

1925

KENYA

41071
SEP 25

FROM AGENTS.

DATE
8th September 1925.

RESPECIFICATION

Mr. [unclear]
Mr. [unclear]

MR J. OLBSON, SEC. OWING TO GOVT. OF KENYA.

455

Explain steps taken to ensure repayment of the £20 due to Kenya, upon his acceptance of the appointment in Nigeria. Possibly in these circumstances the claim is not statute barred, apart from privilege of Crown.

Perm. U.A. of G.

Perm. P.C. of G.

Secretary of State.

Previous Paper

28 SEP 187

MINUTES

This does not explain why they
avoid the claim of £20 as title
of the letter of 5th Sept 1925 an 1003912
but I understand they had lost the
papers. 1003912 outlines why they
avoided the claim. Even if the claim is not
statute barred it is doubtful if it
could be recovered. As a single claim it
is not worth pursuing, but it is the
precedent that Nigerian claim also.
What do you advise? Had right the
C.A. be told that the Co should
be consulted beforehand? (See
Bulletin No 31 (14) and No 51 (12))

J.M.H. 14/9/25

G.O.

Copy to [unclear] 28 SEP 1925 (P.S.)

Subsequent Paper

M.I. 41071

LAW OFFICERS' DEPARTMENT,
ROYAL COURTS OF JUSTICE,
LONDON, W.C..

22nd August, 1925.

Sir,

Attorney-General v. E. Ohlsen.

I am directed by the Attorney-General to inform you that an application has been received from Messrs Burchells of 5, The Sanctuary, Westminster, for leave to institute proceedings by Information against Mr JOHN Ohlsen to recover a sum of £20 advanced to him in May 1919 by the Crown Agents for the Colonies, as Agents for the Government of Kenya. Messrs Burchells explain that the delay in making this application was occasioned by correspondence between the Colonial Governments concerned, the Colonial Office and the Defendant.

The Attorney-General desires me to point out that the claim is over six years old, that proceedings other than by the Crown would be statute barred, and that he is averse to using the Crown's privilege of exemption unless there is some very valid reason to excuse delay. He would be glad, therefore, to be furnished with any further reasons there may be in explanation of the delay that has

taken

1882

Signed Robert A. ...

1882

WYOMING REPORT

24 September, 1925.

With further reference to your letter of the 22nd instant regarding the application received from Messrs. Sargent & Lundy for leave to institute proceedings by information against Mr. John Chilson, I enclose the sum of \$20 advanced to him in 1919 by the Crown Agents for the Colonies from Exchequer Funds. I am directed by Mr. Secretary Sargent to request you to inform the Attorney General that no attempt to sue for this sum would have been made at this date were it not for the following circumstances.

1. In August, 1919, Mr. Chilson applied for further Colonial employment and was informed that his application could not be considered until he had refunded the sum of \$20 due to the Government of Kenya. In November, 1925, the Crown Agents reported that they had been unable

recover the amount from Mr. Olson and they were informed, in reply, that, in the circumstances, they should take no further steps in the matter. In March, 1915, Mr. Olson applied to the Government for the appointment of Electrical Engineer, in the Public Works Department, Lagos, and promised, if appointed, to repay the £200 due to Kenya; and he was informed, in reply, that the Crown Agents were being authorized to consider the application from him for Colonial appointment on that condition. Copies of the correspondence referred to are enclosed.

To Mr. Olson
11.2.15.
To Mr. Olson
21.2.15.
To Mr. Olson
29.11.15.
To Mr. Olson
5.12.15.
To Mr. Olson
2.2.16.
To Mr. Olson
9.3.16.

Subsequently the Crown Agents engaged Mr. Olson to work as a Chief Engineer in the Public Works Department in Lagos, and arranged to recover this debt of £200 to the Government of Kenya from the first three payments of his monthly salary. Mr. Olson duly signed the usual agreement in respect of his proposed appointment to Nigeria, and was granted an outfit allowance of £200 from Nigerian funds, but as he failed on two occasions to proceed to the Colony when invited to do so by the Crown Agents, they cancelled his appointment.

The Crown Agents applied to Mr. Olson for repayment of

of the amount of outfit allowance and also for payment of the sum of £200 due by him to the Government of Kenya, but he failed to make any payment and they therefore placed the matter in the hands of Messrs Bartlett who applied to him for payment, without success. The Crown Agents accordingly instructed the solicitors to take legal proceedings for recovery of the sum of £200.

5. The Crown Agents state that when sending Mr Chiswick the agreement which he was required to sign in connection with the Nigerian appointment, the following note was put on the covering memorandum, "as arranged verbally with you, the sum of £200 due by you to the Government of Kenya will be deducted in instalments from the first three payments of your Nigerian salary". This note also appeared on a form containing other information which was duly signed by Mr Chiswick and returned to the Crown Agents.

6. In these circumstances, I do not suggest that the promise made by Mr Chiswick in the accompanying correspondence and the subsequent engagement signed by him with the Crown Agents may be regarded as taking his debt to the Government of Kenya out of the Statute of

Limitations.

1100
I. Stuart Wood,

Dona Lane,

Acton, N.Y.

August 11th, 1919.

Dear Sir,

Referring to my call on you this morning for a situation in the Colonies.

Under the circumstances which is stated in previous letters, and received no compensation, I bid to ask if you can furnish me with a responsible position in one of the Colonies, prefer East or South Africa, but wherever there is a berth I will go for a four five, or six years or longer contract, as long as I can take my family with me and settle down.

If I am unable to refund the \$30 you advanced me, I wish to ask if I can pay it back by you giving me a position in the Colonials, as I should like to settle down there again.

I am employed as Works Engineer in full charge of construction, erection and maintenance of large works consisting of layout machines, wafting pumps, motors, lights, gas engines, oil engines, boilers etc.

I am quite capable of taking full charge and keep record of any plant up to any power.

Have been in full control of construction erection and maintenance work for the past six years.

Married, two children, age 32 years.

I have been employed with my present firm for two years.

Trusting my statement will be to your satisfaction.

Yours faithfully

(sgd) John Ohlsen.

Downing Street,

23rd August 1919.

45667/19.

Sir,

I am directed by Viscount Milner to acknowledge the receipt of your letter of the 11th of August, and to inform you that your application for employment in the Colonies cannot be considered until you have refunded the sum of twenty pounds (£20) referred to in the letter from this Department of the 6th of June.

I am, etc.

(sgd) H.J. READ.

HILSON

Secretary, New Scotland Yard, Green Lane.

New Scotland Yard, N.W.1.

21st November, 1919.

Mr J. Gilson.

Gentlemen,

With reference to your letter of 11th November addressed to the Police at Acton, I am directed by the Commissioner of Police of the Metropolis to acquaint you that Mr J. Gilson, with his wife and two children, occupied a flat over a shop at No. 1 Stuart Road, Herne Lane, Acton, W.3 for which he pays 14/- per week rent.

I am to add that Gilson is employed at a foundry at Victoria Park, Acton, that he is stated to be earning £6.10.0. per week, and that he appears to be in debt locally, as frequent demands are being made to him by local tradesmen to pay his debts.

(Sgd.) W.H. Tinsell,

Secretary.

NEW YORK STREET,

5th December, 1929.

Sir,

I am directed by Mr Secretary Long to acknowledge the receipt of your letter No. M/X.7.1908 of the 29th of November and to inform you that in the circumstances you need take no further steps to recover from Mr J. Chiswick the sum of £20 which was advanced to him in respect of the cost of his passage to this country from Crown Agents.

(Signed) E.F. Brad.

AGENTS
OF THE
COLONIES.

45 The Avenue,
West Haling, W.13.
March 2nd 1926.

Her Secretary of State,
Colonial Office,
Westminster.

Sir,

With reference to my interview with you this morning re £20 which I have to refund.

I most respectfully ask if I may be considered for the appointment as "Electrical Engineer" for the Public Works Department of Gambia Colony Ref. No. M/13334.

If this would be possible I promise to repay the £20 out of the first few months salary, as I am not in the position to refund that amount at present for I have not been in employment for the past nine months, since I completed a three year contract for the Air Ministry in Egypt as a "Mechanical and Electrical in Charge".

My name has been on the records of the Crown Agent for the Colonies for many months.

Trusting this may be treated as a special consideration.

I am ac.,

(Signed) John Ohlson.

DOWNING STREET.

9th March, 1930.

Sir,

In reply to your letter of the 2nd of August, I am directed by Mr Secretary Keery to inform you that the Crown Agents for the Colonies are being authorized to consider an application from you for a grant of money on the understanding that if the application is successful, you would pay the salary the sum of £500 per annum.

Department of 23rd August 1930.

Government of Kenya.

I am, &c.,

(Signed) W.C. Kestevenley.



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41071

463

Dear Sir,

I have the pleasure to acknowledge the receipt of your letter of the 14th inst. in relation to the large bill of exchange drawn on the Bank of India, which was forwarded to me by the Bank of India on the 10th inst. and in reply to inform you that the same has been forwarded to the Bank of India for their consideration.

I am, Sir, very respectfully,
 Yours faithfully,
 [Signature]

The enclosed copy of the bill of exchange is being forwarded to you for your information and for the purpose of enabling you to acknowledge the debt, and to provide for the same in the circumstances in which it stands.

I have the pleasure to inform you that the bill of exchange has been forwarded to the Bank of India for their consideration.

Your obedient servant,

W. H. ...

Secretary of State,
Colonial Office.

for Crown Agents.

£20 to the Government of Kenya from the first three payments of his Nigerian salary. 470

3. Mr. Ohlson duly signed the usual Agreement in respect of his proposed appointment to Nigeria, and was paid an outfit allowance of £80 from Nigerian funds but as he failed on two occasions to proceed to Nigeria he was not paid so by the Crown Agents in the period of his appointment.

4. The Crown Agents applied to Mr. Ohlson for repayment of the amount of outfit allowance and also for payment of the sum of £20 due by him to the Government of Kenya; but he failed to make any payment and they therefore placed the matter in the hands of Messrs. Burchells who applied to him for payment, without success. The Crown Agents accordingly instructed the solicitors to take legal proceedings for recovery of the sum of £80.

5. The Crown Agents state that when sending Mr. Ohlson the agreement which he was