

1931.

Kenya.

No. 17006 / A.

SUBJECT

CO 533/405

Miscellaneous Enquiries.

Previous

16022/20.

Subsequent

5 To Donne - 4 Ans - $\frac{2}{3}$ - } 24/1/31
6 - E.A. Tel. Office - $\frac{3}{10}$ -

(w/4 in original)

E.A. T. & D.O. _____ 28 January

Acknowledge no. 6.

DESTROYED UNDER STATUTE

to Whitehouse

put by

Thomas

27/1/31

V. D. Whitehouse

30/1/31

at once

Miss A. O. Bartlett _____ 31st January
information as to conditions of
settlement etc. in Kenya and Rhodesia.

Transferred to T & D.O. in orig.

Provis

(Bartlett)
D.O. 2-2-31

[This might have been
done before extraction]

DESTROYED UNDER STATUTE

Miss L. Mann % _____ 2nd February '31
Inquiries as to nature land tenure

Miss L. Mann % (1 ansd) 4 February '31

ATUTE

Miss L. Mann % _____ 5 February
Acknowledges no. 10 with thanks

to Whitehouse

put by

Thomas

4/2/31

V. D. Whitehouse

9/2/31 at once

Mr A. Jackson _____ 9 February
Inquiries of soil analysis for coffee planters is no
longer carried out by Agricultural Department and if
such analyses are now done by Amers Institute

I know of no change of
policy. The 1929 Agric Dept report
(national) stated as the subject.

I expect the reason that the
chairman of Agric Dept's Commit has
been vacant since the transfer of
Francis last April & the next
Soil Commit (not yet formed) has not yet been

The facts in this
have been taken
from my minutes on
no. 2 on 15/7/30.

gone out. The latter part was
checked in accordance with the
records of the Agric. Commission.

Both of these officers would
be engaged on Soil Analysis. It
seems probable, it may not have
been possible to do the work.

It would be possible to
reply on the lines of the attached
draft for caution. On attempting
to reply could be confined to
the statement that the Govt.
has no reason to think that
there has been any change of
policy on the matter.

I don't think it
is necessary to refer out to
the ~~Director~~ for.

G. Eastwood

12-2-31.

G. Eastwood

13/2/31.

~~13~~ To "East Africa" (12 Annod)

DESTROYED UNDER STATUTE

~~14~~ To: Gov. 126. (1/10 12 + 13.) - Com - 17 FEB 1931

DESTROYED UNDER STATUTE

~~15~~ #

Agric. Institute + Experimental Station, Kinton _____ 12 February
Request information as to where a copy of Kenya
Agricultural Department Annual Report for 1927 may be
obtained.

DES.

STATUTE

G. Eastwood

The A. have none
for sale but we have a spare or
two which we are not likely to
use again.

G. Eastwood

17-2-31

~~16~~ To Agric. Inst. + Exper. Sta. Kinton _____ 17 FEB 1931

DESTROYED UNDER STATUTE

Report (12 Annod)

~~17~~ # Agric. Inst. + Exper. Sta. Kinton _____ 21st Feb

DESTROYED UNDER STATUTE

Acknowledge to 16, with thanks

~~18~~ Col Sec 3pm _____

DESTROYED UNDER STATUTE

Request four copies of Supplement to 2 to Instructions
re to Survey of Life Saving Appliances (1926), issued by
Board of Trade, be sent for use in the colony.

B. Ask B.T. for them 3pm,

17 Feb 31

G. Eastwood

24-2-31

DESTROYED UNDER STATUTE

B.T.

Com

3pm 27 FEB 1931

Board of Trade 11.3.31

Trans 4 copies of Supplement No 2.
1. Instructions as to issuing of
2. Issuing appliances

DESTROYED UNDER STATUTE

Jh.
Gardner
17/3
at

26 To: Col. Sec. 3/4. (w/incl in orig to 20.) - 18. Approved - 17 MAR 1931

DESTROYED UNDER STATUTE

but

27 To: Mr. P. P. P. 14 April
requests information re the duties etc. of
resident commissioners.

DESTROYED UNDER STATUTE

Jh.
Gardner
17/4
at

28 To: Rev. P. P. P. (w/c. "Life & Duties of")
an Admin. Off. in K. G. 17 APR 1931

DESTROYED UNDER STATUTE

but

29 To: Mr. P. P. P. 25 April
acknowledge no. 23, with thanks.

DESTROYED UNDER STATUTE

30 To: J. S. White 25 April
inquire present position with regard to foot
and mouth disease and quarantine station in
Kenya.

25 Transferred to T 210.

24 P. P. P. Gardner
27/4
at

31 War Office 4 May 5
Forward letter from Mr. G. H. Pollard enquiring if
there is a Territorial Force or supplementary Reserve
in Kenya and, if so, how he may join.

DESTROYED UNDER STATUTE

Transf to T 210.

Gardner
6.5.31
at

27 To Mr. P. P. P. (incl in 26 annul) 27/3 }
28 E.A.T. 10. (w/incl in 26 in orig) 17/10 }
17 MAY 1931

32 E.A.T. 10. 8 May
acknowledge no. 28.

DESTROYED UNDER STATUTE

7 Feb by
Thomas
9/5/31

Gardner
17/5
at

but

33 Foreign Office 16 May
Forward letter from (?) Miss J. Reynolds enquiring as to
regulations governing postage etc. to Kenya of
ointment and lotions to experiment on sheep for
foot rot and scab etc.

DESTROYED UNDER STATUTE

Transferred to T 210.

P. P. P.
Gardner
16
at

but

DESTROYED UNDER STATUTE

Rev. Byrne 233 24 April
State soil analyses for individual farmers
has ceased for reasons given. Reports two
local firms undertake three analyses per 9
charges to whom applicants to Agric. Dept. are
referred.

I follow up 18, as in
draft on son Bennett. 31 does
not seem to call for further
action to Gov.

CS7057 27.5.31

Hardly necessary to write to you.
again but we may as well. Y
I'm agree please ft

Franklin
27.5.31

W. Stockdale 1/11/31

Shree
28/5/31

seen. I have suggested a few slight amendments
to the draft.

Whilst I agree that free analyses should not be
contemplated I consider that former should
be the right to have analyses of soils made,
a payment, by an official agricultural chemist
and not be dependent upon private firms
interested in the sales of fertilizers. Such
a service is provided in this country through
the county advisory services and the Gov. of
Kenya might be asked to give further
consideration to the question when the staff
of agricultural chemists is brought up to
full strength

W. Stockdale

I would omit para 3 &
the draft & send a copy of the report
as sent to the Gov. writing as
the Stockdale suggests.

W. Stockdale

1/6/31

Let us have off draft, with
full off of the letter - ~~copy~~
W. Stockdale to see acct
off draft. 1.6.31

Accordingly: dft Bennett

CS7057 2.6.31

DESTROYED UNDER STATUTE East Africa

10 JUN 1931

To Gov. 398 (4/C 32)

10 JUN 1931

DESTROYED UNDER STATUTE

(31 Amwd)

37 A. J. Baumann _____ 10 June 7
Requests information re procedure to be followed
to remit money to Kenya through a
Government department.

STATUTE The new Govt. Dept. which does this sort
of thing is the G.P.O. ? etc. inform
Baumann that as far as the G.P.O. is aware
the new Govt. Dept. which provides facilities for
the remission of money to Kenya by members of
the general public is the G.P.O. and
suggest that Mr. Baumann address the
P.M. G. on the subject.

Baumann is the man who tried to
stampede the Govt. of Uganda into granting a subsidy
to pay for the railway freight on cotton seed,
by a letter full of misleading statistics. He
is a cotton-seed mindboggler.

Guthrie 2/6

A | ultimately say that the G.P.O. provides facilities
for the remission of money to Kenya and that info on
the subject is contained in the P.O. Guide, pp. 151,
152 and 153.

2000
Draft - 2000
2000
Remittance
£100.
W. H. Miller
W. H. Miller
W. H. Miller

3 J. Baumann (B4ano) = 8 JUN 1931

DESIGNED UNDER STATUTE

36 J. Baumann 9 June
His facilities shown in P.O. order of 20
as he wishes to remit amount of four
figures; request further information.

APPROVED UNDER STATUTE

I have spoken to Major Dool
(TR10.) & Mr. Ziemke (DOT).
They can neither of them think
what he is talking about.

Off his.

Garrison
10/6/31

What he is no doubt after is
the East African Currency Board.
I don't know what their minimum
transaction is, but Mr. Abbott
of the C. A. S., the Secretary, will
no doubt tell you.

G. L. W. Lawson
10/6/31

I have spoken to Mr. Abbott.
The matter has not arisen for
the last 3 or 4 years but
his impression is that they
will undertake mail transfers
for private individuals with a
minimum of \$5,000. etc

would however like time to
think about it, look up the
papers & consult Mr. Ziemke.
So I arranged that we did
send Mr. Baumann an interim
reply & send a copy of course
to the Board for a further reply.

Mr. Lawson to see again when
a copy of the Board's reply is received.

Garrison
11/6/31

I have paper to refer to Mr. B.
as in draft herewith. It is

qually agreeable ~~to~~ Mr. Abbott
who will let us have a
copy of their terms with the B
for next time we are in
similar case arise.

[I am sorry I did not
think of this in C.C.B. before]

J. W. Allen
11/6/31
at once

To Baumann (3bars) — 15 JUN 1931
DESTROYED UNDER STATUTE

To Baumann — 16 June
DESTROYED UNDER STATUTE
Acknowledges to H.
to Whitehouse

no 36 ? sent by Whoms
18/6/31

To Robert Cohen — 23 June
DESTROYED UNDER STATUTE
Require formalities to enable proceedings to be
taken in Kenya upon judgment on order of
High Court in London.

Sir A. Russell.
Surely they mean to be able to find out
without reference to us? But perhaps
we could help them in that too much
trouble?
Robert Cohen
24/6/31

I agree. But they might be
referred to the Extension to
Reciprocal Enforcement of Judgments
Ordinance. Cap. 16 of the
Kenya Laws.
A. Russell.
25.6.31

Library.
Please see if you have
for the Rules of Court in a
handy form? Or could the
form be seen in the library

9
Linn?
Robert Cohen
27/6/31

The Rules of Court may be
found at page 125 of the volume
below. They may, of course, be
seen in the library at any time
during the usual hours (Mon.
Fri. 10.30 to 5; Sat. 10.30 to 1)

L. J. Martin
29.6.31
(Ridg)

Robert Cohen
Robert Cohen

To Robert Cohen (39 ans) — Cons. = 1 JUL 1931
DESTROYED UNDER STATUTE

10 XFA
15/8 month
to currency

In reply to his no. (Please see note
by library attached).

Robert Cohen
to Library
write to say they had not
by letter.

Whoms
26/6/31

They have had the ordinance for
a month...? was ask for its return as
in draft.

Robert Cohen 298

41 To Cohen & Cohen - cons 12 SEP 1931
DESTROYED UNDER STATUTE (Return of Ordinances)

42 C.J. Hills (this J.O.) 9 September 31
DESTROYED UNDER STATUTE Enquires where to apply for records of
business in Kenya.

Library. Perhaps you
lead into this first?
Gardner
11.9.31

Mr. Barwood.
Records of decess in
Kenya are kept by the Registrar
general - address :-

The Registrar general of
Business and Deccels.
Nairobi,
Kenya

according to our latest
information the fee for search
is Sh. 4, and for a complete
copy of any entry in any register,
etc., Sh. 10.

L. V. Martin
11.9.31
(Regd)
Gardner
15/9

17137/31 and
prev. -
Agric. Credit
Facilities with
Mr. Freeston.

To Hills (Encl. to 42 Ans.) - 18 Sep., 1931.
DESTROYED UNDER STATUTE
Librarian, Coop. Refce. Library,
Horace Plunkett Foundation. - 21 September.
Requests copy of any recent legislation
in Kenya on Agricultural Credit.

Copies of the Agricultural Credit Ordinance
and Land Bank Ordinance may go. Dft. h.w.
Paper should go afterwards to Mr. Creasy and
Mr. Stockdale to note the desire of the Foundation
to be kept up to date with legislation on these
and kindred subjects. They do not definitely ask
us to send them copies of all future legislation,
and but they would no doubt like it if Mr. Creasy and
Mr. Stockdale think it desirable that this should
be done, this paper might be circulated to all
departments to note accordingly.

(Kenya have a Draft Co-operative Societies
Bill in hand now, and I expect Zanzibar and
Tanganyika Territory will be producing Ordinances
of this kind too.)

Gardner
25.9.31
etc

Revised to
Mr. Creasy & Stockdale
by Mr. Freeston
24.9.31

40 To Horace Plunkett Foundation (L/O's Order) 28 SEP 1931
DESTROYED UNDER STATUTE (44 Ans)

46 Horace Plunkett Foundation 29th Sept 31.
DESTROYED UNDER STATUTE Acknowledges No. 45.

Mr. Whitcombe.

? put by
Thomson
30.9.31.

S. B. Whitcombe
6/10/31 a.c. m.c.

Mr. Eastwood

? Further reminder to

Cohen-Cohen. No reply

received 6 Nov 1931

C. H. Eastwood
28.10.31

Remind C. Cohen. Then see to Mr. Eastwood

Eastwood
28.10.31

47 To Cohen & Cohen Reminders re 44-13/6/31 9 OCT 1931

Mr. Stockdale

This has been recalculated for costs and to ensure in should send the Home Plunkett Foundation copies of all future Colonial Dominion legislation affecting Agricultural education and Co-operation, viz Mr. Eastwood's minute of 25 Sept covering.

While there would appear to be no objection, I do not think that it is altogether desirable to do anything which may invite criticism of the legislation in question from the Society, and, as this has not definitely met the request, I would suggest that no action should be taken.

J. H. Eastwood
30.10.31.

I think it would be advisable to avoid a request from the Foundation before taking any general action on the lines proposed to Mr. Eastwood

J. H. Eastwood
20/11/31

Then put in

Eastwood
21.11.31

End

Ask for a form of Power of Attorney, which it is proposed to give to the Public Trustee, Kenya, to enable him to dispose of a share of a farm lease forming part of the estate of a testator whose will has already been proved in England. Ask what the duty on the Kenya property, amounting to about £660, will be.

A form of power of attorney is given in the first schedule to the Registration of Titles Ordinance of Kenya (vide Form M) but, I cannot trace a form of power of attorney in Kenya legislation that confers the powers which the enquirers desire to confer on the Public Trustee. I have also been unable to trace any form of affidavit in use locally; but the enquirers may be interested to know that the Governor recently reported (in reply to a circular despatch with regard to the authentication of documents) that "Apart from the Native Oaths Ordinance....no special enactment is in force which is not consistent with the English law, the Indian Evidence Act and the Indian Oaths Act". The form of jurat to the affidavit is given in Schedule III to the rules made under the Commissioner of Oaths (Advocates) Ordinance of Kenya (copy annexed). Perhaps the enquirers should be informed that the Probate and Administration Act, 1881 of the Government of India has been applied to Kenya.

The estate duty payable on estates in Kenya is given in the schedule to the Estate Duty Ordinance.

Copies of the Registration of Titles Ordinance the Estate Duty Ordinance and the rules referred to above can be sent to enquirers for perusal and return if so desired.

J. H. Eastwood
28/11

R. H. through R. Roberts Wray

R. Roberts Wray
30/11/31

Notes precedents

18/11
49 To Cadge Gilbert - 48 answers etc of
the Ordinances as per list of per

in front
to new 2
from 1 of 25
Jan may take 1
on this

W

11

1 C. O.

17006/A/31 Kenya

C. D.
R 2-DEC
D 3 "

12
m
9
D
49

Mr. Hyde 30/11/31
Mr. Roberts - Wray 1/12
Mr. Johnson Pricator
Mr. Tomlinson
Sir C. Bottomley
Sir J. Shuckburgh
Sir G. Grindle
Permt. U.S. of S.
Parly. U.S. of S.
Secretary of State.

Downing Street,
- 3 DEC 1931
November, 1931

52

Gentlemen,

DRAFT.

MESSRS.
CADGE AND GILBERT.

(Solicitors
Loddon, Norwich.)

With reference to your letter of the 24th November, I am, etc., to inform you that enquiry among the documents in this Office has failed to trace any form empowering the Public Trustee of Kenya to proceed in the manner suggested in your letter, and ~~that~~ no form of affidavit ad hoc can be found among the various precedents bearing on the matter under consideration. It may, however, be of interest to you to learn that Sir Philip Cunliffe Lister is advised that apart from the Native Oaths Ordinance, no special enactment is in force in Kenya which is not consistent with the English law, the Indian Evidence Act and the Indian Oaths Act. Form M

which

N.P. (2)

J

I doubt if it would be the circular referred to by Mr. Thompson in his minute is, I gather, that of 12/5/31 (copy in file) & gives the information can hardly affect affidavits made in England for use in Kenya. J.P.W. 4/12/31

which is included in the first Schedule to "The Registration of Titles Ordinance" exhibits the form of power of attorney applicable to the ~~provisions~~ provisions of that Ordinance, and it may be possible to adapt it in conformity with the rather special conditions in question.

(3) A copy of that Ordinance

[together with a general form of ~~power~~ ^{instrument} as prescribed in Schedule 3 to the rules made by the Chief Justice under section 6 of the Commissioners for Oaths (Advocates) Ordinance, 1919,] and a copy of the "Estate Duty (Consolidation) Ordinance 1926" are enclosed for your information and return after perusal.

I am, &c

H. T. ALLEN

This could hardly be relevant

K. G. H. 20.11.31

The Probate and Administration Act, 1925, of the Government of India has been applied to Kutch by the Government of India but no special copies of that Act are available in this office.

48
13

All communications to be addressed
to the Crown Agents for the
Colonies, the following refer-
ence and the date of this
document being quoted.

of 1911/832

RECEIVED
26 NOV 1931
COL OFFICE

With the Compliments of the
Crown Agents for the Colonies.

4, MILLBANK,
WESTMINSTER,
LONDON, S.W.1.
25-11-1931

EAST AFRICA PROTECTORATE.

56548 22

GOVERNMENT NOTICE No. 147.

RULES OF COURT.

(No. 1 of 1919).

RULES MADE BY THE CHIEF JUSTICE UNDER SECTION 6 OF THE COMMISSIONERS FOR OATHS (ADVOCATES) ORDINANCE, 1919.

1. A practising Advocate of the High Court who has resided not less than two years in the Protectorate may apply to the Chief Justice to be appointed a Commissioner for Oaths.

2. All applications under rule 1 shall be in writing and shall state the period during which the applicant has resided in the Protectorate and the date on which he signed the Roll of Advocates, and shall be accompanied by a certificate signed by two other practising Advocates and two householders to the effect that the applicant is a fit and proper person to be appointed.

3. Applications shall be lodged with the Registrar of the High Court who will notify the applicant of the decision of the Chief Justice therein.

4. On an Advocate paying the prescribed fees and signing the Roll of Commissioners a commission shall be issued to him in the Form contained in Schedule I to these Rules.

5. A Commissioner for Oaths shall be entitled to charge fees in accordance with those prescribed in Schedule II to these Rules in respect of the matters therein mentioned.

6. A Commissioner before taking an Oath must satisfy himself that the person named as the deponent and the person before him are the same and that such person is outwardly in a fit state to understand what he is doing.

7. The power to revoke a commission contained in Section 2 of the Ordinance shall not be exercised till the Commissioner whose conduct is in question has been given an opportunity of being heard against any such Order of revocation.

8. All exhibits to Affidavits shall be securely sealed thereto under the Seal of the Commissioner and shall be marked with serial letters of identification.

9. The forms of jurat and of identification of exhibits shall be those set out in Schedule III to these Rules.

Mombasa,

April 14th, 1919.

R. W. HAMILTON,

Chief Justice.

SCHEDULE I.

EAST AFRICA PROTECTORATE.

COMMISSIONERS FOR OATHS (ADVOCATES) ORDINANCE, 1919.

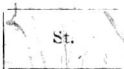
A COMMISSION.

TO ALL TO WHOM THESE PRESENTS MAY COME GREETING.

BE IT KNOWN that on the.....day of.....19.....X.....Y.....Z. an Advocate of the High Court has been appointed to be a Commissioner for Oaths under the above-mentioned Ordinance for so long as he continues to practise as such Advocate and this Commission is not revoked.

GIVEN under my hand and the Seal of the Court this.....day of.....19...

Chief Justice.



RULES OF COURT
East Africa Protectorate 53

SCHEDULE II.

FEES

	Rs.	Cts.
1. For taking an affidavit or declaration...	1	00
2. For every exhibit thereto ...	0	50
3. For attending to administer an Oath or affirmation or to take a declaration elsewhere than at the Office of the Commissioner in addition to the ordinary fee thereon ...	5	00

SCHEDULE III.

Form of Jurat.	Sworn Declared	before me this ... day of ... 19...	at ...	Commissioner for Oaths.
Form of identification of Exhibit	This is the exhibit marked " ... " referred to in the annexed affidavit of ... Sworn declared	before me this ... day of ... 19...	at ...	Commissioner for Oaths.

CADGE & GILBERT.

SOLICITORS

K. B. GILBERT

C. A. CADGE

RCF

ADDRESS FOR TELEGRAMS
"CADGE, LODDON"
TELEPHONE, LODDON 416

NORWICH OFFICE

11 BANK STREET (NEAR ROYAL HOTEL)

ON SATURDAYS

RECEIVED
26 NOV 1931
CCL OFFICELoddon.
" Norwich.

24th November 1931.

Dear Sir,

A client of ours who has recently died was the owner of a one-third share of the Lease of a Farm in Kenya, and his Executors have recently agreed to sell the same.

We are informed by the Solicitors in Kenya that it will be necessary to prove the Will there, and for that purpose and in order to enable the sale to be carried out to give the Public Trustee in Kenya a Power of Attorney to enable him to prove the Will and carry out the sale. Also, it will be necessary to make an affidavit setting out the value of the deceased's Estate in England, and the amount of Estate Duty paid here.

If you have any forms of such Power of Attorney and Affidavit, would you be good enough to lend the same to us, and we would undertake to return them? We recently had occasion to prove the Will in South Africa, and for that purpose the Executors gave a Power of Attorney to the Standard Bank at Cape Town. If you have no forms applicable to Kenya would you advise us as to whether the forms that we used for the purpose of proving the Will in South Africa would be

1.

applicable. As the matter is pressing, an early reply will oblige.

Yours truly,

Judge & Elliot

My two points will have already been found in England.

Our clients estate in England amounted to about £165,000 and his share of the Kenya property amounts to about £660. Could you please tell us what the rate of duty payable in Kenya will be

The Crown Agents for the Colonies,
4, Millbank,
WESTMINSTER,
S.W.1.