

1931.

Kenya

No. 17052

SUBJECT C 0533/407

Appointments of Judges

Previous

~~for~~
AF 5283/26

Subsequent

1 of Gov. Home Conf 2 _____ 8 January 2
The letter from Law Society of Kenya requesting efforts be
made to secure the appointment of judges to Kenya,
who have had actual experience and legal training etc,
and that appointments in ordinary cases should be from
Kenya was... - Enclosure copy of letter from the Justice
in subject and state is in general agreement with
the...
to the local address for the

G. S. ...
3-2-31

The Law Society of Kenya _____ 8 January
The opinion expressed in Law Society's letter and
express hope that steps will be taken to secure better
class of appointments in future

This is to the Permanent Secretary
in the post enclosure
I have no doubt it is of any
direct relevance to the Justice
at least about same as in 2283/26 of 6
I do not see how some thought
in 1927?
a D. H. C.

The Chief Justice has also been
considered it essential that new
appointments to the Bench
should be made from experienced
lawyers physically fit who are

1 of Gov. Home Conf. 2 _____ 8 January 2
The letter from Law Society of Kenya requesting efforts be
made to secure the appointment of judges to Kenya,
who have had actual experience and legal training etc,
and that appointments in ordinary cases should be from
among the law graduates. Enclosure copy of letter for the Justice
Minister and states in general agreement with
observations

to the local advisors for their

attention

G. G. G. G.

3.2.31

British Chamber of Commerce _____ 12 January
The opinion expressed in Law Society's letter and
express hope that steps will be taken to secure better
class of appointment in future

This is to the Personal Director
of the local institutions

It is not possible to find any
direct relevant to the law books
of which about 2000 are in 228/26/36

1. 2. 3. 4. 5. 6. 7. 8. 9. 10.

11. 12. 13. 14. 15.

16. 17. 18.

It is being pointed out that such
consideration is essential that new
appointments to the Bench
should be made from experienced
lawyers personally for who are

nor at the end of their careers, this means are also those of the Law Society, the elected Members

That was, I thought, always a mistake in the promotion of the Law Society.

of the meetings at which the selections were made give no indication of the discussions at the meetings. The age of the candidates under consideration is of course an important factor and is given due weight by the Committee, but it is only one of many factors in the case, and it would be desirable to give a definite indication as to what age range is selected for Kenya P. I. Staff, and to make it possible to test the

... to give a definite indication as to what age range is selected for Kenya P. I. Staff, and to make it possible to test the ... the Law Society accordingly, also the elected Members Organisation in

Mr. B. Dickinson was appointed in 1930 from Cyprus at the age of 50

Mr. B. J. believes it is the work of Mr. Stephens & Mr. Dickinson that has inspired the Law Society's representations, from which it may be inferred that the work of Mr. Thomas - who was three years older than Mr. Dickinson when transferred - has given satisfaction.

The above 3 appointments were made on the recommendation of the Promotions Committee in the usual way, but the minutes

His name had been mentioned in the minutes on a number of occasions - & was without doubt a high one in that connection.

* Believed to be a high one in that connection.

Mr. Stephens is a man of considerable legal attainments, but of an unattractive personality. One of the reasons for sending him to Kenya was his well-known sympathy with the native races, and it was thought that he might hold himself more aloof from the extreme "white" influence than had been the case sometimes in the past. He has never been persona grata, perhaps for that very reason. The only official complaint against him which I know of was in connection with the discharge of a native accused of assaulting a white woman, and in that case we had to

to support him against the Acting Governor. He
recently made some very foolish observations

at the Bar in England for 15, 17, and 5
years respectively, before entering the Colonel

to C) from any member

It is difficult to read the sort of
things with patience

we have to set a limited number of
to expect that every man appointed to
a Kene's judgeship shall be a
large job with "a head on a green
shoulder" - "Rise up and

The OAG associates himself with them
in looking that the S of S will make
"every effort", or "further efforts", or
"take some definite steps" to strengthen
the Bench in Kene's.

So they think that the S of S draws
a name out of a hat when
there is a judicial vacancy?
we take an infinitely of trouble in trying
to put the result men up to the
S of S, and it may be noted that
Messrs Stephens, Poye, Thomas
and Dickinson all practiced

defend his selections; still less
can he say that he is sorry
and will try to do better
in future.

Yours truly act receipt.

C J Griffiths
13.3.31.

I agree that NO 1 should be asked -
that the same time we should
enclose copy of NO 2
& request that the selected
members be infd. that
the S of S has received
the letter. L of 1902 had
come through the power

I don't think even so
from a full reply
would be of use.
S.J. 7.7.

channel, we might have
considered a fuller
reply, but the Veeva
minutes above all
show how the correct
procedure was to
not want to exchange
this direct correspondence
with all J.G. and
might develop the
a most interesting
way J.

accepted
17

S.J. 7.7

17 7 77

Dr. S. S. S. S.

The whole business is a
... ..
... ..
... ..
... ..
... ..

17 7 77

Dr. C. Ballunley

Let me have draft
of suggested reply so that I can

S. J. [unclear]
6 [unclear]

ELECTED MEMBERS ORGANIZATION.

AP 26 1968 001.
[unclear]
[unclear]
[unclear]

of the Colony,

Elected Members have had an opportunity of considering a letter recently addressed to you by the Law Society of the Colony of Kenya and have requested me to inform you that they completely endorse the sentiment therein expressed.

They realise it would be invidious to make reference to individual cases but they wish it to be clearly indicated that, in their opinion, recent appointments to the Bench in this Colony have not been as satisfactory as might have been hoped or expected.

I am also to state that they are not prepared necessarily to agree that suitable and competent judges cannot be secured at the present rate of salary obtaining, which, if, passage, house allowance etc., are taken into consideration amounts to approximately £2000 per annum.

The question of future appointments to the Bench of this Colony is, in the opinion of the Elected Members

one of real importance and they request me to express the hope
 that some definite steps may be taken for the purpose of raising
 a better class of appointments in the future and to improve
 in the past.

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KENYA.

GOVERNMENT HOUSE
NAIROBI,
KENYA

No. 2

CONFIDENTIAL.

RECEIVED
-2 FEB 1951
COL. OFFICE

8 January, 1951

Handed to Mr. (S) - 13 APR 1951

My Lord,

I have the honour to refer to your letter for Your Lordship's consideration, the letter addressed to Your Lordship by the Secretary of the Law Society of the Colony dated the 10th December in which are stated the views of His Honour the Chief Justice upon the subject matter of the letter. I have discussed the question with His Honour and am in general agreement with his observation. I regard it as most important that every effort be made, as far as possible, to ensure that the views of the Bench and the views of the members of the Law Society are taken into consideration of the Government.

I also enclose a copy of the letter dated the 10th December in which are stated the views of His Honour the Chief Justice upon the subject matter of the letter. I have discussed the question with His Honour and am in general agreement with his observation. I regard it as most important that every effort be made, as far as possible, to ensure that the views of the Bench and the views of the members of the Law Society are taken into consideration of the Government.

Yours faithfully,
[Signature]

Mr. Williams
Attorney General

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The Law Society of the Colony of Kenya.

CABLES & TELEGRAMS
C/O ARRIVEMENT

EE/21.

P.O. BOX 256

Nairobi
Kenya Colony

TELEPHONE NO. 182

52/10/13

December, 2nd 1913.

The Right Honourable the Secretary of State
for the Colonies,
Downing Street,
London.

I have the honour to inform you that the question of appointments to the bench in this Colony recently came under consideration at a meeting of my Society, and very able expressions of opinion were given to the effect that, in the interests of the Colony and of the better administration of justice, further efforts should be made to secure the appointment, to the bench, of Judges who have had experience and legal training derived from actual practice in the Courts either in this Colony or in England and also that appointments in ordinary cases should be from the ranks of young men who would have the expectation of a considerable portion of their legal career lying before them.

My Society would point out that it is unreasonable to expect that it can be anything but extremely difficult for Judges, who have perhaps had lengthy experience in other Colonies,

December, 2nd, 1930.

The Right Honourable the Secretary of State
for the Colonies,
Downing Street,
London.

to accommodate themselves, almost at the end of their legal career,
to the administration of an entirely different system of law and
procedure.

Judges are human beings and, while a Judge, who has worked
for a considerable length of time in one Colony, may be expected to
put his best into his work on the Bench in such Colony, it cannot
equally be expected that Judges, who are transplanted to new Colonies
late in their careers, should administer the law as efficiently as
Judges who have been selected from the ranks of men who have either
had a number of years experience of the Law of that Colony or from
the ranks of younger men with legal experience who can more easily
adapt themselves to new circumstances and will not look forward to a
more lengthy term upon the Bench.

My Society believe that the Government of Judges will bear
testimony to the fact that it has, ever since its inception in the
year 1914, been itself interested in the improvement of the
Judicial system of the Colony and that its members individually,
when acting on Sub-Committees of the Society or as Members of

December, 2nd. 1930.

The Right Honourable the Secretary of State
for the Colonies,
Downing Street,
London.

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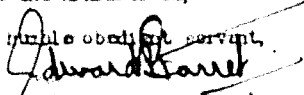
Committees appointed by Government, have lent considerable assistance in the drafting and consideration of the numerous ordinances which have been enacted in recent years and that, in consequence, its recommendations should be worthy of your serious consideration.

My Society feel that, even if the appointment of Judges who have had considerable experience in practice at the Bar might entail the offering of increased salaries, such additional expense would be fully justified and would prove an economically sound proposition.

In view of the fact that it is anticipated that it may be necessary to make further appointments to the bench in the comparatively near future, it is thought that this is an opportune time for bringing my Society's views before you and I am confident that its submission to you will have your most sympathetic consideration.

I have the honour to be,

Your Lordship's humble obedient servant,



Hon. Secretary.

LEA SOCIETY OF THE COLONY OF KENYA.

10th December 30.

Confidential.

The Hon'ble

Colonial Secretary.

NAIROBI.

JUDICIAL STAFF - JUDGES - CONDITIONS OF APPOINTMENT.

With reference to your letter No. JOL 11/7/1/2 dated 11/7/30 directed by His Honour the Chief Justice to reply to

His Honour is in entire agreement with the views of the Law Society as expressed in the enclosure.

Mr. Justice Stephens retires in January 1931, and Mr. Justice Dickinson has informed His Honour that he only proposes to serve a tour in the Colony sufficiently long for him to qualify for a pension on his present pay.

Mr. Justice Stephens was appointed when he was over fifty years of age; Mr. Justice Dickinson His Honour believes is 60 years of age.

It is His Honour believes the work of these two Judges that has caused the enclosure to be written.

The work of the Bench in this Colony is not easy and the surroundings in which the work has to be done add to the strain on the Judges.

In His Honour's view it is essential that new appointments to the Bench should be made from experienced lawyers physically fit who are not at the end of their careers. His Honour will be pleased to see His Excellency on the matter if he so wishes.

ACTING REGISTRAR