

EAST AFR. PROT

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3 JUL 15

1915

July

Last previous Paper.

Customs fine  
Case of J. Pollard

Submit complaint agst. action of Customs  
auth. in Conn with non-payment of duty  
on certain skins & ostrich feathers &  
request inquiry & redress

Copy to the fin<sup>r</sup> for report  
- & inf: mess<sup>r</sup> P. & C. that  
this has been done, enclosing (for  
their return) a copy of the  
actual ord<sup>r</sup> 1907.

at once  
to J.R.

Letter of 3 July was received. 5/7/15  
& forwarded & paid  
C.A. 6-7-15

Adv. Street, Ohio for return 8/11/15  
Expenses for 5072 can  
for return of 19 Oct 15 47979.15  
J. (name) Mrs. S. 52358

Next subsequent Paper

449799

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30559  
REC<sup>d</sup>  
3 L 15

ARTHUR PORTER & CRUST,  
SOLICITORS,  
COMMISSIONER FOR OATHS  
TELEPHONE NO.  
541 ROMFORD  
ARTHUR PORTER  
HAROLD CRUST

Bank House  
Market Place  
Romford, Essex.

*2c*

1st July 1915.

Sir,

We have been instructed by Mr E. J. Pollard of Munyu Farm Kijabe British East Africa to lay before you the following facts:

(1) On the 13th April last our Client arrived at Mombasa from Kijabe en route for England having with him a Colobus monkey<sup>skin</sup>, 2 leopard skins, 10 wild cat skins, 1 rock rabbit skin, 3 blown ostrich egg shells and some ostrich feathers.

(2) On the arrival of his train at Mombasa he was met by a Goanese Customs Officer (no white man being present) who asked him if he had anything to declare. He at once said "yes, a Colobus monkey skin" being aware that he must pay on this but not considering that he was liable for duty on the other things above mentioned. He produced to the Goanese Officer the box containing the colobus monkey skin which was with the other articles and the Officer then said that he was attempting to evade duty on the various articles and took him before Mr Major the Chief of Customs.

(3) Our Client was considerably annoyed and pointed out to Mr Major that his firm held a licence for selling ostrich feathers and offered to pay for a telegram to the District Commissioner of Mombasa to prove this as there appeared to be no evidence at Mombasa that this was so (although from our instructions it would appear that this information should be available there) but his offer was refused

(1)

AP 16

as also was his offer to pay the duty or leave the skins and Mr Major peremptorily ordered him to be taken before a Magistrate.

(4) He was accordingly taken before Mr Shendon a Magistrate sitting at Mombasa to whom the facts were explained by our Client. The magistrate expressed his intention of remanding the case but as the delay which would be occasioned by that procedure would have resulted in our Client losing the boat to England he explained that rather than have the case adjourned he would plead guilty to the charge and pay the fine.

(5) As he pleaded guilty the Magistrate had of course no option but to fine him and the result was that he had to pay a fine of 330 rupees being three times the value of the articles plus three times the duty and his goods were confiscated.

(6) Subsequently the leopard skins wild cat skins and rock rabbit skin were returned to him on his paying duty again on their value but the colobus monkey skin and the ostrich eggs and ostrich feathers he tells us were entirely confiscated. Since his arrival home however he has received a letter from the Assistant Chief of Customs for which we enclose a copy from which it appears that the ostrich eggs and feathers are at his disposal on the production of a Certificate received by the Ostrich Ordinance 1907. We shall be much obliged if you will let us have a copy of this Ordinance.

(7) Our Client states that the Customs Officer swore in Court that he enumerated the whole of the articles asking if our Client had any of these and that he said no and only declared the colobus monkey skin. This our Client says is entirely false and that he was not asked anything of the kind. Further he says that these Goanese

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(3)

Officers get a commission on all the skins and if this is so we venture to suggest that the system is a very bad one. Our Client also complains that there was no board up at the Customs Office showing what articles were dutiable and considers that there should be. The fact that he was summoned for articles actually declared is also a very strong cause for complaint.

The leopard skins and cat skins etc are only vermin and so far as the ostrich feathers etc are concerned we understand that as our Client's firm were licensees for selling ostrich feathers a permit could have been obtained at Mavasha if our Client had known it was necessary.

Even after the skins which were returned to our Client had been handed over to him and sealed he was again arrested and further his box was taken away from the Customs shed without his instructions so that our Client complains that in every respect the whole matter was grossly conducted and he was very badly treated.

From the instructions our Client gives us we consider that the whole matter is unquestionably one for enquiry and for redress and quite apart from the fact that he has been treated badly he considers it his duty to his fellow Colonists to state the facts so far as possible what he considers such high handed improper and loose procedure may be avoided in the future.

We may mention that our Client was a Captain in the Railway Pioneer Regiment which served in the Boer war and was subsequently a J.P. for Johannesburg and his partner Mr Clements is at the present time a J.P. in British East Africa.

Our Client is in England and will be pleased to have the opportunity of personally giving further explanation upon the

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(4)

whole matter if you will give him an interview.

Yours faithfully,

*Arthur Border Stewart*

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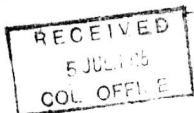
The Colonial Secretary  
Colonial Office  
Whitehall  
S.W.

P.S. We will send on the copy letter from the Assistant  
Chief of Customs in a day or two

A.P & C



COPY



U.M. Customs

Mombasa.

British East Africa

21st April 1915

Sir,

With reference to the Ostrich Feathers and Eggs belonging to you and retained by this Department, I am directed by the Chief of Customs to inform you that these may be exported on the production of a certificate required by the Ostrich Ordinance 1907. You do not care to appoint an Agent to ship these goods, they will be stored in the Customs pending your return to the colony.

I am, Sir,

Yours obedient Servant,

G. J. M. Stopp

Asst. Chief of Customs

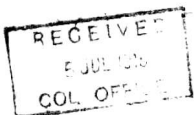
Solicitor

Solicitor

Solicitor

Solicitor

Solicitor



H.M. Customs

Nyasa

British East Africa

21st April 1915

With reference to your recent letters and copy  
 relating to your application for a licence to export, I am directed by  
 the Chief of Customs to inform you that these may be exported on the  
 footing of a certificate required by the District Ordinance 1907.  
 You do not need to apply for a licence to ship these goods, they  
 will be allowed to leave the port on your return to the port of  
 origin.

Yours faithfully,

J. H. [Signature]

Chief of Customs

Received  
 C/O A. Porter Esq.  
 Blantyre

21st April  
 1915



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Draft

P. 30339/915  
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Communications on this subject  
should be addressed to—  
THE UNDER SECRETARY OF STATE,  
COLONIAL OFFICE,  
LONDON, S.W.,  
at the following number quoted:—

Downing Street

8 July 1915

~~From. Collier letter of 1st~~

3/7/15  
W. Bottomley 5.7.15  
26.7.15

Gentlemen,

Dear Sir

I am directed by the Secretary of State for the Colonies to

acknowledge the receipt of your letter of the

1<sup>st</sup> July,

on the subject of the complaint of Mr. H. J. Pollard  
against the Customs authorities of the East  
in connection with the non payment of  
duty on certain skins and feathers,  
and to inform you that <sup>copies have</sup> been forwarded to the Governor of the

East Africa Protectorate for the consideration of repairs.

2. A copy of the Ostrich Ord. 1907 is

enclosed for your personal and return.

I am,

Gentlemen,

Your obedient servant,

~~John H. Read~~

(Signed) H. J. READ,

Under Secretary of State

Cop for 500000

2 drafts

30559/1915  
EAP

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8 July 1915

Amtd 50268

Genl  
Sir,

DRAFT

EAP

No. 504

Jr. Sr. W. Belpied

MINUTE

- Mr. Harper 3/7/15
- Mr. Bottomley 5/7/15
- Mr. 26/7/15
- Mr.
- Sr. G. Fiddes
- Sr. H. Just
- Sr. J. Anderson
- Board Secretary
- Mr. Harrison

I have the  
honour to transmit  
to you the  
account copy of  
correspondence with  
a letter from  
Messrs A. Porter &  
Co on the  
subject of the  
complaint of Mr.  
F. J. Pollard against  
the action of the  
Excise Dept. in

Mr. Porter & Co, 12 July  
do do 3 July  
do do (all to Mr)

4/15

connection with the  
non payment of duty  
on certain skins and  
fathers. I shall be glad to be

~~request that you~~  
will furnished me  
with a report on  
the matter.

J

(Signed) A. B. C.