

EAST AFR. PROT.

383

1911

383

Consolidated  
Returns  
Date  
1911  
per  
Personal Paper

### Definition of boundaries

for purposes of Administration etc.  
Recommends that any such definition be arranged locally without previous sanction of the King change in boundaries could be submitted to the next meeting of the Council provided for that purpose.

### Warrant

I agree that unless we are bound by the Act of 1902 to have all changes in the boundaries of provinces and districts specifically referred for His Majesty's approval, it would be well to avoid reference to the King in the case of such changes. Although the only reference is, except in the case of native reserves, the special position of which Sir P. Curzon recognized, we are content in a position here to form an opinion as to the desirability of such changes. (Continued as before for the sequel.)  
We are not to be taken under the terms of

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...the alteration of boundaries of provinces  
or districts by the Govt (always accepting  
alteration of the boundaries of native  
reserves)?

Perhaps the opinion of our legal  
adviser should be obtained on these  
points.

I am not sure whether the <sup>substance</sup>  
identification of the <sup>alterations</sup> boundaries only in the  
small maps of the Protectorate  
furnished for time to time will  
fully meet the needs of the D. of O.  
We can ascertain how often the point  
as to alterations have been cleared up

JTB  
Jan 9

W. R. ... I had got some to  
... the S. of S. from going to  
... the intention of ...

W. R.  
7/1

W. R.  
7/1

... not understood why the majority of others

the administration Comdants of provinces or Districts should be so constant and continuous as to render expedient a general approval on that behalf on the part of the S of S if it is expedient, however, not doubt whether it is altogether desirable.

Sec 31 of the Act stipulates that every sanction that is approved used as an Order in Council; if Act is made after the commencement of that Act, shall relate to the ordinary routine affairs, has the same respective meanings as in the Act containing the power to make the O.C.

Sec 32 of the same Act reads that where an Act is passed after the commencement of that Act conferring powers or imposing duties then where the ordinary routine affairs the power is to be exercised and the duty shall be performed from time to time on occasions as aforesaid.

The Delhi Act commenced on January, 1895, and consequently the provisions of Sec 31 of the A.O.C. 1892 were passed and made inoperative after its commencement.

If therefore the words "with the approval of the S of S" in Art 31 of the O.C. can be said to be an expansion within the scope of the Delhi Act (which is a very wide) that expansion amounts to the insertion of "and" and Sec 32 of the Act which that apply.

If however you are of opinion that Art 31, which is held that the O.C. cannot be construed so as to enable, to the present point, a resolution to suggest that the Act is not properly to be said to be passed has not under the O.C. in accordance with the principle laid down in Sec 32 - is from time to time at occasions as aforesaid.

A general approval of the kind asked for is, in the opinion of a learned lawyer, relevant for purposes of the case, if it is understood.

J.S. G.

the House. I agree with Mr. R. G. of the House.

I think that on the construction of 66(1) of the O.C. the approval of the S.P. is required on the particular occasion of any alteration of boundary <sup>either</sup> before or after the particular alteration is made.

If necessary and desirable the O.C. can be amended.

H. 73  
5

Mr. Harcourt

Surely they cannot be tampering at the boundaries of districts so frequently as to make it any business to get the approval of the S.P. - I would alter the O.C.

Option to be given in the meantime

alone

Para 12f

I hold that I am certainly bound by the O.C. and I cannot think that it is necessary to amend it for this purpose.

H. 73 1. 11

COLONIAL OFFICE.  
L O N D O N.

333

4th Jan. 1911.

JAN 11

Sir,

Under Article 6, East African Order in Council, 1902, the Commissioner may, with the approval of the Secretary of State, by proclamation define any boundaries of the territories for the time being within the limits of this order, and divide these territories into provinces or districts in such a manner and with such sub-divisions as may be convenient for purposes of administration, describing the boundaries thereof and assigning names thereto.

Though there would appear to be every necessity in the case of the definition of native reserves or their subsequent alteration to refer such boundaries for the sanction of the Secretary of State, I cannot see that any useful purpose is served by constant reporting on the changes of boundaries for provinces or districts. Such boundaries have an administrative value only, but bear no sense connected with military operations; in no way affect any question of native reserves or the ownership of lands.

It would be preferable, as in West Africa, to allow the definition of such boundaries to be approved of locally - any change being submitted in the usual maps of the Protectorate furnished from time to time.

The Under Secretary of State  
to the Colonies,  
L O N D O N.

- 2 -

I do not think the particular article in question would be contravened by any such action, as any change in the boundaries of territories would in all cases be submitted to the Secretary of State.

I have the honour to be,

Sir,

Your obedient servant,









an "expression" within  
the meaning of Section  
31 of the Interpretation  
Act — and ~~there is~~<sup>but Harcourt</sup>  
~~certainly arguable~~  
that expulsion amounts  
to the imposition of a duty,  
and Section 32(1) of the  
Act would apply.

b. A general approval,  
~~though~~ of the kind for which  
you ask, would, in the absence  
of a clear legal warrant  
for giving it, be undesirable,  
and apart from any question  
of ~~its~~ expediency, but Harcourt  
feels that he is bound by  
~~the law~~ to refuse, each  
case of application in the  
boundaries of provinces and  
districts to be referred as previously  
for the approval of the

the principle of construction  
is in favor of the subject  
exp. of act to the letter of  
construction