

EAST AFR PROJ  
36765

Customs Order

1910

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Subscribed and sworn to before me  
this 1st day of August 1910 at  
night

~~John R. ...~~  
John R. ...

9/11/10

John R.

For the purpose of the ...  
to the ... company ...  
this ... shall ...

John R.

9/11/10

EAST AFRICA PROTECTORATE CUSTOMS ORDINANCE 1910 (No. 14)

sections 54, 55, 56, 126, 131, 134, 139

220 and 201.

I have examined these sections with the Customs legislation

- Australia (Commonwealth)
- New Zealand
- Canada
- Cape
- Gold Coast
- Gambia
- Sierra Leone
- Southern Nigeria and
- Ceylon.

with the following results:-

(a) Practically all of these sections are to be found in the Gold Coast, Gambia, Sierra Leone and Southern Nigeria, and the majority of them in New Zealand. e.g.:

E.A.P. Ordce: 4 of 1910	Gold Coast 10 of 1876	Gambia 8 of 1862	Sierra Leone 12 of 1902	S. Nigeria 2 of 1903	N. Zealand Consol- dated Statute 36 of 1903
sec. 54	sec. 50	sec. 43	sec. 56	sec. 149	sec. 54
55	51	44	59	50(a-c)	56
56	52	45	60	61	
136	133-134	sec 109 & 111	sec 151 & 152	sec 164 & 166	sec 186
131	135	116	157	170	195
141	152	-	172 (except the "Proviso")	150 (except the "Proviso")	215
199	169	135	188	199	222
200	170	136	189	200	
201	171	137	190	201	

(b) Canada, Cape, Australia, and Ceylon do not give so much assistance as the above examples but some of the sections in question of the East Africa Protectorate Ordinance are to be found reproduced to a certain extent - as follows:-

<u>Section 62</u>	see Australia	6	Sections	58-63
	Canada	01 C. 48	Section	151
	Ceylon	17 69	"	24

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<u>Section 65</u>	see Australia	6	Part XII	
	Canada	01 C. 48	Section	150
	Cape	10 72	"	10
	Ceylon	17 69	"	23

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<u>Section 123</u>	see Australia	6	Section	119
	Cape	10 72	"	21
	Ceylon	17 69	"	28

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<u>Section 131</u>	see Cape	10	Section	50
	Ceylon	17 69	"	53

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<u>Section 199</u>	see Australia	6	Sections	198 & 200
	Canada	01 C. 48	"	152
	Cape	10 72	"	26
	Ceylon	17 69	"	103

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<u>Section 201</u>	see Cape	10	Section	54
	Ceylon	17 69	"	101

A.R.S. 7.12.10.

No. 100

E.A.P. Customs Ordinances 1910 (No. 111)  
 secos 54 55 56 126 131 141  
 199 200 & 201

I have compared these sections with  
 the Customs legislation of  
 Australia (Commonwealth)  
 New Zealand  
 Canada  
 Cape  
 Gold Coast  
 Gambia  
 Sierra Leone  
 So. Nigeria  
 S. Africa

with the following results -

(a) Practically all of these sections  
 are to be found in the Gold Coast, Gambia,  
 Sierra Leone, & So. Nigeria, and the  
 majority of them in New Zealand

E.A.P. Ord. 1910	Gold Coast	Sierra Leone & Nigeria	Sierra Leone & Nigeria	Sierra Leone & Nigeria	New Zealand Customs Act of 1908
54	50	43	53	49	94
55	51	44	59	50 (also)	95-96
56	52	45	62	51	-
126	131	141	181-182	161-165	188
131	135	116	157	140	195
141	152	125	172 (173)	180 (181)	215
199	169	135	188	199	252
200	170	136	189	200	-
201	171	137	190	201	-

It is seen that Australia & England  
 do not appear to have any sections so far  
 as these sections, but some of the  
 sections in question of the E.A.P. Ordinances

are to be found in products to be 234  
 certain extent as follows

<u>sec 54</u>	see	Australia	of	sec 63
		Canada	of	sec 75
		China	of	sec 84
<u>sec 55</u>	see	Australia	of	Page XI
		Canada	of	sec 150
		China	of	sec 16
		Cuba	of	sec 23
<u>sec 126</u>	see	Australia	of	sec 119
		Canada	of	sec 121
		Cuba	of	sec 12
<u>sec 131</u>	see	China	of	sec 50
		Cuba	of	sec 77
<u>sec 194</u>	see	Australia	of	sec 124 & 200
		Canada	of	sec 124
		Cuba	of	sec 12
		China	of	sec 102
<u>sec 271</u>	see	Cuba	of	sec 54
		China	of	sec 124

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Foreign Office,

December 1st, 1910.

My dear Sir,

East Africa Customs Ordinance and French protests.

Would you look at the C.O. letter of Sep. 10 10 asking us whether we think the articles objected to by the French are in violation of their treaty rights. I should like some time or other to discuss the matter with you; I think if the Colonial Office want to maintain the provisions in question, it will be for you people to show that these provisions do not conflict with French Treaty rights, and I think you can only do this by showing that the contents of the sections to which the French object (54, 55, 56, 126, 131, 141, 199, 200, 201.) are normal and ordinary provisions of Custom laws, and do not abstract the French right under art. 2 of the treaty of 1844 to enter, reside and do business freely, the right under art. 3 to be free from local visitations without consular intervention, and the right under art. 10 to be free from all further tax after paying the amount fixed by that article.

If you leave it to us, the decision is likely to be adverse.

*W. H. ...* *W. B. ...*