

EAST AFR. PROT.  
9323

C.O.  
9323  
Recd  
Rfd 19 MAR 13

128  
for Governor  
1913  
25th February  
Last previous Paper  
498

RAILWAY CHARGES  
B.E.A. CORPORATION'S CLAIM

for refund of difference between the "Railway Risk" rate and "Owner's Risk" rate charged on certain consignments. The statement by the Acting General Railway Manager, Matter was carefully considered and no reason is seen for varying the decision arrived at.

*Mr. Peadar  
Mr. Sweeney*

From a perusal of these papers I cannot help thinking that the opposition of the British Corporation is a piece of pure bluff, aimed with the object of intimidating the management of their own railways.

The General Manager's letter of November 11th 1912 (enclosure to Committee dated 20th 2.13) puts the case clearly and I think we should regard the "Railway Risk" rate as a concession to the Corporation.

It is not clear why the Corporation should be allowed to charge a higher rate than the "Owner's Risk" rate. The matter should be referred to the Committee.

*Aut. 230. C. O. 533. 116*

PUBLIC RECORD OFFICE  
1 2 3 4 5  
C.O. 533 116  
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and at times, that, & that my receipt  
has a reference to the fact that I  
have no money available to  
pay the amount of money that is due.

Receipts showing the notes charged  
was given at the time, & the Corporation  
have therefore no ground for saying that  
the notes charge was charged on the other  
than account was made of.

From the Chief Secretary's letter of  
23<sup>rd</sup> Nov. I recall that the Corp. had  
already received the note. The fact  
therefore had good ground for assuming  
that when they did not do as they did not  
mean to.

It is clearly out of the question to charge  
the corporation from Railway Act 1862  
with the fact that they did not do as they did not  
mean to.

As before

18th 20/0

Sp. to  
18th  
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From the Chief Secretary, City of  
23 Nov. I receive ... ..  
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GOVERNMENT HOUSE,  
NAIROBI.

BRITISH EAST AFRICA.

AFRICA PROTECTORATE.

February 25th, 1913.

No. 129.

O. O.  
9323  
REC  
REC 19 MAR 13

Sir,

With reference to your despatch No. 73 of the 23th of January respecting a claim made by the British East Africa Corporation Limited for the refund of the difference between the "Railway Risk" rate and "Owners Risk" rate charged on certain consignments of goods by the Uganda Railway, I have the honour to transmit herewith for your information a statement by the Acting General Manager on which the communications to the Corporation were based.

2. Prior to the despatch of the letters referred to, the matter was carefully considered by the Officer Administering the Government and subsequently by myself, and I see no reason for varying the decision finally arrived at.

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

*W. H. Murray*  
with the name of the  
GOVERNOR.

THE RIGHT HONOURABLE

LEWIS HARCOURT, P.C., M.P.

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET,

LONDON, S.W.

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ENCLOSURE

589

In Despatch No. 23

|                            |
|----------------------------|
| 9323<br>REC'D<br>19 MAR 13 |
|----------------------------|

General Manager's Office.

Nairobi, 11<sup>th</sup> November 1912

No. 410  
10-a

Sir,

**Re refund of Railway freight charged  
in pursuance of arrangement already  
made with British East Africa  
Corporation Ltd.**

With reference to your letter No. 2500 of the 26th September last, I have the honour to explain that we have two freight rates. The first is the ordinary "Railway Risk" rate, under which the Railway takes all the risk. The second is the alternative or "Commer Risk" rate, which is much lower and under which the owner takes all the risk.

If a consignor does not wish to pay the ordinary rate and desires to avail himself of the lower rate the procedure is for him to assume an undertaking to run a "Risk Note" and present it with the consignment note to the Railway clerk, when he is charged the lower rate.

Yours faithfully,  
 The Chief Secretary  
 to the Government,  
 East Africa Protectorate.

N A I F O S.

On the 24th March 1942 Messrs. J. & J. ...  
 East London Corporation assigned 20 cwt of  
 potatoes and 120 cwt of slates and ordered the  
 consignments to be consigned at the General Risk  
 rate. This was accordingly done, but as they  
 failed to enclose the Risk Note the charges were  
 subsequently altered and the firm billed at the  
 higher rate.

Again from the 24th March to the 4th May last  
 the following consignments were consigned by the  
 firm.

- |      |                  |
|------|------------------|
| 1    | Coke ginger beer |
| 17   | Coke champagne   |
| 2    | " "              |
| 2    | " Iron wire      |
| 1    | " Granite        |
| 1213 | " Slates         |
| 7    | " Timber         |

As they did not enclose a Risk Note it was  
 found for a number of days the firm failed to consign  
 the goods at the ordinary rate and their ledger  
 accounts are accordingly debited and bills sub-  
 mitted at the call of the market in accordance with  
 rule 2, page 14 of the Goods Tariff.

Goods by the goods consigned were granted  
 to the firm's consignees in every case, directly  
 the consignments were sent over to the Railway.  
 These consignees paid the charges and the rules forming  
 the basis of the bill. If the firm's consignees  
 have not taken the goods to their own  
 stores

...on the receipt they would have been in  
such condition the goods were consigned, but it  
would appear that they wished to do so.

There has been no change in the procedure  
with regard to LIME Stones, either at Kilindini or  
any other stations. The system has been the same  
since the alternative rate was introduced on  
September 1916.

Since the British East Africa Corporation  
are one of our principal consignments and as much  
as I would like to accept that they intended to  
consign these goods at their own risk and that the  
difficulties complained of is due to neglect on the  
part of their servants I think it would be a  
dangerous precedent to allow them to disclaim  
responsibility and grant any refund after the  
goods had been delivered.

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

sd/- C. Sandiford.

Ag. General Manager,  
Uganda Railway.

