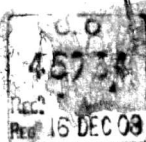


DESPATCH

EAST AFR. PROT.

No. 45734



1908

(Subject)

Morlat's Loan

It is the
 feeling that
 the "order" may or may
 not be supported by the law.
 The case should be referred to the
 Department of Justice
 T.C.H.

Morlat's Agent states that he promised to pay some
 of the creditors but does not know whether he promised
 all cannot blame more accurate information

(Minutes)

Mr Macnaghtie

to D.E.
12/12

Mr Clarke - Secy. App. 12/12

Mr Cox 16/12

This is not satisfactory from anyone's point
 of view.

In 38313 in which Mr Foran specially ~~expressed~~ ^{passed}
 the point that it was carefully explained to
 his creditors verbally that he was anxious to
 pay off the whole balance of his debts he
 indicated that confirmation could be obtained
 from Messrs Clarke.

The above is only partial confirmation; if
 if accurate info cannot be obtained it does not look

7652

...if the matter had been made as clear as Mr. ...
says it was.

If only the case had been wisely dealt with it would
in all likelihood have been a lesson in the office
might have been charged upon the Executive Council for
inefficiency & also for the misconduct *quo* *loco* office,
which if this is serious enough
As it is I do not see how justice can be done
It will now be clear from the correction I have
made in my Minute that I do not advocate
Mr. Moran's reemployment anywhere.

He voluntarily resigned on being granted six months
leave which expired on the 28th inst (see the letter
at the end of his dossier, *reference* to 39071).

On the whole I think it would be too strong a measure
to give any special compensation to a man who has
voluntarily resigned under such circumstances & under
something of the kind is done, I do not see what else
can be done for him.

This case is very unpleasant from many points of view

* The source
submitted to

Mr. ...
Mr. Cox

625

On rereading these papers with a view to drafting it
appears to me that there is one problem point which
must be raised before the case can be regarded as disposed
of. My attention was drawn to the Govt. despatch (41716) in an
answer reply to Mr. Moran's letter of 29/7/20 30874, in which
is contained the ~~Govt.~~ action of the Govt. in withdrawing
the increments in his salary in consequence of his failure to
produce the requisite certificate. In Mr. Moran's letter of 29/7/20
he stated that the Govt. withdrew his increments.

It is a point which must be disposed of. I think that the
decision that increments ~~should~~ be withheld ~~under the conditions~~
mentioned is necessary in the event of failure to pass a language
exam. It is a matter in which it was competent for the Govt.
to make a ~~rule~~ rule as it was competent for the Govt. to
do so in the case of Mr. Moran's letter of the 29th of August
1920. I think that this is very doubtful. Part of ~~the~~
the Govt. records I have seen indicate that Mr. Moran's
will not continue fully with the officers prospects of promotion. It does
not appear that the withholding of increments

In the case of the 29th Sept. you make it clear that increments are
not to be withheld. In the case of the 1st Jan. of the 1st
of 1921 you state that you were a member of the
Imperial Staff. I believe you were a member of the
Staff at that time.

If there is any doubt as to whether the ~~case~~ ~~should~~ ~~be~~ ~~disposed~~ ~~of~~
it may be given the benefit of the doubt. This will mean that he should draw
an additional 20% of his pay for the period from the 1st of Oct. 1920 to the 1st
of Oct. 1921. I think you will be expected to pay the expenses of his present leave at the
rate of £20 a year. Even if he is legally a member of the

to this account, I do not think the ^{additional side of the case is} ~~question of his administration~~ ~~is~~
~~merely~~ ~~an~~ ~~and~~ ~~affected~~ ~~by~~ ~~that~~ ~~fact~~ - as the additional ~~was~~
due to him up to April last, (when he was called on to resign),
only about £30.

I must apologize for not raising this point in the previous minutes
or rather for not drawing your attention to it. The explanation as
to why is that the head room in question is not a separate
General Dept. one & that I had practically only considered the
widell. ^{one of the cases} T. R. 28/12

Mr. Moran was told in his letter of apppt.
that he entered the service of the Post-
office subject to all regulations affecting it
which are now in force or which may
be promulgated from time to time
by or with the sanction of the Secretary
of State.

^{Subject to the}
I cannot find that the Council of
the 3rd of Feb: was or the policy embodied
in it was ever submitted to the S of S.
for approval, or that technically Mr. F.
appears to be entitled to the award
which is claimed. He was in the
rule book, however, on the point of the
in it for the point to be considered
that of us find the award to
Mr. F. we may need to be ~~to~~
thing in the award. Also we must
put the matter right for the future
by ascertaining whether the S of S
approves of the policy of the Council
by formally sanctioning it.

you have
seen the
award
#132
28/12
see Mr.
in 1847
20/12/18
H. J. R. 28/12
it may
- 1846/21

C. O.

15734

14 DEC 1908

TELEGRAM. The Governor of the East Africa Protectorate to the
Secretary of State for the Colonies.
(Received, Colonial Office 5.56 p.m. 12th December, 1908).

28
v. 237. Your telegram 12th December Clarke Agent for
Wora states that he promised to pay some of creditors
but does not know whether he promised all. Cannot
obtain more accurate information.

SADLER.

~~6274~~
62631



THE EASTERN TELEGRAPH CO., LTD.

LONDON STATIONS

CHIEF STATION, 11, OLD BROAD STREET, E.C. 4

5734

BRANCH STATIONS

LEATHENHOLE STREET, E.C. 4 BISHOPSGATE HOUSE, E.C. 4
 PAT. TOWER STREET, E.C. 4 PARLIAMENT STREET, E.C. 4
 HOLBORN AVENUE, W.C. 1 AUSTIN HALL, COVENT GARDEN, W.C. 2
 LONDON, W.C. 2 THE BATHS, ST. MARY AXE, E.C. 4
 6, LUDGATE SQUARE, E.C. 4 11, HUNTER STREET, E.C. 4

CHANCERY CROSS BRANCH STATION
449, STRAND.
12 DEC 1908

The following TELEGRAM Received at

Nairobi

via "Eastern"

Words 21 Date 12 Dec 1908 58/3

to ...

you to 12 Dec

39 ...
... aiding ...
... forward ...
... promised to ...
... conditions ...
... but ...
... promised ...
... accurate ...
... inexplicit ...
... latter ...

REPLIES SHOULD BE ORDERED *Via Eastern*

Doubtful words should be OFFICIALLY repeated. See Rate Book.
 E.P. Enquiry regarding this Telegram may be attended to by our telegraphists if this Copy.
 London & New York, 1908.

E. A. P.

300
45734

31 Dec '08

Jnt

DRAFT

E. A. P.

Conf

Sir J. Hayes Sadler

MINUTE.

Mr. Haccogelin 29/12

Mr. Read 29

Mr. Just.

X Mr. Antrobus.

X Mr. Cas. 29/12

Sir C. Lucas.

Sir P. Hopwood.

X Col. Seely.

The Earl of Ormsby.

For circula

To the L. A. Force 29/12 '08

Sir,
With ref. to your telegram
no 239 of the 20th Dec &
pursue con, I have the
honour to transmit to you the
accompanying copy of a letter
which I have caused to be
addressed to Gen W. R. Foran
with regard to the termination of his appoin-
tment as Dist. Supt of Police in this A. Port.
It appears from the Encl. to
your conf. despatch (103) of the
9th of October that, apart from

Mr. Moran is indebted, he is also
 stated to have been guilty of
 serious misconduct in the
 discharge of his duties as a
 Police Officer.

In these cases I am of opinion
 that it would have been better if
~~the case had been dealt with~~
~~under the legislation now in force,~~
 charges had been preferred against
 Mr. Moran & Co. & been brought
 before the Executive Council to answer
 those charges under the provisions of
 the legislation now in force.
 If the above procedure had been
 adopted, & the charges established

the case would have been
 clear on that point as these
 charges have not been
 brought to his notice in
 connection with his resignation
 it is unreasonable to rely upon
 them as an additional
 reason for requiring him to
 resign his appointment.
 I fear that it is no prospect of
 my being able to offer him
 further employment in the
 Colonial Service, as it will

Yours
45704
R
E.A.P.

31 Dec 58

JMS

DRAFT

J. R. Rosau Jr

1/25
more

Sir, with ref. to your letters of the 24th

& the 10th of August last & subsequent

corr, I am directed by the

Earl of Howe to inform you

that he has carefully considered

the report which has been

received from the Govt of the

B. E. A. Proclamation with regard

to the cities under which

you were called upon to

MINUTE.

Mr Macaughlin 29/12

Mr Read 29

Mr Just.

X Mr Anstabus.

X Mr. Cox 29

Sir G. Lucas.

Sir F. Hopwood.

X Mr Saely.

The Earl of Ormonde.

For action

Copy for Lord 3/12

no doubt always to provide to

within select better qualified

candidates, whose records are

in all respects satisfactory.

The position is however somewhat

unpleasant. There are reasons for

thinking - & indeed it is admitted

in the 10th para: of your despatch

of the 9th October - that he tries to

at the last make a genuine effort

to clear himself of debt, & will

nevertheless consider that he has

been treated with exceptional

courtesy in being refused to engage

in consequence of misconduct for

which he has undertaken to atone

resign your appl as Clerk

District Supt of Police in

the Protectorate

2. I am pleased to hear generally

into all the circumstances of your

case, & he does not feel that

they ~~will~~ are well as usual

you have been for questioning

the Govt decision that you

should be called upon to

resign

3. It appears that it was

brought to the notice of the

Govt in May 1907 that you

who in a state of serious
631

pecuniary embarrassment &

and incurred debts to bankers

& others in the Protectorate

to the extent of at least

Rs 4,458-

4. About the month of June

1907 the Govt reprimanded

you severely for conduct

connected with your indebtedness

& informed you that if at

the end of six months you

were not able to show a

material reduction in your

Mr. Cox
We can safely say as much as that the
we are rather in the dark as to what
success the Govt seem to have had
concerned the Govt in the Protectorate. It
is to be seen that the Govt have
been so interested in the
1907

debt you would be called on to resign

your office

5. In a letter dated the 21st of July

1918 you stated that - you

could be in a position to liquidate

all your debt provided an assurance

was given that your position was in

the hands of a man to secure for the year

6. In a letter of the 22nd of July 1918

you stated that you had reduced

your debt by over £. 1700, but had

in the meanwhile contracted other

debt amounting to Rs 900 -

leaving a net balance of

discharged debt of about

Rs 900

7. The assurance for which you

asked in your letter of the 21st

asked in your letter of the 21st

632

of July was granted, but when

enquiries were subsequently

made of you as to the

percentage which you had

offered your creditors in

satisfaction of their claims, you

replied (by telegram) that you

agent had offered your creditors

"to pay all your debt for

cash 33 1/2 per cent". This

arrangement appeared to the

Govt to be most unsatisfactory,

whereupon called upon you

to resign in a letter dated the

23rd of April last.

DRAFT

MINUTE.

- Mr.
- Mr.
- Mr. Jue.
- Mr. Anandus.
- Mr. Cox.
- Sir C. Lucas
- Sir F. Hopwood.
- Col. Seely.
- The Earl of Cromar.

Your letter of the 24th 27th of
May do not show that you
assigned under protest but that
you asked that you might be
granted a free passage to England
& six months leave of absence
to which you were entitled in
respect of service, - (both these
requests were acceded to) - &
that you stated you would be
quite prepared to resign your
appointment when your leave
was at an end

Lord Bruce has taken note of
your statement that it was
carefully explained to your
creditors verbally that you were

(10 38515)

assigned to pay the balance of
653
66 $\frac{2}{3}$ ¹⁰⁰ p.c, after you had paid
off the your agent's fees of
33 $\frac{1}{2}$ per cent. It is strange
however that no reference to
this undertaking is made
in the con: between yourself
& the Provincial Authorities, which
you have submitted to this
dept, & in reply to a telegraphic
enquiry on this point the
govt has reported as follows:-
" Clarke Agent for Texas states
that he promised to pay some
of creditors but does not know
whether he promised all. Cannot
afford more accurate information."

The S of S does not
9. ~~Remember to answer for~~
crediting the assurance you
have given that it was your
intention to pay off the balance of
your debt as soon as you were
able to do so - though the point
can hardly have been made
so clear to your creditors as you
supposed - but the question
does not appear to be material
to the decision arrived at
upon your case.

10. It has long been a
required precedent of the
Public Service as a whole that
serious pecuniary embarrassment
necessarily has the effect of

we can safely say that it
follows the wording of the
rules as first of April 1887
List p. 107, 708

In the event of the public service, it is
to be held that a public servant who is
unable to pay his debts as they come due,
and who is a public servant.

DRAFT

MINUTE.

- Mr.
- Mr.
- Mr. Justice
- Mr. Anstey
- Mr. Cox
- Sir C. Lucas
- Sir F. Hopwood
- Col. Sastry
- The Earl of Cromer

impairing the efficiency of a public
634
servant & is detrimental to the service,
& that such measures should be taken
for dealing with misconduct of this
nature as the circumstances of any
particular case may appear to demand.
In the Govt's opinion your
indebtedness & the circumstances
arising out of it were incompatible
with your position as a public
officer & made it necessary for
him to call upon you to resign
this was done & your tendered
your resignation. In the cases it
is impossible to accede to your
request that your resignation should

be cancelled, in view of the large
number of applicants in the
Secretary of State's lists who send
are in all respects satisfactory
it is felt that it would be unwise
to hold out hopes of your receiving
a further offer in the Colonial
Service.

With regard to the withholding
of the emoluments of your
salary owing to your previous
pass the Swahili examⁿ, I am
to advise that it was explained
to you in the letter of offer of
the 28th of Sept. 1905 that you

635
entitled the service subject to all
regulations affecting it ... which
may be promulgated from time to
time by or with the sanction of
the Secretary of State. In January
of 1906 the Inspector General of
Police submitted a recommendation
that the emoluments of the officers
at that time in the Force should
be withheld pending their proficiency
in Swahili, & this proposal
received the Secretary of State's
approval. It cannot therefore
be ^{concluded} ~~admitted~~ that ^{the decision was} ~~you have any~~
the circumstances which it entails in
your case are ~~unusually~~ ^{unusually} ~~unusual~~