

the terms of the Convention  
Sept. of the 26th of June  
1899 with regard to the redif-  
inition of cases to  
British possessions &  
Foreign Poss.

J. W.

Convention 20 June 99  
" 28 May 1900

479  
DESPATCH

EAST AFR. PROT.  
No. 34372

C. O.  
34372

No. Jackson 483

1905

Aug 30

Last previous Paper.

See List of Appeal Cases.

Has conferred with Judge <sup>reedy</sup> and has nothing to add  
to previous remarks. In copy private letter with enclosure  
from Mr Hamilton reedy alleged complaints of Bar of East Africa.

(Minutes.)

Mr. Hislop  
The remarks of Judge  
Lindsay Powell were by a mis-  
take of the office deleted with  
saying off days not next, as they  
had been on F.O. 23602

I think we should read the  
writing for a further report.

MR. 26/9

Mr. Arthur

S. A. J. ? 26/9

S. R. 26/9

East African Dept. X Mr. S. J. 27  
at once  
Remind. Wm 20/9

210  
3472 480  
Commissioner's Office  
Dar es Salaam

August 30th 1905.

EAST AFRICA PROTECTORATE.

No. 125

Sir,

With reference to your despatch No. 299 of July 13th regarding the scale of fees in force in this Protectorate in connection with the granting of appeals to the East African Court of Appeal at Zanzibar, I have the honour to report that I have conferred with the Judges on this subject, and in view of the fact that Judge G. Smith's memorandum of June 23rd was not included in your despatch under reply we have nothing to add to the remarks contained in my despatch No. 368 of June 29th.

2. With regard to the representations which were stated in the enclosure to your despatch No. 225 of May 18th to have been received from the Bar of East Africa as to the

hardship

Principal Secretary of State

For the Colonies,

Downing Street,

LONDON.

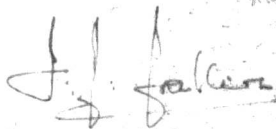
481  
In pursuance of the fee list relating to the New Appeal Court,  
I have the honour to transmit to you herewith a copy of  
a private letter with enclosure from Mr. Hamilton, from  
which, as the learned Judge remarks, one observes how  
molehills may grow into mountains.

I have the honour to be,

Sir,

Your most obedient,

humble servant,



(In the absence of H. M. Commissioner)

C O  
34372

Mombasa,

August 29th 1905.

Dear Hamilton,

I have enquired of the Members of the East African bar practising in Mombasa and I find that no representations have been made by the bar of East Africa as such to the bench at Zanzibar relative to the hardship of the Appeal fee list. What apparently happened was that Skinner Turner in a joking way asked Dalal when that gentleman was in Zanzibar why there were not more appeals and Dalal in the same strain said they were too expensive. As Crown Advocate I received no representations from the bar otherwise they would have been laid before you.

Mr. Dalal informs me that Lindsey Smith spoke to me in Mombasa on this subject and that the Judge asked him to make representations in writing. Such representations have not yet been made. I do not suppose that Lindsey Smith imagined he was making mis-representations in his communications to the Foreign Office but the statement which he appears to have made that he had received representations from the bar of East Africa or that "the bar in East Africa submit" is to say the least misleading.

I have asked Messrs. Byron and Dalal to lay before the Crown Advocate any views they may have on the subject of fees in Appeals to Zanzibar.

Yours, etc.,

(Ed.) J. W. Barth.

Mombasa

August 29th 1905

SIR D. STEWART

No. 228

Reference C. O. Lett. No. 274  
July 1905; our Lett. No. 282 of  
June 27th & C. O. Lett. No. 282  
inclusive 27th Aug. 1905.

Received

by hand

*This for appeal to Zanzibar  
& come forward with*

2

In Sir D. Stearn's despatch  
No. 483 of August 30th 1908.

Enclosure No. 2

J. W. Hamilton

J. W. Hamilton

COPY.

August 21st

Dear Hollis,

Since my return to Mombasa I have made further enquiries to find out what the representations made by the Bar in East Africa actually were; and I attach a copy of a letter from Barth which shows how molehills may grow into mountains.

Yours etc.,

(Ed.) R. W. Hamilton.

Comm. L.A.M.

34372

48A

29<sup>th</sup> Sept 1905

DRAFT.

S. + A. Prot. no: 436.

and 5005/2

L. D. Stewart

Sir,  
I have the hon. to  
ack. the recd. of the Jackson

MINUTE.

dep. no. 453 of the 30<sup>th</sup>  
of August last, on the  
subject of the scale of  
fees in force in the Protec-  
torate in connexion with  
the granting of appeals to  
the South African Court of  
Appeal at Johannesburg.

- Mr. Botton by 28/9
- Mr. Sills
- Mr. Antrobus
- Mr. Cox.
- Mr. Lucas.
- Mr. Graham.
- Sir M. O'Malley.
- The Duke of Marlborough
- Mr. Lyttelton.

7702 29/9/05

2. I regret that the  
memorandum by Judge  
Lindsay Smith which  
was enclosed in the  
letter from the F.O. of  
the 6<sup>th</sup> of July was  
omitted by inadvertence  
from my despatch no.

Mr. ...  
12 21601