

1902

E. AFRICA
2402

C O
2402
RECEIVED
21 MAR 12

Council Off.

Date.
1912

22 Jan.

Last previous Paper.

no officers
34462
11

E. Africa Div. C.
Nyasaland --- } 1912.
Uganda --- }

(17 Jan. 1912)
repeating Article 16 (b) & (c) of Div. C. 11 Aug
rel. to Admiralty Jurisdiction.
Sends sealed & plain copies.

Copy to W. 65 } 17 Feb
Copy to Nyasaland }
Copy to Uganda }
Copy to Nyasaland }
Copy to Uganda }
Copy to Nyasaland }
Copy to Uganda }

copies in 36
W. Tennyson

Could you kindly say how much
should be written by way of explanation
to the three Protectorates in sending out
copies of the Orders?

Yours,

Jan. 25.

I think it will be enough to say that it has been
found necessary to repeal the repealed Subes
because we have been advised that we
as in last 6 lines of para 2 of the draft
to Uganda & see typed copy at bottom
this bundle.
CT Yr
& now with this paper
Yours.

Next subsequent Paper

B. 97
2488

Sir G. Fiddes
Send 1 sealed & 10 plain

copies of the order to each
bearing as W. Thompson suggests.

J.P.B.
Feb. 3.

Negotiated must also be told to amend
its Shipping Act of 1902. See my
minutes on 34462/11

J.P.R. 5/2

Atome
J.P.G.

108,218.

22

Council Office,

C O
2402
CCD
24 JAN 12

Whitehall.

22nd January 1912.

Sir,

I am directed by the Lord President of the Council to transmit to you the accompanying Orders of His Majesty in Council of the ~~seventeenth~~ instant entitled -

1. The East Africa Order in Council 1912 ;
2. The Nyasaland Order in Council 1912 ;
3. The Uganda Order in Council 1912 .

20 Copies
of each Order.

and I am to request that you will lay the same before the Secretary of State for the Colonies.

I am,

Sir,

Your obedient Servant,

Almon St John

The Under-Secretary of State,

&c., &c., &c.

Colonial Office.

And whereas by Article 16 (3) of the said Order it was provided that Admiralty jurisdiction might be conferred by Ordinance on any Court subordinate to His Majesty's High Court of East Africa established by the said Order, and by Article 16 (4) of the said Order it was provided that any Ordinance varying or affecting the Admiralty jurisdiction of any Court or conferring Admiralty jurisdiction on any Court should not come into force unless it had been previously approved by the Secretary of State and such approval should be recited therein:

And whereas it is expedient to repeal Article 16 (3) and (4) of the said Order:

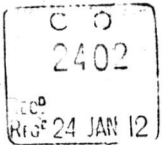
NOW, THEREFORE, His Royal Highness Prince Arthur of Connaught, His Grace the Lord Archbishop of Canterbury, the Lord High Chancellor of Great Britain, and the Lord President of the Council, being authorized thereto by His Majesty's said Commission, do hereby, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Act, 1890, or otherwise in His Majesty vested, and by and with the advice of His Majesty's Privy Council, on His Majesty's behalf, order, and it is hereby ordered as follows:—

(1) This Order may be cited as "The East Africa Order in Council, 1912," and shall be read and construed as one with the East Africa Order in Council, 1902.

(2) Sub-articles (3) and (4) of Article 16 of the East Africa Order in Council, 1902, are hereby revoked.

And the Right Honourable Lewis Harcourt, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein.

ALMERIC FITZROY.



AT THE COUNCIL CHAMBER, WHITEHALL,

The 17th day of January, 1912.

PRESENT,

HIS ROYAL HIGHNESS PRINCE ARTHUR OF CONNAUGHT
ARCHBISHOP OF CANTERBURY LORD CHANCELLOR
LORD PRESIDENT.

LORD PRIVY SEAL
MR. G. W. E. RUSSELL

COLONEL J. E. B. SEELY
MR. T. J. MACNAMARA.

WHEREAS His Majesty was pleased by His Commission dated the 10th day of November, 1911, to nominate and appoint His Royal Highness Prince Arthur of Connaught, K.G., G.C.V.O., His Grace the Lord Archbishop of Canterbury, G.C.V.O., the Lord High Chancellor of Great Britain, and the Lord President of the Council, or any two of them, in His Majesty's absence from the United Kingdom, to summon and hold on His Majesty's behalf His Privy Council and to signify thereat His Majesty's approval of any matter or thing to which His Majesty's approval in Council is required:

And whereas by treaty, grant, usage, sufferance, and other lawful means, His Majesty has power and jurisdiction within the territories of Africa known as the Nyasaland Protectorate:

And whereas by an Order of His late Majesty King Edward the Seventh in Council, bearing date the 11th day of August, 1902, and known as "The British Central Africa Order in Council,

1902," provision was made for the exercise of His Majesty's jurisdiction within the said Protectorate:

And whereas by an Order of His said late Majesty in Council, bearing date the 6th day of July, 1907, and known as "The Nyasaland Order in Council, 1907," it was provided that the territories theretofore known as the British Central Africa Protectorate should be known as the Nyasaland Protectorate, and that wherever in the British Central Africa Order in Council, 1902, or any other Order in Council, Ordinances, laws, proclamations, rules, or regulations relating to the said territories the name British Central Africa occurs the name Nyasaland should be read in place thereof:

And whereas by Article 16 (3) of the said British Central Africa Order in Council, 1902, it was provided that Admiralty jurisdiction might be conferred by Ordinance on any Court subordinate to His Majesty's High Court of Nyasaland established by the said Order, amended as aforesaid, and by Article 16 (4) of the said Order, it was provided that any Ordinance varying or affecting the Admiralty jurisdiction of any Court or conferring Admiralty jurisdiction on any Court should not come into force unless it has been previously approved by the Secretary of State, and such approval should be recited therein:

And whereas it is expedient to repeal Article 16 (3) and (4) of the said Order:

NOW, THEREFORE, His Royal Highness Prince Arthur of Connaught, His Grace the Lord Archbishop of Canterbury, the Lord High Chancellor of Great Britain, and the Lord President of the Council, being authorized thereto by His Majesty's said Commission, do hereby, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Act, 1890, or otherwise in His Majesty vested, and by and with the advice of His Majesty's Privy Council, on His Majesty's behalf, order, and it is hereby ordered as follows:—

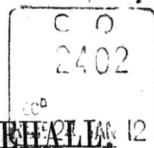
(1) This Order may be cited as "The Nyasaland Order in Council, 1912," and shall be read and construed as one with the British Central Africa Order in Council, 1902, and the Nyasaland Order in Council, 1907.

(2) Sub-articles (3) and (4) of Article 16 of the British Central Africa Order in Council, 1902, are hereby revoked.

And the Right Honourable Lewis Harcourt, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein.

ALMERIC FITZROY.

AT THE COUNCIL CHAMBER, WHITEHALL, 12



The 17th day of January, 1912.

PRESENT,

HIS ROYAL HIGHNESS PRINCE ARTHUR OF CONNAUGHT
 ARCHBISHOP OF CANTERBURY LORD CHANCELLOR
 LORD PRESIDENT.

LORD PRIVY SEAL
 MR. G. W. E. RUSSELL

COLONEL J. E. B. SEELY
 MR. T. J. MACNAMARA.

WHEREAS His Majesty was pleased by His Commission dated the 10th day of November, 1911, to nominate and appoint His Royal Highness Prince Arthur of Connaught, K.G., G.C.V.O., His Grace the Lord Archbishop of Canterbury, G.C.V.O., the Lord High Chancellor of Great Britain, and the Lord President of the Council, or any two of them, in His Majesty's absence from the United Kingdom, to summon and hold on His Majesty's behalf His Privy Council and to signify thereat His Majesty's approval of any matter or thing to which His Majesty's approval in Council is required :

And whereas by treaty, grant, usage, sufferance and other lawful means, His Majesty has power and jurisdiction within the territories of Africa known as the Uganda Protectorate :

And whereas by an Order of His late Majesty King Edward the Seventh in Council, bearing date the 11th day of August, 1902, and known as "The Uganda Order in Council, 1902," provision was made for the exercise of His Majesty's jurisdiction within the said Protectorate :

And whereas by Article 16 (3) of the said Order it was provided that Admiralty jurisdiction might be conferred by Ordinance on any Court subordinate to His Majesty's High Court of Uganda established by the said Order, and by Article 16 (4) of the said Order it was provided that any Ordinance varying or affecting the Admiralty jurisdiction of any Court or conferring Admiralty jurisdiction on any Court should not come into force unless it had been previously approved by the Secretary of State and such approval should be recited therein :

And whereas it is expedient to repeal Article 16 (3) and (4) of the said Order :

NOW, THEREFORE, His Royal Highness Prince Arthur, of Connaught, His Grace the Lord Archbishop of Canterbury, the Lord High Chancellor of Great Britain, and the Lord President of the Council, being authorized thereto by His Majesty's said Commission, do hereby, by virtue and in exercise of the powers in this behalf, by the Foreign Jurisdiction Act, 1890, or otherwise in His Majesty vested, and by and with the advice of His Majesty's Privy Council, on His Majesty's behalf, order, and it is hereby ordered as follows :—

(1) This Order may be cited as "The Uganda Order in Council, 1912," and shall be read and construed as one with the Uganda Order in Council, 1902.

(2) Sub-Articles (3) and (4) of Article 16 of the Uganda Order in Council, 1902, are hereby revoked.

And the Right Honourable Lewis Harcourt, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein.

ALMERIC FITZBOY.

~~Secy~~ ~~Copy~~

DRAFT. Nyasa No. 45

For Sir W. Manning

at 13/2

17 Feb 1912.

Jennyson 13

Sir,

Butler 13 f -3.

(By 4055/109)

With ref. to Sir Alfred Sharpe's
Disp. No 291 of the 16th of Oct.
1909, I have the honour to
transmit to you one sealed
copy & ten plain copies of
the Nyasaland O in C.,
1912, repealing subarticle
(3) and (4) of ~~the~~ article
16 of the British Central
Africa O in C., 1902.

2. These sub-article
have been repealed, because
I am advised that section
12 of the Colonial Courts
of

~~the O in C 1912~~
1 sealed copy
~~the O in C 1912~~
10 plain copies

for
10355
Copy for 20 May

50/11

Council Office / 2402 Rd.

Mr. Cal No. 95
Hon. Mr. P. G. ...

17 Feb 1912.

Sir,

With ref. to your disp. No. 591 of the 16th of Oct. 1909, I have the honor to transmit to you one sealed copy & ten plain copies of the East Africa Order in Council, 1912, repealing ^{sub-articles} ~~Articles~~ (3) and (4) of article 16 of the East Africa Order in Council, 1902.

2. These sub-articles have been repealed because I am advised that section

Administrative act, 1920, merely enables the act to be applied by O in C. to any court in a P₁ & gives us power to provide for the extension of ~~the~~ legislation of jurisdiction to any other Court in the P₁, ~~and that~~ ~~the~~ ~~sub-articles~~ ~~were~~ ~~consequently~~ ~~the~~ sub-articles were repealed were ultra vires.

3. It will now be necessary to amend the British Central Africa Shipping Ordinance, 1902 (Sections 45 et seq. and the Preamble), to which reference is made in the second para. of Sir R. Sharpe's disp. No. 291 of the 16th of Oct. 1909.

21/12
Dennyson 13
Bullen 13 f-3.
(Conf 36225/109)

~~East Africa Ord. 1912~~
1 sealed copy

East Africa Ord. 1912
10 plain copies

5/1/12

12 of the Colonial Courts
 of Admiralty Act, 1890,
 merely enables the Act to be
 applied by O. in C. to any
 Court in a Pt. & gives no
 power to provide for the
 extension by local legislation
 of jurisdiction to any other
 Courts in the Pt.; ^{and that} ~~that~~
 consequently the sub-
 articles now repealed
 were ultra vires.

2



Council Office 2202 S.A.

S2C

DRAFT. Uganda No. 65

Gov. Jackson

7 Feb 1912.

Sir,

Manette known to ack. the
 receipt of your disp. No. 295
 of the 18th of Sept. 1911 on the
 subject of Admiralty
 Jurisdiction in Uganda,
 & to transmit to you one
 sealed & ten plain copies
 of the Uganda Order in
 Council, 1912, repealing
~~Article 16~~
~~sub-articles~~ (3) and (4) of
 Article 16 of the Uganda
 Order in Council, 1902.

17/2
 Emynon 13/2
 Butler 13/2
 (33372/11)
 J.S.

C. 1912
 sealed copy
 O. in C. 1912
 10 plain copies

587/6