

1938

38017

CO 533/489
KENYA

38017

writes off.

Previous			
		Mr Parkin	us. 257
1937.		302	23/9
		308	4/10
		R 299	5/10
		297	4/10
Subsequent		303	8.10
1939.		Mr. G.D. Edwards	10/11
		R 299	12/10
		297	12/10
		309	20
Mr. Sam-og	3.10.16	Mr Walker	24/10
Mr. Pama	18/8	Mr Parkin	/
Mr. Sam-og	19.18	297	19/12
303	20/8	Mr Parkin	/
299	1/9	R 98	20/1
297	2/9	R 89	20/1
311	9/9	Mr Macdonald	21
R 297	9/9	Mr Freester	21
Mr. Costley White	9/9	Tel Section	-
Mr Parkin	4/9	R 90	22/1
DCA	15/9	Mr. Costley White	24/1
Mr. Sam-og	19/9	Mr Parkin	26
303	/	297	1/2
297	2/9	98	/
309	20/9		

C.1.

FINANCIAL
NOMINAL.

A. Gov. Kenya

124

7.3.38.

Seeks authority for remission of arrears of rent amounting to £415.5.6d. due from Messrs Suam Estates Ltd. in circumstances detailed.

Write off of Crown rent amounting to £415.5.6d. for 1935 and 1936 is recommended by a local Committee of the Advisory Land Board after careful investigation.

There have apparently been many recent cases of smaller amounts of a similar nature being written off.

The land in respect of which the rent is owed is farm land which has suffered from drought and locusts: the farmers require relief.

? approve write off in short draft.

(Sgd.) D.M. MacDougall.

24.3.

I send on, as of general interest. It will be observed that the remissions are only in respect of arrears up to the end of 1936 i.e. before the economic recovery had acquired momentum.

? as proposed.

(Sd.) J.J. Paskin.

25.3.

I dislike it: but I suppose we must agree.

At once.

(Sd.) A.J. Dawe.

25.3.

B. To: Kenya 200. 1 Answered. 7th April 1938.

C. Gov. Kenya

218

14.4.38.

Request covering sanction to write off of Shs. 644/- representing Hut and Poll Tax Stamps lost at Voi in circumstances

circumstances indicated.

D. Gov. Kenya 219 14.4.38.

Requests covering sanction to write off of
£30 representing value of Hut and Poll Tax
Stamps lost in circumstances indicated.

I. Col. Sec. 3 pn. 22.4.38.

Minor alteration to 4.

No. 3.

The D.C. at Voi has been issuing imprests of
tax stamps to a plantation manager: the latter
appeared to be accounting for them regularly
satisfactorily until he fell ill. A
deficiency of Shs. 644 has now been discovered
and the culprit has no money to make amends.
The amounts of the imprests and the periodicity
of the D.C.'s. checks are not stated: it is all
rather vague. The Treas. however is satisfied
that the D.C. in question has not been
negligent enough to warrant imposition of any
penalty.

? Subject to obsons. of D.C.A. approve write off
as proposed.

No. 4.

50 unused Hut and Poll Tax tickets have been
lost by a native clerk in circumstances that do
not amount to negligence. The value of the
tickets is £30 and authority to write off that
sum is asked.

? Approve.

(Sd.) D.M. MacDougall.

23.4.

It seems unnecessary to refer No. 3 to D.C.A.

? Approve both.

(Sd.) J.J. Paskin

23.4.

At once

At once.

(Sd.) A.J. Dawe

23.4.

F. To: Kenya 248. 3 Answered. }

G. To: Kenya 249. 4 " " }

28th April 1938.

to no defect in the mechanism of the
Savings Bank.

? Approve the writing of £711/10/0.

Clough White
5/9

D.C.A.

? Any comments

W. Summidge
6/9/38

W. Summidge
No

A.J. Harding
D.C.A.

15-9-38

to persons.

W. Summidge
12/9/38
at once

- 4 Govs Dep 508 _____ 5/9/38
Requests sanction to write off sum of £16 15-0
misappropriated by native clerk

Between January & June a native
clerk stole £16/15/0 paid in fines the
records of which it was his duty to keep.
The thefts were detected owing to his
having destroyed the files of his cases in
question & shown them in his records as
cases "pending". One number of which became
after a while suspiciously large.

5
obviously is not possible to provide
administrative checks to prevent all
abuses of this kind, and although
it took some time to detect this
one the sum involved was not great.
The Gov is satisfied that no negligence
or fraud attaches to any Govt
Officer other than the criminal.

? Approve write-off of £16/15/0.

Clough White
20/9

W. Summidge
20/9/38
at once

~~5 No. Kenya 582. 4 bound.~~
DESTROYED UNDER STATUTE

~~303 Action No. 5 No. Kenya 598. 3 bound. 12 10 38~~
DESTROYED UNDER STATUTE
~~at once~~

7. Govs Dep 555 _____ 24/9/38
Seeks authority in cases stated for remission
of arrears of rent amounting to £295. 3. 0.
due from Mr W. N. Blom in respect of certain
farms.

b.T.
Nominal

8. Govs Dep 559. _____ 26/9/38
Seeks authority to write off sum of £88. 1. 0
on account of dishonoured cheques issued
by Mr J. Davies.

b.T.
Nominal

9. Govs Dep 560 _____ 26/9/38
Seeks authority to write off sum of £212. 5. 0.
stolen from the house of the Acting Chief of the
Asembo location, Kawerondo District.

10. Govs Dep 563. _____ 28/9/38
Seeks authority to write off sum of £11. 9. 87,
lost by reason of the issue of two insured
parcels against one parcel receipt.

(7) Gov seeks authority to remit
arrears of rent amounting £295/3/0.

This is part of a more comprehensive
set of arrangements to put the
farmer in question in a position to
meet his liabilities in the future.
The practicability of taking legal
action to recover the sums due
has been considered and
rejected — though the Gov does not

to no defect in the mechanism of the Savings Bank.

? Approve the writing off of £711/10/0.

Clotby White
5/4

D.C.R.

? any comment.

W. Sumidge
6/5/38

Mr Sumidge

No

A. J. Harding

D.C.A.

15-9-'38

to Wilson.

W. Sumidge
15/9/38
at once.

- 4 Gans Dep 508 _____ 5/9/38
Requests sanction to write off sum of £16. 15-0
misappropriated by native clerk.

Between January & June a native clerk stole £16/15/0 paid in fines the records of which it was his duty to keep. The clerks were detected owing to his having destroyed the files of the cases in question & shown them in the records as cases "pending", the number of which became after a while suspiciously large. It

obviously is not possible to provide administrative checks to prevent all abuses of this kind, and although it took some time to detect this one the sum involved was not great. The Gov is satisfied that no negligence or fraud attaches to any Govt officer other than the criminal.

? Approve write-off of £16/15/0.

Clotby White
20/9

W. Sumidge
20/9/38
at once.

~~5/10/38 Kenya 582. 4 bound.~~
~~DESTROYED UNDER STATUTE~~
1303
~~1/10/38 Kenya 598. 2 bound. 12 10 38~~
~~DESTROYED UNDER STATUTE~~
at once

7. Gov's Dep 555. _____ 27/9/38
 Seeks authority, in cases stated, for remission of arrears of rent amounting to £295. 3. 0 due from Mr. W. N. Blain in respect of certain farms.
8. Gov's Dep 559. _____ 26/9/38
 Seeks authority to write off sum of £88. 1. 0 on account of dishonoured cheques issued by Mr. J. Davies.
9. Gov's Dep 560. _____ 26/9/38
 Seeks authority to write off sum of £212. 5. 0 stolen from the house of the Acting Chief of the Asambo location, Kavirondo District.
10. Gov's Dep 563. _____ 28/9/38
 Seeks authority to write off sum of £119. 8. 7, lost by reason of the issue of two insured parcels against one parcel receipt.

b.T.
 Nominal

b.T.
 Nominal

(7) Gov seeks authority to remit arrears of rent amounting £295/3/0. This is part of a more comprehensive set of arrangements to put the farmer in question in a position to meet his liabilities in the future. The practicability of taking legal action to recover the sums due has been considered and rejected - though the Gov does not

Say on what grounds. The
action now proposed would appear
to be the only alternative available
to allowing the arrears to continue
(no doubt increase) indefinitely.
It does however leave the way open
for critics of Govt to say that if
a farmer is sufficiently &
convincingly importunate Govt
will let him off his debts.

? Grant authority for the
write remission as in draft
E hereunder.

(8) The Govt seeks sanction to
the write-off of £88/1/0 lost
owing to the bankruptcy of an
individual who had been entrusted
with the collection of taxes from
natives. The District Commⁿ
accepted cheques from the individual
concerned which were dishonoured,
& although Financial Regulations
lays responsibility on officers who

7
accept cheques without due
security, both the Govt & the
Auditor consider that in the cases
the District Commⁿ committed no
more than an error of judgement.

? Sanction write-off of
£88/1/0 as in draft
hereunder.

9
The Govt seeks sanction for the
write-off of £212/5/0 representing
that part of sums stolen from
the house of the Acting Chief of
the Asembo location which there is
practically no hope of recovering.
Part of the sums stolen have
already been recovered, and the
Govt is satisfied that there was
no negligence on the part of
the Acting Chief.

? Sanction as in draft
G hereunder

(10) Gov seeks covering sanction to
the writing off of £11/9/87 lost
as a result of ~~being~~ mistakes made by a
postal carrier. The carrier had
not received sufficient instruction to
warrant holding him personally
responsible, & the officer in
charge is considered by the
Attorney General to have
committed an error of judgement
not amounting to negligence
& therefore not to be personally
liable.

? Sanction as in Draft
herein

Clotley White

7/10

Mr Parkin has directed attention to two points in (8) & (9)

Taking (8) first -

Mr Davies got a Tax receipt book, to be
accounted for at the end of the year.
At the end of June he had collected
not less than £28 - & by his system
described in the dep., he had apparently
have retained that money & anything
else collected by him as tax until
the end of the year.

As it happened, his bankruptcy in July
did not result in £60 already collected.
The system which enables anyone to
retain the use of considerable sums of
Govt. money for 9 or 10 months
seems quite wrong & it is suggested
that Kenya's attention should be
directed to this.

that ruled that
is not a cash box
as it is not a
d. 11-102

(9) £212.5 was lost when a cash box
was lifted.

Govt. will see from (13) & (22) on 7/36
& from (9) on 7/37 that cash
boxes (which can be carried
off) are particularly vulnerable.
Should Kenya not be asked to
abandon their use unless they are
strictly claimed to some immovable
object?

is not a cash box

not quite relevant
there was a def. by

Principals
24/8

Ref well:ef.

As regards 8. The system was recently
accepted on ^{11/17} 17 of - 35%. I see no
reason to dissent from Gov's opinion that
it is a very satisfactory way of collecting the
tax, admitting the risk of insolvency of
the employer. Apparently in relief areas
Chiefs collect under the same procedure.

Since the work is apparently done voluntarily
rules cannot be too strict, but we might
ref to No 17 of 26 also + with consideration
of the suggestion that ~~each~~ ^{all} employers might
be asked to remit quarterly the sums
actually collected - but I would not permit.

No 9. The cases mentioned are hardly parallel.
Cash boxes are no substitute for safes & the only
"reasonable precaution" is to take a cash box to
bed with you. What the Chief did he should
know. I see no objection to using what
~~cash boxes~~ chains & padlocks cannot be
sufficient for securing cash boxes used as safe
repositories for Govt property of appreciable value.

L. B. B. 24/10/38

11. Governor 639 _____ 10/11/38
Seeks sanction to write-off of loss of cash
amounting to £118.0, misappropriated by a
native Inoculator of the Veterinary Dept.

It is curious that the Gov makes
no comments as to (a) where the
responsibility for this loss lies, or (b)
measures taken to prevent similar
cases in the future. On point

(a) it seems odd that money should
have been coming into the hands
of a native after the supervising
European Officer had been transferred.

I believe there is a case not
unlike this on the M.F. Perhaps
this should be wait till it can be
linked up. Clothing White

13/2

12. Governor 699 _____ 5/10/38
Seeks sanction to write off of sum of £12/10
misappropriated by native clerk in Posts
and Telegraphs Dept.

13. Governor 704 _____ 4/12/38
Seeks sanction to write off of sum of £2.10.0
lost in circumstances explained.

14. Dep Governor 15 Feb. _____ 20/1/39
Reports telegraphic reply to No 7

DESTROYED UNDER STATUTE

142

Pl see minute of 7/10/38, & also
the draft opposite marked E.
As the Gov is anxious for a reply
we should ? now telegraph
approval of the action he proposes.

Draft submitted.

Recive for further action.

Charles White

20/1

It will be seen from (7) that
the Adoring Land B^d & the
Land Bank are associated
with the Gov's proposals.

? as in dft.

Onuma, D. M.

21/1

Tel. in further on 7

As regards your action, I shall be
glad if Mr. Collier White is satisfied - me

Stewart
21/1

15

To Kenya Tel 22 - 4 am - 21. 12. 39

Draft submitted

Charles White

24/1

16 To Kenya 66 8-12 am - 21. 1. 39

[Signature]

16

28 JAN 30

C. O.

Mr. Costley-White. 24/1/39.

Mr. Parkin 26/1 f.s.

Mr. ~~Frederick~~

Mr. A. J. Dawe.

Sir H. Moore.

Sir G. Tomlinson.

Sir J. Shuckburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

DOWNING STREET.

31 January, 1939.

Sir,

~~Sty~~

I have etc. to acknowledge

DRAFT.

KENYA.

NO. 66.

the receipt of the following

communications:-

Governor.

(8) Your despatch No.559 of the
26th of September, 1938;

(9) Your despatch No.560 of the
26th of September, 1938;

(10) Your despatch No.563 of the
28th of September, 1938;

(11) Your despatch No.639 of the
10th of November, 1938;

(12) Your despatch No.699 of the
5th of December, 1938; and

(13) Your despatch No.704 of the
7th of December, 1938.

FURTHER ACTION.

~~I have to inform you~~

over that

2.
that I approve the writing off
of the sums specified in each of
those despatches.

I have, etc.

DONALD.

(S)

C. O.

Mr. C. White 20/1
Mr. H. G. 21/1
Mr. Freeston 21/1
Mr. A. J. D. 21/1

Sir H. Moore.

Sir G. Tomlinson.

Sir J. Shackburgh

Parly. U.S. of S.

Parly. U.S. of S.

Secretary of State.

C. D.
R 21 JAN
D 21 39

DRAFT. Code tel

Governor
Nairobi.

3801/88
Coded sent 4.0 pm 21/1/39.
P. Clipham

No. 22 Your
despatch No 535
and your tel No 160
Remission of rent.
Proposals approved

See.

FURTHER ACTION.

Recd. E. D.
Cotton White

13
13

KENYA
No. 704



GOVERNMENT HOUSE
NAIROBI
KENYA

7 December, 1938.

Sir,

C. O. REGY

I have the honour to seek your sanction, under Colonial Regulation No. 278, to the writing off of the sum of £2.10.00 lost in the following circumstances.

2. Cash bail to the amount of £2.10.00 was paid in to the office of the District Commissioner, Nairobi, by an accused person during the hearing of the Municipal Native Affairs Officer's Criminal Case No. 993 of 1938, but was not brought to account. This fact was not discovered until after conviction, when the accused person, who was fined £4, tendered a balance of £1.10.00.

Amended (16)

3. The two officers at the time occupied in the collection of Court fines and dues were Mr. T.T. Thakore, employed temporarily as a Court clerk, and Alfred Muthuri, a native clerk. Despite a full investigation into the circumstances of the loss, it has not proved possible to establish which of the above was responsible for the receipt of the money. Negligence cannot, therefore, be established against any individual.

I have the honour to be,

Sir,

Your most obedient, humble servant,

R. Brooke-Ropham

AIR CHIEF MARSHAL
GOVERNOR.

THE RIGHT HONOURABLE
MALCOLM MACDONALD, M.P.
SECRETARY OF STATE FOR THE COLONIES
DOWNING STREET, LONDON, S.W. 1.

KENYA
No. 699



12
14
GOVERNMENT HOUSE
NAIROBI
KENYA

5 December, 1938.

REG
DEC 1938
C. O. REGY

Sir,

I have the honour to seek your sanction, in accordance with Colonial Regulation No. 278, to the write-off of loss of cash amounting to £12/10 in the following circumstances:-

2. A second grade clerk in the Arab and African service of the Posts and Telegraphs Department, one Fundi Kheri, was, on information supplied by the Department, placed under arrest by the Police on the 27th August, in connection with a shortage of Shs. 249/56 in his Post Office cash which was discovered on a surprise inspection of the Ramisi office by the Postmaster, Mombasa. At his trial in the Resident Magistrate's Court, Mombasa, on the 6th September, it was disclosed that the shortage was due partly to a false inflation of the cash in hand and partly by shewing the value of the Postal Order stock at an amount higher than the true one. An examination of the account books shewed that the defalcation could not have been of long standing.

Amund (16)

THE RIGHT HONOURABLE
MALCOLM MACDONALD, M.P.
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W. 1.

2.

3. He pleaded guilty to the charge and was sentenced to a fine of £20 or to serve 6 months in the Detention Camp. The fine was not paid and the alternative sentence is now being served. The convicted man was dismissed from the service with effect from the 7th September, 1938. There appears to be no prospect of recovering any portion of the sum misappropriated.

I have the honour to be,

Sir,

Your most obedient, humble servant,

R B Zeeke - J. S. H. M.

AIR CHIEF MARSHAL
GOVERNOR.

KENYA
No. 639



GOVERNMENT HOUSE
NAIROBI
KENYA

10 November, 1938.

Sir,

I have the honour to seek your sanction, in accordance with Colonial Regulation No.278, to the write-off of loss of cash amounting to £11.8.0 in the following circumstances:-

2. The sum in question was paid to a native Inoculator of the Department of Veterinary Services at Kajiado, Masai District, in payment for 760 doses of blackquarter vaccine. In the absence of an European officer at Kajiado, the Stock Inspector at that place having been transferred at the end of January last, the native in question, Mugwe wa Thairu, was instructed to keep any sums collected for inoculations until the arrival of the Veterinary Officer, Ngong, who, on visiting Kajiado, found that Mugwe had absconded. He was arrested on the 3th August and sentenced to 7 months' hard labour and a fine of Shs.500/- or, in default, a further 3 months' hard labour. The Court directed that the amount of Shs.228/- misappropriated should be recovered from the fine, for which a Distress Warrant has been issued. There appears, however, to be no prospect of recovery.

Amend. (16)

I have the honour to be,

Sir,

Your most obedient, humble servant,

THE RIGHT HONOURABLE
MALCOLM MACDONALD, M.P.,
SECRETARY OF STATE FOR
THE COLONIES,
DOWNING STREET,
LONDON, S.W.1.

Brooke-Popham

AIR CHIEF MARSHAL
GOVERNOR.

KENYA
No. 563



17
GOVERNMENT HOUSE
NAIROBI
KENYA

28 September, 1938.

RECEIVED
24 OCT 1938
COL. OFFICE

Sir,

I have the honour to refer to Colonial Regulation No.278 and to ask your covering sanction to the writing-off of the loss of Ell:9:87 lost in the following circumstances.

2. In January of this year, a learner Postal clerk, Mr.Webster, while temporarily on duty at the Post Office counter in Nairobi, inadvertently issued two insured parcels against one parcel receipt, with the result that one of these two parcels was wrongfully delivered. He also failed to collect Customs and Wharfage charges amounting to Shs.41/76 in respect of this second parcel. Efforts by the Police failed to discover the parcel and it was therefore necessary to pay Shs.188/11 as compensation to the sender.

3. As Mr.Webster was in the earliest stages of instruction as a learner it is considered that he had not received sufficient instruction in his duties to warrant holding him personally responsible for this mistake. The officer in charge of the counter was guilty of a serious error of judgment in allowing a learner to have access to the insured parcels without first satisfying himself that the learner was fully acquainted/

Amund. (16)

THE RT. HON. MALCOLM MACDONALD, M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON, S.W.1.

2.

acquainted with his duties, but I am advised by the Attorney General that this error of judgment does not amount to negligence, and therefore he cannot be made personally liable for the loss.

4. The Auditor recommends writing-off of this loss and I therefore have the honour to request your authority to do so.

I have the honour to be,

Sir,

Your most obedient, humble servant,

A. S. ...

GOVERNOR'S DEPUTY.

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

619

KENYA
No. 560



GOVERNMENT HOUSE
NAIROBI
KENYA

RECEIVED
1938
REGY

26 September, 1938.

Sir,

With reference to Colonial Regulation No.278 on the subject of losses of public monies, I have the honour to seek your sanction to the writing-off of the sum of £212:5/- lost in the following circumstances.

2. On the night of 24th April, 1938, the house of the Acting Chief of the Asembo location, Central Kavirondo District, was broken into and a cash box containing hut tax tickets, kodi stamps and Government cash was stolen. Subsequently the cash/and some of the kodi stamps were recovered, but 285 unused Hut Tax receipts, valued at Shs.12/- each, 9 kodi stamps at Sh.1/- each, and Shs.816/- in cash were lost and there is practically no hope of recovering them.

Amended. (16)

3. I am satisfied that there was no negligence on the part of the Acting Chief, and that all reasonable precautions were taken. I have the honour therefore to request your authority to write off the loss of £212:5/-.

I have the honour to be,

Sir,

Your most obedient, humble servant,

Ad. Howard

GOVERNOR'S DEPUTY.

THE RIGHT HONOURABLE
MALCOLM MACDONALD, M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON, S.W.1.

the consequence that the £60 owing in respect of the 100 tax receipt tickets could not be recovered. A claim has been registered with the Official Receiver, but such is the condition of Mr. Davies's estate that there is no hope of recovering the money due.

4. Financial Regulation 35(iii) clearly lays the responsibility on any officer who accepts cheques without due security, but in this instance there are circumstances which, in my opinion and in that of the Auditor, justify a departure from the rule. As I have already stated, Mr. Davies had been assisting Government in the collection of tax since 1934, and cheques had frequently been accepted by successive District Officers from him in this connection and had invariably been honoured. It is clear that the District Commissioner committed an error of judgment in not reporting at once that the cheques had been dishonoured. Mr. Davies had, however, promised that they would be met by the 10th July, and the District Commissioner had no reason to believe that this promise would not be fulfilled. Moreover, it seems improbable that earlier action on the part of the District Commissioner would have had any result.

5. In regard to the amount due by Mr. Davies on account of native hut and poll tax which he had collected, you are no doubt aware that a considerable amount of this tax is collected in non-native areas through the agency of employers. This procedure enables/

3.

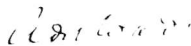
enables tax to be collected in an economical manner, and losses of revenue on this account have been extremely rare.

6. I therefore have the honour to request your sanction to write off a total sum of £881/- due by Mr. Davies.

I have the honour to be,

Sir,

Your obedient servant,



GOVERNOR'S DEPUTY.



RECEIVED

24 SEP 1938

C. O. REGY

18 September 1938.

Sir,

I have the honour to seek your authority under paragraph 278(b) of Colonial Regulations for the remission of arrears of rent amounting to £295.3.0 due to the Government from Mr. W.N. Blain on farms L.R. Nos. 2636/2, 2637/R and 3344.

2. Mr. Blain is considerably in arrear in payment of the rents on these three farms and also of the stand premium due on farm L.R. No. 2636/2, which was purchased at a Government auction sale in 1929. All three farms are mortgaged to the Land Bank.

This case has occupied the attention of the Provincial Commissioner, Rift Valley Province and of the Advisory Land Board since 1936. After the feasibility of taking legal action for forfeiture or for the recovery of the sums due had been investigated and rejected, Mr. Blain offered to surrender 500 acres of L.R. No. 3344 in satisfaction of the claim. Further he arranged provisionally with his neighbour, General A.R. Wainwright, for a mutual revision of boundaries which would assist in the more efficient and economic development of the farms. In this connection the Governor, on the advice of his Executive Council, decided early in the year that General Wainwright should be permitted to exchange his farm L.R. No. 3343 for L.R. 3641 together with approximately 500 acres of L.R. 3344 if and when reacquired by the Government from Mr. Blain.

Protracted/

THE RIGHT HONOURABLE
MALCOLM MACDONALD, M.P.;
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W. 1.

Protracted negotiations have taken place with Mr. Blain concerning the value to be placed on the 500 acres which he offered to surrender and the insufficiency of the amount involved to satisfy the outstanding debts.

The Advisory Land Board reviewed the whole case in July and expressed the view that some distinct measure of relief was necessary if Mr. Blain, with whom the Board had considerable sympathy, was to continue farming operations.

3. The present outstandings to 31st December, 1938, (exclusive of notice fees and statutory penalties that have been incurred for non-payment) are:-

	£.	Sh.
(a) Rent in respect of L.R. No.2636/2.	93.	12.
(b) " " " " " " " 2637/R & 3344.	201.	11.
(c) Stand Premia in respect of L.R. No.2636/2	935.	14.

In order to give Mr. Blain a reasonable chance of successfully emerging from his present financial difficulties, which were frankly explained, the Board recommended that:

- (a) the arrears of rent on L.R. No.2636/2 to the end of 1938 amounting to £93.12.0
- (b) the arrears of rent on L.R. Nos.2637/R and 3344 to the end of 1938 amounting to £201.11.0

be all waived, together with the Notice fees and statutory penalties that had been incurred for delay.

- (c) that 500 acres of L.R. No.3344, being the southern portion of the farm, be accepted in reduction of the stand premia debt and that Mr. Blain be credited with £500 in respect of this surrender;
- (d) that the balance of the stand premia still due on L.R. No.3344 (£935.14.0 less £500 as in (c)) be paid over a period of 10 years in equal annual instalments of £43.11.40cents.

4. If these recommendations are accepted, the position will be that on the 1st January, 1939, the payments required would be:-

Instalment of stand premium on L.R. No.2636/2	£43.11.40 cts.
Rent for 1939 on L.R. No.2636/2...	15.12.00.
Rent for 1939 on L.R. Nos.2637/R and 3344 (as reduced in consequence of the surrender of 500 acres).....	<u>29. 8.60.</u>
	<u>£88.12.00.</u>

Mr. Blain has given an assurance that these amounts will be paid punctually on the date they are due, and I am advised that the payments should not be beyond his capacity.

The Land and Agricultural Bank has co-operated in the framing of the present proposals and has agreed to release from the operation of its mortgage the 500 acres to be surrendered.

5. In all the circumstances I am prepared, subject to the receipt of the authority requested, to accept the recommendations set out in paragraph 3 of this despatch.

I have the honour to be,
Sir,
Your most obedient,
humble servant,

C. D. M. Wade

GOVERNOR'S DEPUTY.

KENYA
No. 508



GOVERNMENT HOUSE
NAIROBI
KENYA

5 September, 1931.

Sir,

I have the honour to request your covering sanction, under the provisions of the Criminal Procedure Code, No. 27B, to the write-off of a sum of £16:15:0 lost in the following circumstances.

2. A native clerk, called Juma Latingiti, employed in the Criminal section of the Resident Magistrate's Office at Eldoret, was, on the 10th July, tried and convicted of stealing monies, totalling £16:15:0, paid in as fines, and sentenced to one year's hard labour. It was one of the duties of this clerk to accompany the Resident Magistrate to out-courts, in order to see the records of cases tried and fines paid. In January of this year he began misappropriating monies paid in to him as fines, and, in an endeavour to avoid detection, he did not issue proper receipts and also destroyed the relevant case files, which he showed in his criminal records as "pending".

3. In June the head court clerk issued a list of the large number of cases shown as "pending" and reported the matter to the Resident Magistrate, who caused enquiries to be made, which resulted in the trial.

Amended (5)

THE RT. HON.
ALIC L. MACDONALD, M.P.,
SECRETARY OF STATE FOR THE COLONIES,
LONDON.

2.

trial and conviction of Juma latinyiti as described
in the second paragraph of this despatch.

4. I am satisfied, and the Auditor agrees,
that there was no negligence or fraud on the part
of any Government official other than Juma latinyiti
himself.

I have the honour to be,

Sir,

Your most obedient, dutiful servant,

A. W. Wade

GOVERNOR'S DEPUTY.

KENYA
No. 489



38
GOVERNMENT HOUSE
NAIROBI
KENYA

29 AUGUST, 1938.

Sir,

3807

I have the honour to request your covering sanction, under the provisions of Council Regulation No. 276, to the write-off of a sum of £711:10:10st by the Kenya Savings Bank in the following circumstances.

2. A first grade clerk, Mr. D.V. Patel, employed at the Mombasa Post Office, was on the 27th July, 1938, tried and convicted on six counts of stealing money totalling £711:10/- deposited with the Post Office Savings Bank and sentenced to two years hard labour on each count. The method adopted by the clerk was briefly that when receiving money paid to him by depositors, he made the necessary entries in their pass books, but he failed to bring the money to account. The thefts were eventually detected when one of the depositors concerned submitted his pass book for a routine inspection. A copy of the Acting Postmaster General's report on this case is enclosed for your information.

3. The Post Office Regulations provide that any depositor who pays in sums of Shs. 100/- or over shall receive an acknowledgment sent from headquarters direct to the depositor, but in these instances the depositors failed to report the non-receipt of the acknowledgment/

Amund. (6)

THE RT. HON. MALCOLM MACDONALD, M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON.

REC'D

acknowledgment, thereby robbing the check of its value.

4. The Auditor is satisfied that the system followed by the Kenya Savings Bank provides all reasonable safeguards, and he comments that it is inevitable that these safeguards must depend for their efficacy on the co-operation of the public. If depositors do not advise the Postmaster General of discrepancies between amounts deposited and those acknowledged, and if they do not submit pass books as requested for comparison with Head Office ledgers, then the check must fail. The Postmaster General is arranging to bring to the notice of the public the need for their co-operation in these respects.

5. I am satisfied that there was no negligence or fraud on the part of any Post Office official other than Mr. Patel.

I have the honour to be,

Sir,

Your most obedient, humble servant.

Adair Woods

2. JUN 1951

(COPY).

OFFICE OF THE PROSECUTOR GENERAL,
NAIROBI, KENYA COLONY.

11th August, 1936.

Ref: P.C.41/1392.

The Hon.
The Chief Secretary,
Nairobi.

MR. D.V. PATEL, 1ST GRADE CLERK (ASIAN):
POSTS & TELEGRAPHIC DEPARTMENT.
THEFT OF PUBLIC MONEY AND FALSE ACCOUNTING.

Further to my interim report of 21.7.36 upon this subject, I am now able to report more fully.

2. On 14th July, a Savings Bank Pass Book No:4221 (depositor Mr G.H. M. Mough), was received in the Chief Accountant's Office for routine inspection. It was dealt with at 3.30 p.m. and three discrepancies were brought to light, viz:-

- (i) Deposit of Shs. 2,000/- made on 7.9.36 not brought to account at Mombasa until 8.9.36.
- (ii) Deposit of Shs. 2,000 made on 3.11.36 not brought to account at Mombasa until 31.12.36.
- (iii) Deposit of Shs. 2,000/-, Shs. 800/- and Shs. 1,200/- made on 17.5.37, 3.12.37 and 3.2.38 respectively, not brought to account at Mombasa.

3. All the entries in the Pass Book were in the hand writing of Mr. D.V. Patel, 1st Grade Clerk at Mombasa.

4. The Chief Accountant brought the matter to my notice at once and the action necessary to secure an arrest was immediately put in hand.

5. As a precautionary measure, the Chief Accountant and an assistant were sent down to Mombasa incognito. They reached Mombasa on the morning of the 16th and carried out further investigations on the spot.

6. On the morning of the 19th the Police obtained a warrant for the arrest of Mr. Patel, but before they

operated/

operated on it, they advised the Chief Accountant to interview Mr. Patel in the presence of the Assistant and this was done.

7. The Chief Accountant inquired in respect of the serious irregularities which had come to light in respect of the account of Mr. Duggan and asked him if he wished to offer any explanation. He at once admitted having stolen the three deposits totalling Rs. 4,00/- which he had not accounted for (vide (iii) supra), and also the false accounting in respect of the deposits made on 7.9.36 and 3.11.36 vide (i) and (ii). On being further questioned he admitted that there was a further case on the previous Saturday, the 16th ultimo, involving the sum of Rs. 3,235/- in which he had forged the signature on a Savings Bank payment warrant and stolen the money. Examination of the warrant, which was still in force at Mombasa, confirmed this. Patel was then arrested by the Police. The forgery case was postponed, but he was charged on two counts, i.e., one of theft and the of false accounting, to both of which he pleaded guilty and was convicted.

8. On the morning of the 20th, the Chief Accountant obtained permission to interview Patel in prison and, as a result, the latter volunteered particulars of three further cases in which he had misappropriated moneys received by him in respect of Savings Bank deposits. These involved a total sum of Rs. 6,995/- and he stated there were no others. The particulars of the three accounts furnished by Patel were not complete and some difficulty was experienced in tracing them, but after a second interview the depositors were eventually traced. Evidence was then supplied to the Police who proceeded further against Patel. To each of the three separate charges which were brought for these three cases and

to the charge of forgery already referred to, Patel pleaded guilty.

9. The Magistrate reserved judgment until the following Wednesday, 27.7.38, and then awarded a 2 years' imprisonment on each of the six counts.

10. The total loss involved by the defalcations is Shs.14,230/- and authority to write off this amount as a charge against the Kenya Savings Bank is now sought. I regret that I cannot guarantee that it will not be necessary at a later date to seek authority to write off further losses arising from this case. Patel was warned in prison prior to judgment on the first two counts that, if further cases came to light at a later date as a result of further Pass Books being sent in for periodic examination, he would be liable to meet further charges and he appeared to be anxious to clear up the whole of the defalcations and willingly furnished information as stated above. Nevertheless, the possibility of further cases coming to light cannot be ruled out.

11. I will now turn to the question of the efficiency of the system and its actual operation. The risk of a dishonest officer is always present in banking and, while it would be possible to minimise the risk by having each transaction completed by two or more officers, such a procedure would not entirely eliminate the possibility of dishonest action on the part of Savings Bank officers and, moreover, would be impracticable at the majority of offices. In the few cases where it would be practicable, the comparatively heavy cost of the necessary additional staff would outweigh the resulting benefits.

12. The magnitude to which defalcations can rise is in a great measure dependent upon the public. Whenever

2.

a deposit of Shs.100/- or over is made, the system provides for a separate acknowledgment to be sent from Headquarters to the depositor direct. Upon that acknowledgment (specimen attached) the depositor is asked to report, immediately and directly to the Postmaster General, any inaccuracy. In the Pass Book the depositor is requested to write directly to the Postmaster General if he does not receive an acknowledgment of this kind. In the case in point, Mr. Flough, the depositor, might be excused for not observing in case (i) the discrepancy of a single day, but when in case (ii) nearly two months elapsed between the date of his deposit and that shown on his receipt it is reasonable to expect that he should have made enquiries, and if such enquiries had been made, the extent of the defalcations would have been reduced to relatively small proportions. It is surprising that the depositor was content to trust a clerk with the relatively large sums deposited on the 17th day and 3rd December, 1937, and on the 3rd February, 1938, and to have taken no notice of his failure to receive any confirming acknowledgment.

13. In order to bring more forcibly to the notice of the depositors the importance of these acknowledgments and to enlist their co-operation in carrying out the system framed to safeguard the interests of all parties, I have made arrangements to get special posters prepared for exhibition at Post Offices and printed notices to send out to depositors.

14. In conclusion, I may say that the running of the Savings Bank in Kenya is along time-honoured lines and I can suggest no additional effective or practicable means whereby any case such as that now under review could be prevented.

(Sd.) G. Willoughby
ACTING POSTMASTER GENERAL.

Duplicate on 40152 EA

34

KENYA
No. 458



GOVERNMENT HOUSE
NAIROBI
KENYA

RECEIVED

10 August, 1938.

Sir,

13 on
10982 80

With reference to your predecessor's despatch No. 703 of the 8th September, 1936, I have the honour to inform you that Mr. V. F. Wood, Inspector, Posts and Telegraphs Department, has resigned his appointment in the following circumstances.

Forwarded (2)

2. Mr. Wood returned from leave on the 24th February, 1937, and after serving for three months was granted urgent private affairs leave to proceed to South Africa owing to the serious illness of his wife. He left this Colony on the 23rd May, 1937.

3. While in South Africa he tendered his resignation and a copy of his letter to this effect is attached.

Letter.
21.8.37.

4. In consequence of this Mr. Wood was called upon to refund the following amounts due on account of passages and return leave salary granted in respect of his service in the Tanganyika Territory:-

Balance due in respect of passages and freight on motor car from Mombasa-Kampala	£51.13. 0
Salary paid in respect of 93 days' 'return' leave.	127. 7.94
	<u>£179. 0.94</u>

5. Despite repeated applications which have been addressed to Mr. Wood no reply has been received from him and it seems that he has no intention of liquidating his

THE RIGHT HONOURABLE
MALCOLM MACDONALD, M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON S.W.

his indebtedness.

6. The Attorney General reports that there is no reciprocal arrangement between the Government of South Africa and this Colony providing for the enforcement in South Africa of judgments obtained here, so that even if legal proceedings were successfully instituted against him in the local Courts, there is no legal process whereby the judgment could be enforced and satisfied.

7. In the circumstances it is not considered that any further action can usefully be taken in the matter even if it were considered desirable to base action on the strict legal rights of Government. Apart from this, as will be seen from the enclosure, Mr. Wood's case is deserving of sympathy.

In view of these facts I recommend for your consideration that the amount involved may now be written off.

I have the honour to be,
sir,
Your most obedient, humble servant,

W Brooker-Popham

AIR CHIEF MARSHAL,

G O V E R N O R .

COPY.

c/o. P. O. Box 59.

Klerksdorp,

21st August, 1937.

The Hon. Colonial Secretary,

P. O. Box 391,

Nairobi,

Kenya.

Sir,

Mrs. Wood's ill health which became so serious that I was cabled for, has not improved. I regret to say Mrs. Wood's condition is such, that it is impossible to think of having her moved with me to East Africa. I feel I must remain with her. For the foregoing reasons only, I feel it is necessary for me to request you to please permit me to resign my position in the Department of Posts and Telegraphs.

I would be grateful if my case could be treated compassionately in view of what I shall lose by leaving the Government service, through circumstances beyond my control.

Regarding any repayments you may decide it necessary for me to make, might I crave your sympathetic consideration in this direction for the following reasons: loss of pension after having served about twenty years in the Union and Kenya Governments combined; the huge medical bills I have to meet; also I feel Government will benefit financially in that I shall have no claim in respect of pension and widow and orphan contributions made to the Kenya Funds.

I am, Sir,

Your obedient servant,

SD/- Victor F. Wood.

KENYA

N O. 249

Downing Street,
28 April, 1938.

Sir,

I have the honour to acknowledge the receipt of your despatch No. 219 of the 14th of April, and to inform you that I approve the writing-off of a sum of £30, being the value of unused Hut and Poll Tax tickets lost while being carried on the bicycle of a native clerk.

I have the honour to be,

Sir,

Your most obedient

Humble servant,

(SIGNED) W. BROOKE-POPHAM

GOVERNOR

AIR CHIEF MARSHAL

SIR ROBERT BROOKE-POPHAM, G.C.V.O., K.C.B., C.M.G., D.S.O.,
A.F.C.

etc.,

etc.,

etc.,

C. O.

Mrs. Seward 27/4
 Mr. Whitcombe 27/4
 Mr.
 Sir H. Moore.
 Sir G. Tomlinson.
 Sir C. Bottomley.
 Sir J. Shuckburgh.
 Permt. U.S. of S.
 Parly. U.S. of S.
 Secretary of State.

JS

ST.

28. April, 1938

Sir,

DRAFT.

Kenya
 no 249
 Governor

(D) I have etc. to ack- the receipt of your despatch no. 219 of the 14th of April, and to inform you that I approve the writing-off of a sum of £50, ^{being the value of} ~~in respect of the~~ ^{revised} loss of ~~lost~~ ^{lost} ~~while~~ ^{lost} ~~being~~ ^{being} carried on the bicycle of a native clerk. I have etc.

FURTHER ACTION.

KENYA
N.O. 248.

Denning Street,
28 April, 1938.

Sir,

I have the honour to acknowledge the receipt of your despatch No. 218 of the 14th of April, and to inform you that I approve the writing-off of a sum of Shs.644/-, being the value of Hut and Poll Tax stamps issued to the manager of a plantation near Voi and unaccounted for.

I have the honour to be,

Sir,

Your most obedient

humble servant,

(Signed) V. GERMERY GOUGH

GOVERNOR

AIR CHIEF MARSHAL

SIR ROBERT BROCKE-POPHAM, G.C.V.O., K.C.B., C.M.G., D.S.O.,
A.F.C.

etc.,

etc.,

etc.

37034/38

45
SF

C. O.

Miss Laward 27/4
Mr. Whitcombe 27/4
Mr.
Sir H. Moore.
Sir G. Tomlinson.
Sir C. Bottomley.
Sir J. Shuckburgh.
Permt. U.S. of S.
Privy. U.S. of S.
Secretary of State.

JS

28. April, 1938

Sir,

DRAFT.

Kenya
No 248.
Governor

2/5/38

FURTHER ACTION.

(3)
I have etc to ack. the receipt
of your despatch No. 218 of the 14th
of April, and to inform you that
I approve the writing-off of a sum
of the 644/-, being the value
of the stamps, issued to the manager of a plantation near
Voi & unaccounted for.
I have etc

(SIGNED) W. G.



THE SECRETARIAT,
NAIROBI,
KENYA.

WHEN REPLYING
PLEASE QUOTE

No S/B/FIN.50/2/1/3/11
AND DATE

22nd April, 1938.



The Colonial Secretary of the Colony and Protectorate of Kenya presents his compliments to the Under Secretary of State for the Colonies and, with reference to the Governor's despatch No.219 of the 14th April regarding the loss of Hut Tax tickets in Nyanza Province, has the honour to request that the despatch may be amended by the substitution in the nineteenth line of the words "Colonial Regulations" for "Code of Regulations".

WRS

KENYA
No. 219



42
★
GOVERNMENT HOUSE
NAIROBI
KENYA

14 April, 1938.

Sir,

3-7115/1
6/5/1938

With reference to a Miscellaneous despatch for the 20th November, 1931, from Sir Philip Cunliffe-Lister (now Viscount Swinton) and to Mr. Thomas's Circular despatch of the 23rd May, 1938, on the subject of the writing-off of losses of public money, I have the honour to request your covering sanction, under the provisions of Colonial Regulation No. 278, to the write-off of a sum of £30 lost in the following circumstances.

2. The Provincial Commissioner, Nyanza Province, has reported the loss of 50 unused Hut and Poll Tax tickets, which were being carried on the back of the bicycle of a native clerk. A full investigation into the circumstances of the loss was held, from which it appeared that there was no suggestion of dishonesty. The Treasurer has further advised that, in his opinion, such carelessness as was shown by the clerk does not amount to negligence within the meaning of Regulation No. 278 of the Code of Regulations and recommends that the missing tickets should be written off.

3. I have therefore signed a Special Warrant for this amount and I request that you will inform me in due course that you approve of the action taken.

I have the honour to be,

Sir,

Your most obedient, humble servant,

THE RT. HON.
W. ORMSBY GORE, P.C., M.P.,
SECRETARY OF STATE
FOR THE COLONIES,
DOWNING STREET, LONDON.

H. Brooker Popham
AIR CHIEF MARSHAL,
GOVERNOR.

KENYA
No. 218



43
3
GOVERNMENT HOUSE
NAIROBI
KENYA

14 April, 1938.

Sir,

71687/30
200 6/3/12/20
With reference to a Miscellaneous despatch of the 20th November, 1931, from Sir Philip Cunliffe-Lister (now Viscount Swinton) and to Mr. Thomas's circular despatch of the 23rd May, 1936, on the subject of the writing-off of losses of public money, I have the honour to request your covering sanction, under the provisions of Colonial Regulation No. 278, to the write-off of a sum of Shs. 644/- lost in the following circumstances.

2. The Provincial Commissioner, Coast Province, has reported that the District Commissioner, Voi, had been in the habit for some time past of issuing imprints of Hut and Poll Tax stamps of the value of Sh. 1/- each to the manager of a plantation near Voi. A detailed statement of these imprints was produced from which it appeared that the manager had, for some time, been duly accounting for the stamps and sending in regular remittances of cash and that there was no reason why the District Commissioner should suspect that he was not a reliable person to entrust with the charge of these stamps, the sale of which to natives is, of course of some assistance to Government. In October last the manager of the plantation was taken ill and spent various periods in hospital. It was eventually discovered that/

Amund. (S)

THE RT. HON.

W. ORMSBY GORE, P.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET, LONDON, S.W.1.

2.

that stamps to the value of Shs.644/- could not be accounted for and the manager is not in a position to make good the loss.

The Treasurer has advised that, in his opinion, such degree of negligence as may possibly be attributed to the District Commissioner concerned is not sufficient to justify his being instructed to make good the loss and that in fact his conduct does not amount to negligence within the meaning of Colonial Regulation No.27B but could more properly be characterised as an error of judgment arising from his zeal in tax collection.

3. I have therefore signed a Special Warrant for this amount and I request that you will inform me in due course that you approve of the action taken.

I have the honour to be,

Sir,

Your most obedient, humble servant,

R B Brock-Popham

AIR CHIEF MARSHAL,

G O V E R N O R

35024/18

B-45

C. O.

Mr. Seward 28/2
Mr. Shergold 574
Mr.

JH

Sir H. Moors.
Sir G. Tomlinson.
Sir C. Bottomley.
Sir J. Shuckburgh.
Permt. U.S. of S.
Parly. U.S. of S.
Secretary of State.

~~March~~, 1938

7 APR 1938

Sir,

DRAFT.

Kenya
No. 200
Governor

I have etc. to ack. the
A) receipt of your despatch No. 124 of
the 7th of march, and to inform
you that I approve the ^{writing} ~~remittance~~ ^{writing}
of a sum of £415. 5. 60
in respect of arrears of rent
due to the Government from

FURTHER ACTION.

from Messrs Swan Estates Limited
on farms L.R. Nos. 2018 and 2019 ^{Trans-Nzora} for
the years 1935 and 1936

I have etc.

(Signed) W. ORMSBY GORE.

KENYA
No. 124.



GOVERNMENT HOUSE
NAIROBI
KENYA

7 March, 1938.

Sir,

I have the honour to seek your authority under paragraph 278(b) of Colonial Regulations, for the remission of arrears of rent amounting to £415.5.60 due to the Government from Messrs. Suam Estates Limited, on farms L.R. Nos. 2018 and 2019, Trans-Nzoia, in respect of the years 1935 and 1936.

2. This case is one of many in which it has been necessary during the past two years to remit or reduce rents on farms, and in effect its only special feature is that the amount involved exceeds the maximum amount which may be written off without your authority. As a result of a review in 1936 of the difficulty experienced by many farmers in meeting land rent liabilities, it has been found necessary to grant relief both by way of reducing rents in the Machakos, Sotik, Laikipia and North Nyeri districts and by remitting arrears of rent up to the 31st December, 1936, in other districts, in individual cases of deserving farmers who were developing their properties but had suffered severely during the depression and were unable to meet their commitments. All these cases, of which that of the Suam Estates Limited is one, have been carefully investigated both by local committees appointed for the purpose and by the Advisory Land Board.

3. The land held by Suam Estates Limited was granted under the Ex-Soldier Settlement Scheme of 1919 to the Baker-Carr Syndicate and subsequently passed into

the/

THE RIGHT HONOURABLE
W. ORMSBY GORE, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON. S.W. 1.

-2-

the hands of the present company. Much of the land
is non-arable and the Company has suffered heavily
from locusts and drought.

I have the honour to be,
Sir,
Your most obedient,
humble servant,

P. Brooke-Popham

AIR CHIEF CLERK

GOVERNOR.