

EAST AFR. PROT
44660

C.O
44660
REC
SEP 15 1909

Governor
Belfield 659

E.A. PROTS (APPEAL TO PRIVY COUNCIL)
ORDER IN COUNCIL 1909

1915

31st August
Last previous Paper.
No. 62
26096
Liber

Agrees should be so amended as to raise the maximum security under Art 6 (a) to Rs 7,500.

Off. Sec. to Council Office 1201 7/2

Mr. Ridley

Now take steps to have the proposed amendment carried into effect?

J. S. K.
29/9/15

Mr. Read

AT- Oinc herewith.

It is convenient to make the Order commences forthwith (as in art 3) - and not on notification in the Gazette.

As the Order will increase the amount of security which may be fixed, no harm could be done. If it decreased it would of course have to delay its operation until the EA Court of Appeal could take judicial notice of it.

Next subsequent Paper.
Council
44939

above
* J. S. K. 12/10/15

J.A.
12/10/15

C.O
44660

623
GOVERNMENT HOUSE
NAIROBI.
BRITISH EAST AFRICA.

REC
23 SEP 15

EAST AFRICA PROTECTORATE.

No. 859.

August 31st, 1915.

Sir,

*6/11
82315*

With reference to your despatch No. 537 of 22nd ultimo respecting the provision of Article 6(a) of the Eastern African Protectorates (Appeal to Privy Council) Order in Council 1909, I have the honour to state that in view of the observation of the Lord President of the Council ~~that~~ that the Order in Council should be so amended as to raise the maximum security under Article 6(a) to Rs. 7,500.

I have the honour to be,

Sir,

Your humble, obedient servant,

J. Cousins, Esq.

GOVERNOR.

THE RIGHT HONOURABLE

ANDREW BONAR LAW, P.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET,

LONDON, S.W.

W. H. S. 12 Oct 15
 W. H. S. 12

~~AT THE COURT AT BUCKINGHAM PALACE,~~

~~The 2nd day of June, 1915.~~

~~PRESENT,~~

~~THE KING'S MOST EXCELLENT MAJESTY~~

~~LORD PRESIDENT~~

~~SIR FRANCIS HORWOOD~~

~~VISCOUNT ALLENDALE~~

~~SIR FREDERICK PONSONBY~~

WHEREAS by an Order of His late Majesty King Edward the Seventh in Council, bearing date the 15th day of February, 1909, and entitled the Eastern African Protectorates (Court of Appeal) Order in Council, 1909, a Court, called His Majesty's Court of Appeal for Eastern Africa, was constituted for the hearing and determining of appeals from His Majesty's Courts in the East Africa, Uganda, and Nyasaland Protectorates:

And whereas by an Order of His Majesty in Council, bearing date the 21st day of January, 1914, and entitled the Eastern African Protectorates (Court of Appeal) Amendment Order in Council, 1914, provision was made for the hearing and determining of appeals from His Britannic Majesty's Court for Zanzibar by His Majesty's said Court of Appeal for Eastern Africa:

And whereas by an Order of His late Majesty King Edward the Seventh in Council, bearing date the 15th day of February, 1909, and entitled the Eastern African Protectorates (Appeal to Privy Council) Order in Council, 1909, provision was made for regulating appeals from His Majesty's said Court of Appeal for Eastern Africa to His Majesty in Council:

o. o. c. 2842.

and a further Order of His Majesty in Council, bearing date the 2nd day of June, 1915, and entitling the Eastern African Protectorates

that leave to appeal under Article 5 ~~shall be granted by the Court~~ in the first instance when conditions of the Applicant, within a period to be fixed by the Court but not exceeding three months from the date of the hearing of the application for leave to appeal, certifying into a bond and sufficient security to the satisfaction of the Court in a sum not exceeding Rs 5000 for the first instance specified.

And whereas by the last recited Order, hereinafter referred to as the Principal Order, it was, amongst other things, provided that applications to the said Court of Appeal for leave to appeal to His Majesty in Council should be made within 21 days in the case of applications from East Africa, or Uganda, and within 3 months in the case of applications from Nyasaland, from the date of the judgment to be appealed from, and it is expedient to define the time within which similar applications from Zanzibar shall be made, and generally, to include Zanzibar amongst the Protectorates referred to in the Principal Order ^(amend the said prov 2)

NOW, THEREFORE, His Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Act, 1890, 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 Eastern African Protectorates (Appeal to Privy Council) Amendment Order in Council, 1915," and shall be construed and read as one with the Principal Order.

2. Applications from Zanzibar to the Court for leave to appeal shall be made by motion or petition within 2 months from the date of the judgment to be appealed from, and the Applicant shall give the opposite party notice of his intended application.

3. The expression "any of the said Protectorates" shall, wherever used in the Principal Order, be taken to include Zanzibar.

4. This Order shall commence and have effect forthwith.

And the Right Honourable Andrew Bonar Law, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

ALMERIO TITZROY.

Article 6 of the Principal Order is hereby amended by substituting for the words and figures "in a sum not exceeding Rs 5000" the words and figures "in a sum not exceeding Rs 7500".