

E. AFRICA
 B. CENT. AFR. PROT.
 No. 43090

C O.
 43090
 Rec^d
 6 DEC 05

Individual
 Sign
 1905
 Draw
 previous Paper.

(Subject.)

Seals for Appeal Court
 Transmits applicⁿ from Judge Smith
 for two

(Minutes.)

Mr Ristley

H. J. R
 5/12

Mr Cox

The S.A. Order (Ct of Appeal) Omc 1902 makes no provision as to the Seal of the Appeal Court, each one is made for the High Court by the S.A. Omc and similar orders. I do not think that the Sd^o has authority to settle or approve a Seal without express provision of this kind

JSR 6/12

Mr anton

I agree, but I think the Court ought to have a seal & I wd suggest a short amending order in Council. Tell them that this will be passed on to the High Ct. etc. etc. HBC 7/12

Send to Caye 26 Jan 1905/06

Management Paper.

1341

6
SCHEDULE (A).

ZANZIBAR IMMIGRATION RESTRICTION.

Decree, 1905.

(To whom it may concern.)

This is to certify that the person hereunder described is a fit and proper person to be received as an immigrant into the Islands of Zanzibar and Pemba.

Dated at _____ this _____ day of _____, 190_____.

(Signature)

Description.

Name:
Nationality:
Age:
Trade or calling:
Married or single:
Height: ft. in.
General description:
Marks:
Signature of holder:

SCHEDULE (B).

ZANZIBAR IMMIGRATION RESTRICTION.

Decree, 1905.

I,
(official rank)
(place)
(country)
certify that the bearer
(name)

is a _____ subject, and that he (or she) is a fit and proper person to be received as an immigrant into the Islands of Zanzibar and Pemba.

Dated at _____ this _____ day of _____, 190_____.

(I.S.)

(Signature.)

Description.

Name:
Age:
Trade or calling:
Married or single:
Height: ft. in.
General description:
Marks:
Signature:

SCHEDULE (A).

ZANZIBAR IMMIGRATION RESTRICTION.

Decree, 1905.

(To whom it may concern.)

This is to certify that the person hereunder described, is a fit and proper person to be received as an immigrant into the Islands of Zanzibar and Pemba.

Dated at this day of 190

(Signature)

Description.

Name:
Nationality:
Age:
Trade or calling:
Married or single:
Height: ft. in.
General description:
Marks:
Signature of holder:

SCHEDULE (B).

ZANZIBAR IMMIGRATION RESTRICTION.

Decree, 1905.

I
(official rank)
(place)
(country)
certify that the bearer
(his name)

is a subject, and that he (or she) is a fit and proper person to be received as an immigrant into the Islands of Zanzibar and Pemba.

Dated at this day of 190

(L.S.)

(Signature.)

Description.

Name:
Age:
Trade or calling:
Married or single:
Height: ft. in.
General description:
Marks:
Signature:

C. O.
43090

FOREIGN OFFICE.

December 6 DEC. 6 1905.

718

... directed by the Marquess of Lansdowne to transmit
... to be laid before Mr. Secretary Lyttelton,
... from Judge Lindsey Smith requesting that
two seals for the Court of Appeal for Eastern Africa
may be ordered.

The Court of Appeal for Eastern Africa having been
constituted by Order in Council of August 11th. 1902 to
exercise jurisdiction in relation to the Courts
of the British East and Central Africa Protectorates
the supply of these seals would ap-
pear to be a matter for the Colonial Office.

It is suggested that His Lordship may be in-
formed accordingly Mr. Lyttelton would wish made to Mr.
Lindsey Smith's request.

I am, Sir,

Your most obedient,
humble Servant,

F. A. Bell

Under Secretary of State,
Colonial Office.

9
10
10/1/05

Whereas under the "Eastern African Protectorate (Court of Appeal) Order in Council 1902" a Court has been constituted, called His Britannic Majesty's Court of Appeal for Eastern Africa, for exercising appellate jurisdiction and other powers in relation to the High Courts and other Courts in the East Africa, Uganda, and British Central Africa Protectorate:

And whereas it is expedient that there shall be a separate Seal for the said Court of Appeal:

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 Protectorate (Court of Appeal) Order in Council 1905.
2. The Court of Appeal shall have a seal bearing the style of the Court and a device approved by the Secretary of State; and until such a seal is provided the Seal of ^{His Britannic Majesty's} the Court for Transvaal may continue to be used instead thereof.

The Right Hon^{ble} Earl of Selkirk K.G.

And * * * * one of His Majesty's

Principal Secretaries of State is to give the

necessary directions herein.

ORDER IN COUNCIL.

EASTERN AFRICAN PROTECTORATES (COURT OF APPEAL) ORDER IN COUNCIL, 1902.

Buckingham Palace, 11th August, 1902.

At the Court at *Buckingham Palace*, the 11th day of August, 1902.

PRESENT,

The KING's Most Excellent Majesty
in Council.

WHEREAS by Treaty, grant, usage, sufferance, and other lawful means His Majesty has power and jurisdiction within the territories of Africa known as the East Africa, Uganda, and British Central Africa Protectorates (in this Order referred to as "the said Protectorates"):

And whereas it is expedient that a Court should be established for the hearing and determining of appeals from His Majesty's Courts in the said Protectorates:

Now, therefore, His Majesty, by virtue and in exercise of the powers in this behalf by "The Foreign Jurisdiction Act, 1896," 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 "Eastern African Protectorates (Court of Appeal) Order in Council, 1902."

2. A Court shall be constituted, called His Britannic Majesty's Court of Appeal for Eastern Africa (in this Order referred to as "the Court of Appeal"), which shall exercise such appellate jurisdiction and such other powers in relation to the High Courts and other Courts in the said Protectorates as may from time to time be conferred by Ordinances passed under the provisions of the Orders in Council relating to the said Protectorates respectively.

3. The members of the Court of Appeal shall be the Judge or Judges for the time being of His Majesty's Court for Zanzibar, and the Judge or Judges for the time being of the High Courts of the said Protectorates respectively, and such other competent person or persons, if any, each being

a member of the Bar of England, Scotland, or Ireland, of not less than five years' standing, as the Secretary of State may from time to time appoint.

4. The precedences of the Judges of the Court of Appeal shall be determined according to instructions to be given from time to time by the Secretary of State.

5. For the hearing and determining of appeals, three Judges of the Court of Appeal shall sit together; but provision may be made by Rules of Court for the hearing of any specified classes of cases by less than three Judges.

6. The Court of Appeal may sit at such places in Zanzibar, or in any of the said Protectorates as may be fixed by Rules of Court.

7. The Secretary of State may appoint a Registrar and such other officers of the Court of Appeal as may be necessary.

8.—(1.) The Court of Appeal may make Rules of Court with respect to all matters of procedure relating to the exercise of its jurisdiction.

(2.) Rules of Court when allowed by the Secretary of State shall have effect as if contained in this Order: Provided that in case of urgency declared in the Rules, the same shall take effect before such allowance, and shall continue to have effect unless and until they are modified or altered by the Secretary of State, and are published by the Court of Appeal as so modified or altered.

9.—(1.) When a final judgment or order of the Court of Appeal made in a civil action involves the amount or value of 10,000 rupees or upwards any party aggrieved thereby may, within such time as may be prescribed by Rules of Court or, if no time is prescribed, within three months after the same is made or given, apply by petition to the Court of Appeal for leave to appeal to His Majesty the King in Council.

(2.) The applicant shall give security to the satisfaction of the Court of Appeal to an amount

not exceeding the amount or value of 5,000 rupees for prosecution of the appeal, and for such costs in the event of the dismissal of the appeal for want of prosecution as the Court of Appeal may award, and for payment of all such costs as may be awarded to any respondent by His Majesty in Council, or by the Lords of the Judicial Committee of His Majesty's Privy Council.

(3.) He shall also pay into the Court of Appeal a sum estimated by that Court to be the amount of the expense of the making up and transmission to England of the transcript of the record.

(4.) If security and payment are so given and made within such time as may be prescribed by Rules of Court, then, and not otherwise, the Court of Appeal shall give leave to appeal, and the appellant shall be at liberty to prefer and prosecute his appeal to His Majesty in Council according to the Rules for the time being in force respecting appeals to His Majesty in Council from his Colonies, or such other Rules as His Majesty in Council from time to time thinks fit to make concerning appeals from the Court of Appeal.

(5.) In any case the Court of Appeal if it considers it just or expedient to do so, may give leave to appeal on the terms and in the manner aforesaid.

10.—(1.) Where leave to appeal to His Majesty in Council is applied for by a person ordered to pay money or do any other act, the Court of

Appeal shall direct either that the order appealed from be carried into execution, or that the execution thereof be suspended pending the appeal, as the Court thinks just.

(2.) If the Court of Appeal directs the order to be carried into execution, the person in whose favour it is made shall, before the execution of it, give security to the satisfaction of the Court for performance of such Order as His Majesty in Council may think fit to make.

(3.) If the Court of Appeal directs the execution of the order to be suspended, the party against whom it is given shall, before an order for suspension is made, give security to the satisfaction of the Court for performance of such Order as His Majesty in Council may think fit to make.

11. This Order shall not affect the right of His Majesty at any time, on the humble petition of any person aggrieved by a decision of the Court of Appeal, to admit his appeal on such terms and in such manner as His Majesty in Council may think fit, and to deal with the decision appealed from in such manner as may be just.

And the Most Honourable the Marquess of Lansdowne, K.G., one of His Majesty's Privy Counsellors and Secretary of State, is to give the necessary directions herein.

J. W. F. [Signature]

(Extract from the London Gazette of Friday, August 15, 1902.)

70.
£3090
15 Africa

DRAFT.

Well-off.

70.

19th Dec

Sir,

MINUTE.

Mr. Drayton

Mr. Ellis

Mr. Antrobus.

Mr. Cox.

Mr. Lucas.

Mr. Gosham.

Sir M. Osmanney.

The Duke of Marlborough.

Mr. Lyttelton.

Dec 15
970/15/12/1/2

~~For 70/15/12/1/2~~
51/15/15

I am directed by the Earl of Albemarle to ask the receipt of your letter of the 5th inst, and in returning the enclosure thereto, to state further info. that Edward says that the draft of an order on Cecil has been forwarded to the Cecil office to provide for the use of a separate seal by the Court of Directors for Eastern Africa

Wm
Robt