

DOMESTIC

E. AFRICA
ZANZIBAR

C. O.
11220

REC'D
APR 1 1909

11220

10801

APR 27 1909

131

No of Individuals

Foreign

1909

51 Ind.

Previous Paper

6 Off
boxes

Count of Appeal 1 in C.

leaves to the question of date on which our C
Rs. come into operation. Note that date be
added to do for copy of papers at Zanzibar.

W. Riley.
HAB
April 2.

Hann
W. Cox

To learn date to us we had perhaps better send
out the 2 Orders to the 3 Lds concerned in a dup
(instead of telegraphing, as suggested at 24, in my
minute on boxes), requesting them to concur in
arranging a date for the ^{simultaneous} commencement of both orders
and to telegraph the date to the Sdps concerned
so as to be able to verify it in the hands of the
Sdps. See that the date shd be fixed on reasonable time
ahead so as to allow ample time for verification
by the Sdps in the hands of the Lds, and to have the
Notice of Court to be used under the Court's
order revised & ready for issue by the time

Year	Month	Day	Hour	Minute	Second	Other	Notes
1909	APR	27	10	00	00		
1909	APR	27	10	00	00		

you 26 inf
Tel msg 4/24 20 Lit
To Sdps 27 Nov 25-88
Minister (msg) 4/24 201 3 Dec 25-88
4/24 201 3 Dec 25-88
4/24 201 3 Dec 25-88

Subsequent Paper

Then proceed to deal with the off Rules of Court
themselves - See registered minutes on 43746/08

J.S.H. 2/4

Catt. 8/4

Catone
1/4
5/4

In any further communication on this subject, please quote

No. 9653/09.

and address—

The Under-Secretary of State,
Foreign Office,
London.

140

C. O.
11220

Recd.
Foreign Office

FOREIGN OFFICE

March 31. 1909

Sir:-

I am directed by Secretary Sir E. Grey to acknowledge the receipt of your letter ^{Col. G.P.} (6445/1909) of the 12th. instant, transmitting a copy of an Order of the King-in-Council of the 15th. of February 1909 establishing a Court for the hearing and determining of appeals from His Majesty's Courts in the East Africa, Uganda and Nyasaland Protectorates.

I am to state that Sir E. Grey leaves to the Earl of Crewe the choice of date upon which it would suit his convenience best that the above Order-in-Council should be brought into operation, and would request His Lordship to apprise him of it, when fixed, so that he may in due course bring it to the knowledge of the Judges of His Majesty's Court at Zanzibar.

I am,

Sir,

Your most obedient,

humble Servant,

W. Langley

Under Secretary of State,
Colonial Office.

F.O.-11220 E. Africa

DRAFT.

E.A.P. No. 207
The O.A.G.

20 Ap 09

Sir,

I have the honour to transmit to you, with reference to Sir James Sadler's desp.

MINUTE. No. 536 of the 4th of November and previous

X
Mr. Danley 13 Apr
Mr. Rosley 7 BC 13
Mr. Reed 14
Mr. Harris 15
Mr. Just.

entitled

- (1) The Eastern African Protectorates (Court of Appeal) Order in Council 1909
- Mr. Antrobus. (2) The Eastern African Protectorates
- Mr. Cox. (Appeal to Privy Council) Order in Council
- Sir C. Lucas. 1909.
- Sir F. Hopwood.

Col. Seely. 2. These Orders in Council come into force on a date to be fixed by me and

The Earl of Crewe. notified by publication in the London Gazette, and I request that you will select a suitable date, with the concurrence of the Governors of Uganda and ^{the} Nyasaland, ^{Provinces} for the simultaneous commencement of both Orders, ^{that you} and will inform me of this date by telegram.

The date should be fixed sufficiently far ahead to allow ample time for notification in the London Gazette, and for having the Rules of Court to be made under the Court of Appeal Order revised and ready for issue by the time fixed for the commencement of

10 copies of each one

20/9

the Order.

3. - I have the following criticisms to make in regard to the draft Rules of Court:

Rule 9. In view of the alteration in Rule 8(1) it will be better to substitute the words "served upon" for "given to" in line 1 and also in line 6 of Rule 9.

Rule 12. Apparently by an error in copying the following words have been omitted after "made" - "and thereupon copies of such papers or exhibits shall be made". These words should be re-inserted.

Rule 22. Under this rule as worded it might be contended that the East Africa Prot. and Uganda might each supply one acting judge, so that a Court might consist of one judge and two acting judges, which was what I was anxious to avoid. I would suggest the omission of the words "of a High Court", which are not really necessary and lead to the construction just mentioned.

Rule 25. This rule is taken from the Criminal Appeal Act 1907 section 1(5) and is no doubt a proper provision as to criminal appeals. But it extends also to civil appeals, and under it, unless the Court directs to the contrary, there will be only one judgment delivered by the Court as a whole. Presumably if the Court is divided in opinion it will direct to the contrary, so that the judge in a minority may deliver his dissenting judgment. The majority of the judges could however refuse to do the

and I am of opinion that the Rule should be confined to criminal appeals.

Rule 34(b). It would be simpler if the words "out of the general revenue of the Protectorate" were substituted for "according to instruction, to be given from time to time by the Secretary of State".

Diff. to consider this point. This is already all right, I think. H.P.

*Etc., etc.,
+ C. J. ... have been sent to the ... of the Uganda and Nyasaland and you should furnish them in due course with copies of the Rules of Court.*

See

F.O.-11220 E.Africa

DRAFT.

Uganda No. 118 *C may*

Nyasaland No. 86 *Y may*

The O. A. G.

20 Ap 09

Sir,

MINUTE.

I have the honour to transmit to

you, with reference to

Mr. Jamel 13 Ap
Mr. L. 13
Mr. H. 14
Mr. Harris
Mr. Just.

~~Mr. Tomkins' conf. desp. of the 30th~~
~~of Jan. 1908.~~ *with ref to previous correspondence*
my desp. No. 114 of the 22nd of May
1908

Mr. Antrobut.

Mr. Cox.

and previous correspondence, copies of
Orders in Council entitled

Sir O. Lucas.

Sir F. Hopwood.

Col. Seely.

The Earl of Crew.

- (1) The Eastern African Protectorates (Court of Appeal) Order in Council 1909
- (2) The Eastern African Protectorates (Appeal to Privy Council) Order in Council 1909.

2. These Orders in council come into force on a date to be fixed by me and notified by publication in the London Gazette, and the ^{OAG}governor of the East Africa Protectorate has been requested to select a suitable date with your concurrence.

3. Rules of Court under the Court of Appeal Order are being drawn up in the East Africa Prot., and copies will be sent to you by the OAG in due course.

higher conf. sent 13 Ap

5 copies of each on C

2 d/ps

copy of 118 & 86