

EAST AFR. PROT.
23607

C. O.
23607
30 JUN 14

Home
1914
29th June
Last previous Paper.
Gov
2066 by

CRIMINAL PROCEDURE ORDINANCE 1913

Submits observations as to steps taken where identity of a prisoner with a person previously convicted is disputed and has to be proved by finger prints.

M. J. Thompson ~~W. Reed~~ Br. G. Fieldes.

to J. S.
2/VII/14

I think we can now send copy of our letter to Ho in 2066 & of 40 reply to go. I approve enactment on the assumption that the conditions wherein Ho reply will be observed

CV 3/7/14

H. 2. R.

3/VII/14

atone for 3.7.14

Copy Gov. Conf. to Ho 8/14

Next subsequent Paper.
Gov
1065

C. O.
23607

REC^d
REG^d 30 JUN 14

4

Any further communication on the subject of this letter should be addressed to:-

THE UNDER SECRETARY OF STATE,
HOME OFFICE,
LONDON, S.W.

on the following points:-

235,961/3.

HOME OFFICE,

WHITEHALL.

29th June, 1914.

Sir,

667/1914.

In reply to your letter of the 12th instant regarding the provisions in Section 400 of the Criminal Procedure Ordinance, 1913, of the East Africa Protectorate, I am directed by Mr. Secretary McKenna to say he would observe that where identity 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 those 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 Colony Mr. McKenna sees no objection to the proof of these points being given by certificate or other written evidence, provided that in (a) and (b) it is given by a person able to speak as to the facts

The Under Secretary of State,
&c., &c., &c.,
Colonial Office.

Facts, and, in (o) by a competent expert. In this country, it is rarely necessary to go through the procedure indicated above. In most cases where identity has been traced by means of finger prints, it is established by the prisoner, or if it is disputed it is usually possible to find a warder or constable who can prove identity by having known the prisoner at the time of his previous conviction. In India where there is a Criminal Procedure Code, legislation was introduced to make the evidence of finger print experts admissible, the testimony of experts in handwriting being already admissible under the Indian Law of Evidence (Codified).

I am,

Sir,

Your obedient servant,

H. B. SIMPSON

H.O. 23607 Sal.

ansd 10/6/14

DRAFT.

Earl Conf.

Gen Sir H. Bedford

Sir,

10 July 1914

- MINUTE 7/11/14
- Mr. Jemison 7/7/14
- Mr. Read 7/8
- Sir G. Fiddes.
- Sir H. Just.
- Sir J. Anderson.
- Lord Emmott.
- Mr. Harcourt.

(Sv 23607)

I have the honor to ask, the receipt of yr. conf. dist. of the 16th of May, & to inform you that H.M. will not be advised to exercise his power of disallowance with respect to Ordinance No. VI of 1914, of the depletion of the Earl, entitled "The Criminal Procedure Ordinance, 1913"

1913

H.O. 23607 12 June

H.O. 23607 29 June

1913

2. I enclose a copy
of corresp. with the H.O.
relating to Section 400
of the Ordinance, which
deals with the proving
of previous conviction
or acquittal. I presume
that the contents set forth
in the letter from the H.O.
as to the use of fingerprint
prints for identification
purposes will be viewed.

2

Can act of 1913
be
the
also

1-28-21
RT 27/21
it is a formal
formal small
? he needed
interfer
CB
No.