

*McLellan
Tidwell*

EAST AFR. PROT.
N^o. 21092

21092
12 JUN 08

Governor
Sadder 263
1908
19 May
Last previous Paper
2/10/08

(Subject)

*Deportation of Moses Hama
to Uganda*

*See Jabaluru
report.*

(Minutes)

*Mr. Haskins
Mr. Ambrose*

*This is in order under
s. 25 of the P. & C. that the evidence
against Hama is rather meagre
being only the oath of the P.W.
Conner & approved. see also*

21073

MW 15/6

*Mr. Cox
Mr. Ambrose*

*Assuming that the enclosed "certificate" was
"evidence in fact" as required by s. 25 of the
P. & C.*

? Proceed as proposed

*Mr. Ambrose
This report & 25th 18/6*

Ans 303 cons. 3 July

FORM 10
1908-9

Next subsequent Paper.

*Yours
26/6/08*

The order in council requires written
oath. The certificate on which
action is taken must first be
be sworn before some person
authorized to administer an
oath & should state the grounds
on wh: judgment believes the
person to be liable to be deported.
Such procedure is essential
where the liberty of the subject
is concerned

W B C
16/6

~~It is necessary that the certificate
be signed by the person~~

Att. to Gov. accordingly.

W B C
at once

In return

The procedure was inserted
but we had better say nothing
about it & leave matters alone

W B C
17/6

I agree.

W B C
at once

21092

12 JUN 08

Governor's Office,

Nairobi,

May 19th 1908.

89

EAST AFRICA PROTECTORATE.

No. 2, 2.

(Incl. 1.)

My Lord,

I have the honour to report that I have sanctioned the deportation to Uganda for a period of two years, from the Jubaland Province, of a Somali named Moosa Hersi.

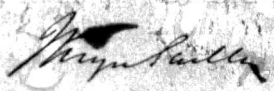
2. This man was implicated in the murder of the late Sheikh Ali Nahar, and although there was not sufficient evidence to convict in a Court of Law, enquiry has elicited that he was aware that the murder was going to take place and was in sympathy with the crime.

3. A copy of a certificate from the Acting Provincial Commissioner Jubaland stating that the man is a danger to peace and good order is attached.

I have the honour to be,
With the highest respect,

My Lord,

Your Lordship's most obedient,
humble servant,



H.M. Principal Secretary of State

for the Colonies,

Downing Street

LONDON, S.W.

M. Salkeld
18-12-1907

In Despatch No. 243 of May 14, 1906

C. O.
21092

19 JUN 08

Copy

I hereby certify that, in my opinion, the conduct of those persons has been such as to constitute a danger to peace and good order of the Province of Madras.

Sd/- R. F. SAMPSON,
Acting Prov. Commissioner.

Kinnery,
18th December 1907.

Gov E.A.P.

21092

C. D.
R. 1
D. 3

3 July 1908

DRAFT

E.A.P. n=303

Gov

and book

MINUTE

- Mr. Lobb 19/6 (Gov)
- Mr. Riley 20 (21/7)
- Mr. Z. lobb 20
- Mr. Just.

H.S.R.

- X Mr. Andrews. 30/6
- X Mr. Cox 27

- Sir C. Lucas.
- Sir F. Hopwood.
- Mr. Churchill.
- The Earl of Elgin.

foramin

See further minute
HBR

AM

Sir,

I have the honor to acknowledge the receipt of your draft n= 224 of the 12th of May and n=243 of the 19th of May last, relative to the reputation of certain persons whose conduct is held to be a danger to peace & good order in the Umbara and Julaland Provinces respectively of the E.A.P.

2. With regard to the case of Ndusi wa Ndumbe which is dealt with in the first of the drafts above mentioned, it

It is clear
I ~~assumed~~ that
article
under 25-1) of the EA

O. C. 1902 does not
authorize the deportation
of any person from
one place to another
within the Prot.

It seems possible
therefore that this
deportation has been
made under section

22 of the Native Courts
(15 of 1907)
Reg. 1097, which
provides for removal
to and internment
in places within the
Prot.

3 of this is the
case, I must point
out that the Regs
in question were
repealed by the
Native Courts Ord. 1907,
which does not

83
re-enact the provisions
of § 97 above mentioned.

4. Unless these
provisions have been
re-enacted in some
other Ord., I am advised
that the power to
deport to a place
within the Prot. has
ceased, and I shall
be glad to receive
information on this point.

5. The procedure in connection with
the deportation of
Moose Hersi to Uganda,
reported in your despatch
No. 243 above mentioned,
does not appear to
be in accordance with
the provisions of section
25-1) of the EA, O. C.
under which it has
been carried out.

The only O. C.

requires evidence or oath;
that the certificate on
which action is taken
must purport to be
sworn before some person
authorized to administer
an oath, and shall
state the grounds on
which the deponent
believes the person to
be liable to be deported.

6. Strict procedure is
essential where ~~the~~
~~liberty of the subject~~ is
concerned, and I have
to request that you
will cause it to
be ^{strictly} observed - in future cases
to be ~~observed~~ - in future cases shall
take care

? Are there any "subjects" ?
for [] "personal liberty"

Yours