

EAST AFR. PROT.

33283

370
3283
REC'D
REG'D 9 OCT 09

Memor. No.
Com. 533.

1909

Sept

Previous Paper.

FIRE IN THE WEST KENYA FOREST.

Transmits letter from Mr Hindle, A forester, giving details. Has sanctioned writing off of the Government Stores and recommends compensation be paid to him for loss of personal property valued at £95.

Mr Butler

I find that we have never laid down rules in E. Africa as to compensation to be given for loss of property by accident, as we have done in N. Africa -
C. paper rules, especially 2864/05
W. Nig., 226/03 N. Nig., 11519/05 N. Nig
S. Leone, 4387/07 S. Leone
W. Africa, 2467/08 W. Africa.

we had better send the pro.

A copy of the Insurance rules (attached to 11519/05 N. Nig) alluding to the

Copy comes from 25 Feb 10
Copy comes from 29/9/09 in copy of 23/5/10
Copy to 24/10/09
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Copy to 24/10/09

Copy comes from 260 & N. Africa

Subsequent Paper
5000
5100

possibility of insurance, ~~however~~ that
the same principles should be applied
as far as possible to both as well as
insurance officials, and suggest that
a joint standing order embodying the
insurance rules should be published
for the information of officers -
As regards the present case, ask for
detailed statement of compensation
damages under principles laid down
above, to advise that the Sgs may
be in a position to approach the Treasury.

I think that he may have
to the present extent
of insurance for the present
I have never so far as I know
to the present but it is important
to all the Sgs, some to a part
of Sgs as compensation hereby in the
to his interests
W. Read
I agree a copy of the

copy attached

Rules should be made
attached to this paper 122

2/23
Oct 30

W. Fisher
So proceed?
L. J. R.
307x
at home
P.M. 1/11

Jan
2/10



ow 1548

H.F.B.

4 Nov. 09.

ow 538-564

H.F.B.

4 Nov. 09.

The rules for the Navy are contained in Article 1583^x of the Queen's Regulations, part of which Mr. Probyn quotes. Those for the Army are in the Allowance Regulations 523-549^x.

2. With regard to Civil Practice, the rule is that no compensation is to be given if the loss could have been avoided by the exercise of prudence. Thus Diplomatic and Consular Officers abroad have more than once been warned that the loss by accident of property which might have been insured can give no claim to compensation.

3. There are however, cases in which insurance is impracticable e.g. the risk of fire in certain semi-civilised countries: and it may be held that there are cases in which reasonable prudence does not demand insurance e.g. for the minimum of personal baggage taken by an officer with him on a journey.

4. Supposing a case in which it is decided to give compensation, it should be the rule -

(1) that no property should be considered which was not, at the time and place in question, actually or conventionally necessary for the discharge of the duties and the maintenance of the position of the officer: and articles of an extraordinary fanciful character acquired for the gratification of private tastes, must be kept at private risk.

(2) That only a part of the declared value of the property lost should as a rule be granted, to guard against the possibility of carelessness and the danger that loss might become positively a source of profit. The usual Treasury principle has been to give 2/3rds of the value; though the whole amount has on rare occasions been allowed when the total is very small, or in view of special circumstances such as the efforts of an officer to save public property at the risk of his own.

5. Attention may be called especially to the Army and Navy Regulation which lays down that no claim will be admitted on account of the loss of money which is the private property of individuals.

C.O.
53283

REC'D
9 OCT 09

Governor's Office,

Nairobi,

September 13th 1909.

EAST AFRICA PROTECTORATE.

No. 533.

(Incl. 1)

125

My Lord,

I have the honour to transmit herewith a letter from Mr. Hindle, a forester, giving details of a fire which occurred in the West Kenya forest.

2. I have sanctioned the writing off of the Government Stores - and as I am of opinion that the fire was in no way due to any carelessness on Mr. Hindle's part, I venture to support his request for compensation for the considerable amount of personal property lost by him which he estimates at £95/-.

I have the honour to be,
With the highest respect,

My Lord,

Your Lordship's most obedient,

humble servant,



H.M. Principal Secretary of State

for the Colonies,

Downing Street,

London, S.W.

*Mr. Hindle's
24th June 09.*

C O P Y .

REC'D
REGD 9 OCT 09

West Kenya

24.6.09.

126

The Hon. Treasurer,
Mombasa.

Thro.
Verdara,
Nyery.

Sir,

In reply to your enquiry, re the fire which unfortunately occurred here on the 4th ultimo, I have the honour to report as follows:-

The Building which was destroyed consisted of 3 rooms built with grass and bamboos, with grass doors and no windows, two of these were designated Quarters for Married Forester and Family the other being a Government Store.

At about 7 p.m. I was at Mr. G.S. Baker's tent, 250 yards from the said Building, my wife was preparing food in the kitchen, the kitchen boy saw the fire and shouted to my wife (who luckily saved baby) and then ran to tell me, Mr. Baker and myself immediately rushed to the scene, but were unable to save any of my personal effects, tho: succeeding in saving all Government Stores with the following exceptions:-

- 1 Camp Bed.
- 1 " Table.
- 1 Ground Sheet.
- 1 Spirit Level.
- 1 Pr. Pocket Glasses.
- 1 Survey Umbrella.
- 10 Ros. M.H. Ammunition.
- 220 lbs. Posho.
- 30 Empty Bags.
- 1 Cash Book.
- Various forms and envelopes.

Although

Although I cannot state definitely how the fire originated I am of the opinion that the Lamp must have exploded. In case the enquiry is made with a view to awarding me compensation I may say that I estimate my losses at £95/- taken at second hand valuation and these losses could not have occurred in proper "Quarters".

I have the Honour to be,

Sir,

Your obedient servant.

Sd. H. Hindle.

Forester.

Gov. 33283 E.A.P.

Copy
58
18/11/1909
man

DRAFT

EAST AFRICA PROTECTORATE.

Downing Street,

6 November, 1909.

Governor

Col. Sir P. Girouard K.C.
D.S.O., R.N.

MINUTE

Mr. H.P.

Mr. Butler

Mr. Just

Mr. Anstobus

Mr. Cox

Sir G. Lucas

Sir F. Hopwood

Mr. G. S. Budge

The East of Crow

Sir,

I have the honour to acknowledge the receipt of Mr. Jackson's despatch No. 633 of the 13th of September, forwarding a copy of a letter from Mr. Hindle in which he claims compensation for the loss of private property destroyed by fire.

2. I enclose an extract from a memorandum which states the Treasury practice with regard to the compensation of Government officers for loss of private

copy of correspondence
sent to Uganda for
information and guidance

Yes 3/11/09
W.S.

Memorandum
attached to 11519/5 W.Nig.

*See also copy letter
regarding the Treasury
and copy letter has been
sent to the Treasury
with necessary amendments
and attached 11519/5*

25/11/09
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Ans 2-5139
11/11/09
11/11/09

been effected on reasonable terms.

4. So far as is possible, the same principle should be extended to the case of natives in the employment of the Government ^{and applied} as to European officers.

5. With regard to the case which forms the subject of ^{W. Jackson's} your despatch, I have to request that you will forward a detailed statement of the compensation which you consider ^{properly} can be claimed by ^{under the rules referred} Mr. Hindle in the light of these principles, ^{to which he is entitled} that I may be in a position to approach the Lords Commissioners of the Treasury on the subject. In the present instance I am prepared to waive the question of private insurance, in view of the fact that officials in the service of the Protectorate have not hitherto received any warning as to its necessity.

I have, &c.,