

C.O.

14308

Jan 3

EAST AFR. PROT

1913

Director Conf
Field 52

1913

MINUTE AND RESOLUTIONS ORDINARY 1913

... connect together with legal help...
... opposition evinced by certain elements of Arab
... population on Coast...
... Requests telegram to reply.

Mr. Thompson
Mr. J. Jones

I do not think that we need
to amend 5 referred to
to give 3... of the...
I do not think that we need
to go for the...
that the... the last part of his
deep... to the... health of
be... in... particularly
the... the...
in the... a well educated
man (an old... man) & has very great
influence with the...
Tel & say that the... may...
5

In May
Last previous Paper
2586

Document Paper
1913

the Ord. ²²?

H. J. R.

10/11/13

CS 11/6/13

4/11. 12.6.13

Mr. Rindley

I presume somewhat as our nation
woman are adequately dealt with by the
Quintony Law. 11. 12.6.13

Sir J. Anderson

Nation women are given the same protection
as white women under sec 3 of this Ord.
in case of rape attempt rape and
indecent assault

The rest of the Ord. is concerned with offences
against which women - sec 4 (1) (2) (3)
by native men only; sec 4 (4) (5) by natives
or white men; sec 5 by white men only.

It is a question of justice whether the
provisions of any of these provisions should
be extended to offences against
native women

The extension of such an extension in the
case of sec 5 is considered to some
extent in the minutes on 22229/12

with sec 4 and 5 (4), subsec (1) - (3)
deal with the special case of - black
men + white women - and the

rest of the Section penalizes any person
white or black who provides this special
kind of immorality.

I could see this section inserted.

The principle of this Ord. is not at
all intended as a separate provision for
the strength of women generally, to do so
would mean a recognition of immorality
and any provision of immorality
would mean a recognition of immorality
I do not think it necessary to
Address 1/12

JR

10/11/13

On the principle of one thing at a time
the Ord. may be altered but I should
have liked to see 4 (4) given a more
general application

11. 12.6.13

J. Anderson
11. 12.6.13

I don't think it necessary to
without the punishment of the
being applied to the same
on the fact women at the same
time. I do not think it necessary to

Officer 4 (3) to White Men at
present.

17.6.13

Mr. B. B. B. B.

The boys appear to have overlooked the
fact that sec 3 of the Act, applying
Sec 376 of the I.P.C. provides penalties
for rape by any man on any woman
(native - European) see the Rules
to make 1st para on this page

Insulin 2 at 40 grains HFD 18.6.13

6/18/6/13

WEST AFRICA PROTECTORATE

GOVERNMENT HOUSE

NAIROBI

BRITISH EAST AFRICA

CONFIDENTIAL No. 52

18th May 1918.

Sir,

With reference to your Confidential despatch of the 10th of December last I have the pleasure to transmit herewith two copies of the Criminal Law Amendment Ordinance as passed by the Legislative Council on the 31st of March last, together with a Memorandum by the Attorney General.

2. In view of the fact that the Ordinance in its present form is almost entirely based on the lines indicated by you in your Confidential despatch of the 10th of December last, I should have been prepared to accord my assent to its promulgation in the name of His Majesty, had it not been for the opposition evinced thereto by certain elements of the Arab population on the Coast, and reported to you in a telegram dated the 17th of April and signed on behalf of the community by Mr. Rome. I understand moreover that this telegraphic protest is in due course to be elaborated in the form of a petition to be transmitted through me to you.

3. The Special Committee of the Legislative Council

RIGHT HONOURABLE

LEWIS HARCOURT, P.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET, LONDON, S.W.

Council, of which the Provincial Commissioner, Seyidie, was a member, gave careful consideration to the representations of the Arabs, but were unable to recommend any modification of the proposed legislation. It was alleged, inter alia, that so-called Arab "guides" in certain cases escorted white prostitutes off ships to the native quarters of Mombasa, and it was felt that this practice must be stopped. Moreover, the term Arab includes a large number of persons indistinguishable from natives and it would be quite impossible to discriminate between them.

4. I availed myself of the opportunity afforded by my recent visit to the Coast to discuss the question in all its bearings with Sheikh Ali bin Salim, the Assistant Liwali of Mombasa, by whom I was informed that the objections raised are those of the Arabs of the younger generation only, and are not generally shared by their elders. Having regard therefore to this statement and to the reasons set forth above, I do not feel justified in supporting the protest and I am of opinion that it is advisable to adhere to the provisions of the measure as passed. I should be glad if you would communicate your decision by telegraph.

I have the honour to be,

Sir,

Your humble, obedient servant,

GOVERNOR.

LEGAL REPORT.

C. O.
18308
RECEIVED
1879

THE ORIGINAL LAW AMENDMENT ORDINANCE, 1918.

1. A draft of the Bill for this Ordinance was submitted to the Secretary of State for approval of the enactment of the Ordinance as drafted except Section 5 in so far as it provided for the imposition of the death penalty in cases of rape by Natives or Non-Native women.

2. Before the Bill was introduced the alteration in Clause 3 was made as required, and a clause was added to the Bill making amendments to the Indian Whipping Act consequent on the alterations made in the Indian Penal Code.

3. The Bill as introduced was passed by the Council with one amendment only: namely, the addition of whipping as a punishment which may be imposed on a person convicted of an offence under Sub-section (4) of Section 4 of the Ordinance.

4. Having regard to recent legislation in England, I have no reason to believe that the amendment made by the Council will not be approved, and I therefore advise that the Ordinance as passed by the Council is one to which His Excellency may forthwith assent on behalf of His Majesty.

Ob:
11, 1918

500/19338/ Paet Afr Post

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RECEIVED
M 20 JUN
D. 20

[Signature] sent 11 am
\$ 20/6

Ans'd 2nd 830

undarkened

You ~~telegraph~~ ^{dep} 713 H.M.S.;
Comparta antepale
Confidential. You desent to

DRAFT Telegram

Ordinance approved

Received Nairobi

Harcourt

MINUTE.

- Mr. Downie 18.6.13
- Mr. Blyden 18.6.13
- Mr. Reid 19
- Mr. Buxton 19
- Mr. Rusley 19
- Sir [unclear] 19
- Sir J. Anderson 19
- Lord Emmott.
- Mr. Harcourt.

[Handwritten signature]