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EAST AFR. PROT
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315

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Governor 125
Square

1910

March

previous Paper.

DRUGS AND POISONS ORDINANCE 1909.

Reports that the German Vice Consul at Mombasa has protested against the enactment of the Ordinance on grounds that it nullifies privileges conferred on German Subjects by various Treaties. Unable to admit contentions but thinks it advisable to bring the correspondence to notice.

W. J. R.
9-10

No 11 (18) of the 1909/10

W. J. R.
W. J. R.

Send copy of ^{for} 723 issue, with copy of ^{for} 724 issue, + copy of the recap. issue, to the F.O., saying that Lord Cromer proposes, with Sir E. Grey's concurrence, to take no action with regard to the James V. Council's protest. + copy of our letter to the Govt for info. D.T.

H. J. R.

4/11/10

alone D.A.S. O.R. 5/4

Weight 200-25 40,000.
11.00 A.S.E.W.

Subsequent Paper.

10/20/09

GOVERNMENT HOUSE,
NAIROBI,
BRITISH EAST AFRICA

March 7th 1910.

EAST AFRICA PROTECTORATE.

No. 125

(Incl. 4)

144

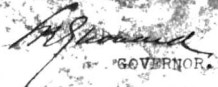
My Lord,

With reference to my despatch No. 719 of the 15th of December last enclosing the Drugs and Poisons Ordinance 1909, I have the honour to report that the German Vice Consul at Mombasa has protested against the enactment of the Ordinance in question on the ground that it nullifies privileges conferred on German Subjects by various Treaties.

2. I am unable to admit his contentions and have thought it advisable to bring the correspondence to Your Lordship's notice.

3. The German Vice Consul has acknowledged the letter of the 19th of February but maintains his protest, principally on the ground that the qualifications entitling persons to practise as Druggists laid down in Section 11 differentiate in favour of British Subjects.

I have the honour to be
Your Lordship's humble,
obedient servant,


GOVERNOR.

THE RIGHT HONOURABLE

THE EARL OF CREW, P.C.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET,

LONDON, S. W.

From German V.C.
Mombasa
Jan. 7th '10
do. do.
Jan. 15th '10
From do. do.
Feb. 1st '10
To do. do.
Feb. 19th '10

from the practice of Medicine or Dentistry or the compounding and sale of Drugs and Poisons by persons who do not possess the requisite knowledge and skill.

4. His Excellency does not consider that he would be justified in withholding, on the grounds put forward by you, his assent to legislative enactments which appear to him necessary and proper in the interests of the Community. Should, however, any German subject who may be desirous of practising in the Protectorate any profession regulated by either of the Ordinances consider himself aggrieved by reason of any provision of the Ordinances, His Excellency hopes that you will communicate with him, when the matter will have his special consideration.

I have &c.

Sd/- W. J. Monson.

SECRETARY.

Mombasa.

February 1st, 1919.

ASSLATION.

Sir,

Your Excellency caused my letter of January 7th in which I entered a protest against certain provisions of the Medical Practitioners and Pharmacists Ordinance to be answered by your Secretary to the effect a note has been made of my protest against the Medical Practitioners and Dentists Ordinance & the Drugs and Poisons Ordinance.

In order to avoid a misunderstanding I have the honour to emphasize the fact that I did not protest against two Ordinances already in force but against the Drafts of such Ordinances.

For the reason given in my letter of January 7th I trust that my protest will prevent the drafts coming into force as far as Zanzibar territory and the German subjects are concerned;

I have &c. &c.

Sd/- Dr. Brode.

I. German Vice-Consul.

His Excellency
The Governor,
Nairobi.

Mombasa.

February 1st 1910.

TRANSLATION.
Sir,

Your Excellency caused my letter of January 7th in which I entered a protest against certain provisions of the Medical Practitioners and Druggists Ordinance to be answered by your Secretary to the effect a note has been made of my protest against the Medical Practitioners and Dentists Ordinance & the Drugs and Poisons Ordinance.

In order to avoid a misunderstanding I have the honour to emphasize the fact that I did not protest against two Ordinances already in force but against the Drafts of such Ordinances.

For the reason given in my letter of January 7th I trust that my protest will prevent the drafts coming into force as far as Zanzibar Territory and the German subjects are concerned:

I have &c. &c.

Sd/- Dr. Brode.

I. German Vice-Consul.

His Excellency
The Governor,
Nairobi.

SECRETARIAT,

Nairobi,

January 15th 1910.

Sir,

I am desired to acknowledge the receipt of your letter of protest in regard to the Medical Practitioners and Dentists Ordinance 1909 and the Drugs and Poisons 1909.

I have the honour to be,

Sir,

Your most obedient servant,

Sd/- W. J. Monson

SECRETARY.

Dr. Bröde,

Imperial German Vice Consul,

Mombasa.

Mombasa,

January 7th 1910.

TRANSLATION,

J.No.20/10.

Your Excellency,

I have the honour to invite Your Excellency's attention to the fact that the draft of an Ordinance for the registration of Medical Practitioners and Dentists printed in the Official Gazette of November 13th is at variance with the commercial Treaty of December 20th 1885 between Germany and Zanzibar. The introduction of a licence for permission to practise as a Medical practitioner or dentist is forbidden by Article IV of the said Treaty, according to which in the dominions of the Sultan of Zanzibar the Government must abstain from interference with the exercise of a profession by a German subject.

Further the draft Ordinance is at variance with Article II of the Treaty by which German subjects in the dominions of His Highness the Sultan enjoy the same rights as regards the exercise of a profession as the subjects of the most favoured nation. In para.5 of the draft however it is provided that subjects of Great Britain shall be privileged in respect of registration before subjects of other nations.

I regret to be compelled to enter a protest against the introduction of the Ordinance in those parts of the Protectorate which belong to the dominions of H.H. the Sultan of Zanzibar, so far as German subjects are concerned.

Similarly

Excellency,

The Governor,

Nairobi.

Similarly I must on the same grounds protest against the draft published in the same gazette of an Ordinance regulating the sale of Drugs and Poisons.

I have &c. &c.

Dr. Brode

German Vice Consul.

Conf 9015 Lab



[Handwritten scribble]

Ans'd 1150

DRAFT.

U.S. 75

F.O.

11 April 1900.

MINUTE.

Sir,

Mr. Parkman 7/2

Mr. Butler 6/3

Mr. Fiddes.

Mr. Just.

Mr. Cox.

Sir C. Lucas.

Sir F. Hopwood.

Col. Seely.

Lord Crewe.

I am directed by the Earl of Malmesbury to transmit to you, to be laid before Sec. Sir I. Grey,

a copy of correspondence ~~concerning~~ relating to "The Medical Practitioners and Dentists Ordinance 1909" and

"The Drugs and Poisons Ordinance 1909" of the Earl, to state that in Lord Malmesbury's proposals with Sir I. Grey's concurrence

From Mr. 15 Dec 723

From Mr. 15 Dec 724

From Mr. 7 Mar 9715

From Mr. 26 Apr 1900 1298