

ATC/WT/10

WT/10 OCT 10

May & Lumley  
LAWYERS

Date

October 10

MEMORANDUM OF W.M. COLE

Encloses copy of the opinion of Sir J. Parsons  
and Mr. J. Bowstead.

W. Fidler

See also h  
32736

It is to be presumed that in the absence of further instructions from the D.C.O. The Govt. will proceed with the deportation. Mr Cole was, I saw it stated in the Press recently, to leave the Protecionate today. He will not be in a position to carry out counsel's advice to stay in the U.K. pending presumably the deportation bond of deportation.

Referring to the record of 32736 on this

Say that

it was nothing to add

WT/10 OCT 10 50.  
11/10 A.E.W.

Subsequent Paper

Govt  
32736

to the center of the 6<sup>th</sup> of October.

2003

Oct. 9.

The barrel of bare side water  
wide open!

Feb. 9. 10

X 10. 10

Deton simply

X 10. 10. 11

LUMLEY & LUMLEY,

SOLICITORS.

WALTER LUMLEY

THEODORE LUMLEY

AND AT

THE JEWRY CHAMBERS BANK, E.C.  
PARIS - 10, RUE DE LA PAIX

TELEGRAPH: 3882 GERMANY.  
TELEGRAMS LUMLEY & LUMLEY, LONDON.

150

37, CONDUIT STREET,  
LORD STREET.

I.R.

LONDON, 7th Oct., 1911.

George V. Fiddes, Esq., C.B., C.M.G.,

Under Secretary of State,

Colonial Office,

Downing Street, W.,

Sir,

re The Honourable GalbFaith Cole.

No. 32225 of 1911.

We beg to acknowledge the receipt of and thank you for your letter of yesterday's date. We are instructed to say that under all the circumstances, our clients greatly regret that Mr. Harcourt is unable to invite the Governor of the Protectorate to modify the action already taken, and that Mr. Harcourt is in a position to comply with the other requests made in our last

Our Clients express considerable surprise that you have not stated definitely whether the procedure followed in the present case is in strict accordance with that prescribed by Section 22 of the African Order in Council, 1902, and we have been instructed to have made and send you a copy of the Opinion of Sir Edward Carson, M.C., and Mr. William Bowstead referred to in our previous letter.

We are, Sir,

Your obedient Servt.

RE THE HONOURABLE GALBRAITH COLE.

C O U N C I L  
C A Y S E

- to -

COUNCIL TO ADVISE.

O P I N I O N .

In our opinion, a very serious question arises upon the Order of the Governor under Section 25 of the East Africa Order in Council, 1902, and the construction and meaning of that section. That the Governor should have an absolute power of making an order of deportation appears to us to be opposed to natural liberty and justice, and we think that proceedings should be taken in the local Courts of Justice to question the validity of the deportation Order, and to raise the contention that it is illegal and ultra vires; and we further advise that in the event of a hostile decision, either upon the question of jurisdiction or upon the validity of the Order, the matter should be brought before the Legal Committee of the Privy Council in this country.

Meanwhile ~~the~~ ~~order~~ should be applied to to procure a stay of execution of the deportation Order pending such proceedings.

We advise Mr. Galbraith Cole meanwhile to stay in the Protectorate.

26th Oct. 1919.

(Sd) Edward Argall

(Sd) W. Bassett.

DRAFT

with family &  
friends.

MINUTE.

Mr. Battersea Oct 1. 12

Mr.

Mr. Fiddes.

Sir H. Just.

Sir C. Lucas.

Sir J. Anderson.

Lord Lucas.

Mr. Hareourt.

(32776  
33734)

Gentlemen,

I am directed by  
Mr. Secretary Hareourt  
to acknowledge the  
receipt of your letters  
of the 7<sup>th</sup> instant  
relating to the  
representation of the  
Gala with "Coe from

Off. all. on 328744

the 12<sup>th</sup> Octo.