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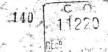
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order revised or trades for estate by the line

Then proceed to deal with the off lake of Court themselves - See my sicred remarks in 45746/08 Cast san

In any further communication on this subject, please quote No. 9653/09.

The Under Secretary of State Foreign Office,



Foreign Office
March 31. 1909

Sir:-

I am directed by Secretary Sir R. Grey to acknowledge the receipt of your letter (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 apprize 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,

W Langley

Under Secretary of State Colonial Office. F.O. -11220 E. Africa

DRAFT

E.A.P. No. 20)

The O.A.G

20 Ap 09

Sir

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

Mr. Danily 13 th correspondence, copies of Orders in Council by hely +136 13

Mr. Read 14

Mr. Just.

Mr. Antrobus.
Mr. Cox.

(2) The Eastern African Protectorates

Sir C. Lucas.

(Appeal to Privy Council) Order in council

of Appeal) Order in Council 1909

Sir F. Hopwood.

Col. Seely.

2. These Orders in Council come

The Bastern African Protectorates (Court

The Earl of Creweinto force on a date to be fixed by me and notified by publication in the London

Gazette, and I request that you will select a suitable date, with the concurrence of the King Governors of Uganda and Nyasaland, for the simultaneous commencement of both Orders, 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

2 apr

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 fords "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 Cour directs to the contrary, there will be only one judgement 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.

Ruleo34(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".

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Court

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Uganda No. 118 Nyasaland No. 86 Nyasaland

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I have the honour to transmit to

Mr. Jane 13 Ap. Mr. Killy 13

Mr. Antrobus.

Mr. Cox.

Sir O. Lucas.

Sir F. Hopwood.

Col. Seely.

The Earl of Crewe.

you, with reference to

1. (1) Tomking conf. desp. of the 30th
of the 11 foreign constant

my desp. No. 114 of the 22nd of May

and previous correspondence, copies of Orders in Council entitled

- (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 deserte, and the governor of the East Africa Protectorate has been requested to select a suitable date with your concurrence.
- 3. Rules of Court under the Cour. of Appeal Order are being drawn up in the East Africa Prot., and copies will be 2.4 4 7

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