

EAST AFR. PROT.

1331

13831

Copy  
see

Discrepancies in Native Status Books

1910

Report cases in which discrepancies amounting to Rs 7000 have been discovered in certain accs kept by native officials of towns. Officers held responsible have been dismissed. Request authority to work off Rs 7000.

Done Read

This is the matter referred to in para 8 of A.O. letter of 2nd March 1910.

The Chief of affairs in the District address to have been for some time past, but the last form has required to be administered and is able to report an improvement (para 8). I see no objection but to do as the Govt proposes.

Copy to Secretary General that has been

To Mr. C. J. ...

WELLES - L. 40,000  
189 A.E.W.  
Subsequent Paper:  
18201

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to mention the writing of of paper 5387 59

W.B. 13/5

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So present?

H. J. R.

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at home

Pr. 19

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EAST AFRICA PROTECTORATE

April 4th 1910.

CONFIDENTIAL

No. 24

My Lord,

I have the honour to state that in April 1908, on information supplied by the District Commissioner of Lamu, the Local Auditor reported discrepancies amounting to about Rs.7,000 in certain accounts kept by the native officials of that town. My predecessor accordingly ordered an enquiry to be held with the result that, though there was no proof of actual embezzlement, it was obvious that the Cadi (native Judge), Liwall (native Governor) and Karani (native Clerk) had been guilty of gross carelessness. As the Crown Advocate after perusing the papers gave as his opinion that a criminal prosecution would be unsuccessful, the Cadi and Clerk were dismissed from the service, whilst the Liwall, who was responsible for the loss of Rs.1,000 missing from the Hut Tax accounts, was ordered to refund this amount. The rest of the money had disappeared from the accounts of various Native Estates, which were administered either directly by the Cadi or by trustees appointed by him.

THE RIGHT HONOURABLE

THE EARL OF CREVE, K.G.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET, LONDON, S.W.

him. No supervision of any kind appears to have been exercised by the local officials and it seems probable that discrepancies in these accounts had existed for years.

2. Under the Native Estates Administration Rules and Orders 1900 all native courts had jurisdiction to appoint trustees, but in April 1902 this jurisdiction was withdrawn under Section 8 of the rules by an order signed by the Assistant Judge, who had been appointed on March 1st 1901 to exercise the powers conferred on the Chief Native Court by the Rules, and limited as far as the town of Lamu was concerned to the Court of the Provincial Commissioner. No notice however was taken of this order and it was not published. The appointment of trustees and administration of the estates of deceased persons in Lamu accordingly remained in the hands of the Cadi until 1908, when the shortages were discovered.

3. Every effort was made to ascertain how the missing monies had been made away with, but without success, and with the exception of a few small sums amounting in all to Rs.400, the loss could not be recovered from either the Cadi or Clerk, who are paupers.

4. Shortly after I arrived in East Africa I learnt that several of the claimants had placed their cases in the hands of a Solicitor, who threatened to take proceedings against the Secretary of State. It was evident that the money could not be recovered from the late Cadi, and as the Government is liable

for

for trust monies misappropriated or lost by Government servants. I gave orders that Mr. Donald, who has been appointed Magistrate at Lamu, should scrutinize the accounts and satisfy all proper claims made in respect of the estates.

5. The amount that has been expended is satisfying the claims up to March 31st is Rs. 3,581.50, and it is possible that a few more small claims will be submitted. The total will not exceed Rs. 6,000. From this amount the sum of Rs. 1,200 has been credited to Revenue for probate fees, which had not been collected from the estates.

6. It is probable, as stated above, that discrepancies have existed in the Native Estates accounts for years - in fact it would seem from the evidence taken that the money from one estate was often used to pay off another estate. Even in view of this further information which has now come to light, the Crown Advocate cannot recommend that any criminal action should be taken, and I must consequently set that the sum of Rs. 3,581.50 for which I have issued a Special Warrant, may be written off. I do not think it would be fair to charge any part of the loss against the European officials. When the order was made restricting the jurisdiction of the Lamu Courts as regards the administration of native estates, the staff in Tanaland was so undermanned that the Provincial Commissioner had to combine the duties of Provincial and District Commissioner, and whilst performing the duties of District Commissioner at Lamu, he had to supervise the working

of the Tana River, Lamu and for a time also the Port Durnford Districts. This continued till 1906 when Mr. MacDougall, the Provincial Commissioner, was removed from his post on the grounds of irregular administration, and the position of Provincial Commissioner was filled for a year or more by various District Commissioners, none of whom were aware of the order of 1902. It was not until Mr. Gilkison had been in charge of the Province for six months and had been given the assistance of a District Commissioner for Lamu that suspicions were aroused and the discrepancies discovered.

I have no hesitation in saying that the loss is mainly due to want of supervision. Native officials cannot be expected to be models of efficiency and integrity, and if they are not properly supervised, it is not surprising that they should make the most of their opportunities. But the want of a policy, especially in a Province like Tanaland which has always been notorious for intrigue, is also, I consider, partly responsible for this regrettable affair. No policy has been laid down in the past and officials have accordingly followed their own inclinations in this respect, often reversing the policy of their predecessors.

8. One of my first duties was to inquire into the administration of the Tanaland Province, and I am happy to be able to report that an improvement is already noticeable in the affairs of that part of

(5)

the Protectorate.

I have the honour to be  
Your Lordship's humble,  
obedient servant.

*W. J. ...*  
GOVERNOR.

Gov  
135 31/10  
E.A.P.

21

DRAFT

1821

Secy  
Treasury

26 May 10

MINUTE of

- Mr. Noall 2 1/2
- Mr. Butler 23
- Mr. Fiddes
- Mr. Just
- Mr. Cox
- Sir C. Lucas
- Sir P. Hopwood
- Col. Seely
- Lord Crewe

Sir,

I am directed by the  
 Secy to transmit to  
 you, to be laid before the  
 h. C of the Treas<sup>r</sup>, the  
 accompanying copy of a  
 despatch from the Gov of the  
 E.A.P. reporting the discrepancy

Gov E.A.P. Conf. 10/24

Copy Gov Conf 17 June 1821 of discrepancies in the



ative Estates accounts

Same.

Lord Crewe proposes  
to their Lordships

concerned, to sanction

writing of ~~the~~ sum of

£381.59.0 ~~1/4~~

I am

(Signed) G. V. FIDDELL