

514

EAST AFR. PROT.
21510

C.O
21510
REC'D
JUN 13 1913

Governor
Belfield

IMMIGRATION RESTRICTION AMENDMENT ORDINANCE
NO. IV OF 1913

1913

27th May

Last previous copy.

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

33962 copies
12
3149/10

copies to be made

Misc
4597/13

H. J. K.

H. J. K.

Sir G. Fisher 26/6/13

The report fully explains
I think the amendment
meets our point

Satisfaction of

CB 26/6/13

H. J. K.
26/6/13

Alone W. 28.6.13

Approved

ER

Section 7.

to be
served as
summons
etc.

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 ~~of~~ int.

Section 11.

etc.

Section 12.

Summons ordered
to be paid
recoverable as
fine.

By the distress and sale of the moveable property of the debtor Section 386 of the Criminal Procedure Code.

Section 13.

Imprisonment
in default of
payment of
sums ordered.

Section 35 (2) of the Summary Jurisdiction Act 1879 and Section 8 of the Debtors Act 1869.

Section 14.

Appeal.

Section 15.

High Court and
same rules.

THE CIVIL DEBTS (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 3 Sub-section (1) that complaints should in all cases be made in writing.
Section 5. Magistrate to issue summons.	The Summary Jurisdiction Act and Rules thereunder.
Section 6. Warrant not to issue but if defendant fails to appear Magistrate may proceed ex parte.	

INCLOSURE

G. O.
21509
In Despatch No. 403 of 27th. 13
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.

MATROSI,
April, 1913.

ATTORNEY GENERAL.

Q-0
21509
GOVERNMENT HOUSE,
NAIROBI, REC^d
BRITISH EAST AFRICA

GOVERNMENT HOUSE,
NAIROBI, REC^d
BRITISH EAST AFRICA

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,

Hyndra Bepied

GOVERNOR.

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

~~201/21508/1000~~
1913.

C. D.
G. H. L.
D.



527

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DRAFT.

543

For Mr. H. Conway Bellamy Esq, C.M.G.

MINUTE.

- Mr. Thomson 4. 7. 1913.
- Mr. Ballowley 4. 7. 13
- Mr. G. Piddes 4
- Sir H. Aust.
- Sir J. Anderson 2
- Lord Emmott.
- Mr. Harcourt.

(No 543) 8 July 1913.

Sir,

I have the honor to acknowledge the receipt of your despatch no. 402 of the 27th May, 1913, *

transmitting copies of "The same Amendment Bill, 1913", and

in reply to inform you that I have been advised to the effect that the Bill should be glad to receive some

further information as to the reasons for the Amendment. I am not desirous that there is any reason to suggest suppose that the Amendment of law and checked in the various parts of the Bill.

W. H. ...
Handwritten notes at bottom left

* No 21508

5. As power is reserved by Section 3
Principal Ordinance to authorise Natives
animals which are causing damage to their
Natives can be authorised to kill lion and
the protection of their stock.

6. If lion and cheetah are to be prot
this Ordinance is in my opinion a necessary a
Ordinance for enactment.

L. ROBI,

April, 1913.

W. H. G.
ATTORNEY G

Encl 2 No

INCLOSURE 503

In Despatch No. 402 of 27/12/1913

REC'D 24 JUN 13

536

LEGAL REPORT.

THE GAME AMENDMENT ORDINANCE, 1913.

1. As lion and cheetah are not mentioned in any of the Schedules to the Game Ordinance 1909, there is at present no restriction on the slaughter of or the method of slaughtering these animals wherever found.

2. It is considered that provided that lion and cheetah are not protected within or near settled areas, the indiscriminate slaughter, and ultimate extinction, of these valuable game animals should, if possible, be prevented.

3. The purpose of this Ordinance is to bring lion and cheetah within the Game Ordinance in order that outside the settled areas they may be protected to the same extent as animals mentioned in the 3rd Schedule to the Game Ordinance 1909.

4. The Ordinance provides that within the settled areas and within 20 miles of such areas lion and cheetah may be killed without a licence and by any means. It is considered that this provision will meet the objection to the Ordinance which may be raised by stock farmers.

THE GAME AMENDMENT ORDINANCE, 1912.

Section 1.
Short Title.

Section 2.
Interpretation.

Section 3.
Effect of Amendment of
Schedule 3.

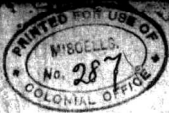
The effect of this amendment is to place lion and cheetah in the same position as other animals mentioned in Schedule 3, subject however to the provisions of Section 5 of this Ordinance.

Section 4.
Provision for
the issue of a licence
for the killing
or capturing
of lion or cheetah.

Section 5.
Reference to the
killing of lion
or cheetah on private
land.

The term "private land" is defined in the Principal Ordinance, and includes a shop or store site within a Native Reserve occupied by a Non-Native under a licence.

It is considered that occupiers of shop sites in a Native Reserve will have no legitimate cause for complaint if they are permitted to kill lion or cheetah within 5 miles of their shops or stores, and that it is necessary to allow the 50 mile radius which is allowed in the case of lands occupied for farming or grazing purposes.



GOVERNMENT HOUSE, NAIROBI, BRITISH EAST AFRICA.

EAST AFRICA PROTECTORATE.

No. 402.

May 27th, 1913. $\frac{3}{4}$
534

Sir,

I have the honour to transmit herewith two authenticated and ten printed copies of the Game Amendment Ordinance 1913, as passed by the Legislative Council on the 31st of March, together with a memorandum by the Attorney General.

Ordinance
by A.G.
1-13

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

etc

I have the honour to be,

Sir,

Your humble, obedient servant,

A. Louisa Boyd

GOVERNOR.

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

10039