

EAST AFR. PROT

C.O
17852

17852

27 MAY

By Trade

1913

26 May

Last previous Paper

4/1150/12

Fugitive Offenders

If Magistrates holding a Subordinate Court of First Class may properly deal with cases under Act of 1881 in extradition cases there is no reason why such cases should not be dealt with by Merchant Shipping cases. Requests refer to the class of cases arising under Merchant Shipping Act which can be and are in practice dealt with in East

Mr Tennison

17/5/13

Sir,

I have some doubt as to whether cases dealt with Merchant Shipping cases in prisoners or foreign ships are can be dealt with as the cases of "A" in Tennison minute (4/1150/12) in answer to G.P.'s inquiry as to the class of cases which can be dealt with in E.A.P. but we cannot say what cases are in practice so dealt with without a report from the Post.

on the whole I should be inclined to send out the Post letter & ask for a report by the A.C. about M.S. cases

City of London
Closed to Post

10/11/13 WE 20 407-50
11,000 11/12 A.B.W.

Not to be used for Paper

30201

2/ As to jurisdiction offences cases I think that these provisions holding a subordinate court of the first class may now be given jurisdiction.

Apart from general allegations of delay & inconvenience, an objection may be founded on the fact that we have already considered this point in the limited frequency of offences for Zanzibar which connects with the present system under the Drug Offences Act Sec 14 of 3 Oct 1902 which I annex. There is however one distinction which must be drawn. There is an official as against vice-royal discretion under Sec 14 of this Ordinance whereas there is none under sec 14 of the Drug Offences Act. I recall your attention to this, but I think the E.A.P. usage is probably quite consistent in vice-royal discretion from other courts other parts who have frequency offences cases and I would therefore let them have jurisdiction under sec 14 of the Act without any appeal.

[The other appeals provided for in the Ordinance, such as 1901, have their counterparts in Secs 17 & 19 of the Drug Off. Act.]

3/ It would of course be possible so to amend act 13 of the E. Africa Ordinance 1902 so as to give the E.A.P. vice-royal jurisdiction in frequency offences but not in

merchandise shipping cases under other of the Acts scheduled to the Drug Offences Act. Most of these other Acts, however, although confer jurisdiction on "superior courts" and vice-royal courts generally do not come into the picture, but we can verify this point later, when the question as to Merchandise cases has been decided.

25A 30/5/03

[Signature] 31.5.03

C.O
17852
REC'D
MAY 13 1913

Any further communication should be addressed to:
**THE ASSISTANT SECRETARY,
MARINE DEPARTMENT.**

And the following letter and number should be quoted:-

M. 14978.

Telegraphic Address.

**BOARD TRADE, MARINE,
LONDON.**

**MARINE DEPARTMENT,
7, WHITEHALL GARDENS,
LONDON, S.W.**

26th May, 1913.

I was directed by the Board of Trade to acknowledge the receipt of the letter of the 14th enclosing correspondence in connection with a complaint of the East Africa Trade in Kenya in regard to the practice of dealing with fugitive offenders and with cases arising under the Merchant Shipping Acts.

In reply I am to state that if the Governor of the said Protectorate are satisfied that the "Fugitive Offenders Act" and extradition cases may properly be dealt with by Magistrates holding a Subordinate Court of the High Court, the Board have no objection, such officers should not be treated as Merchant Shipping cases. I must at the same time state that the Board would be obliged if they could be furnished with information as to the class of cases arising under the Merchant Shipping Acts which can be and are in practice dealt with in the East Africa Protectorate.

I have the honor to be,

Sir,

Your obedient Servant,

The Under Secretary of State,
Colonial Office,
S. W.

Frank P. Higgins

C.D.
R. 4 JUN
1913

6 June
May 1913

Sir,

With ref. to ~~you~~ W. Baoury's
desp. No. 849 of the 7th Dec.

1912. I have etc. to ~~transmit~~
to you for your consideration the
E.A.C. C. 419 of 1902 which affect the
jurisdiction of ~~the~~ Board of Trade
in the matter of ~~the~~ proposed amendment of the
Merchant Shipping Act, 1894, and the
proposed
amendment of the East Africa
regarding to be under of the Board of Trade
in the matter of ~~the~~ proposed
amendment of the East Africa
regarding to be under of the Board of Trade
in the matter of ~~the~~ proposed
amendment of the East Africa
regarding to be under of the Board of Trade

DRAFT

C.R. No. 429

W.C. Belfast 189 Cms

MINUTE.

Mr. Dawson 2/6/13

Mr. B. H. ... 2 1/2

Sir G. Fiddes 1/4

Sir H. Just

Sir J. Anderson

Lord Emmott

Mr. Harcourt

Board at this subject

accompanying copies of
jurisdiction of ~~the~~ Board of Trade
in the matter of ~~the~~ proposed amendment of the
Merchant Shipping Act, 1894, and the
proposed
amendment of the East Africa
regarding to be under of the Board of Trade
in the matter of ~~the~~ proposed
amendment of the East Africa
regarding to be under of the Board of Trade

I should be glad
you would forward me with
a report by the Attorney
General with regard to
the class of cases arising under
the Merchant Shipping Act,
which can be, and are in
practice, dealt with in the
E.A.C.

14th May 1913
4.150
26th May
17852

Harcourt