

1929

Receipts

No. 15733

SUBJECT CO 533/389

Collection of Court Fees

Issue of receipts for -

Previous

Subsequent

2
20 APRIL 1929.

O.A.G. 249

1.

Considers issue of receipts in respect of fines imposed in the Courts of Resident Magistrates should not be enforced in the ordinary course and enquires whether Colonial Regulation 243 may be waived so far as it affects such receipts.

Refer to O.A.G.

numbered certificates, and is a most valuable, and indeed essential, check on the collection of all revenue, except in cases where the revenue

possible offence
concerned?

All Parkinson
10/10/24

It seems to me that the S.C.A. is
clearly right. What I suspect is
wrong is the system by which all
these small business small offences
are created & small fines imposed
in such enormous numbers in
respect of them. However you may
prefer not to take such a bold step

as proposed

C. S. M. Dawson
10/10/29

Can't accommodation is a real
difficulty, but I...
must accept the S.C.A.'s view.

As regards the Chairman's views,
I have no doubt that the bulk of
the by-laws, as proposed, are bound
to be the health or safety, but he
can, in replying etc as he

Parkinson proposes, and that
that is what is both large number
of cases and what are the
principal classes of offence.

Wed. 10.6.29

To Gov. 465. Home, Cons - 20 JUN 1929

3. To S.C.A. (in reply 2) 1/29. 2 JUN 1929

Rosen

? Remind me of 28

20/10/29

10/11/29

7/1/30

8/4/30 above

To: Gov 27 - Cons - 1/2 - 8 JAN 1930

5. Gov. Grigg. 250. 15th. April 30.

States as to the issue of receipts for
Court Fines, gives details regarding the
sixty cases queried in NO.2 (on this pp)
and also as to principal classes of offence.

W. G. G. G.

Sum. 10/10/29

Grain

R.S.S.

For 10/10/29

W. G. G.

10/10/29

Have you a collection, in environment
form, of large municipal
exp. laws, please?

all

The by-laws which he found
in the regulations...
has an index...
(4/2)

Notes
x incidents
Noted in President
Book

Feb.

... ..
... ..
... ..

L. V. ...

12. 5. 20.

Exp. (Exp.)

Polly. all

21. 5. 20.

alone

[Faint handwritten mark]

KENYA

No. 230



GOVERNMENT HOUSE
NAIROBI,
KENYA

RECEIVED
9 MAY 1930
POST OFFICE

16 April, 1930.

My Lord,

(No. 2)

With Reference to Your Lordship's despatch No. 465 of the 20th June, 1929, on the subject of the issue of receipts for Court fines, I have the honour to state that after consultation between the Treasurer and the Auditor it has now been decided to issue books for the special purpose. The necessary books are now available and the issue of receipts started at the beginning of this month.

(No. 2)

(No. 1)

2. With regard to paragraph 6 of Your Lordship's despatch, I am advised that the sixty cases referred to in paragraph 2 of Kenya despatch No. 249 of the 26th April, 1929, were tried under the same municipal by-law, namely that relating to the Congregation of Natives - No. 597 of the Nairobi Corporation By-Laws published on page 788 of Volume I of the Laws of Kenya, 1926. (Order, Proclamations, Rules, Regulations, etc.)

3. The principal classes of offences against municipal by-laws for which small fines are imposed by the Courts are as follows:-

- (a) Keeping a rickshaw out of a stand.
- (b) Hauling a rickshaw without being registered.
- (c) Hauling

THE RIGHT HONOURABLE LORD PASSFIELD, P.C.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,

LONDON, S.W.1

2.

- (c) Hauling a rickshaw without a medical certificate.
- (d) Hauling a rickshaw without bearing a badge.
- (e) Being on premises without permission of the owner.
- (f) Congregating on premises.
- (g) Being without a light after 10 p.m.
- (h) Riding a bicycle without a light.
- (i) Fighting in a public place.
- (j) Being in a township for more than seven days without work.
- (k) Using unlicensed premises and stalls.
- (l) Riding an unlicensed bicycle.
- (m) Being drunk and incapable.
- (n) Carrying arms in a township.
- (o) Parking of motor-cars in contravention of by-laws.

4. I have, on 6/11/19, my regret that the information required by Your Lordship was not furnished at an earlier date.

I have the honour to be,
My Lord;

Your Lordship's most obedient, humble
servant,

Edward Glegg

G O V E R N O R.

13
14 JUN
1929

Mr. Hamble Smith 12/6

Mr. Parnall 12.6.29

Mr. A. V. Harding 13/6/29

Mr. Parnall 10/6/29

Mr. Parnall 14/6/29

Downing Street,

20 June, 1929.

Sir E. Harding

Sir J. Spence

Sir G. G. G. G.

Sir G. G. G. G.

Sir S. Parnall

Sir G. G. G. G.

Sir G. G. G. G.

Sir,

I have the honour to acknowledge the receipt of your letter of the 25th of April relative to the issue of receipts for Court fines, and to inform you that I am advised that the receipt should be given to the collector and he should dispense with the issue of receipts.

I am advised that the issue of the receipt from a numbered counterfoil receipt is a most valuable, and indeed essential, check on the collection of all revenues, except in cases where the revenue is collected by means of stamps or tickets, or, like Customs duties (where the Bill of Entry shows

Copy DCA

copy to

shows the duty paid), is paid in such a way that a receipt is unnecessary.

3. Experience has shown

that the intervention of a counter-foil receipt between the record of the

amount due (in this case the Magis-

base book or fines book

and the record of the amount paid (the

receipt)

is a source of fraud and irregularity, the only

cases in which it can properly be dis-

posed with are those in which some-

thing is sold by stamp or ticket

and duty is collected on a definitely priced

document. *Further, as a matter of fact,*

secondly, unless the payer

receives a concrete return for his money

(e.g. the stamp, the ticket, or the re-

lease of his goods by the Customs) he

should ~~not~~ ^{have a} documentary quittance for

his payment.

4. If the number of fines of

standard

...the duty paid), is paid in such
way that a receipt is unnecessary.

3. Experience has shown

that the intervention of a counter-
bill receipt between the record of the

account due (in this case the Magis-

...base book or fines book

...of the amount, i.e. the

...irregularity, the only

...in which it can properly be dis-

...with are those in which some-

...is sold by stamp and

...is collected on a definitely priced

...ment. Secondly, unless the payer

...a concrete return for his money

...the stamp, the ticket, or the re-

...of his goods by the Customs, he

...ould get a documentary quittance for

...payment.

...If the number of fines of

...standard

standard amounts - such as 2/- or
4/- - is really so great as to
render it inconvenient for the
Clerk to fill in promptly large
numbers of ordinary receipt forms
and counterfoils, a solution
might be to have specially printed
books of counterfoil fine receipts
for various common amounts, ^{with the date} num-
bered of course ^{and with the name} and with the
amount of the fine printed on them.
The Clerk would then, when receiv-
ing the fine, only ^{need} have to enter
the man's name on the receipt and
counterfoil, date-stamp them, and
tear out the receipt and hand it
over to the delinquent in ex-
change for the money. This would
give the delinquent a sufficient
receipt to show that he had paid
the fine; and the Clerk would have
to produce either unused receipt

forms, or an equivalent in cash,
equal to the number of forms in the
books issued to him as recorded in
the Treasurer's register of fine
receipt books. It would thus form
a satisfactory check ^{and} on the clerk, in
some ways a better ^{check} ~~one~~ than the
present receipt forms.

I shall be glad if the
Government will ~~consent~~ to the
tion of ~~you~~ ~~to~~ ~~the~~ ~~pro~~
it might be well to ~~get~~ ~~to~~ ~~the~~
call the Auditor, as well as the
Treasurer, ~~in~~ ~~the~~ ~~matter~~.

I note what you say ~~as~~
to the large number of ~~cases~~ ~~for~~
of ~~offences~~ against municipal ~~by-laws~~, for which small
~~with which the Court has to deal~~ fines are imposed:
and I shall be glad to be informed

what are the principal classes of
such offences ^{in the category which} that come before the
Courts.

I have, etc.,

EDLEY WEBB.

forms, or an equivalent in cash,
equal to the number of forms in the
books issued to him as recorded in
the Treasurer's register of fine
receipt books. It would thus form
a satisfactory check ^{and} on the Clark in
some ways a better ^{check} ~~one~~ than the
ordinary receipt forms.

I shall be glad if
Government will ~~consider~~
tion of ~~your~~
it might be well to ~~you~~
call the Auditor, as well as the
Treasurer, ~~in~~ *the matter.*

I note what ~~you say~~ ^{is said} as
to the large number of ~~cases~~ ^{by-laws} for
offences against ~~municipal by-laws~~ ^{by-laws}, for which small
~~with which the Court has to deal~~ ^{fees are imposed:}
and I shall be glad to be informed

what are the principal classes of
in ~~this~~ ^{such} category which
such offences ~~that~~ come before the
Courts.

I have, etc.,

Signed, SIDNEY WEBB.

forms, or an equivalent in cash,
equal to the number of forms in the
books issued to him as recorded in
the Treasurer's register of fine
receipt books. It would thus form
a satisfactory check ^{and} ~~on the Clerk~~, in
some ways a better ^{check} ~~one~~ than the
ordinary receipt forms.

I should be glad if
the Government will ~~consider~~
the suggestion of your ~~disposal~~
of ~~the~~ ~~matter~~
it might be well to ~~you~~
call the Auditor, as well as the
Treasurer, ~~in~~ ~~the~~ ~~matter~~.

I note what you say ~~as~~
to the large number of ~~cases~~ ~~for~~
of ~~offences~~ ~~against~~ ~~municipal~~ ~~By-laws~~, for which small
~~with which the Court has to deal~~, ~~fines~~ ~~are~~ ~~imposed~~;
and I shall be glad to be informed

what are the principal classes of
in the category which
such offences ~~that~~ come before the
Courts.

I have, etc.,

Signed) SIDNEY WEBB.

KENYA

No. 249



GOVERNMENT HOUSE,
NAIROBI,
KENYA.

26 APRIL, 1929.

Sir,

I have the honour to report that the Treasurer has recently brought to my notice the fact that receipts are not being issued in respect of fines collected in the Court of the Resident Magistrate at Nairobi, as is required by Colonial Regulation 243.

Handwritten note: 20 JUN 1929

2. It frequently happens that large numbers of Natives are presented in the Court in one day for various petty offences in respect of which small fines are imposed. I am advised that on one day recently the Resident Magistrate, in addition to disposing of several other cases in which fines were imposed, disposed in under an hour of over 100 prosecutions of Natives for offences against the Municipal By-Laws in each of which a fine of sh. 1/- or sh. 4/- was imposed. The issue of receipts to each individual fined would in such circumstances necessitate the provision of extra clerical staff and the improvement of the conditions existing at the present Law Courts in the way of accommodation.

3. The Acting Chief Justice has requested that your authority be obtained for dispensing with the issue of receipts for fines collected in all Resident Magistrate's Courts in the Colony as the same conditions obtain, to a lesser or greater degree, in all

other

THE RIGHT HONOURABLE
LIEUTENANT COLONEL L. C. M. S. ALLEN, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON S.W.

other such Courts as obtain at Nairobi. In the
event of a receipt being demanded by any individual

one would be issued and receipt would
always be issued on receipt of money.

It is further stated that the receipt would
be issued on receipt of money.

It is further stated that the receipt would
be issued on receipt of money.

It is further stated that the receipt would
be issued on receipt of money.

It is further stated that the receipt would
be issued on receipt of money.

In the circumstances I am of opinion that
the regulations made for the issue of receipts in
respect of fines and fees in the Courts of Assize
should be enforced.

It is further stated that the receipt would
be issued on receipt of money.

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be issued on receipt of money.

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be issued on receipt of money.

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be issued on receipt of money.

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be issued on receipt of money.

ACTING GOVERNOR.