

1923

KENYA

CO
49496P.O.
10 OCT 23

FROM GOVERNOR BONHOMME	1363	DATE 3RD SEPTEMBER 1923																		
FOR CIRCULATION —		SUBJECT																		
Mr. <i>Bartleman</i>		MHD. RISKIN'S MARBLE CONCESSION																		
Mr.																				
Mr.																				
Asst. U.S. of S.		LOSS OF RENT																		
Permit U.S. of S.		Reports circumstances and requests authority to write off Mhs. 2486/25. Raises question of what is considered to be a large amount for purpose of C.R. No. 277.																		
Permit U.S. of S.																				
Secretary of State.																				
Previous Paper		<p style="text-align: center;">MINUTES</p> <p>The amount of his unpayable sum is 100</p> <table> <tbody> <tr> <td>82</td> <td>5062</td> <td>50</td> </tr> <tr> <td>(6)</td> <td></td> <td>150</td> </tr> <tr> <td></td> <td>4912</td> <td>50</td> </tr> <tr> <td>(6)</td> <td>2456</td> <td>25</td> </tr> <tr> <td>86</td> <td>2456</td> <td>25</td> </tr> <tr> <td></td> <td>1122</td> <td>63</td> </tr> </tbody> </table>	82	5062	50	(6)		150		4912	50	(6)	2456	25	86	2456	25		1122	63
82	5062	50																		
(6)		150																		
	4912	50																		
(6)	2456	25																		
86	2456	25																		
	1122	63																		
Subsequent Paper		<p><i>Report of 9/9/23</i></p> <p>"The authority of the S.A.S. is not limited by the statement in the document in question, as it is independent and absolute, so far as its field of authority is concerned. The point to be decided is whether the amount in question, extent & para 1 of 12/1/21 date of 5 Nov. 1921, or 49462/26, but the statement that "the authority of the S.A.S. is not general required" obviously does not override the provision of C.R. 277 as to</p>																		

MINUTES

MINUTES NOT TO BE WRITTEN
ON THIS SIDE.

9.15. * permanent

... perhaps Dr. Sturz will
be able to say whether
there is any general rule
as to the amount of an
abandonment claim which
must be accepted before
the A.D.O. would accept
it in full.

The amount of such a
claim will depend entirely
of the extent of
abandonment involved.

* 81
16

Minutes of Other Bodies

Proposed Scheme for
dealing with abandoned
claims varying with each
dependency in so far
as it will be appropriate
to do so & appear
just what, say, the
limits should be.
Rifling:

sup

1920-21

Mr. Parkinson.

8

Clearly, if a limit must be
fixed, it should be decided upon
separately in the case of each
individual dependency. I am not
aware of the point having been
raised before, excepting in the case
of the Exchequer-aided Colonies and
Protectorates, which are subject to
Treasury control, in which prior
Treasury authority is required for
writing off abandoned claims the
amount of which in any one case
exceeds £100 (see Rule 59(iv) of the
Departmental Instructions of the
Colonial Audit Department); & impose
this limit in the case of Kenya.

67-10.

With great difficulty
arrived at the result of
a few moments' discussion
that for purposes of C.A.
100 shillings or £100
may be taken
as the limit within
which, so far as
anyone is concerned,
writing off need not

KENYA

NO. 1569.



40450

GOVERNMENT OF KENYA

NAIROBI

KENYA

3rd September, 1923

My Lord Duke,

I have the honour to request Your Grace's permission to my action in applying the write off of a sum of £1000/2s under the following circumstances.

1. In 1918 a lease for a Marble Concession in Mombasa was granted to Mr. D. Riffkin for a term of 3 years at a rent of £4112s. - payable quarterly) for the first year and for the remaining 2 years at a rent to be assessed by the Land Officer. Rent for 9 months was paid but from that time the undertaking became involved in difficulties and in April of this year as a result of a decision in the suit a Mr. Gulam Hussain to whom the Concession had been transferred by Mr. Riffkin brought suit for the outstanding rent.

2. An application for payment of rent was made. The amount due was therefore £1000/2s of which the £60/- has been collected from Mr. Riffkin prior to his institution of a suit against Mr. Gulam Hussain. I am satisfied that Mr. Gulam Hussain, who is dependent on a monthly salary, is unable to pay this sum and as the Concession has not worked for more than 9 months and involved the concessionaire in heavy losses and has now terminated its covergeant.

GRACE
THE DUCHESS OF DEVONSHIRE, K.G., P.C., G.C.M.G., G.C.V.O.
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,

LONDON, S. E.

have approved of the acceptance of Rs: 2456/25 to be paid in monthly instalments of Rs: 100/- in full settlement.

4. I have considered it advisable to seek Your Grace's covering approval in this case as the sum exceeds £100 but should be grateful for an indication of what, in Your Grace's opinion, constitutes a "large amount" for the purpose of Colonial Office Regulation No. 277.

I have the honour to be,

My Lord Duke,
Your Grace's most devoted,
and most obedient servant,

R. H. G. L.

S O T H E R N .

2

J.W. 49496/
Kenya

11

00
8.13 Nov

15 November 1921.

DRAFT.

Kenya
No 1599
for Payndon

MINUTE.

Mr. Seal " 12 " 23

Mr. Parkinson 11 1/2

Mr. Billander 11 1/2

Mr. O. Davis 8 1/2

Mr. G. Gandy 7 1/2

Mr. H. Read 6 1/2

Sir J. Matheron 2 1/2

Mr. Ormsby Gore 2 1/2

Date of Disbursement

To be effected

Ref. No. 2

2 - 2 - 2

para 4 of your last

regarding the Finance section

which so far as we can see

Gov. 49426 /
23 Kenya

11



15 November 1923

SX

DRAFT.

Kenya
No 1599

Gov. Cayndon

MINUTE.

Mr. Seal 12. 11. 23.

Mr. Parkinson 13. 11. 23

Mr. Bellavale 13. 11. 23

Mr. C. Davis

Mr. G. Steele

Mr. H. Read

Mr. Masterton Smith

Mr. Ormsby-Gore

Duke of Devonshire

Sir

I have at last the

receipt of your draft No 1363. 1/

the 3rd of September & to inform

you that I approve the

rate of 6/- per sun & ~~per~~

Sh. 2456/25 being half

the amount of the ~~amount~~

still due to the Govt in

respect of the Nambale Concession

at Nachakos granted to

M. D. Rifkin.

2. With regard to

para 4 of your draft

regarding the limit within

which so far as amount is

(to be signed)

13. 11. 23

Govt. 49496/
23 Kenya

11



15 November 1923

S.S.

DRAFT.

Sir

Kenya
No 1599
For Consideration
MINUTE.

No. 12. 11. 23.
Mr. Parkinson 11. 23.
Mr. B. W. Bradley 13. 11. 23.

Sir G. Gombe

Sir H. Read

Sir J. Macmillan Smith

Mr. Ormsby-Gore

Date of December.

A to be referred

Ob. 23
23. 11. 23

I have the back the
receipt of your draft No 1363, of
the 3rd of September & inform
you that I approve the
sum of Rs 186/- the sum of Rs 18/-
St. 2456/25, being half
the amount of the ~~amount~~
still due to the Govt' in
respect of the marble concession
at Nactakos granted to
Mr. Rifkin.

2. With ^{ref^g} regard to
para 4 of your draft
regarding the limit within
which, so far as amount is

Final

Concerned party agrees
to the sum of £100 &
to have one off claim
from which it is agreed
under 1st Reg. 27.

Consider that the sum
of £100 or in case where there were
a set-off in the form of a
surrendered lease of dimension,
three years arrears of rent,
etc., provided that the amounts
do not exceed £100
in this case.

[A view of page 5
of Co. Reg.
1466 I think
it may be
the original
version of
the document
as it is
written in
pencil.
In "fair copy"
and "dead".

3. I would like
your attention also to the
remarks in hand of my
dept. Accts 1466 of the 1st Aug 1948 p 23
for £100 less

Signed DEPARTMENT

concerned, ~~for~~^{special} reference
of the Secy of State &
protection of their off claim.
~~need not be made~~
for a defendant ~~in question~~
under Col Reg 27).

[Answer of June 5
9 Col Regs
1466 Florida
revenue
taxation
special reg
in "prior reg"]
Acct

Consider that there will
be shown & be paid me
£100, or, in case where there
is a set-off in the form of a
surrendered lease & dimension,
three years arrears of rents
etc., provided that the amounts
to be more than £100.
In this case
I would make

Your attention also to the
remarks in para 5 of the
dents. No 1466 of Mr. [unclear] 49495
of October last.

(Signed) DEVONSHIRE