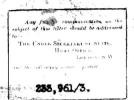
EAST AFR. PROT. 23607 Home CRIMINAL PROCEDURE ORDINANCE 1913 1914 Submits observations as to steps taken where identy of a prisoner with a person previously convicted is disputed and has to be proved by finger 29th June Last previous Paper. prints. 2066 hi lest his g Freds 4 20 2/11/4 ink we can now send copy of our letter report to for - pha that the conditions solowin to reff will Le Observe CU: 3/7/14



23607 Red² 30 JUN 14

HOME OFFICE,

29th June, 1914

Sir,

667/1914.

In reply to your letter of the 12th instant regarding the previsions in Section 400 of the Criminal Procedure Ordinance, 1913, of the East Africa Protectorate, I am directed by Mr. Moretary McKenna to say he would observe that where identy of a prisoner with a person previously convicted is disputed and has to be proved by finger prints, there are three steps:-

- (a) it must be shown that the first set of finger prints are those of the person formerly convicted;
- (b) it must be shown that the second set of finger prints are these of the person now charged;
- (c) It must be shown that the two sets of finger prints must be those of the same person.
- (a) and (b) must be proved by the evidence of the person who took the prints in each case or of some person present when they were taken. (c) must be proved by the evidence of an expert except in cases where the Court is sufficiently expert in finger prints to judge for itself.

In view of the circumstances of the Celony Mr.

McKenna sees no objection to the proof of these points being given by certificate or other written avidence, provided that in (a) and (b) it is given by a person able to speak as to the facts

The Under Secretary of State,

&o., &o., &o.,

Colonial Office.

facts, and, in (c) by a compensate expect. In this country, it is recely necessary to go through the precedure indicated above. In most cases where thenty has been transfely manning of finger primes, it is consider by the prisoner, or if it is disputed it is usually possible to find a warder or constable who can prove identy by having known the prisoner at the time of his previous conviction. In India where there is a Griminal Precedure Gode, legislation was introduced to make the evidence of finger print experts admissible, the testimony of experts in handwriting being already admissible under the Indian Lew of Evidence (Godified).

I am, Sir.

Your ebedient Servent,

Mosquiser

11.0/23607 DRAFT. Eat Conf. & 10 htg 194 Mr. Jenuyon 3/7/4 Mare the honor wask, Mr. Rear 78, the receipt of you cany , orig. Sir H. Just. (2008) of the 14 of may , ting. Sir J. Anderson. you that M.M. will not be Lord Emmott. Mr. Harcourt. atriced to comme his power of diallorance HO 20017 June with repet to Ordinance 3,607 M. IT of 19ther of the defication of the East met bed " The Comment fracture orniance

Can what of the 2. I andere a copy 7 was a with the 740 relating to feetin 400 -C-12 20 1 RX 27/21 of the minance, which 10 small deals it the proving ? he needs of previous conviction. cutafar or acquiral. I presume . 6 that the consis set forthe in the letter from the It.O. as to the use of fing a prints prisontpation purposes will be Brewed.