

60
DESPATCH

EAST AFR. PROT.
No. 5065

C.O.
5065
Recd
12 FEB 06

No.
16
906
Previous Paper.

(Subject)

Let list of appeal Court

Submits memo by Judge Hamilton suggesting alterations in

Mr. Bailey

(Minutes)

H.S.R.

~~to be~~
The minute

to be taken in connection with the
to be taken in connection with the
to be taken in connection with the

S.R.

5053
Commissioner's Office,
12 FEB 06
Nairobi.

January 15th 1906.

EAST AFRICA PROTECTORATE.

No. 16

(Incl. 1.)

61

My Lord,

In obedience to the instructions contained in Mr. Lyttelton's despatch No. 436 of September 1894, I have the honour to transmit to Your Lordship herewith a memorandum by Judge Hamilton, which has been drawn up in consultation with Judge Lindley Bell, suggesting various alterations in the fees levied in the Court of Appeal for Eastern Africa in Zanzibar.

2. Your Lordship will observe that the learned judges are of opinion that the proposals they now submit will probably affect the double object of

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

50/15
12 FEB 06

MEMORANDUM

I have delayed replying to the Deputy Commissioner's minute till I could have the opportunity of discussing the matter with Judge Windley Smith after ascertaining the views of the local Bar. This I have now done and Judge Smith and myself are agreed that the following proposals will probably effect the double object of reducing the fees chargeable in small appeals and increasing the remuneration of the Appeal Court in heavier cases the hearing of which may extend over several days.

On appeal from the High Court of East to the Court of Appeal for Eastern Africa:-

- On filing memorandum of appeal against decrees Rs. 10.
- On filing memorandum of appeal against interlocutory orders Rs. 5
- On every security for costs Rs. 5
- On record of appeal (including expenses of transmission) (such sum as the Court may direct)
- On the appeal Rs. 10

The fees taken in the Court of Appeal in civil matters should be charged on setting an appeal down for hearing in the appeal Court. This according to the scale proposed by Judge Smith and in the case of an appeal against an interlocutory order Rs. 20

In the event of an appeal being set down for a hearing the Appeal Court should have the power to remit one half of the fees charged by it.

In criminal matters, on application for a writ down
for hearing
This fee might be reduced in whole or in part
at the discretion of the Court.

Sd/- P. W. Hamilton.

January 5th 1906.

reducing the fees chargeable in small appeals and
increasing the remuneration of the Appeal Court in heavier
cases.

I have the honour to be,

With the highest respect,

My Lord,

Your Lordship's most obedient,

humble servant,

George Bernard