

It would be convenient
 if a map of the
 Protectorate showing
 the division into the
 provinces into districts
 could be supplied with
 your reply

DESPATCH

No.

35523

C. C.
 38823
 R.P.
 Recd 31 OCT 05

No.
 553

(Subject.)

1905

Oct. 11

Preceding Paper

4
 24/11/4

Commission Rogatoire
 against Baron M. de Rothschild

Issued by High Court in case of Mombasa
 Trading & Development Synd. re Baron M. de Rothschild
 Requests it be delivered to the French Court.

(Minutes.)

Mr. Rivley.
 To inform. Return the same - refer to them
 to Order 37 Rule 6-A. of the Rules of
 the Supreme Court 1883 - + to the Form
 37 B in Appendix K of the same Rules
 - + say that letters of Request from the
 Colonies & Protectorates must be couched
 that form suitable petitions - add that
 if this is not already provided for by the
 Rules of the High Court, a Rule of Court, making
 such provision, should be
 introduced.

Mr. Cox

I am not sure whether the Circular of 22 March 05 extends
 to judges' signatures. though I think we ought to be
 and, as regards Crown witnesses & participants, are able to
 certify them.
 If however Africa has had this circular and it is intended not
 to certify judges' signatures in future here, it will be
 well to add to the above proposed amendments that the
 letters of Request should be sealed with the seal of the High

Proposed by Mr. Rivley & Mr. Cox
 The said 24/11/4

Subsequent Paper

IN THE HIGH COURT OF THE EAST AFRICA PROTECTORATE AT MOMBASA.

Civil Case No. 14 of 1905.

Henry P. Smith, Managing Director of Mombasa
(British East Africa) Trading and
Development Co. Ltd.,Plaintiff.

(Formerly A.G.W. Andersen, Resident)
(Director - amended by order of
(Court dated 5th June 1905.

versus

Baron Maurice de RothschildDefendant.

To

WHEREAS the evidence of Baron Maurice de Rothschild is
required by the High Court in the above suit,

AND WHEREAS the said Baron Maurice de Rothschild is at
present resident at Paris in France

You are hereby requested to take the evidence on the
accompanying interrogatories herewith of the said Baron Maurice
de Rothschild, and you are hereby appointed a Commissioner for
that purpose, and you are further requested to make a return
of such evidence as soon as it may be taken.

Your fee will be forwarded by Money Order as soon as I
shall hear the amount from you.

Given under my hand and the seal of the Court, this 3rd day
of October 1905.



H. O. Dolbey
Registrar,
High Court.

Mombasa,
3rd October 1905.

4/807

IN THE HIGH COURT FOR EAST AFRICA AT MOMBASA.

Civil Case No:14 of 1905.

Henry P. Smith, Managing Director of Mombasa) Plaintiff.

(B.E.A) T & D. Syndicate, Limited.
(Formerly known as East Africa Trading and Development Syndicate Limited)
versus.

Baron de Rothschild..... Defendant.

Interrogatories to be administered to the
Defendant Baron Maurice de Rothchild of
Paris, France who resides at 41 Fauburg
Saint Honore, Paris.

You are a French Subject.

You were in East Africa in March &
April last on a shooting expedition.

Do you know Mr.R.F.Mayer of the
Mombasa (B.E.A) Trading and Develop-
ment Syndicate Ltd:

Were you in Nairobi on or about the
14th:of April last.

Did you stay at the Norfolk Hotel.

Did you see Mr.Mayer at the Norfolk
Hotel, on Nairobi

At what time did you see Mr.Mayer at
the Norfolk Hotel.

Did the interview last long.

IN THE HIGH COURT FOR THE PROVINCE OF NORTHERN RODESIA

Case No. 100 of 1950

Between
HARRY P. BENTON, Plaintiff,
and
R.E.A. T & D. (Sunderland) Limited,
Defendants.

Plaintiff's Statement of Claim

I, the Plaintiff, do hereby state that I am the sole proprietor and manager of the Plaintiff's business, known as the Plaintiff's business, which is carried on at the Plaintiff's premises, situated at the Plaintiff's premises, in the Plaintiff's Province, Northern Rhodesia.

That on or about the 1st day of March 1950, I received from the Defendant a letter, the contents of which were as follows:—

"Dear Mr. Benton, I have the pleasure to inform you that I have received your letter of the 28th day of February 1950, in relation to the purchase of two Zebras for your shooting expedition."

"I am pleased to hear that you are interested in the purchase of two Zebras, and I am sure that they will be of great value to you for your shooting expedition."

"I am sure that you will be satisfied with the quality of the Zebras, and I am sure that they will be of great value to you for your shooting expedition."

"I am sure that you will be satisfied with the quality of the Zebras, and I am sure that they will be of great value to you for your shooting expedition."

"I am sure that you will be satisfied with the quality of the Zebras, and I am sure that they will be of great value to you for your shooting expedition."

What was the nature of your conversation with him there state very fully.

Did you agree to see Mr. Mayer again on the day on which he came to the Norfolk Hotel, if so state what time you agreed to see him and where.

Where did you see Mr. Mayer again that day and at what time.

How long did the interview last.

Were any other persons present besides Mr. Mayer and yourself.

When you saw Mr. Mayer again, did you make any agreement with him to purchase two Zebras, if so what were the terms of the agreement, state very fully what such terms were, and what was the price that was agreed to be paid for the Zebras.

Did Mr. Mayer offer to give you a trial of the Zebras in double harness at Nairobi.

Did you refuse to have them tried at Nairobi.

Did Mr. Mayer say that if you purchased them without a trial he would obtain a written certificate from Mr. Linton as to the Zebras capability to go well together in double harness

...reference to ...

...of ...

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1. Did Mr. Mayer further say that if you deposited the money at the Mombasa Bank that you could take the Zebras to France, and that if you were dissatisfied with them he would take them back and the money could be withdrawn by you.

2. When did you see Mr. Mayer again, after meeting him in Nairobi?

3. When did you leave Nairobi to return to Mombasa.

4. Did you send a telegram to Smith MacKenzie & Co to stop the Zebras from being shipped.

5. What reason had you for sending the telegram to Smith MacKenzie & Co.

6. Did you see Mr. Mayer on your arrival at Mombasa and where.

7. What was the nature of your conversation with Mr. Mayer state fully.

8. Did you see the two Zebras at Mombasa if so where.

9. Were they a perfect match.

10. Did you see the two Zebras tried in double harness.

11. If you did not see them tried in double harness was the reason, state full

Did you insist upon seeing the
Zebras tried in double harness.

What did Mr. Mayer say when you insist
ed on a trial.

You wrote a letter to Mr. Mayer
offering to buy one Zebra, did you
state which Zebra you were willing
to buy.

Did you receive an answer from
Mr. Mayer in answer to your letter
offering to buy one Zebra, if so state
the reply received.

Did you know where Mr. Mayer was
going to get the Zebras from.

What sum, (if any) was agreed to be
paid for the 2 horse boxes and fodder
for use of the Zebras on the voyage,
provided the terms on which the
Zebras were to be bought had been
carried out and you had taken
them.

Do you know what the usual price
paid for Zebras in East Africa is.

Do you consider the price you
offered for the Zebras a heavy one.

Did you insist upon seeing the
Zebras tried in double harness.

What did Mr. Mayer say when you insist
ed on a trial.

You wrote a letter to Mr. Mayer
offering to buy one Zebra, did you
state which Zebra you were willing
to buy.

Did you receive an answer from
Mr. Mayer in answer to your letter
offering to buy one Zebra, if so state
the reply received.

Did you know where Mr. Mayer was
going to get the Zebras from.

What sum, (if any) was agreed to be
paid for the 2 horse boxes and fodder
for use of the Zebras on the voyage,
provided the terms on which the
Zebras were to be bought had been
carried out and you had taken
them.

Do you know what the usual price
paid for Zebras in East Africa is.

Do you consider the price you
offered for the Zebras a heavy one.

Nov. 13/05

Dear Sir,

I return herewith the letters of Request issued by the High Court of East Africa for the purpose of obtaining the Evidence of Baron Maurice de Rothschild -

Your Embassy at Paris upon me that the best course would be to address the letters of Request

...the letters of Request issued by the High Court of East Africa for the purpose of obtaining the Evidence of Baron Maurice de Rothschild -

RECEIVED
NOV 15 1905
SECRETARY
GENERAL
LONDON

to "The President of the Civil
Tribunal of the Seine, or other
Competent authority." -

It appears to be necessary
to add to last book, as it
is impossible, without knowing
more about the facts, to say
plainly what would be the
correct part -

Very truly

Yours truly

John F. Johnson

John F. Johnson

John F. Johnson

John F. Johnson

John F. Johnson

John F. Johnson

John F. Johnson

John F. Johnson

John F. Johnson

John F. Johnson

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DRAFT.

t. A. P. No 517

O. A. B.

ans 2 24 51

MINUTE.

Mr. ^{14/11} ~~Reid~~
Mr. Reid

Mr. Antrobus

X Mr. Cor. 14

Mr. Lucas

Mr. Graham.

Mr. M. O'malley.

Mr. Duke of Marlborough.

Mr. Lottelton.

per room
See F.D. letter.

17 November 05
Sir I have the honour to ack.
the receipt of your despatch
No 553 of the 11th ult
forwarding a Commission
"Rogatoire" which has
been issued by the
High Court of the t. A. P.
in the case of the
Mombasa Trading &
Development Syndicate
v. Baron M de Rottel.
-chtd.

I regret to have to
point out that this
document is somewhat
not in proper form,
and that the French
text cannot be used

to take action upon it.

I have to request
that you will inform
the Judges of the High
Court by ^{rule} Order 37
Rule 6A of the Rules
of the Supreme Court
of 1983, & to the form
37B in Appendix K
of the same Rules.

Letters of requests from
British Colonies & Protectorates
should be covered in this
form mentation materials,
and if this is not
already provided for
by the Rules of the High
Court, a rule of Court
making such provision
should be enacted.

I presume that the
Judges possess a copy
of the Rules of the Supreme
Court - but for greater

Rules of Supreme Court

If it is desired to send an
Annual Practice I have a copy
which is available. But
it will be sufficient to copy
37 Rule 6A and the form
in Appendix K only.

Forwards out the rule
1983

100 Country 1000 11
The letters should be
sealed with the seal
of the High Court &
signed by the Chief
Judge whose signature
should preferably be
ratified by the O.C.C.
They should in the
present case be addressed
to the President of
the Civil Tribunal
of the Seine, or other
competent authority.