

to any matters of im-
-portance in the General
Manager's Report.

5. Of course

The discontinuance
of their returns may
be made the
Manager to effect
some alterations in his
general staff.

Sho

with...
the...
the...
the...

is a fact that I have
approved of certain
returns being...
in future. with less
frequency

DESPATCH

EAST AFR. PROT.

No. 26875

C. O.

26815

Pr. C
R. 29 JUL 05

No. 569

(Subject)

1905

June

Previous Paper

23452

Fee list of Court of Appeal

To memo on subject by Judge Hamilton
agrees with his remarks & supports suggestion it
shd be revised

(Minutes)

W. Risley H. J. R.
1/8

To FO ref to 28601/05 saying
that unless they see strong reason
the contrary W. J. R. letter must be
approved the Commr's suggestion

Atonie
W. J. R.
1/8

Subsequent Paper

29174

Copy

270
C.O.
26815
23 JUL 05

Commissioner's Office,

Mombasa,

June 29th 1905.

INDIA PROTECTORATE.

No. 369

Sr.

30/5995

Hamilton

With reference to your despatch No. 344 of 15th ultimo calling for a report as to the scale of fees in force in this Protectorate in connection with the granting of appeals to the East Africa Court of Appeal at Zanzibar, I have the honour to enclose herewith a copy of a memorandum on the subject by Judge Hamilton.

I agree with the learned Judge's remarks and support the suggestion that the fee list should be revised in the case of an appeal from an interlocutory order in an action pending in the High Court.

I have the honour to be,

Sir,

Your most obedient,

humble servant,

J. S. ...

H. Principal Secretary of State

for the Colonies,

Downing Street,

LONDON.

C. O. 271
26815
OCT 35

MEMORANDUM.

I think that the fees on appeal to the Court of Appeal for East Africa might with advantage be modified in certain directions.

The fees at present taken are Rs. 50 in East Africa and Rs. 100 in East Africa. I am of opinion that Rs. 100 in all would be a sufficient fee, and would recommend that this fee should be collected in East Africa in the first instance on entering the appeal, one half to be credited to the Appeal Court if the appeal came to hearing or in the event of the appeal being withdrawn to be returned to the Appellant.

The representations of the Bar in East Africa as quoted in the Foreign Office despatch of 11th May 1905 are not quite correct.

In the first place the fee of Rs. 50 paid in East Africa is not charged for the mere registration of the appeal, but practically the whole of the work in connection with forwarding the appeal is done for this fee. The record is made up in triplicate for the Appeal Court, original exhibits taken charge of, copied, and catalogued. The register is made up, the records forwarded to the Appeal Court with covering letters of instruction, notices served on the parties at the registration in the first instance, and thereafter all notices and orders emanating from the Appeal Court in like manner.

It has been the practice to charge the Appellant for a spare copy of the record kept by the Court in case of the originals being lost, but this will not be done in the future.

The

The whole of this work is done for the one fee of Rs. 50 without any extra charge whatsoever. If the parties wish for copies for their private use they are of course bound to pay for them in the ordinary course. The practice in this respect is in no-wise different in appeal from that ordinarily and universally pursued.

It will thus be seen that the charge of Rs. 50 is by no means excessive for the work done, especially when it is remembered that the fee on entering an original suit for Rs. 5,000 amounts to Rs. 60, while an appeal in a matter involving Rs. 50,000 can be entered for Rs. 50.

Secondly, it is not correct to say that this appeal fee prevents many appeals being made that would otherwise be brought.

All small cases involving matters of less than Rs. 500 value are heard in the first instance in the subordinate Courts of the Protectorate, the appeal lying to the High Court, and the fee charged being Rs. 4 per Rs. 100 of the value of the subject matter, with a maximum fee of Rs. 40. Thus an appeal on a matter of Rs. 400 from the Town Magistrate at Mombasa would be charged Rs. 16, and an appeal on a matter of Rs. 1500 from the Town Magistrate Kisumu would be charged Rs. 40.

Where, however, the scale does pass hardly is in the case of an appeal from an interlocutory order in an action pending in the High Court. There is no provision made for this and it therefore falls under the ordinary charge of Rs. 50 in East Africa and Rs. 100 in the Appellate Court.

I would suggest that the fee list might be revised in this respect and a fee charged of Rs. 20 for entering

and

and Rs.20 for hearing such an appeal.

(Ed.) R. W. Hamilton

24-6-1906

Note - The above remarks refer only to appeals in civil matters. The fee on a criminal appeal is Rs.10.

(Ed.) R.W.H.

Office of the District
Magistrate
D. G. ...
...
...

Ed.P.

DRAFT

W.S. & S.
S.O.

3 Aug 1905

Kind

Kind 29/7/05

MINUTE.

- Mr. Harper 2 Aug.
- Mr. Read 3
- Mr. Antrobus
- Mr. Cor.
- Mr. Lucas.
- Mr. Graham.
- Sir H. Osmundson.
- The Duke of Marlborough.
- Mr. Lyttelton.

~~Mr. Secretary General~~

With refer to your letter of the 14th ult., I am directed by Mr. Secretary Lyttelton to transmit ^{to you} a copy of a despatch & enclosure received from the Council of the E.A.P. regarding the scale of fees in force in the Protectorate in connection with the granting of appeals to the S.A.P. Court of Appeal at Zanzibar.

Delivered 24 June

Copy to Comm. 29/7/05

Copy to Comm

D.F.]

T.O.