

1911

EAST AFR. PROT.

34763

18 OCT 11

B. H. ...

General Conf
Circular 88

Date.

JUDICIARY

10th Sept

Proposes to make provision in 1912-13 Estimate for :-

last previous Paper

Chief Justice £1000 by £50 to £1200 with £100 duty pay
 1st Puisne Judge £900 with £80 duty pay
 2nd Puisne Judge £750
Requests reply by telegraph.

H. Butler

Mr. ... also ...

*The former ... to have
 changed ... Judge ...
 ... 16th of May 1910
 ...
 ...
 ...
 Judge ...
 ...
 ...
 ...*

Vertical handwritten notes in left margin

subsequent Paper

34181

Judge Hamilton will, in my

opinion not be down too unph-laud
in the remembrance of certain judg-
to have spent

I have every confidence
in your work in the Colony but
the best interests would be served by the
continuance in its service

He has somewhat changed his mind
about Judge Benham - Carter

That being so, the personal reason

in account of which we have been having

in our letter of the 29th of June last in

Sept 26/76 that the 5th was not intended

to recommend the case of the balance of

the same Judge at present, as before

and I think that we should

be having some business

to do

near accounts -

Printed by 2000-50-1200

£800

£700

No 24536, the V. & A. Com. matter remanded

In the Principal Judge
Secms
Mud.

£1100 extra for
£800 into £20 d.p.
£800 into £20 d.p.

I am inclined to think that £1100
(that £1100 duty pay
is too much, at any rate, which, if Hamilton
is Principal Judge (in that of his 1. firm's
course of opinion I shall have my doubts about
the Hamilton), and would suggest that £1000
with £200 duty pay would be sufficient.
On the other hand, I agree with the opinion
in thinking that some distinction should
be made between the Salaries of the Second
& Third Judges, and would suggest £800
with £20 duty pay & £200 into £20 d.p.
respecting

As to the proposed alteration of title,
I agree with the opinion in thinking
that the time has come when alteration is
warranted by the usage of the Parliament

Salary of the
Secretary has
been set at
£1000 duty pay,
I am sure as
why Hamilton
is not more
in favour.
Myra, 4,
Salary of the
Secretary should
be in the same
order

Jurisdiction & Power Judge, as in the last
 Sir Thomas Carter, the second Judge of
 the Bench, in that regard, the part of the same
 Judge in the first Court, but I do not
 think his acceptance of his acceptance
 of his part had made any difference
 to the proposal here put forward

of the proposal, which I have made
 an attempt to show upon the
 grounds that they are at least to
 be considered as ^{for consideration with} the death
 proposal above and upon the many
 facts to have done so following here

M. J.

~~W. H. H. H.~~
 W. H. H. H.

I refer to the Treasury for
 notice in our letter of the 27th of June in
 your ^{of} that in Mr. Harcourt's opinion, a
 substantial increase in the emoluments
 of the S.A.P. Judge was justified. See

29/5/11

at house and
 more to
 old law
 of 1800
 with
 2/11

P. Grouard's dissatisfaction with two
of the judges made it undesirable to
give the increases at the moment. Thanks
to his capacity for eating his words,
this difficulty has disappeared, & we
must ^{happily} tell the Treasury so. We
were not prepared to transfer Mr Hamilton
or Mr Bonham Carter to please Sir P.
Grouard, so we must back him up
in his endeavor to make the best
of the situation.

WAB.

Nov 3.

I agree generally, though these increases
of salary will proportionally increase the difficulty
of finding promotions elsewhere for the S.A.P.
- beyond judges and delay the possibility
of sending better men to those Posts
I gather however that Sir P. Grouard is
no longer anxious to shift Mr Hamilton
or Mr Bonham Carter, so the principle
of an all-round increase may be
accepted. Mr Balfour's proposal
is not so good as it appears.

With regard to Mr Hamilton, I presume that
he really is working on the Court & Council
Procedure Codes (as stated by the Comm on
2/10/61) but I must point out that we
directed these Codes to be taken in
hand after the three London cases.

in 1905 and since then we have recorded in
 - twice if I recommend an amendment recently in
 expression with the Code accepted. I will have more
 so far as I know received any official information
 as to the progress of the work
 from Hamilton, the person I have heard of has
 Hamilton & his Combs I regret that a start
 was made with a Crime Procedure Code & that
 it has been handed about between the two
 & neither has been able to find time for completing
 the off side.

Mr Combs is obviously the busier man of the
 two and I think that in approving of Mr
 Hamilton's increase of salary we shall say
 something pretty strong as to the completion
 of these codes one of which has certainly
 been on the stocks for about 6 years.
 I think there is some ^{understanding} ~~understanding~~ that
 the measure is approved on the understanding
 that these codes will be finished by
 Mr Hamilton as soon as possible

I agree
 M

J.S.A. 4/11

I am doubtful as to the advisability of
 putting time on the line & possibly having
 them cut out of Treat. It is not a pleasant
 position for J.S.A. I will do to the Treat
 in the part in ~~the~~ Part 1

7/40

at all

J.S.A. 4/11

C. O.
34768

GOVERNMENT HOUSE,
NAIROBI, OCT 28 1911
BRITISH EAST AFRICA.

EAST AFRICA PROTECTORATE

30th September 1911.

NO. 88 (CONFIDENTIAL).

431

Sir,

I have the honour to draw your attention to the salaries which are being paid at present to the Judges of the High Court in the Protectorate which I consider inadequate for the duties they are performing. The Principal Judge has been in his present position, and received the same emoluments - £900 per annum - since 1st April 1905; Judge Barth £700 since 1st April 1905; and Judge Benham Carter £600 since 1st August 1905.

Table

2. The appended table shows in detail the variation in the work of the Judicial Department since 1905, which I think only too clearly denotes the extremely arduous character of the work which the Judges are now performing. But I should further add that a large part of the increased work, which does not appear in the table, is due to the opening up of the country and the closer administration of the inhabitants. Every criminal case tried by Magistrates throughout the country is entered on their monthly criminal returns, which must be scrutinized by the Judges, and on which records are frequently

THE RIGHT HONOURABLE

LEWIS HARCOURT, P.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET, LONDON, S.W.

frequently sent for. The correspondence with magistrates with regard to cases tried by them is necessarily considerable where the total of persons dealt with is so large. Since 1905 we have also witnessed the establishment of a Court of Appeal for Eastern Africa.

3. I would propose, with your approval, to insert in the Estimates for 1912-13 the following provisions for the Judicial Department :-

- Chief Justice £1,000 to £1,200 by £50 with £100 duty pay.
- 1st Puisne Judge £800 with £80 duty pay.
- 2nd Puisne Judge £750

The alteration in title is, I think, justified by the circumstances of the Colony and ordinary Colonial precedent. The title of Principal Judge would appear to have been a relic of Article 17 of the East Africa Order in Council 1902 and to be somewhat anomalous in character. The favor of a reply by cable is requested.

I have the honour to be,

Sir,

Your humble obedient servant,

GOVERNOR

for East
34765

10

10 NW 24

Secretary to the
Drawing

Sir

(No. 24536)

14th Dec 1893

With reference to the
letter from the Office of
the 27th of July last,
I am etc to request you to
inform the Secy of the
Drawing that the presence
of the S.A.P. has again
served the Section of the
Instruments of the Judge
in the S.A.P. has protested
I in his letter under
reference it was stated
that he himself should
entire agreement with
his P. forwardly
- thinking
that a substantial increase

136 8/10

10 bottles 9

10 bottles 10
fz

Cartwright in his opinion,
as he ^{was} ~~expressed~~ himself
modified ~~his~~ ~~opinion~~ his opinion

with regard to his Rank -

Carter. Of the ability

and efficiency of his work,

the Senate Judge, there has

been no ~~any~~ suggestion

in these cases, he himself

feels that he has no

objection but to support

the Governor's recommendation

that the ^{Salaries} ~~Salaries~~ of

the Judicial Branch should

be increased. After

careful consideration and

discussion the following resolutions

... the time

has ~~not~~ ^{been} when

some portion of the

Balance has become

necessary. It will

be remembered that the

~~quantity of the~~ ^{such as} ~~amount~~

~~of the balance of the~~

~~Inds. on ^{of} ~~the~~ ^{the} ~~the~~~~

~~to connect with~~

the estimate for the

current year, but the

being ~~of~~ ^{the} ~~the~~ ^{the}

~~the~~ ^{the} ~~the~~ ^{the}

~~the~~ ^{the} ~~the~~ ^{the}

in view of the policy

DRAFT.

ask salary an allow,

at a proposed to allow
the title of Principal Judge

in the Institute to
'Chief Justice'; and that

of the other judges to
'Senior Judge'

5. I am to request the
payment of a bill at

of the 'Bank of America',
in order that the National

may be in a position to
inform

through the two
persons, ~~the~~
what ~~is~~ ~~the~~
~~importance~~ ~~of~~ ~~the~~ ~~bill~~

inserted in
of the draft bill. ~~the~~
year, ~~which~~ ~~are~~ ~~now~~
~~complete~~

is process of preparation
in the photo

G. V. 7