

EAST AFR. PROT  
21041

C. O.  
21041  
REC'D  
REG'D 4 MAY 16

For  
Belfield 202

TRADING WITH THE ENEMY ORDINANCE 1915

1916  
3rd April.

Submits observations on section 15 the provisions of which were enacted to avoid delay which is inevitably caused by an appeal against a judgment.

Last previous Paper.  
20464

Mr. Telford

Wed. 4.5.16

W B Thomley

also  
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I think this is a sufficient answer

? Patley

C. 67576

(hung up for four months with

For  
20464 1916

Last subsequent Paper

Starb

5.9.16

AFRICA PROTECTORATE  
No. 202.

589  
21041  
GOVERNMENT HOUSE,  
NAIROBI.  
Recd 4 MAY 16  
BRITISH EAST AFRICA.

April 3rd, 1916.

Sir,

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I have the honour to acknowledge the receipt of your despatch No. 819 of the 8th of November last, and in accordance with the request in paragraph 2 to furnish you with my views on the subject of the provisions of section 15 of "The Trading with the Enemy Ordinance 1914".

2. These provisions were enacted with a view to avoiding the delay which is inevitably caused by an appeal against a judgment. This delay must necessarily be aggravated by the fact that the members of the High Court are, owing to the war, only two in number, one of whom is obliged to spend a considerable time on circuit.

THE RIGHT HONOURABLE  
ANDREW BONAR LAW, P.C., M.P.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET,  
LONDON, S. W.

3. It was considered desirable that the punishment for the offences created by the Ordinance should be speedily administered, and the objection to the arrangement whereby in cases under the Ordinance no appeal can lie against a decision of a Magistrate is more apparent than real, as the High Court has, under Sections 341 and 343 of the Criminal Procedure Ordinance, 1913, the power of revision in any case tried by a Magistrate whether appealable or not. Under the system of administration adopted by the High Court it is very unlikely that an irregular conviction or an excessive sentence will escape notice and correction.

I have the honour to be,

Sir,

Your humble, obedient servant,

A. Conway Beyard.

GOVERNOR.