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EAST AFR. PROT

C O
29802

29 JAN 15

29802

Governor
Belfield 439

1915

31st May

Last previous Paper

G.A.
17/15

KILINDINI PIER
WAREHOUSE ACCOMMODATION

Acting General Manager of Railway sees no objections to Consulting Engineers' proposals which will be adopted accordingly. Is sending separate despatch as to financial arrangements.

The Recd.

This is all right. The further detailed will be dealt with the £375,000 loan arrangements generally.

Yours truly

G.C.B.
29/6/15

at once

G.C.B.

29/6/15

See Govt/37146 (Low)

G.C.B.

Last subsequent Paper

G.A.
29/15

in cases of loss this
case is not dissimilar from
that which formed the
subject of your dep. No 638
of the 6th of July 1916 and my
predecessor's reply No 766 of
the 17th of Aug. 1916, and
I am of opinion that
Mr. F. J. Hamilton should
be called upon to ~~make good~~
re pay of the amount
of the loss.

L

GEORGE A. THOMAS, LAW.

28/02/14
L

for 29807/1915-

Cap



7 July 1915.

DRAFT

Cap

No 502

for Mr H.C. Bell

MINUTE.

Mr. Harper - 3/7/15-

Mr. Bellamy 3/7/15

Mr. Stephenson 5/7/15

Mr. Read

Mr G. Fidler

Mr H. J. J.

Mr J. Anderson

Mr. Neal Mallard

Mr. Elmer Lee

for Mr. Bell

Dr.

Have the honor

to ack. the receipt

of your letter No 502

of the 3rd of May

reporting the loss

incurred by the Post

for. owing to embargoes

by Mr. A.B. Johnson

District Clerk, Sacramento

& in its general

feeling upon the

question of responsibility

M I N U T E

On consideration of the question of the liability of Mr. Hamilton, District Commr. Barr. T. & Co. to repay the sum of Rs. 652/30 misappropriated by his clerk Mr. Hartman, Council are of opinion that the default was made possible by Mr. Hamilton's omission to check the counterfoils of all revenue receipt books in the possession of the clerk and confining himself to the examination of those only which the clerk presented to him.

It is therefore considered that the pecuniary responsibility of Mr. Hamilton in this case is established under Clause 120 Colonial Office Regulations but Council are not unanimous as to the extent to which Mr. Hamilton should be directed to make refund of the amount lost.

The Chief Secretary and Treasurer consider that Mr. Hamilton should not be required to refund the full amount. His Excellency the Governor is strongly of opinion that there is no reason why the whole of the amount should not be so refunded. It is therefore decided to refer the matter to the Secretary of State with the request that he will instruct whether any remission and if so to what extent should be permitted.

W. T. G. G.

M/- E. P. Evans.

14th Dec. 1914.

(7) The rider by the jury, added to the verdict of Guilty at the trial of Mr. Mortimer by the High Court in July 1914, that "alackness in office "not temptation to dishonesty in every one's "way" is a tenure which demands responsibility, which was however admitted by the verdict of Guilty, and recently imputed alackness on the part of officers. This I maintain was not the case; but that the system was to blame. A fact only made patent in analyzing it in order to account for the cases in which misappropriations were possible, which was clearly put before the Court by me in my evidence. It is significant that such an analysis before business men would prevent the fault in the system in a strong light, but that needs to be an independent reason for imputing alackness to all former District Commissioners as well as to myself.

2. Finally stating that clerks were to given responsibility, that Mr. Mortimer was reasonable, that he was convicted and sentenced by the High Court, and that Government has not instituted a system of fidelity insurance for the protection of its officers against defractions by their clerks. I respectfully submit that I should not be called upon to reimburse the Government the sum of 22,000/0 misappropriated by Mr. Mortimer.

I am, Sir, yours truly,

Sir,

Your obedient servant,

H. Hamilton

District Commissioner.

District Commissioner's Office.

Nairobi

April 24th 1916.

Sir,

Re: Collection of No. 222/15 by Mr. J. S. Morrison.

In reply to your No. 1222/4/15 dated April 13th 1916. I have the honor to inform you that the facts of the case are so completely stated in the Auditor's report contained in his No. 402/15 that I have nothing to add thereto.

2. My plea against being held responsible for the repayment of the sum of No. 222/15 is based on the following facts:-

- (a) It is obviously necessary that Clerks must have some responsibility in the collection of revenue otherwise officers' time would be entirely absorbed by clerical duties.
- (b) The procedure has only provided the clerks with the authority of clerks entrusted with issuing receipts and collecting revenue, but it was also their duty to produce all counterfoils with the revenue collected for deposit into the Treasury.
- (c) The inadequacy of the check upon the counterfoils books in my case was not realized until the discovery of the deficiencies at the time of the audit, although the same procedure had been followed in this office for many years, it being in existence in November 1908 when I first came to Nairobi as Asst. Collector.
- (d) The first unaccounted check to be submitted with these responsibilities was Mr. Morrison's and he was the first to discover a loophole for misappropriation by sending his bounden duty, and he began his misappropriations 10 days after his appointment.
- (e) Had the possibility of such misfeasance been grasped by any of the numerous District Officers who have been appointed to Nairobi for many years past, I have no doubt that the procedure would have been altered to preclude the possibility.

(f) The ...

District Secretary.

U. F. S.

Provincial Commissioner.

RE
L.M. 17/16

(8).

almost impossible to prevent it being tampered at such times. I am also of the opinion that some instructions are necessary for guidance of Administrative Officers as regards care of cash, checking their accounts and reporting financial duties to their superordinates in cases of necessity.

I have the honor to be,

Sir,

Your most obedient servant,



For Assistant.

(7).

appears to be unavoidable, in order that officers may carry out their administrative work. The practice is not sanctioned by the Legislature, presumably because it would tend to relieve officers of the responsibilities laid upon them by Colonial Office Regulation 280. There should be no objection to the practice provided that a regular and efficient check of the accounts is maintained by the officer responsible.

2. I am informed that Mr. [Name]’s accounts were checked by the District Commissioner or Assistant District Commissioner two or three times a week at the time of signing the checks for posting to the Treasury. The system of check covered accounts to have been inefficient in as much as only such counterfeit bills were checked as Mr. [Name] professed to have used for the collection of Revenue since the last time reported to, and presented for inspection. During the period of receipt of the same unaccounted for an experimental check of the stock of counterfeit bills was made. It was ascertained owing to this mistake that the amount of trust was not totaled before.

3. I venture to add to this report a suggestion that the advisability should be considered of extending the system of fidelity insurance to District Clerks. In stations at which only one officer is posted, during his absence on leave the Revenue must be received by the Clerk. I believe that it would be advisable in many cases to refuse receipt of it, and

AUDIT OFFICE,

Nairobi,

17 November 1914.

C O
 29801
 29 JUN 15

Mr. A. S. Mortimer late District Clerk, Nairobi,
N. 7840.

Sir,

In reply to your memo dated the 6th of
November 1914 I have the honour to submit the following
report.

2. Mr. Mortimer as District Clerk was by depart-
mental arrangement entrusted by the District
Commissioner with the duties of receiving and account-
ing for certain Revenue, including fees for Ammunition
Permits, Gun Tax, Stamping Handcuffs, Bird Licences,
and Native Poll Tax, which fees are accounted for by
means of counterfoil receipt books.

3. The District Commissioner Nairobi is a
Collector of Revenue and not a sub-collector. Upon
audit of his accounts it was found that certain amounts
of this revenue, the period of receipt of which dated
from the 1st of April to the 31st of May 1914, had not
been paid into the Treasury, and that the cash in the
safe to meet the amount not paid in was short by
Rs. 622/50. Other revenue however collected by Mr.
Mortimer for the same period had however been duly paid
in.

4. The entrusting of these duties to the District
Clerk is in accordance with the general practice and

CHIEF SECRETARY,

Nairobi.

Signature

3. The sum involved in Mr. Mortimer's defalcations was Rs. 663.50, but there were no means of recovering the amount from him.

4. The question of the District Commissioner's liability in the matter was discussed in Executive Council on 6th November when it was decided to call for a report from the Auditor as to the circumstances under which the monies came into Mr. Mortimer's possession and whether such arrangements were in order.

5. On receipt of the Auditor's report, a copy of which I enclose, marked "A" it was decided in Council on 26th November that the District Commissioner (Mr. F. G. Hamilton) should be called upon, on his return from leave, to show cause why he should not be held responsible for the payment of the losses incurred.

6. On Mr. Hamilton's return from leave a copy of enclosure "A" was sent to him, together with a copy of Council's decision referred to in the preceding paragraph.

7. Mr. Hamilton's reply, a copy of which, marked "B" is enclosed, was discussed in Council on 12th instant, at which in addition to myself only the Chief Secretary and the Treasurer were present. I now attach a copy of the Council minute on the subject and await your instructions as to the extent to which you desire Mr. Hamilton to be held pecuniarily responsible for the amount embezzled by Mr. Mortimer.

I have the honour to be,

Sir,

Your humble, obedient servant,

H. Conway Boydell

GOVERNOR.

3. The sum involved in Mr. Mortimer's defalcations was £a.655.50, but there were no means of recovering the amount from him.

4. The question of the District Commissioner's liability in the matter was discussed in Executive Council on 6th November when it was decided to call for a report from the Auditor as to the circumstances under which the monies came into Mr. Mortimer's possession and whether such arrangements were in order.

5. On receipt of the Auditor's report, a copy of which is enclosed, marked "A" it was decided in Council on 20th November that the District Commissioner (Mr. F. J. Hamilton) should be called upon, on his return from leave, to show cause why he should not be held responsible for the payment of the losses incurred.

6. On Mr. Hamilton's return from leave a copy of enclosure "A" was sent to him, together with a copy of Council's decision referred to in the preceding paragraph.

7. Mr. Hamilton's reply, a copy of which, marked "B" is enclosed, was discussed in Council on 21st instant, at which in addition to myself only the Chief Secretary and the Treasurer were present. I now attach a copy of the Council minute on the subject and await your instructions as to the extent to which you desire Mr. Hamilton to be held pecuniarily responsible for the amount advanced by Mr. Mortimer.

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

H. Lawrence Boydell
 SECRETARY.

GOVERNMENT OF
 NAIROBI,
 EAST AFRICA.

EAST AFRICA PROTECTORATE

12-422

May 29th 1915.

Sir,

I have the honour to refer to my despatch No. 221 of 9th March 1914, and your reply thereto No. 329 of 8th April 1914, on the subject of the appointment of Mr. A. B. Northover to the post of District Clerk in the office of the District Commissioner, Nairobi.

2. Mr. Northover was appointed as from 3rd March 1914, and, owing to certain irregularities which were brought to light in the accounts of which he had charge, was interdicted from duty as from the 29th May with half salary. Subsequently he was tried and sentenced to 12 months rigorous imprisonment for an offence under Section 409 of the Indian Penal Code. I regret to find that the case has not been reported to you.

I am, Sir, your obedient servant,

THE RIGHT HONOURABLE

ARTHUR BOWEN LEE, F.C., S.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET,

LONDON, E.C.

Report
 15. 11. 13

By Mr. Hamilton
 28. 4. 15.

Minute
 2. 5. 15

File
 5406