

1911

EAST AFR. PROT.

2191

23 JAN 11

2191

Treasury

Date.

1911

21 Jan.

Last previous Paper.

452
34015
10

Police Order

Sanctions provisions of Order rel. to pensions & gratuities with amounts now proposed.

Mr. Butler.

Sofar so good.

The main question
The next question to be settled is that under
section 57 of the draft Ordinance -
(pay 2500)
by that section Capital punishment
is allowed in the case of aggravated
offences or when the accused
has been previously convicted of any
offence under the Ordinance.

The punishment is not to exceed
as to be inflicted as provided
by section 58 of the Ordinance; and
it is only to be inflicted on British
Indian non-commissioned officers
Constables - any sentence of

capital punishment imposed by an
Magistrate is to be confirmed by the

copy comes for no 93 22 Feb. ✓
to say. Uga was 53 22 Feb. ✓
Can Uga remain same 18 12 Jan 12 ✓

Next subsequent Paper

Magistrate in charge of the District
Township or place where the sentence
is imposed.

The following paragraphs, which I have
filed, should be read:-

Remarks of Crown Advocate in
Section 51 of the Off. Ordinance.

1. The order in view of the section
in the case No 11 of the 2nd Div.

in 1/21/1909

2. The order in view of the section
in his case No 232

in the 23rd April in 15342/10

3. The minutes in 15342/10, so far
as words "logging" suggest that
inbreach of section 51 be allowed
to stand, more clear under standing
that within 12 months from the date
the order was made support was
given he shall be sent as to the
loggers that the power referred
in this respect by the Ord. shall be

exercised sparingly, that by the Off.
Ord. the Ord. will be amended next
year to take away the power of
inflicting corporal punishment.

It should be mentioned that the Uganda
Police Ordinance No 1 of 1904 (copy
before the honor authorities the
infliction of corporal punishment
(see Order in the Off. Ord. Ord.)

see Section 62 (d) - This is
an argument in favour of allowing
the provision the Off. Ord. or
to stand. It is decided to
be alike. If it is decided to
disallow the Ord. in fact, that
course will necessitate an amending
Ord. in Uganda, disallowing
henceforth 62 (d) in the Uganda Ord.

allp - 34A
25/1

W. ~~Bo~~ Fiddes.

Now I know what the govt says
in 15342/10. I think that the Ord.
may be allowed, in release on the
safeguards as to flogging contained
in the proviso to sec. 51 (requiring
sentences of corporal punishment
by an Inspector to be confirmed by a
Magistrate), if sec. 55 (imposing restrictions
on medical grounds), subject to a
full report being furnished, & the
matter being reconsidered, at the end
of twelve months.

Star B,
Jan. 26. H. J. K.
26/1

Col. Seely

Mr Harcourt

This is a difficult question. The arguments pro & con are given in the marked passages of the pro papers.

There is force in the arguments pro. On the other hand I fear that the passing of this section would chief protest in the country, & that if we then repealed it in deference to the protests, the discipline of the force w^old likely to suffer more than if the sect^s had never been enacted!

On the whole I am inclined to recommend that they get on for the present without flogging process, & see what happens. Promise ~~is~~ ^{experience} ~~is~~ ^{shows} hereafter that the promise is necessary

Yours
P. H. 1/2

Think Mr Fiddes is right.

J. S.
2.2.

They must do without flogging.

Let me see the draft Dept.

But don't ask to order an amendment in Uganda to abolish the flogging there?

I think we must or we shall be in a

8. 3. 11

fix.

In the reply to this Letter the following
Number should be quoted.

11.

20
2191
35
23 JAN 1911
TREASURY CHAMBERS

23 January 1911

Sir,

In reply to Mr. Cox's letter of the 31st ultimo
(^{4w}34015/1910), I am directed by the Lords Commissioners of
^{gab}His Majesty's Treasury to state, for the information of Mr.
Secretary Harcourt, that My Lords sanction the provisions
of the East Africa Protectorate Police Ordinance regarding
pensions and gratuities with the amendments now proposed.

I am,

Sir,

Your obedient Servant,

H. Heath

The Under Secretary of State,
Colonial Office.

Tuesday 21/1 Seal

17

DRAFT. Ser N° 93

only

22 21/11.

MINUTE.

for

- Mr. Parnham 7/2
- Mr. Parnham 7/2
- Mr. Parnham 7/2
- Mr. Parnham 7/2
- Mr. Fiddas 11
- Mr. Just. (90/3005/10)
- Mr. Cox.
- Sir C. Lucas.

where the honour to be to receipt of
 Sir Percy Guernard, 21/11/1909 of the
 2nd draft relating to these sections of
 the F A P Police Ordinance 1909
 deal with pensions & gratuities
 for the European Police Constables.
 I to transmit to you, for your
 inf. guidance, a copy of
 copy with the Treasury,
 from which you will see that
 the E.C. have sanctioned the
 sections in question, subject
 to the amendments indicated
 in the letter from the Treasury
 of the 31st of Dec. last.

Lester Brown

- x Col. Seely. 1/12
- x Mr. Harcourt. 15/2

20 Treasury - 31 Dec 10
 84 045
 from Treasury 21 Jan 11
 2191

edit

2. I will now deal with the other sections of the Ordinance which were discussed in his Honour's Disp. No. 232 of the 23rd of April last.

Sections 2 and 35

In view of the explanation now furnished, I have no objection to raise to either of these sections as drafted.

Section 51

These are fully considered the arguments brought forward in support of subsection 2 (d), which permits the infliction of corporal punishment not exceeding twenty-four lashes on Asiatic African non-commissioned officers or constables. I am not, however, yet satisfied that a provision of this character is necessary.

but, as at present advised, it appears to me that it is better, from every point of view, that we should not make a mistake which cannot be rectified without passing

29/5/09

I suspect that I am unable to improve of this because of a misce shown. It is ~~absolutely~~ necessary to provide as to corporal punishment, to be restored, shall be prepared to re-consider the question at a later date. I may add that I am regarding the case of Uganda to help an Ordinance regarding the corresponding section in the Uganda Police Ordinance of 1907.

Section 71

I see no reason to re-consider the decision of my predecessor communicated in his Disp. No. 71 of the 8th of Feb. 1907.

Section 71 (2) of this Bill is not, as stated in his Honour's Disp. No. 232 of the 23rd of April, identical with the corresponding section in the Uganda Police Ordinance; ~~and~~ ^{and} it should be amended, so as to read as follows:-

- All moneys paid or received under sections 67, 68 and 69 shall be credited to the general Revenue Account of this Province.

Section

It has been brought to my
notice that there is a
similar provision in
Section 62 of the Uganda
Police Act 1947.

2. I am not, however,
satisfied that the infliction
of corporal punishment
is necessary ^{in the case of the Police of} ~~in~~ either
part, and, in view of
the strong objection which
exists ^{to} the practice of
flogging police
constables, I have
inf^r the Govt. of the East
that I regret that I am
unable to approve of
the provision referred to,
but that, of experience
shows that it is ~~absolutely~~
necessary ^{that} for the provision should
be restored, which I shall be
prepared to reconsider
the question at a
later date.

39
3. It is clearly undesirable
that the Police order of the
Govt. of E. A. Prov. should
differ in so important
a matter, and I have
therefore to request that
you will propose an
~~order~~ order to repeal
Section 62(d) of the
Uganda Police Act 1947
and such other sections or
parts of sections as
may be affected by
this decision, e.g.
Section 51^{and} 56, and the
 proviso at the end of
Section 62.

M. G.