

and I am to witness
before you that case
should be taken to
show the expenditure
on the whole business
Year

EAST AFR. PROT.
12009

12009
12

do it Co

Date
1912

18 Apr.

previous Paper.

Young & Congate

States that it is necessary to take the evidence of
their client Congate who is now at Westerland
Molo East on Commission or otherwise. Enquire
whether there is any public or legal official there who
could be made to take the required evidence. -
also note for other info.

Mr. Fenington

Have you any objections to make, please,
especially in regards the last
paragraph?

all

22/4

I see no objection to proceeding by
Special Examiner of the District
Inspector at Molo 22/4

Mr. Butler

Molo is on the Railway between
Nakuru and Lodiani. No station. It
appears to be situated there but
there is a mafishi at Nakuru and
Mafishi at Nakuru & Roome.

Subsequent Paper

12909

as to Westland, doubtless it is the name
of a farm or house.

I ask receipt. [say that C.O. has no
objection to their proceeding in the
way that they suggest in para. 3
of their letter. That Nolo is a
station on the railway, a ~~small~~ ^{small} ~~one~~ ^{one} - that
the station is probably a ~~small~~ ^{small} ~~one~~ ^{one} or
house but that the name is not known

in this Dept. - that the nearest
station at which a Magistrate or Adm^l
Officer is posted appears to be Nakuuru
~~about~~ 35 miles nearer the coast on
the Railway - that [acc. to the Jan.

Staff list the Magistrate there was
but J. Y. Stanger but that ^{is not in a} [cannot] ^{position}
say definitely whether he is still there
or has been transferred to another station
that he cannot say what the

minimum time for the transmission
of the evidence to this country is? he
but that about 3 weeks will be allowed
for a letter from England to Mombasa -
that the journey by rail from
Mombasa to Nakuuru ~~is~~ ^{is}
449 miles.

accl
22/4

W. P. Fisher
S. G. Fisher

I would be glad

proposed with the following modification

I would omit the words placed in brackets
and put in these inserted;
to add, at the end of the proposed reply

that, in view of the impossibility of giving
the name of an officer who could take the
desired evidence, it is for the writers to
decide whether it would not be better
to apply for a letter of request to the
Supreme Court of the Ple to examine
their client.

397

HAB

April 23.

I see no objection to proceeding as
proposed (but note on the
other hand the Solicitor may be
prevented from doing so by procedure
by letter of request, & that there
is no necessity to transmit this

proceedure expressly, unless I do
desire to see the
books. Probably it will be most

convenient for all concerned
if they do proceed (letter of
request) & transmit ^{in accordance to the form of} ~~the~~ ^{the} ~~same~~ ^{same}
C.S. 20/4

As proposed by W. P. Fisher at 26/4

LINDO & CO,
SOLICITORS.

S. H. BROWN,
TELEGRAPHIC ADDRESS:
TORREY LONDON.
PHONE, 415 CENTRAL.

398
2 & 3, WEST STREET,
FINSBURY CIRCUS.

LONDON, 18th April, 1918
E.C.

Sir,

YOUNG v. WINSATE.

We are acting as Solicitors for the
Defendant in the above suit, which is pending here, and
it is necessary that the evidence of our Client, who is
now at Westerland, Molo, British East Africa, should be
taken on commission or otherwise.

The object of our troubling you with this
communication is to ask you to be good enough to inform us
the situation of Westerland and Molo respectively, whether
there is any public or legal official at either place who
could be instructed to take the required evidence, and
in that case his name and description? If, to your
knowledge, there is no suitable or competent person at
Westerland or Molo, who could undertake the proposed
examination, we shall feel much obliged if you will let us
know the name of the nearest town having such an official.
At the same time, perhaps you can kindly state approxi-
mately the minimum amount of time which must be allowed
before the evidence could be transmitted to this Country.

The Right Hon: H. M.'s Secretary of State
for the Colonies.

We propose in preference to applying for a writ of Commission or Letter of Request to ask the Master to make an Order appointing some person as Special Examiner to take the examination, to which course we presume your department would not offer any objection.

Awaiting your reply and thanking you in advance,

We have the honour to be, Sir,

Your obedient Servants,

S
London W.C.

The Right Hon: H. K.'s Secretary of State
for the Colonies,

Downing Street.

in this Dept; & that
the nearest station
at which a Magistrate
or Administrative
Office is posted appears to be
Nakuru, which lies about
25 miles nearer to the
Coast than Molo.

2. But this, when however is not
in opposition ~~possible~~ to say definitely
what Office is stationed
at Nakuru from time
to time, nor can he
say what the minimum
time for the transmission
of the evidence would be; but
in ~~the~~ ^{about} three weeks
should be allowed for a letter
from Mombasa to Nakuru,
and ~~the~~ ^{and} the journey by rail
from Mombasa to
Nakuru is 449 miles.

3. With regard to the last
para. of your letter I am
to observe that, in
view of the improbability
of giving the name of
an Officer who could
take the deposed evidence
to the Coast, I am to decide
whether it would not
be better to apply
for a Letter of Request
to the Supreme Court of
the East to examine
your client.

AL