the rate of exchange of £100 = 1,011 = 44 cents.
3. 2,172 ... 20 ... proportional tax at 4%
4. 235 ... the cost and expenses at ... taxed on a total of 1870 fros.
5. 140 ... and a copy of same.
6. 50 ... this notice.
7. Judicial ... the ... settle ... total sum of 45,300 fros. 20 ... expenses that may ...

Without further ... etc., etc.,

A copy of this ... letter and a similar ... Count Court of Otago.

This letter ...

TRANSLATION

From

Pierre Sharff,
Advocate.

Stanleyville,

22nd October, 1931.

The General Manager,
Kenya and Uganda Railways and Harbours,
NAIROBI.

Sir,

Monsieur Callebaut, a colonist at Bugoro, has sent me your letter 2240 of the 22nd September, together with a letter No. 854 of the 26th September, sending him a cheque for Shs. 1,051.44.

My client requests me to inform you that he is not in agreement with the amount you have paid him, and I particularly insist on his reserving to himself all further rights (to make a further claim), and that the acceptance by him of the said amount does not indicate acquiescence on his part.

I will write you on a later date, giving you my client's views in this connection.

Yours faithfully,

Sgd

COPY.

C. O.

Mr. Creasy 9 2 33

Mr. R. St. Leger 9/2

Mr. Freeston 9/2

Mr. Parkinson.

Mr. Tomlinson.

Sir C. Bostonley.

Sir J. Shuckburgh

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

Jacmā

DRAFT.

H
A. R. F. WIGGIN, ESQ., C.M.G.

F. C.

Fr. High Ct. Tel. 27 Jan.
No. 1

Kenya
33
Answered by Nott
Dear Sir

(40 for Mr. Freeston's signature.)

JWS

13 February 1933

Dear Wiggin

With reference to your official letter No. W. 12122/2656/4 of the 29th of October, 1931, I enclose a copy of a telegram which has recently been received from the High Commr. for Transport, Kenya and Uganda, regarding certain claims which have been made against the Administration. I had a considerable amount of correspondence with you about these claims in 1931, but your signature to the Colonial Office copy of the letter has completely disappeared and no action seems to have been taken. I enclose an official letter of the 29th of Oct. 1931. With the assistance of your Registry,

however,

however, we have now been able to
make an almost complete collection
of the correspondence on the matter.

We now propose to communicate with
the High Commr. on the lines of your
~~official~~ letter of the 29th of Oct.

~~1937~~. Before we do so, however, ~~we~~

^{should}
~~shall~~ be glad to know whether you have

any further observations which you

would like to make, and we shall be

glad if, in the meantime, the Belgian

Government could be asked to prevent

any judgment being executed in the

^{case,}
Callebaut, as requested by the High

Commissioner.

*There is a ~~fact~~ matter
to which attention has just
been drawn here which
we think is ought to mention*

Brought in []
9 minutes of
7/2/33 as alien
in pencil

Yours sincerely,

Ernest L. B. FREESTON

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make an almost complete collection
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Commissioner.

There is a ~~fact~~ matter
to which attention has just
been drawn here which
we think we ought to mention

Bring in []
3 minutes
7/2/33 as all
in pencil

Yours sincerely,

(Signed) L. B. FREESTON

RECEIVED

1933

SI
END

Telegram from the High Commissioner for Transport Kenya and Uganda
Railways to the Secretary of State for the Colonies.

Dated 27th January. Received at 2-22pm 27th January 1933.

My telegram 14th October 1931 No 31. General Manager has now No 36
received a letter from Sharrf acting on behalf of his client(s) 17082/31
Callebaut for payment of 45,000 francs court costs. This claim was
repudiated on ground of legal proceedings void. In somewhat similar
case Tajedine vide my telegram No 11 of 4th April 1931 information No 12
was subsequently received that Procureur Leopoldville was setting 17084/31
aside judgement and Ta. line paying all costs. No such news received
in Callebaut case. B

Request that Belgian Government may be asked to
prevent any judgement being executed. In meanwhile letter has been
sent to Sharrf saying that matter is being referred through you to
Belgian Government. Please see also my despatch of 15th July 1931
No 119 regarding this Administration's counter claim. No 29

Copy to file