

EAST AFR. PROT.
No. 36.080

50
36080
3 Oct 08

No. 462

(Subject.)

1908

Judicial Dept. Increases for 1909-10

W Dept.  
No previous Paper.

Sends letter from Honorable Judge submitting proposals with memo by Secy. Recommend three additional clerks duty allow of £5 a month to Regs of Appeal Court now transferred to the numerous incremental salaries to Magistrate & 3<sup>rd</sup> Judge & copies of file for improvement of Court accommodations at Nairobi. *(Following has been approved: regular monthly)*

(Minutes.)

Mr. Small read

Yes  
Right for approval

(1) The additional expenditure for Appeal Court works seems justified, & [we should I think go to Treasury for approval].

(2) The Governor omits reference to the proposals for the abolition of travelling allowances & consequent of District officers salaries. He has not yet accepted the S. of S.'s proposals, but is being told that he must <sup>refer to Papers.</sup> ask me for draft. We can <sup>refer to</sup> para. 4 of despatch on 36261 & our tel. of 24<sup>th</sup> Sept. as to the salaries & travelling allowances.

(3) I approve expenditure of £120. Drawing sanction would not seem necessary.

RC/1/10

Copy Case Files of Dept of

Subsequent Paper.

As to (1) & (3) I agree - As to 2 - I  
think that the Magistrates may  
now be put on a scale of  
£400 to £500 by £20. I don't  
quite see why as suggested  
in the des<sup>n</sup> on 30/2/61 they shd  
need to draw travel & other  
as under the old scheme, as far  
as standard it, stationary  
officers will draw travelling  
allow<sup>s</sup>, and the Magistrates are better  
I shd. not add anything at  
present to Mr. Bonham Carter's  
(3<sup>rd</sup> judges) estimates, as I  
do not hear well of his  
abilities.

Mr 16/10

(The Home are going to try &  
yet - we shd. simply advise  
the Gov. to include them in  
the increase in the Estimates)

at end

H. J. R.

23/10

Governor's Office,  
Nairobi,  
September 11th 1908.

EAST AFRICA PROTECTORATE.

No. 402.  
(Incl. 2.)

36080  
3 OCT 08

My Lord,

With reference to my despatch No. 461 of September 11th I have the honour to transmit herewith a letter from the Principal Judge containing certain items which he proposes to insert in the Estimates for the forthcoming year together with a memorandum by the Treasurer on the subject. I concur in the recommendations made which in view of the increased work entailed by the transfer of the Court of appeal to the Mainland appear to me to be necessary and I have the honour to submit them for your Lordship's favourable consideration.

The question of increased pay for the Magistrates and the 3rd Judge has formed the subject of correspondence (vide despatch 309 of September 10th 1907) and in view of the opinions expressed by Lord Elgin in his despatch Confidential of October 29th 1907 I do not propose to make any further suggestions at present. It presumes however that if the proposals put forward in my despatch No. 65 of

October

Principal Judge  
12th 1908.  
Memorandum  
J. Downing.

202  
36080  
117

H. H. Principal Secretary of State  
for the Colonies,  
Downing Street,  
LONDON, S.W.

October 5th to place District Commissioners on an incremental scale of pay, are sanctioned, this would also apply to Magistrates.

5. I have sanctioned the expenditure asked for in the last paragraph of Judge Hamilton's letter of a sum of £120 on improving the present Court accommodation at Ayr. Funds are available from savings on the Public Works Department Vote and I trust that my action will meet with Your Lordship's approval.

I have the honour to be,

With the highest respect,

Yr Lord,

Your Lordship's most obedient,

Humble servant,

*Hayes Miller*

In Despatch No. 461 of Sept. 11 1908

High Court,

204

Mombasa,

No. 57/A.

12th August 1908. C O

36080

Recd

3 OCT 08

Your Excellency,

As it will be necessary to make special financial provision to meet the needs of the Judicial Department in the forthcoming financial year, I have the honour to submit in detail under various headings the following suggestions and recommendations for your consideration.

2. I take this opportunity of approaching you on the subject before the annual estimates are made up as some of the points to be considered are in the nature of novel or extraordinary requirements needing special sanction.
3. The transference of the Appeal Court to the Mainland, which should now be effected within the course of the next few months, will at once render necessary an increase of the clerical staff. It will also considerably increase both the work and responsibility of the Registrar of the High Court who will, I presume, be appointed to be also Registrar of the Appeal Court. I would therefore recommend that there should be an allowance of £30 a year for the Registrarship of the Court of Appeal or £5 a month, to be drawn by whoever holds the double appointment, i.e. that were the Registrar on leave the allowance would at once be drawn by his Deputy.
4. The Clerical staff I propose to increase by three,
  - (1) a clerk of appeal who would have charge of the whole of the Appeal Court work as well as of the

Appellate

His Excellency,

The Governor,

Nairobi.

Appellate and Revisional work of the High Court, (2) one junior Clerk (3) one typist.

This increase added to the present staff should be sufficient to cope with the Appeal Court work and to ease the pressure that we are experiencing with the existing staff at the present time.

5. The cost of this proposed increase would work out as follows for next year.

	Per annum.
Allowance to Registrar per month £5	210
Clerk of Appeal Court Rs. 150 by Rs. 10 to Rs. 250	120
Junior Clerk Rs. 70 by Rs. 10 to Rs. 100	£ 56
Typist Rs. 60	£ 48
	Total £284

Against this is to be set the saving in cost to the Government by the move, and the fees that will be taken by the new Court. The figures which I have obtained relating to these heads show the following results:-

( 1. Expenses of instructing Pleaders in Zanzibar	Rs. 740
( 2. Expenses of Zanzibar Judges visiting Mombasa	380
( 3. Fees taken in the Court of Appeal average	1200
To	Rs. 2320
	or, £154-18-4

6. It therefore appears that the transfer will mean an immediate increased cost of about £130 to the Government but, as I have taken a conservative figure for the fees, and it would have been necessary to ask for an additional Clerk to the existing staff in any event, this increase is, in reality less than it seems; and I am confident

It

it will shortly be entirely wiped out by increased revenue directly due to the establishment of the Court on the Mainland.

7. I have already addressed Your Excellency on various occasions on the question of the increase of pay of the 3rd Judge and of the Magistrates and it will be unnecessary here to do more than refer to the subject with the hope that the matter may be finally settled and the increases asked for allowed in the forthcoming estimates.

8. I now come to the question of Court accommodation at Nairobi which has become most serious. The last occasion on which I referred to it was in my annual report last June, and since that date I have had the urgency of the matter again brought home to me both by personal inspection and experience and by the unanimous representation of the Pleaders practising in the Court.

I have already enlarged at some length on the <sup>cost</sup>~~cost~~ and inconvenience of the present arrangements which not only lacked dignity, comfort and decency, but have lately led to the loss of money, valuable documents, and Court records. I have had recently to increase the Clerical staff of the Town-Magistrate's Court to cope with the work which brings in a revenue of about £1200 a year, with the result that not only is there insufficient space for the Clerks and the Court records but the public and Pleaders are unable to find bare standing room in the office and the delays and mistakes consequently caused in the transaction of business have become a serious

reproach to the Administration of the Department.

9. I have therefore to beg Your Excellency to see that provision may be made for the commencement of the permanent building next year. The necessity that has existed in the past has further emphasized now by the fact that the Court of Appeal will have to confine its sittings to Mombasa until adequate provision can be made at Nairobi.

As, however, it will be impossible to hope, even if the estimate be passed, that a new Court will be available before 1910 I have to ask that special sanction for extra office accommodation may be given now to tide over the interval and that I may be permitted to arrange with the Commissioner of Works for an addition to the existing office. I believe that the expenditure of £120 would be sufficient to meet our immediate requirements.

I have, &c.,

Sd/- R. V. HAMILTON

Principal Judge.



INCLOSURE No. 2

In Despatch No. 111 of 1908, 11, 1908

MEMORANDUM.C O  
36080

3 OCT 08

I have discussed this matter at length with His Honour the Principal Judge and recommend his proposals in their entirety.

1. EXTRA STAFF. I am satisfied that three additional clerks are really necessary. Even if the Court of Appeal were not moved, one additional clerk would be required.

2. I think the duty allowance of £5/- a month for the Registrar of the Appeal Court is justified in view of the additional responsibility which will have to be undertaken by the Registrar of the High Court. Further it is no longer probable that Registrars will rise to the very high position attained by their predecessors and I do not think it would be fair to give them increased work and responsibility without an increase of pay.

3. The salary of the Magistrates would depend on that of the District Commissioner, i. e., if the both are placed on incremental scale the former would also. This has, I believe, been admitted by the Colonial Office.

4. I understand Your Excellency is considering the whole question of the salaries of the Judges.

5. As a temporary measure I would suggest adding to the existing Court buildings at Nairobi. The FLEO could

could be obtained by a re-allocation from Public  
Works Department Item 18 where there is £242 still  
available.

Nairobi,

29 : 9 : 68

Sd/- S.C. BOWRING.

Treasurer.

C.D.  
27  
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For 36080 L.A.P.  
210  
*[Signature]*

29 Oct 10

Z.A.P.  
NO. 538

R.C. 26/10  
Mr. Ellis *[Signature]*

Sir,

I have the honor to acknowledge the receipt of your  
despatch No. 402 of the 11th Sept., on the  
subject of the Estimates of the Judicial  
Dept. of the S.A.P. for the year 1909-10.

I approve of your making provision in  
the annual estimates for the increased  
Judicial staff necessitated by the trans-  
fer of the Court of Appeal to the High  
Court.

Provision may also be made for placing  
the Magistrates on an incremental scale of  
salary, rising from £400 p.a. to £400 by  
increments of £20; but I cannot assent to  
an increase of the Sir Judge's salary at  
present.

I approve of the expenditure of £120  
on improving the Court accommodation at  
Nairobi, the cost being met as stated in  
the 3rd para. of your despatch under reply.

*Of the 27th day 1910*