

EAST AFR. PROT
11082

11082
REC'D
APR 13

Secretary

Prisons Ordie

1913

2 Apr

Last previous Paper.

6944

Approves part of franchise to subordinate officers of Prisons Dept. re proposed Ordie.

Mr Bottomley

11/13/13

? Now proceed as in your minute on 6944 - write to Gov. suggesting amendments on the lines of the N.O memo, and refer also to 8101-107 with regard to visiting Turkish.

As to 852 franchise, say this is approved.

N.F.D. 4/4/13

Mr Tennison

Pl. see Mr Read's minute on 6944

I gather you do not think any other amendments are required

6/4/13

Pl. pass to Mr Read

Mr. Read

As stated in my minute on 6944 I don't think any alterations really necessary, but the ordinance is not wrong

69151 WE 29 897-58
41,500 11/12, A.A.E.W.
Next subsequent Paper.

69151

neither done, but you think
it desirable to have it
put straight I should
suggest raising (besides the
mountain ss. 100 & 100.) those
on 2 & 9. 119 & 120
point as to the words more
serious offences on 5. 129.

Better
to the
x. 2

CB - 4/4-113

S/K. for answer
at once.
H. J. R.
4/11/13

Mr. Bottomley

? Time to enquire how the matter is
progressing.

H. 3/5

to hurry - another month
last 3/4/13

Mr. Bottomley

Re-enclosed.
Cant. 2/10/13
Oct. 9. 10. 13 at once

JR

In the reply to this Letter the following
Number should be quoted.

6014
13

Ind. April 1913.

C. O. 11082 Recd 3 APR 3

Sir,

No 6944
I have laid before the Lords Commissioners of His Majesty's Treasury Mr. Read's letter of the 19th ultimo (6944/1913), and its accompanying copy of a section of an Ordinance to make better provision for the organisation of the Prisons staff, and the management of the Prisons in the East Africa Protectorate.

I hereby request you to inform Mr. Secretary Harcourt that in the circumstances represented My Lords approve the grant of gratuities to subordinate officers of the Prisons Department on their discharge as proposed in that section of the Ordinance.

I am,

Sir,

Your obedient Servant,

J. B. Chamberlain

The Under Secretary of State,
Colonial Office.

R. 2 APR
D. 15

Treasury 11/082/EAT

15 April 1913

DRAFT

Governor H. Canning, Belfast Co. Cms.

287

MINUTE

- Mr. Stevenson 7.4.13.
- Mr. Tennison 8 574/13
- Mr. Read
- Sir G. Fiddes
- Sir H. Just
- Sir J. Anderson
- Lord Emmott
- Mr. Harcourt

Rev. 4187

Sir

I have the honor to inform you that I have had under consideration the East Africa Prison Ordinance, ^{which was} 1912, which was transmitted to me with your despatch No. 367 of December 11th 1912, and that after obtaining the advice of the Prison Commissioners in the measure, it appears to me that to be desirable that certain amendments should be effected before the enactment is brought into operation.

2. In the first place I think
that the reference requires a
number of details which,
according to English practice,
might have been left to the
Statutory Rules under section
14. If, for example, it is
at any time desired to alter
section 14 and 17, it may not
be found convenient to have
recourse to legislation, and I
would accordingly suggest for
your consideration the
expedient of altering these
sections, and making the
necessary provision for the
classification of the various
prisons and for the scale of
fees, by regulation formed
under section 14.

3. In section 2 ~~Subordinate~~ Officer is
defined as an officer of a Prison
below the rank of gaoler or warden.
I think, however, that although the
term warden is defined, no
definition is given of the word
'gaoler'. This omission should
be supplied.

In the same section it appears to
be desirable to define the term
'medical subordinate Assistant'
which occurs under the definition
of 'medical Officer'.

In the classification of European
Gaolers and Warden which is
given under section 8, gaolers
are divided into three grades.
It is not apparent whether this
classification includes 'head
Gaolers', who are defined in
section 2, all the former should

to make clear.

Under section 9 it is provided that any consular official may, subject to the direction of the Commission, perform any of the duties and exercise any of the powers of the Commission.

This provision, however, seems to be unnecessary in view of the fact that by definition under section 2

"Commissioner" includes an Assistant Commissioner of Immigration.

In section 4, in the paragraph at least, it is not apparent that consular officials

appointed to "gather" are under

section 8 only European gardens

are provided for provision has

not been made for gardens of

any other nationality.

4. I think that from section 27
of the ordinance that it is
proposed to dispense with a
magisterial authority into the
charge of the health of a prison
whereas a medical officer
certainly that the death resulted
from natural causes. Such a
provision seems to me to be far
to rigid, and unless there is
a strong local reason against it,
I should prefer to see the English
practice adopted. Surely there
need to a coroner inquest in
the case of every death of a
prisoner in custody.

5. I think that various sections
of the ordinance are based
upon the provision to be adopted
for the ~~sanitation~~ ^{sanitation} of prisons
in ^{prisons} ~~prisons~~ to a good deal
include medical examination.

although under section 62 such
examination is prescribed in
the case of the removal of
prisoners from one yard to
another. The Prison Commission

have pointed out that such
such medical examination is
now regarded as indispensable in
all good prison systems, and
have further suggested that
such admissions ought to be
kept in a separate building
until the medical officers have
been performed their duty
to enter the main prison and
mix with the other

prisoners. I shall accordingly
be glad if you will have a
clause inserted in the
ordinance to give effect
to these suggestions.

6. Under section 70 it is
provided that civil prisoners shall be
kept apart from criminal prisoners.

As a criminal prisoner is defined
in section 2, it would seem
also desirable to insert a definition
of civil prisoners in that section.

7. I have already expressed my
opinion in paragraph 2 of this
dispatch as to the expediency
of deleting section 87 of the
ordinance, and proposing
rules under section 144 to
regulate the diet of prisoners.

A similar course should be
adopted with regard to section 88
under which power is given
to a superintendent and to vary
diets, for if a superintendent
is to have such power, it seems

necessary to provide a statutory
 diet. Both sections should be
 omitted from the ordinance,
 the necessary provision regarding the
 dietary of prisoners being made
 in the rules, in which
 an alternative series of diets
 can be specified, with a
 proviso that no greater
 allowance is to be given except
 on the recommendation of the
 medical officers.

8. The last foregoing section
 of section 97, which provides for
 prisoners being permitted to
 consult their advocates
 should be amended as follows:

"Prisoner visiting trust shall be
 allowed to see their advocates
 in the night, but no further

"prison, out of the hearing of a
 "prison officer, unless for a special
 reason the Superintendent shall
 order otherwise. This alteration
 seems advisable as it may happen
 that there may be at some time
 an advocate in the Prison
 who would see a prisoner
 interviewed with a prisoner for the
 purpose of depositing the ends of
 justice.

9. I draw from a perusal of
 section 101 that it is not
 proposed to make compulsory
 the visit of visiting justices to
 Third Class Prisons, and that
 further there may be persons to
 visit the visiting justices is
 may be appointed by the Governor.

Such a regulation appears to
me to be open to grave

objection. It is essential
to my opinion that every

person should be regularly
visited by a visiting justice,

and I expect ^{that} you will make
the necessary provision in the

ordinance to give effect to this
view.

10. I would also draw your
attention to the fact that

although a very comprehensive
list of offences is given

under section 112, it is not
clear how they are to be

communicated to prisoners
who, it is presumed, are, for

the most part, illiterate. It
would accordingly be desirable

to frame a rule under section 114

In the second
line of this
section the
word "be" should
be altered to
"by".

providing that all material
rules shall be sent to prisoners
on admission.

11. I observe that in section
120 and 121 two scales of penalties
are provided for breaches of prison
regulations, those in the latter
section being for offences of an
aggravated or more serious nature.

These terms appear to me to be
objectionable as being incapable of
precise definition, and I have
accordingly requested that they
may be omitted. The two scales

being amalgamated, and one
scale of penalties framed which
shall apply to all offences of the
kind, and which shall be
independent of his being.

If this to done it can easily