

EAST AFR PROT

N^o. 17606

17606 426
REC 5 05

No. 253

(Subject.)

1905

Max Weber

Abroad

Requests airtels may be made for reception of an English prison. States he believes prisoner is a desperate character. He has already attempted to escape from prison. Asks that airtels made may be telegraphed.

at previous paper.

17600

Mr Read.

(Minutes)

Zero papers

? Send one copy of the enclosure to 17600 to Mr. S. J. asking that the fee £20. 0. 0 may be remitted to the C.A. to the credit of E.A.P. funds - rather to Mr. Parley to advise as to the possibility of removal.

W.B.S.
25/5

The fee seems considerable but forced as proposed. Also return for issue of the question of removal for which the compliance of President.

W.B.S.

at once

25/5/10

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his

The fee certainly seems rather high, but if we are to get it we shall certainly in my opinion obtain preferment before sending her case the pp - I know nothing of this person but I find pretty sure that if he can get the pp he will be made a member of the bar, and he shall have a handsome one of course if we do verily succeed in getting the money.

He will tell him that some of the proceedings in the other case in the Magistrate Court, the Crown Court and the Appeal Court have now been decided, that the charges fees amount to £ 300 (= £ 20 10s) and that in the receipt of this sum the pp will be forwarded to him.

JR 27/5

Mr Antolob

I suppose if he makes difficulties as to the fee we can consider what to remit it wholly or in part.

Pt must be recirculated on the question of the prisoner's removal to this country.

HJR 27/5

W.H. May 27 at work

See my recirculate

Mr Cox
Mr Antolob

The Col Prisoners Removal Act 1954 does not of course prevent my applying to any Protectorate -

By clause 50 of the Africa O.C. 1959 the Act was applied to that local jurisdiction established under that Order.

We have now to consider that Order, which is the Africa O.C. 1959.

By clause 5(3) of the Africa O.C. 1959 there is provided that any local jurisdiction established under the Order in any place in which any other O.C. under the 1959 instrument shall (should any other obligation than that of the Act) be in force in that order in any part thereof so as applied to for the time being in force.

The Africa Protectorate in such a place and as the O.C. of 1952 does not apply any part of the Africa O.C. 1959 to the Protectorate, the Col Prisoners Act does not apply to the Protectorate by virtue of clause 50 of the Africa O.C. 1959.

It does not apply to the Protectorate on the contrary, it contains a clause (clause 19) for removal and deportation - See clause 24 - 27.

Under this clause of clause 24 it says that there is no power to remove within a colony other convicted offenders to any Protectorate unless they can be removed only to some (convicted) place in 1954 remains out of the U.K. (clause 24).

It seems there is no such restriction as to the deportation of unconvicted (clause 25 W).

JR 29/5

Mr Antolob

I think the case should be removed out of the Protectorate and taken to the Colonies. I believe that has been done in the past.

W.H. May 31 at work

Comm. E.A.P.
17606

429

29 May 1905

DRAFT.

Sir,

only

I am directed by his
inform you
Secretary to the
Commission

to inform you with ref. to the
letter from this Dept.

of the 5th of May, that we
certified copies
of the proceedings of the
Magistrate's
Court, the Sessions Court,
and the Appeal Court
which have

been received from the
Comm^r of the East Africa
Protectorate.

2 The fees for copying
the documents amount
to £20-10s-0d, and

MINUTE.

- Mr. Bottomley 27/5
- ~~Mr. B...~~
- Mr. Anrobus 29/5
- Mr. Cox.
- Mr. Lucas.
- Mr. Graham.
- Mr. M. Osmanney.
- The Duke of Marlborough.
- Mr. Lytton.

Further minute
R 27/5

~~Handwritten scribbles~~

on the receipt of the
from the papers & question
will be forwarded to you.
100 C.P.H.

~~... the amount~~
to the Crown Agents for
the Colonies, Whitehall
London SW, to
be replaced to the
~~...~~

17606 8. AP. 430

Copy Ind. Holiday
[2 June 1905]

DRAFT. *Ulysses*

In reply to your draft no
days on

Stewart

Nairobi

253 claims twenty four

MINUTE.

- ~~Mr. ...~~
- ~~Mr. ...~~
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2/6
2/6

East Africa Order in Council
slayer continued

do not permit

detouring

2/6

removal of convicted

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Commissioner
chillingly

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Lyttelton

Off. Doc

Applying the Colonial Business General Act 1904
to the S. Africa Protectorate

Whereas H.M. the King has power and jurisdiction
within ~~the South African Protectorate~~
within ^{the limits of} South Africa as defined by the S. Africa
Order 1902 & for therein referred to as "South Africa"
Now therefore H.M. by virtue and in exercise of the
powers in this behalf by the Col. Business General
Act 1904 or otherwise in that behalf lawfully
by or with the advice of the P. Council to order,
and it is hereby ordered, as follows :-

1. The aforesaid Col. Business Act ~~shall~~ ^{as defined by the 1902 Act} shall apply to
and be applied within South Africa, as if that
place were a British possession and part of H.M.'s
dominions
2. In order to carry out the application of the aforesaid
Act to ~~the~~ South Africa ~~Protectorate~~ the Commission
or any person or persons lawfully discharging
the functions of Commission may require
all powers vested by the 1904 Act in the
Governor of a British possession

Mr. Con
This has been long of being
mentioned being - May the Off.
Order and go to. Round off in
the month of 1904. 15/6