

EAST AFR. PROT.  
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C.O.  
21509  
Recd 24 JUN 13

Governor  
Batavia 406

CIVIL DEBTS (SUMMARY RECOVERY) ORDINANCE 1913  
NO. 7

1913

2 to Mr

Last previous copy

Two copies with Legal Report. Has assented to the Ordinance.

copies to Library

Notes  
25/6/13

M: ~~Jamison~~

H. J. R.

25/6/13

This is intended to codify the laws on the subject. The report fully explains everything to object to.

C. 25/6/13

Sanction 47.

at once  
H. J. R.  
25/6/13

3 copies sanctioned 5/14 - 2 July

Printed on the reverse side of the paper

Best subsequent Paper

See 200  
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C.O.  
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JUN 13  
BRITISH EAST AFRICA

GOVERNMENT HOUSE,  
NAIROBI.

May 27th, 1913.

EAST AFRICA PROTECTORATE.

No. 403.

Sir,

I have the honour to transmit herewith two authenticated and ten printed copies of the Civil Debts (Summary Recovery) Ordinance 1913, as passed by the Legislative Council on the 27th of March, together with a memorandum by the Attorney General.

Ordinance

Memo by A.G.  
8-4-13

2. I have assented to the Ordinance in the name of His Majesty.

I have the honour to be,

Sir,

Your humble, obedient servant,

*H. W. B. B. B.*

GOVERNOR.

THE RIGHT HONOURABLE  
LEWIS HARGREAVES, P.C., M.P.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET,  
LONDON, S.W.

C. O.  
21509  
INCLOSURE

In Despatch No. 473 of 27th

24 JUN 13

LEGAL REPORT.

541

THE CIVIL DEBTS (SUMMARY RECOVERY) ORDINANCE, 1913.

1. The Indian Acts applied to this Protectorate do not prescribe the procedure to be followed for the recovery of monies declared by law to be a civil debt recoverable summarily, and in the absence of any provision in the Indian Applied Acts it is necessary that the Courts should look to the English Summary Jurisdiction Act as prescribing their powers and the procedure to be followed. With the exception of Town Magistrates there are few Magistrates who are familiar with or in fact have ever read the provisions of the Summary Jurisdiction Act.

2. It is considered that it would be advisable to incorporate in a short Ordinance such of the provisions of the Summary Jurisdiction as relate to proceeding for the summary recovery of a civil debt, and are required to supplement the jurisdiction and powers of Magistrates under the Criminal Procedure Code.

3. The Ordinance is in my opinion a useful and proper Ordinance for enactment for this Protectorate.

WATSON.

April, 1913.

ATTORNEY GENERAL.

## THE CIVIL DEPT. (SUMMARY RECOVERY) ORDINANCE, 1913.

Section 1.

Short Title.

Section 2.

Civil debts and sums recoverable before a Magistrate may be recovered in the manner prescribed by this Ordinance.

Section 3.

Jurisdiction of Magistrates.

As in civil matters.

Section 4.

Commencement of proceedings.

It is convenient having regard to Section 5 Sub-section (1) that complaints should in all cases be made in writing.

Section 5.

Magistrate to issue summonses.

The Summary Jurisdiction Act and Rules thereunder.

Section 6.

Warrant not to issue but if defendant fails to appear Magistrate may proceed ex parte.

Section 7.

to be  
ried as  
common  
law.

Section 8.

Defendant  
may be a  
witness.

This is necessary as under the law now governing procedure in Criminal Courts, only a European Defendant could claim the right to give evidence on oath.

Section 9.

Order of  
payment.

Section 10.

Order  
time  
of Ant.

Section 11.

Ant.

Section 12.

Wages ordered  
to be paid  
recoverable as  
fines.

By the distress and sale of the moveable property of the debtor Section 306 of the Criminal Procedure Code.

Section 13.

Imprisonment  
in default of  
payment of  
fines ordered.

Section 36 (2) of the Summary Jurisdiction Act 1879 and Section 8 of the Debtors Act 1869.

Section 14.

Appeal.

Section 15.

High Court may  
make rules.