

EAST AFR. PROT
32789

C.O
32789
REC
FEE 20 SEE 13

and of
Trade
1918
19 Sept.
Last previous Paper.
20291

Merchant Shipping Acts

Agrees that magistrates hold of Subordinate
Courts of the 1st class in East. may be
authorised to deal with cases under

the Act only.

This is just a pending matter -
I'd wait for Ferguson's return
before proceeding with it.

WSP

For want of the ^{24/9/3} ~~Register~~
Dr. G. Fisher (WSP)

22.9.13 return

I think he may take this letter
as authorising us to amend
the O.M.C. generally

I submit 2 copies of a Bill
to you for the purpose

as it contains reference to the
last legislation. I suppose it
is meant to go to the Gov. for his

1952
13

Concurrence in dft form to
make sure that it is formally
correct. I advise that he only
refers to magistrates holding
subordinate courts in his
despatch on 4/15/13. I think
the courts under issue refers
to subordinate judges or magistrates
I have taken the term used in
the ordinance, but this should
be confirmed by the local
authorities.

Note concern in Gov's
proposals on 4/15/13
I send copy of the Ord.
for his concurrence

When we have the Gov's concurrence
we shall be in a position to send the
Ord. to the Board for concurrence.

Note
Since these papers
were last before
me the Foreign
Jurisdiction Act
1913 has been
passed, but this
does not affect the
question I think.

Copy 3

[Handwritten signature]

alone
YSA 2/15/13
H. J. P. 8/15/13

Any further communication should be
addressed to
**THE ASSISTANT SECRETARY,
(MARINE DEPARTMENT),**
and the following letter and number
should be quoted—
M. 26816.
Telegraphic Address
**BOARD TRADE, MARINE,
LONDON.**

C. O.
32789

16
**BOARD OF TRADE,
(MARINE DEPARTMENT),
7, WHITEHALL GARDENS,
LONDON, S.W.**

19th September, 1913.

Sir,

With reference to your letter of the 10th September
1913, respecting the class of cases arising under
the Merchant Shipping Acts which can be dealt with in the
East Africa Protectorate, as directed by the Board of
Trade to state for the Secretary of State's information that
the Board agree that magistrates holding subordinate
Court of the 1st class may be authorised to deal with
such cases.

I have the honour to be,

Your obedient servant,

The Under Secretary of State,
Colonial Office,

[Handwritten signature]

DRAFT ORDER IN COUNCIL.

8/10/13
MR 8/10/13
25/10/13
of 25/10/13
done

WHEREAS by Article 13 of the East Africa Order in Council 1902 the enactments described in the First Schedule to the Foreign Jurisdiction Act 1890 were applied to the East Africa Protectorate subject as therein mentioned and for the purpose of such application the High Court of East Africa was substituted for a Magistrate or Justice of the Peace of a Colony or British Possession :

AND WHEREAS by an Ordinance of the East Africa Protectorate shortly entitled the Courts Ordinance 1907 there were constituted Courts to be known as Subordinate Courts of the first second and third class and to be held by Subordinate Judges or Magistrates as in the said Ordinance provided :

AND WHEREAS it is expedient that the powers and duties conferred and imposed

by

by the Enactments described in the said Schedule on a Magistrate or Justice of the Peace of a Colony or British possession should be exercisable by Subordinate Judges or Magistrates holding Subordinate Courts ^{of the first class} as provided by the said Ordinance and duly appointed by the Governor of the East Africa Protectorate in that behalf :

see under next page
111

NOW THEREFORE His Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Act 1890 or otherwise in His Majesty vested, is pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered, as follows.

1. This order may be cited as "The East Africa Order in Council 1913"

2. Article 13 of the East Africa Order in Council 1902 is hereby amended

by deleting the last fifteen words of ^{the respective enactments and modifications embodied in} ~~sub-articles~~ (i) thereof and substituting therefore the words "and a Subordinate

Judge or Magistrate holding a Subordinate
 of the first class
 Court in accordance with the Courts
 Ordinance 1907 of the East Africa Protect
 rate and any law substituted for or
 amending the same, and duly appointed
 by the Governor in that behalf, for a
 Magistrate or Justice of the Peace of
 a Colony or British Possession.

3. This order shall be published in
 the Official Gazette of the East Africa
 Protectorate and shall thereupon commence
 and come into operation.

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

It is hereby ordered to be printed
 to "first class" as preferred
 by the OAG (41150/12)
 MR

B of S 32789/1913
E.A.P.

170
R 14007
D. 14

82

Dated 1952/13-4

14 Octo. 1913.

Sir,

I have the honour to acknowledge the receipt of your despatch, N^o 602, of the 5th of August, and to inform you that I concur in the view expressed in your despatch, No 849, of the 7th of Decr. last, that an alteration of the law should be made to provide that Magistrates holding subordinate posts of the 1st class may be authorized to deal in that behalf with both cases arising under

[No 35291]

[No 21150/12]

Draft

E.A.P.
to Mr. B. S. B.
of

5/8 10/10/13
to Mr. B. S. B.
10/10/13
to Mr. B. S. B.
10/10/13
to Mr. B. S. B.
10/10/13

draft for C. 112 C.
(insert)

in the application of the Act described in the form enclosed to the District Judge at 1890

be substituted for a magistrate or
the ~~order~~ ^{order} ~~of the Peace~~ ^{of the Peace} of a County
or District ^{Government}

2. A draft order for
submission to H.M. in Council
has accordingly been prepared,
a copy of which is enclosed,
and I shall be glad to be
informed whether you require
any alterations

3. I observe that in your
draft no. 549 ^{the} reference to
Magistrates holding ^{inferior}
courts whereas Ordinance No. 13
of 1907 refers to ^{subordinate}
Judges or Magistrates. ^{(You will observe that}
The latter description has been employed
in the draft