

EAST AFR. PROT

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9224

Council  
Office

1914

12 Feb.

Last previous Paper.

B of 3

4678

East Africa Am. C. 1914

(Amending Orders 1907 & 1908 to provide certain powers ref. to in Sched I to give Jurisdiction to 1914 that to be exercisable by Magistrates holding subordinate Courts of the first class. In the scales & plain copies.

Mr. B. B. ...  
Mr. B. B. ...

2 and 1 sealed and 10 plain copies to P.A.P. \* and the rest to ...  
(Mr. Kanning states that we usually send 1 sealed and 5 to ...)

\* I should diff. pointing out that the alterations in 1952 have been embodied.

WMS 18/1/14

CB 19/13/14

at once  
H. J. D.

19/III/14

Copies (see to 10 plain) of Am. C. to be 28. 1914

Next subsequent Paper

112,561.

5224  
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41

Council Office,

Whitehall.

12<sup>th</sup> March 1874.

Sir,

I am directed by the Lord President of the Council to transmit to you the accompanying Order of His Majesty in Council of the ninth instant amending the East Africa Order in Council, 1902, and the Order in Council of the 14<sup>th</sup> July, 1908, under the Merchant Shipping Act 1874, in so far as it relates to the East Africa Protectorate;

50 Copies

and I am to request that you will lay the same before the Secretary of State for the Colonies.

I am,

Sir,

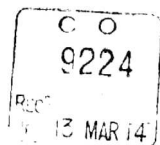
Your obedient Servant,

Almon St. J. Roper

The Under-Secretary of State,

etc., etc., etc.

Colonial Office.



42

AT THE COURT AT BUCKINGHAM PALACE,

The 9th day of March, 1914.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY

LORD PRESIDENT

MASTER OF THE HORSE

MARQUESS OF LINCOLNSHIRE

LORD WIMBORNE

MR. CHARLES HORBOUSE

**W**HEREAS 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 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 with jurisdiction in Criminal matters to be known as Subordinate Courts of the first, second, and third class, and to be held by Magistrates as in the said Ordinance provided.

And whereas it is expedient that the powers and duties conferred and imposed by the Enactments described in the said Schedule on a Magistrate or a Justice of the Peace of a Colony or British Possession should be exercisable by 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.

And whereas by an Order of His late Majesty in Council, dated the 4th day of July, 1908, and made under section 737 of the Merchant Shipping Act, 1894, His Majesty was pleased to direct that the taking of certain depositions, authorized under certain Acts therein mentioned to be done by or before a British

Consular Officer, might be done in the East Africa Protectorate by or before the Chief of Customs, and whereas it is expedient to amend the said Order so as to provide that the taking of the said depositions may in the East Africa Protectorate be done by or before a Magistrate holding a Subordinate Court of the first class as aforesaid:

NOW, THEREFORE, His Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Act, 1890, and section 737 of the Merchant Shipping Act, 1894, 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, 1914."

2. Article 13 of the East Africa Order in Council, 1902, is hereby amended by deleting the last fifteen words of the Exceptions adaptations and modifications contained in paragraph (1) thereof and substituting therefor the words "and a Magistrate holding a Subordinate Court of the first class constituted under the Courts Ordinance, 1907, of the East Africa Protectorate or 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. In the Schedule to the Order of His late Majesty in Council, dated the 4th day of July, 1908, and providing for the exercise in various British Protectorates of the powers of a British Consular Officer under the Merchant Shipping Act, 1894, as applied by section 7 of the Workmen's Compensation Act, 1906, the words "The Chief of Customs" shall be omitted, and the following words substituted, namely: "A Magistrate holding a Subordinate Court of the first class constituted under the Courts Ordinance, 1907, of the East Africa Protectorate or any law substituted for or amending the same, and duly appointed, by the Governor in that behalf."

4. 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.

ALMERIC FITZROY.

Council Office 9224/1914

E.A.P.

8/5

24 March 1914

DRAFT.

E.A.P.

No 281

Sr. Lt. H. Belfield

MINUTE.

Mr. Harper 20/3/1914

Mr. Bottomley 28/3/14

Sir G. Fiddes.

Sir H. Just.

Sir J. Anderson.

Lord Emmott.

Mr. Harcourt.

Sir,

I have the honour  
to transmit to you,  
for record in the  
Protectorate, one sealed  
and ten plain copies  
of "The East Africa Order  
in Council 1914."

2 You will observe  
that the suggestions contained  
in your despatch, No. 963,  
of the 10<sup>th</sup> of Dec<sup>r</sup> last have  
been embodied in the Order.

Sealed 175 plain copies  
J.M.C.