

EAST AFR PROT
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Governor 706

Belfield

1915

20th Sept.

Last previous Paper
4/11/15

MR POLLARD'S CLAIM AGAINST CUSTOMS

The copy of Report by Chief of Customs from which it would appear that Mr. Pollard's statements are not in accordance with the facts.

*From Mr. Pollard's letter of 3rd Nov 15
Copy to G.O. Stevens 17 Dec 15 5137 S.*

Mr. G. P. Pidgeon

The steamer of the 3rd of Nov. has been postponed for a week, so that we had better send the substance of the report to Messrs P. & C. as soon as possible.

Mr. P.'s version does not agree with Mr. Pidgeon's & I think that it had better be better if the latter had answered Messrs P. & C. 1st of the 1st of July past by hand.

Next subsequent Paper
5137 S.

There is no point what might

might be cleared up when we
write to the Gov^t - viz. whether
the Customs Dept are supposed to
keep a list of licensed actual
farmers, some of the report as to
some cases to the view, or whether
the farmer himself is supposed to
produce his licence when he
desires to export actual Eggs or
gather of the game Mr Pollard
has some ground for complaint on this
point.

H. J. R.

2/21/75

Chowen.

Prs 211 15

might be cleared up with 183.
write to the Gov^t - viz. Whether
the Customs Dept^t are supposed to
keep a list of licensed District
Farmers (para: 3 of the Report under
some column to the effect of whether
the Farmer himself is supposed to
produce his licence when he
desires to submit actual Eggs in
proof of the former. Mr. Pollard
has some word for complaint on this
point

H. J. R.

2/21/15

Chowen

Feb. 21. 15

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GOVERNMENT HOUSE,
NAIROBI,
BRITISH EAST AFRICA.

EAST AFRICA PROTECTORATE.

No. 705.

September 20th, 1915.

Sir,

In reply to your despatch No. 504 of 8th July last on the subject of a complaint by Mr. F. J. Pellard against the Customs Department of this Protectorate, I have the honour to transmit herewith copies of a report by the Chief of Customs on the matter from which it would appear that Mr. Pellard's statements are not in accordance with the facts.

I have the honour to be,

Sir,

Your humble, obedient servant,

Alawa B. J. C. d.

GOVERNOR

THE RIGHT HONOURABLE
ANDREW BONAR LAW, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W.

from Chief
of Customs.
11-9-15

P
3055-7

ENCLOSURE

10/11/15

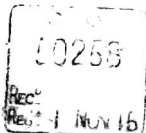
S. 151.

11th September 1915.

Your Honourable

The Chief Secretary,

Nairobi.



Complaint of Mr. F. J. Pollard against the action of the Customs Department in connection with the non-declaration by him of certain goods liable to duty.

Your No. 12857/3 of the 8th September 1915.

++++

The statements made by Mr. Pollard are not in accordance with the sworn statement of the Customs Clerk who detected the skins, feathers and eggs nor with the facts of the case.

The matter was first investigated by Mr. Jones, European Officer-in-Charge Customs Preventive Service, and by Mr. Messer one of my European Assistants and on further enquiry I was satisfied in view of the length of time Mr. Pollard had been in the country, that he could not plead ignorance but that he had deliberately concealed the fact that he was exporting restricted

goods

(2)

goods other than the Colobus monkey skin viz. skins liable to export duty and Ostrich eggs and feathers. This view was apparently held by the Magistrate who inflicted the full penalty used for under section 210 of the Customs Ordinance 1910 notwithstanding the fact that he had power under section 230 to mitigate it to one fourth.

3. Mr. Pollard could produce no evidence that he was an Ostrich Farmer or Feather Merchant. No advice to that effect had reached this Office, but a telegram sent to the Provincial Commissioner, Vaivasha, on the day of his visit to me elicited the reply some days after, when Mr. Pollard had sailed, to the effect that he held an Ostrich Farmer's license. Mr. Pollard was then informed by letter that his eggs and feathers could be exported. The Colobus monkey skin cannot be exported except on a Game permit which Mr. Pollard has been unable to produce.

4. Mr. Pollard was not arrested. He came to the Custom House to see about his box which had been detained and saw Mr. Kirsopp one of my European Assistants who

brought

(3)

brought him up to me as he was not at all satisfied with Mr. Pollard's statements - subsequently he was told by me that he would have to appear before the Magistrate and he and Mr. Jones left together for the house. The box after having been cleared subsequently to the hearing of the case in Court was stopped at the Customs Gate by the askari on duty for the purpose of examination of the Customs label in the usual manner but Mr. Pollard appeared to have taken exception to this and came back and represented to Mr. Jones that he had been again stopped (he now states arrested) when no attempt had been made on that or any previous occasion to arrest him.

He sent his box to the Kilindini Customs and told the Kilindini Customs Clerk if his boy came for the box he was to be allowed to have it. This was done. I purposely ordered the case to be taken before the Magistrate as I was satisfied that a deliberate attempt had been made to get the skins through without scrutiny and to "bluff" the Customs Clerk, and Mr. Pollard's attitude was such as to make it advisable in my opinion that the case should be decided by a Magistrate.

7. Customs Officers are not given the commission

on all fines". They are given awards under rules approved by the Secretary of State - see despatch No. 254 of the 14th March 1911 - which I think is the usual procedure in most if not all parts of the Empire.

Lucas
25-65

Chief of Customs.

3

20
20
3

3 Nov, 1915

Gentlemen,

DRAFT.

Wm Porter & Co. Ltd

MINUTE.

- Mr. Cooke 3/11/15
- Mr. Bostanley 3/11/15
- Mr. G. Fiddes 3
- Sir H. Just.
- Sir J. Anderson.
- Lord Emmott.
- Mr. Harcourt.

With reference to the
 letter from this Dep^t of the
 25th of Oct. I am to
 inform you that a report
 has now been received from
 the Gov^t of the E. A. P. on
 the subject of Mr. F. J. Pollard
 complaint against the
 Customs Dep^t.

(1) The report of the
 independent officers in many
 respects from the account
 furnished to you by Mr.
 Pollard which ^{you} embodied in
 your letter to this Dep^t
 of the 1st of July. The
 facts of the case appear to
 be as follows

Recd. from this letter
 has gone off without
 being read
 distributed to all
 as stated they will
 see the letter
 W.D.

(3) Mr. Pollard went to

the Custom House at Mombasa

to see about his box which

had been detained, and

there saw Mr. Krupp, one of

the European Assistants.

The latter, not being

satisfied with Mr. Pollard's

statements, took him to

the Chief of Customs, and

subsequently ^{to Pollard} by was sent

before the magistrate in

company with Mr. Jones,

European Officer in Charge,

Customs Preventive Service.

After the hearing of the case in

Court, Mr. Pollard's box was cleared, but it

was stopped at the Customs

Bar ~~to return on duty~~

for the purpose of ^{examining} ~~examining~~

the Customs label in the

usual manner. Mr. Pollard

^{then}
He took his box to the
Kilindini Customs and
told the clerk that, if
his boy came for the box,
he was to be allowed to
have it. This was done
accordingly.

the intention to
appear to have ^{been} ~~been~~

this, and returned to Mr.

Tones and informed him
that he had ^{again} been stopped

On no occasion was he M. P.

connected with ~~his dealings~~
throughout ~~the case~~

entirely with ~~the Europeans~~

(Mr. Major, etc.)
(4) The Chief of Customs

explains that, in view of

the length of time which

Mr. Pollard had been in the

country, it seemed clear

that he could not plead

ignorance but that he

had deliberately concealed

the fact that he was an

alien. The Chief of Customs

pointing out that ~~the~~
by the Magistrate, who

imposed the full penalty

sent for under Section 210

of the Customs Ordinance

1910, although he had

(under Section 201)

failed to investigate it to

its full

on fault (5)

his
Mr. Pollard's attitude was such
to make it advisable that
the case should be abandoned
by a magistrate, and,
further, that

if his view ^{with}
apparently ^{should}

(5) It is also explained

that Mr. Pollard could
produce no evidence that
he was an Ostend Farmer
or holder of a license, such that
no advice to that effect
had been ~~sent~~ ^{supplied} to the

Customs Office, ~~and that~~
it was ~~stated~~ ^{mentioned} by
~~was~~ ^{was} however, ~~that~~
Telegraph that Mr. Pollard
held an Ostend Farmer's
license; but he had already
sailed before this became
known. He was therefore
informed by letter that his
eggs & feathers could be
exported. The Colobus
monkey skin cannot be
exported except on a Game
permit which Mr. Pollard
was - or able to produce.

(6) The Chief Customs

and other Customs Officers
are not given "a license"
on all game. They are given
licenses ^{inwards} according to
rules approved by the S. & S.

Following
the frontier
of the country

in general reference
in accordance with