

1936

38260

38260

KENYA

C0533/475

Civil lease

Dalgaty & Co. Ltd. v. W. J. Robson

Previous

Subsequent

Room 297 14/11
R. 309 14/10

Mr. Parkin

Mr. Duncan 15/10/36

Mr. Flood 16

Mr. Duncan 16/10/36

Mr. Flood 16

Room 309 17

Mr. Parkin 20

Mr. Duncan 22/10/36

Mr. Parkin 29

R. 299 3/11

R. 297

1. W.J. Robson. ----- 3.10.36.
Transmits copies of certain documents relating to the
Case, and appeals against the action of the Supreme Court
requests reply by 17th Oct. in order that matter be post-
poned until full investigation can be made.

C.I. Regal.
Nominal.

It appears that Mr Robson was paid
by Salje's, etc. for Str. 21,627/02
with interest for various advances
& funds supplied (Civil Case 46/1936)

The case by heard by Judge
in Chambers on the 12th June

Judgment was given against
Mr Robson on the 26th June.

He asks that it be quashed
on the grounds that it was
obtained by bribery on the part
of plaintiffs and the failure
of the Court to allow certain
pleadings.

Apparently he is to be sold up
on the 17th October, but asks
the S.G.'s intervention with
a view to the postponement
of the auction pending further
investigation.

Exhibit P, of which a copy has been
sent to the Foreman, contains his
main complaint.

Await the receipt of the further
copy of the statements and when
it comes send one to the
Government in accordance with
Rule

Rule 102 of the Co. Code of
Procedure. *C. P. Smith*
14/10/36

This is a little difficult to follow.

On June 12, 1936, there was a hearing before the Judge in Chambers of an application by the Plaintiffs for an order that the Defendant (the Petitioner) should file further and better particulars of his Defence, and that certain portions of his Defence should be struck out. An order was apparently made by the Judge after the hearing on that date in the usual way.

The Petitioner, however, also speaks (a) of "the judgment given on June 28 last" (which he wants "quashed on the grounds that it was obtained by trickery on the part of the Plaintiffs and the failure of the court to realise and carry out its duties and responsibilities"); and (b) of an "auction" which has been "fixed for the 17th instant" (i.e. October).

It looks as if the case has now been heard in the Supreme Court; that the Plaintiffs have won; and that the Defendant is to be sold up.

In any case, the Secretary of State has no power to review the proceedings of Colonial Courts of Justice, or to interfere with orders made by them; and I agree that we should await the receipt of the further

further documents promised, and then send a copy of No. 1 ~~and~~ the enclosed statement, and of all the exhibits to the Governor asking him to call the Petitioner's attention to the relevant Colonial Regulation.

The Governor will no doubt send his observations on the petition in due course.

(Mr. Paskin handed this file to me to-day.)

15/10/36.

H. Duncan.

Mr. Duncan

What is it? Is it just as well to ask the Governor to tell him to do it? That will find it

15.10.36

16/10

Mr. Flood.

Right. It may save us time & trouble later on

16/10/36

H. Duncan.

The do. do.

15.10.36

16/10

2. W.J. Robson. ----- 9.10.36.

Ref. No. 1; transmits copies of further documents which were not ready before.

I have enclosed this

in s/o. - No. 1.

It will be seen that I have prepared the draft these letters & enclosed to the Gen. in original, without keeping copies. I think this is right. There is no apparent reason why this office should go to the trouble of making copies for record.

W.J.R.
W.D.

J.J. Pearson
r/s

3. To Kenya 886 (N/1+2 more) - NOV 1936

Ref. No. 1; transmits copies of further documents which were not ready before.

I have enclosed the

in off. - No. 1.

It will be seen that I prepared to send these letters & encs. to the Gov. in original, without keeping copies. I think this is right. There is no apparent reason why this office shd. go to the trouble of making copies for record.

W.J.R.

NO.

J.J. Parnell
r/s

3 To Kenya 886 (N/1 + 2 more)

NOV 1936

C.O.

38260756

END

Mr. *Spencer* 19/9/36
Mr. *Parkin* 20/9
Mr. *Duncan* 22/10/36
Mr. *Parson* 29/10
Mr. *Parkinson*

Sir G. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

28 OCT
1936

5 NOV 1936

DRAFT.

Kenya

No. 886

for

25 Oct 1936 (in orig)
9 Oct 1936 (in orig)
1936 (No. 1)
1936 (No. 2)

Sir,
I have etc to transmit to
you ^{two} letters addressed to
me by Mr W.J. Robson
regarding Civil Case
Deputy Comptroller v. W.J. Robson, in
No 46 of 1936, of the
Supreme Court of Kenya.

2. I shall be obliged if
you will call Mr Robson's
attention to the provisions
of Colonial Regulation
18th, and at the same
time inform him that

The

FURTHER ACTION.

The U.S. has no power
to review the proceedings
of Colonial Courts of Justice,
or to interfere with orders
made by them.

I have the

(Signed) W. GRMSBY GORE,