

EAST AFR. PROT  
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15 11 10

Governor 350  
Lugard

1910

June

20  
1915/19

OLD COURT OF APPEAL  
CUSTODY OF RECORDS

In circumstances stated it is held that they should be  
kept at Lugard in the charge of the Registrar of the  
Court of Appeal for Eastern Africa.

W. R. G. G.

H. J. R.  
18/11

W. R. G. G.

I certainly agree with the Gov. & Judges - of my  
minutes in 1905. The records of the Old Court of  
Appeal were always meant to be in the custody of the  
reconstituted Court but have actually been transferred  
to that custody. So we can disregard  
any theoretical objections on the part of the F.O.

Copy to F.O. saying the Gov. & Judges agree with  
the view taken by the Gov. & Judges (? and  
presumably that Sir G. G. will accept the  
fact accordingly).

agree W. R. G. G. 20/11/1917  
H. J. R. 19/17

20/11/1917  
W. R. G. G.  
1915/19

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GOVERNMENT HOUSE

18 JUN 10

Nairobi,

EAST AFRICA PROTECTORATE.

June 6th 1910.

No. 350

(Incl. 3)

My Lord,

*P.O.*  
*39315/09*

In reply to Your Lordship's despatches Nos. 250 of the 5th ultimo and 739 of December 9th last, I have the honour to transmit herewith Memoranda by the Judges on the custody of the records of the old Court of Appeal.

2. Your Lordship will observe that it is contended, I think with justice, that these records in no way concern any Court now sitting at Zanzibar whereas they are authoritative decisions affecting the present Court of Appeal for Eastern Africa. It is held therefore that they should be kept at Mombasa in the charge of the Registrar of the latter court, and in point of fact they are now in his custody.

3. I regret the delay which has taken place in replying to Your Lordship's inquiry.

I have the honour to be  
Your Lordship's humble,  
obedient servant,

THE RIGHT HONOURABLE

THE EARL OF CREWE, K.G.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET, LONDON, S.W.

GOVERNOR.

In Despatch No. 351 of 6/6 1966

MEMORANDUM

Theoretically it might be argued that the records of the old Court of Appeal should be kept at Zanzibar; practically they should be kept by the New Court of Appeal at Mombasa; in fact they have been at Mombasa for some months and I would recommend that they be allowed to remain there.

Sd/- R. J. Hamilton.

10/6/66

MEMORANDUM.

It is true that the records of H.M. Court of Appeal for Eastern Africa are those of a Court which has ceased to exist they therefore do not concern any Court in Zanzibar and no one there is interested in them or in preserving them. No appeals lay to the now defunct Court from the Zanzibar Courts.

The present Court of Appeal for Eastern Africa is in fact the successor of the Old Court and the business it has before it is precisely the same as that dealt by the Old Court. The unpublished decisions of the Old Court will therefore presumably be of some use to the present Court of Appeal and therefore the records should, in my opinion, be kept at Mombasa. It is further in my opinion, more desirable that a Court which has a direct interest in the records of the Old Court should preserve them than a Court which has no interest in such records.

H.M.'s Court at Zanzibar has voluntarily offered to send up the records to Mombasa and has in fact sent them.

Sd/- J.W. Barth.

27th May 1919.

ENCLOSURE 293

to Despatch No. 350 of 1910

MEMORANDUM.



His Majesty's Court of Appeal for Eastern Africa created by Order-in-Council 1900, now hears all appeals from the East Africa Protectorate, Uganda and Nyasaland which were formerly heard by His Britannic Majesty's Court of Appeal for Eastern Africa created by Order-in-Council 1902 with a Registrar and address at Zanzibar.

There is at present no scintilla of the former Court in existence at Zanzibar.

The present Court is the inheritor of the former Court as shown by Section 10 of the Order-in-Council 1909, and the Registrar of the present Court is the proper custodian of the records of the former Court.

The decisions of the former Court have now no interest in Zanzibar as the Court had no jurisdiction over Zanzibar cases, they are however authoritative expressions of the law which the present Court has to decide upon and will be quoted as such.

Sd/- A. Bonham Carter.

31.3.10.

for 21876 2nd

4511

~~130~~ 26 July 1910

25

Sir

With reference to

DRAFT.

The USSS  
J.D.

21959

Your letter of 20th July,  
of the 21st inst.,  
I am glad to have heard  
to you, to be heard of  
Secretary Sir [unclear]  
& [unclear] of a [unclear] from  
the [unclear] of the [unclear]

MINUTE.

- Mr. [unclear]
- Mr. Poles 22
- Mr. Fiddes
- Mr. Just.
- Mr. Cox
- Sir C. Lucas
- Sir F. Hopwood
- Col. Seely
- Lord Curzon

Copy to [unclear]

for [unclear]

Copy for [unclear]  
of the [unclear] of [unclear]  
to [unclear] of [unclear]  
[unclear] [unclear] [unclear]  
[unclear] [unclear] [unclear]

between two new tubes

by the first & second

with two antodes of

these heads, and the 5

has Sir Egger  
~~at~~

will also cover in it.

James

1872