

6. For the hearing and determining of Appeals, three members 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 members of the Court of Appeal.

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

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

9.—(1) Three members of the Court of Appeal, one of whom shall be the senior member, 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.

(3) Rules of Court made under this Order and allowed by the Secretary of State may, with the approval of the Secretary of State, be rescinded, revoked, amended, or varied by Rules of Court.

10. On the commencement of this Order the Eastern African Protectorates (Court of Appeal) Order in Council, 1902, and the Eastern African Protectorates (Court of Appeal) Order in Council, 1906, shall be repealed. Provided as follows:—

(1) In all appeals and proceedings whatsoever which shall have been fully heard by the Court of Appeal established under the said Orders (in this Article referred to as "the former Court"), and in which judgment shall not have been given, or having been given shall not have been signed, drawn up or otherwise perfected at the commencement of this Order, any judgment decree, rule or order may be given or made, signed, drawn up or perfected respectively after the commencement of this Order in the name of the former Court by the Court of Appeal established by this Order, and shall take effect to all intents and purposes as if the same had been duly perfected before the commencement of this Order:

(2) Every judgment decree, rule or order of the former Court which shall have been duly perfected at any time before the commencement of this Order may be executed and enforced and, if necessary, amended or discharged by the Court of Appeal in the same manner as if it had been a judgment decree, rule or order of the said Court of Appeal:

(3) All appeals, matters and proceedings whatsoever, whether civil or criminal, which shall be pending in the former Court at the commencement of this Order shall be continued and concluded before the Court of Appeal according to the form and manner of procedure of the said Court of Appeal.

11. This Order shall commence and have effect on such day as may be fixed by notification by

the Secretary of State, published in the London Gazette.

And the Earl of Crewe, K.G., one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

A. W. Fitz Roy.

At the Court at *Buckingham Palace*, the 15th day of *February*, 1909.

PRESENT,

The KING's Most Excellent Majesty.

Archbishop of York.

Lord President.

Lord Chamberlain.

Lord Sandhurst.

Lord Northcote.

Mr. Secretary Gladstone.

Mr. Harcourt.

Sir J. C. Bigham.

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

And whereas by an Order in Council bearing even date with this Order provision has been made for appeals from His Majesty's Courts in the said Protectorates to His Majesty's Court of Appeal for Eastern Africa;

And whereas it is expedient that further provision should be made for regulating appeals from His Majesty's Court of Appeal for Eastern Africa to His Majesty in Council;

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 African Protectorates (Appeal to Privy Council) Order in Council 1909."

2. In this Order, unless the context otherwise requires:—

"Appeal" means Appeal to His Majesty in Council;

"His Majesty" includes His Majesty's heirs and successors;

"Judgment" includes decree, order, sentence, or decision;

"Court" means either the Full Court or one or more Judges of His Majesty's Court of Appeal for Eastern Africa according as the matter in question is one which under the Rules and Practice of His Majesty's Court of