

1924

KENYA

29810

REP
REC-23 JUN 24

Date

20th June 1924.

INDIA OFFICE.

344

REGULATION

Jeffries

CAPTAIN J. L. KENNY. REPAYMENT OF ADVANCE OF PAY.

Dist. U.S. of S.

Fwded copy of corres with Capt Kenny regarding a request that he should refund a sum of £10:12:6 stated to be due to Treasury Officer Mombasa, on the ground that sum advanced was paid in florins and repaid in rupees.

Permt U.S. of S.

Part U.S. of S.

Secretary of State.

Previous Paper

None

MINUTES

This is rather a tangle. Capt. Kenny received an advance from the Treasury Officer, Mombasa on the 11th of October, 1920. This was after the issue of the Order in Council of 1920 which said that all contracts etc should from that date be deemed to have been done in florins. Because scarcely he doubted, therefore, that the payment made was the £10.300, though it may probably was actually made in Indian rupee coins.

21st 1/20

*Susako
CMA Pomas
letter 8/11/24*

4 JUL 1924

Subsequent Paper

By the time retirement was made (in April 1921) the Indian rupee had fallen below 2/- and the Rs 300 remitted by the Gov^t of India only realised £19.7.6 in Kenya. The

Govt. of Kenya require
£10,12.6 to close their
account and as they are
not responsible for the
fluctuation of the Indian Rupee
nor for the action of the Govt. of
India in originally announcing
that a remittance of Rs. Indian 300
would be sufficient, they
~~were to be~~ are entitled
to this sum.

act and explain that
by the O.V.C. of 26.4.20 the
Florin was made the standard
coin of the F.A.P. & that
there can be no doubt that the
advance made was Rs. 300.
though as the Indian Rupee was
at the time of the advance
accepted in Kenya as the
equivalent of a Florin, and was
circulating as such, it is quite
likely that the payment was
actually made in Rupee coin.
Says however that in order
to discharge the advance
and to close the books of the
Govt. of Kenya the repayment

that this appears to have
been confirmed by the vouchers
referred to in CMA Poona's letter
of 9.8.23.

Refer to p 12
(3) (a) of the
O.V.C.

the Govt. of Kenya was £30. & that)

of Rs. 300 is required, and
that as the sum of Rs. 300
remitted in April 21 only
realised £19.7.6, the
balance of £10.12.6 is still
due to the Govt. of Kenya
& that the S. & S. regrets that
he is unable to consider the
question of waiving the payment
of this balance.

S.S.
17.24

I agree. Capt. Kenny
was not paid by the
E.A. Govt., and their
making an advance to
him was a courtesy.
They made the advance
in their own currency
and are entitled to
a refund of the amount
advanced in their own
currency. There is no
reason why they should
lose

loss by the transaction.

The loss due to the
fall of the Indian rupee
as compared with the
florin between Oct. 1920
and April 1921 should
be borne either by
Capt. Kenny or the Govt.
of India, and they
can fight it out between
them selves.

Off. for comment

C. J. 1/17/24
above.

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The loss due to the
fall of the Indian rupee
as compared with the
floor in between Oct. 1920
and April 1921 should
be borne either by
Capt. Kenny or the Govt.
of India, and they
can fight it out between
themselves.

Off. for comment

C. J. 1/17/24
above.

Further communication on this subject should
be sent to
Under Secretary of State for India,
Accountant-General's Department,
India Office,
London, S.W.
Following reference quoted:
E.15717/9/F.1.

INDIA OFFICE



LONDON, S.W. 1.

RECEIVED
21 JUN 1924

20th June, 1924.

COL OFFICE

Capt. & Deputy Commissary J. B. Kenny,
Indian Miscellaneous List.

29810

REC
JUN 23 1924

Sir,

I am directed to forward herewith copies of a letter and
enclosures received from Captain Kenny regarding a dispute over
repayment of an advance of pay received by him prior to leaving
East Africa.

In view of Captain Kenny's statement that the advance of pay
was drawn in rupees (and not florins) and repaid in that currency,
his claim that the question of exchange does not concern him and that
he should not be called upon to refund the sum of £10. 12. 6. appears
reasonable, and if it concerned this Department, would be admitted
under the ordinary rules for conversion. I have to enquire therefore
whether your Department is prepared to take the matter up with a
view to waiving the claim for this amount, preferred by the East
African Government.

I am, Sir,

Your obedient Servant,

W. H. G. G. G.
CHIEF ACCOUNTANT.

The Under Secretary of State
for the Colonies,
Colonial Office,
S.W.1.

No. 24521/ESTABS.

Dated 10th February 1924

311

D.A. & Q.M.G.

I respectfully beg to submit this my appeal against the claim for £10.12.6. made against me by the C.M.A., Southern Command and Poona District.

C.M.A. No. Off/21168, dated 10th May 1923.
 My No. 23, dated 17th May 1923.
 C.M.A. No. O/31/2/21769, dated 4th June 1923.
 My No. 24, dated 5th July 1923
 C.M.A. No. Off/31/2/352, dated 9th August '23 & accompaniments.
 My No. 25, dated 22nd August 1923.
 C.M.A. No. Off/31/2/4915 dated 7th January '24 and accompaniments.)

I attach copies of correspondence which has passed between myself and the C.M.A. on the subject.

Briefly the case is as follows:-

(i) In October 1920 I obtained an advance of pay of Rs.300 from the Treasury Officer at Mombasa .

(ii) On my return to India in November 1920 Rs.300 were recovered from me and paid to the East African Treasury by the C.M.A.

(iii) In May 1923, the East African Govt: claim to have paid me £30 in East African Florins, and therefore demand £10.12.6. in adjustment of the transactions in (i) and (ii) above,

As regards (i) and (ii) I received Rs.300 and refunded Rs.300. As regards (iii) I have no concern whatever with Pounds shillings and pence as my pay and allowances are provided for in Rupees, annas and pies, and I am entitled to so many Rupees annas and pies per mensem-irrespective of their value in pounds, shillings and pence.

The whole case hinges on the question of whether I received Indian Rupees or East African Florins. It will be seen from the correspondence attached that I have made definite statements to the effect that I actually received 300 Indian Rupees and that I have never yet seen an East African Florin, and notwithstanding these definite statements the Military Accounts Department persist in telling me that I was paid 300 Florins.

Please see letter from C.M.A. dated 7th January 1924 forwarding copies of correspondence which he states "proves conclusively that payment was actually made to you in Florins". This amounts to accusing me of deliberately making false statements in correspondence, and I would, therefore, respectfully request that the C.M.A. be asked to withdraw or modify para 2

of his letter of 7th January 1924.

I again state that I actually received three hundred Indian Rupees, and in fact most of them were spent by me in Bombay where Florins (had I had them) would not have been accepted.

(Sd) J.L. Kenny.

Captain

Chief Clerk. Southern Command.

No. 101 EX

22, Ridge Road,

Stroud Green,

London, N.4.

9th June 1924.

From Captain J.L. Kenny, M.B.E.
India Miscellaneous List.

312

To The Military Secretary,
India Office,
London.

Sir,

Reference your letter No.A.C.E.15717/4/F.1, dated 8th May 1924, on the subject of debits shown in my last pay certificate received by you from the Controller of Military Accounts, Southern Command and Poona District, Poona, I have the honour to address you as under with regard to the item "Advance on Mombasa Treasury --- £10.12.6."

2. I was on active service in East Africa from October 1914 to November 1920, and returned to India after having completed the demobilisation of the East African Expeditionary Force.

3. Shortly before leaving East Africa I obtain an advance of Rs.500/- which was recovered from me and paid to the East African Government by the Controller of Military Accounts, Southern Command and Poona District in March 1921. In May 1923, or 2½ years after the transaction, the C.M.A. informed me that, as the East African Govt. advanced me 300 Florins (and not Rupees), I was required to pay a further sum of £10.12.6. This I objected to as the advance was made to me in Indian Rupees, and I refunded Indian Rupees to the full amount received.

4. I enclose copies of correspondence which has passed between the Military Accounts Dept; the D.A. & Q.M.S. Southern Command and myself on the subject which fully explain my objection and from which it will be seen that the C.M.A. infers (in his No. Off/51-2/284 of 11th April 1924) that the matter is no longer one which concerns his Dept. or the Government of India. In the circumstances I should be glad if the case could kindly be taken up with the War Office, and the loss to Government, if any, written off.

Copy of a memorandum No. Off/31-2/12 dated 15th April, 1924, from the Controller of Military Accounts, Southern Command and Poona District, Poona, to the Controller of Military Accounts, Southern Command, Poona.

313

Re-enclosed.

2. It appears from the correspondence with the East African Authorities that the coin prevalent in East Africa at the time concerned was the Indian rupee, but with effect from the 1st April, 1920, a change was introduced, and the rupee was stabilised as the coin current and was equal in value to a florin and 10 florins (or Rs.10) were equal to £1/-. It would also appear that the accounts of the East African Government were kept in florins. Captain Kenny was therefore expected to return the advance of £30/- received by him. In March, 1921, Rs.300/- were recovered from Captain Kenny. This amount was remitted by this Office to the East African Government. It, however, realised only £19.7.6. and a further sum of £10.12.6. is thus still due from Captain Kenny.

The Officer, however, contends that the recovery of this amount is not due from him as he has not seen an East African Florin. He also prays that the amount may be written off if his contention cannot be accepted by the East African Government.

Captain Kenny has since proceeded on combined leave to England. He has made no arrangements to afford credit for the amount due from him. He is drawing his pay for the privilege leave period in India through his agents, the Imperial Bank of India, Poona. After the period of privilege leave is over, this demand of £10.12.6. will be noted on Captain Kenny's last pay certificate to be sent to the Secretary of State and the fact communicated to the East African Authorities. The India Office will no doubt recover the amount and credit it to the East African Government.

As this recovery pertains to a period when Captain Kenny's pay was borne by the Imperial Government and as the amount is not due to the Indian Government it is considered it is not within the competency of the General Officer Commanding-in-Chief to write off the amount of the balance of the advance.

No.24521/14/ESTABS..

Headquarters, Southern Command..

Poona. 19th April, 1924.

To :- Captain James Leonard Kenny, I.C.S.,
C/o India Office,
WHITEHALL, LONDON.

MEMORANDUM

Forwarded in continuation of this Headquarters, No.24521/12 Estabs. dated 15th March, 1924.

Sd/- E.FELL, Major
for D.A. & A.E.G., Southern Command.

J.R.P.

5. The amount in question was recovered by the Chief Accountant, India Office, from the pay due to me on 1st June 1924.

6. Kindly return enclosures when no longer required.

I have the honour etc.

J.L. Kenny, Captain.

J.L.K.

HEADQUARTERS, SOUTHERN COMMAND.

POONA. 28TH FEBRUARY, 1924.

To :-

CAPTAIN J.L.KENNY,

C/O LLOYDS BANK,

COX'S BRANCH,

16, CHARING CROSS,

LONDON, W.1.

MEMORANDUM.

Reference the I.A.F. A.508, submitted by you appealing against the decision of the Controller of Military Accounts, Southern Command and Poona District, to deduct from your pay a sum of £10.12.6., representing the difference between £1.300/- said to have been paid to you, and Rs.300/- which was refunded in repayment.

Para 89 A.R.I. Volume III states :-

"Until a final disallowance has been adjusted, no appeal (See A.R.I.Vol.II) may be preferred against the final decision of an audit officer. Every appeal (I.A.F. A.508) must be accompanied by all papers relating to the case. When a final disallowance is recovered by instalments (see para.58) an appeal may be submitted after the first instalment has been paid, but subsequent instalments must continue to be paid as they fall due until the decision of competent authority has been received".

The appeal has, therefore, been retained in this Office pending intimation of commencement of recovery. One copy of appeal and relevant correspondence is forwarded for your information.

Sd/- H. Galinsoe, Captain
for MAJOR.

A.M.S., SOUTHERN COMMAND

LET.

COPY.

No. Off/31/2/4915.

Office of the Controller of Military Accounts,
Station. Poona. Date 7th January 1924.

From The Controller of Military Accounts,
Southern Command & Poona District.

313

To Lieut. J.L. Kenny,
Chief Clerk,
Southern Command. Poona.

Memorandum.

Reference: Correspondence ending with this
Office Memo. No.OFF/31/2/1861 dated the 4th
September 1923.

The attached copy of a letter No.P 2272/Staff
1390/23, dated the 30th November 1923 and its enclosures
from the Officer-in-Charge, East Africa War Accounts,
Clearance Section and Records, Nairobi, is forwarded to
you for information with reference to your Memo. No.25,
dated the 22nd August 1923.

As the correspondence proves conclusively that
payment was actually made to you in Florins the East
African Currency having been changed from 1st April
1920 from Rupees to Florins and stabilised at 10
Florins to the pound - it would appear that your
liability to the East African Government was to the
extent of £30/-.

Under the circumstances the sum of £10.12. 6 still
due by you may please be credited in your next pay bill
converted at the Official rate of exchange prevailing
on the 1st February 1924.

Please acknowledge receipt of this communication
and return the enclosures when done with.

Sd/- G. Vaidya.

for Controller of Military Accounts,
Southern C. & Poona District,

4-1 5-1

COPY.

No. Off/31/2/4915.

Office of the Controller of Military Accounts,
Station. Poona. Date 7th January 1924.

From The Controller of Military Accounts,
Southern Command & Poona District.

315

To Lieut. J.L. Kenny,
Chief Clerk,
Southern Command. Poona.

Memorandum.

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Please acknowledge receipt of this communication
and return the enclosures when done with.

Sd/- G. Vaidya.

for Controller of Military Accounts,
Southern C. & Poona District,
4-1 5-1

COPY

No. 25.

Headquarters, Southern Command.

Poona. 22nd August, 1923.

To
The Controller of Military Accounts,
Southern Command & Poona District,
P O O N A.

315

Memorandum.

I am to thank you for your No. Off/31/2/352, dated the 9th August 1923, and with reference to our conversation to state that I actually received 300 Indian Rupees and your recovery from me and remittance of Rs. 300/- to the Kenya Government appears to be perfectly correct.

I again make a definite statement that I have not yet seen an East African Florin.

It might, perhaps, be interesting to know why the Agents, East African Protectorate accepted Rs. 300 in satisfaction of K.A.R. Claim No. 8314 of 9th March 1921 - was the claim for Rs. 300 or Florine 300/-.

Sd/- J.L. Kenny

Lieutenant.

Chief Clerk, Southern Command.

COPY.

No. 25.

Headquarters, Southern Command.

Poona. 22nd August, 1923.

To

The Controller of Military Accounts,
Southern Command & Poona District,

315

P O O N A.

Memorandum.

I am to thank you for your No. Off/31/2/352, dated the 9th August 1923, and with reference to our conversation to state that I actually received 300 Indian Rupees and your recovery from me and remittance of Rs. 300/- to the Kenya Government appears to be perfectly correct.

I again make a definite statement that I have not yet seen an East African Florin.

It might, perhaps, be interesting to know why the Agents, East African Protectorate accepted Rs. 300 in satisfaction of K.A.R. Claim No. 8314 of 9th March 1921 - was the claim for Rs. 300 or Florine 300/-. ec

Sd/ J.L. Kenny

Lieutenant.

Chief Clerk, Southern Command.

No. Off/31/2/1352.

Office of the Controller of Military Accounts
Southern Command and Poona District

Station. Poona, Date. 9th August 1923.

From The Controller of Military Accounts,
Southern Command and Poona District.

3174

To Lieut. L. KENNY,
Chief Clerk, Head Quarters,
Southern Command,
POONA.

Memo:-

Reference: Your memo.No.24 dated the 5th July 1923.

A copy of the letter from the Agents East African Protectorates, No.Kenya/346 dated the 10th January 1923 together with copies of enclosures is forwarded for your information.

From the copy of the voucher amongst the enclosures it will be seen that the advance of pay referred to is the one drawn by you in October 1920 and not that for September 1920 as suggested by you in your memo under reply. It was paid by the Mombasa Treasury in Florins amounting to Rs.300/- and accounted for in the Kenya Government accounts as such equivalent to £30 according to the then established rate of conversion viz. Rs.300/- in respect of the above advance when remitted to the Kenya Government in April 1921 has been accepted by the Government as equivalent to £19.7.6. only. The balance of £10.12.6 has therefore now been claimed in satisfaction of their accounts. Please afford a credit for the above amount in your current month's pay bill, converting at the official rate of exchange for the month.

The loss alleged to have occurred to you in remitting money from East Africa to India for your family does not in any way affect the adjustment of the Government transaction which has to be settled in accordance with the usual account procedure.

Please also note that para. 37-A Army Regulations India Vol III has no bearing on the case as no overissue of pay etc. is involved.

Sd/- G. Waidya.

For Controller of Military Accounts,
Southern Command and Poona District.

HEADQUARTERS, SOUTHERN COMMAND.

Poona, 5th July, 1923.

To

THE CONTROLLER OF MILITARY ACCOUNTS,
SOUTHERN COMMAND AND POONA DISTRICT,
POONA.

MEMORANDUM.

Reference your No. 0/31/2/21759., dated the 4th June, 1923. I would point out that while in East Africa I was paid either in India or German RUPEES. In fact I have never yet seen an East African Florin.

On reference to my field accounts I find that I obtained an advance of Rs. 300 from the Treasury Officer, Mombasa, in September, 1920. This is doubtless the transaction referred to, but I would point out that my pay and allowances have always been laid down in Regulations in Rupees and not pounds sterling. My pay was Rs. 700 plus Rs. 250 Staff Pay per mensem, and presumably I was entitled to draw that number of Rupees in any country where the Indian Rupee was current coin.

In East Africa the Indian Rupee was stabilized by the Government at 2s., while in India it fluctuated, and I think you will find that the Rupee in India in October, 1920, was worth about 2s. 6d. Moreover, I would mention that having to remit money from East Africa to India for my wife and family I lost anything from Rs. 30 to Rs. 100 per mensem for a considerable period, owing to the difference in the value of the rupee in each country.

I would, however, request that this transaction may be disposed of under paragraph 57A., Army Regulations India, Volume III, as revised by April Appendix to India Army Orders 1919. I would not make this request if I felt that I had actually received more than I was entitled to.

Sd/- J. L. Kenna,

LIEUTENANT.

CHIEF CLERK, SOUTHERN COMMAND.

COPY.

From,

The Controller of Military Accounts,
S.C. & Poona District.

311

To,

Lt. J.L. Kenny,
Chief Clerk, H.Q.
Southern Command
Poona.

No.0/31/2/21769.

Station Poona. Date 4/6th June 1923.

Reference your letter No.23 dated 17th May 1923.

The sum of Fls.300/- was paid to you at Mombasa on 11-10-20 by the Chief Paymaster, E.A.P.C. and not on 9-3-1921 as stated by this Office before. Please now state when £10.12/6d in India currency at the current rate of exchange will be credited to Government.

Sd/- G. Vaidya.

for Controller of Military Accounts,
S.C. & Poona District.

To.

C.M.A.

Southern Command and Poona District.

Reference your Off/21166, dated 10th May 1923, in which you state that Fls.300 were paid to me by the Paymaster East African Pay Corps on 9th March 1921, I would point out that on that date I was employed as Railway Transport Officer at Lahore Junction. I left east Africa early in November 1920. Moreover, Florins were not in use in East Africa before I left. Any money I received while in that country was paid to me in Indian Rupees.

S/- J.L. Kenny

Lieutenant.

Chief Clerk, Southern Command.

17-5-23.

Office of the Controller of Military Accounts,
S.C. and Poona District,
Station. Poona Date, 10th May 1923.

32

From
The Controller of Military Accounts,
Southern Command and Poona District.

To
Lt. J.L. Kenny,
Chief Clerk,
Headquarters,
Southern Command,

P O O N A.

Memorandum.

On the 9th March 1921, a sum of Rs.300/- was paid to you by the Paymaster, East African Pay Corps and in adjustment of this amount, a sum of Rs.300/- was repaid by this Office. Intimation has now been received from the Treasurer, Nairobi, that the amount advanced viz. Rs.300/- represented the equivalent of £ 30/- whereas the amount refunded by this office realised only £19.7.6. and the Agents for the Kenya Government have asked for the balance of £10.12.6. To enable me to adjust this matter, please afford credit in this months pay bill the equivalent of £10.12.6. in Indian Currency at the current rate of Exchange.

Please acknowledge receipt.

Sd/- G. Vaidya.

for Controller of Military Accounts,
S.C. and Poona District,
9-5. 9-5.

C. D.
11 3 JUL
1924

322

1-0.29810/24, Kenya

J.H.D.

4 July 1924

DRAFT.

The Under Secretary of State
India Office
Accountant-General's Dept.

Sir

MINUTE.

Mr. Seel 2.7.24
Mr. Jeffries 3/5
Mr. Robertson 3.7.24 *for*
Sir O. Davis.
Sir G. Grindle.
Sir H. Read.
Sir J. Masterton Smith.
Lord Arnold.
Mr. Thomas.

for Couson

I am etc to ack. the receipt
of your letter No. A.G. E.15717/9/F.1
of the 20th of June, on the subject
of an advance of salary pay
issued by the Treasury Office
at Bombay to Captain J. L. Henry
prior to his departure from East
Africa.

2. In reply I am to
request you to inform ~~the Staff~~
~~for India~~ Lord Olivier that
by an Order-in-Council dated
the 26th of April, 1920, the
Honour was made the standard

Ref. a Proclamation (now lapsed)
Coin of East Africa, and

that subsequent to the issue
under that Order in Council,
transactions in the Protectorate
were held to have been

executed in Florins. There can
therefore be no doubt that the
advance ~~to~~ of pay made
in October, 1920,
to Captain Kenney, ~~was at~~
represented a sum
the rate of Florins 300, and

this appears to have been
confirmed by the vouchers
referred to in the letter from
the Controller of Military Accounts,
the Chief Military Accountant,

Poona, dated the 9th of August,
1923, a copy of which is
enclosed with your letter;

~~although the Indian Rupee
Coin was at that time accepted
in the East Africa Protectorate~~

3. Section 12(3) (a) of
the Order in Council (provided,
mentioned above)

which came into force
on the 21st of July,
1920,

DRAFT.

MINUTE.

Mr.

Mr.

Mr.

Sir C. Davis.

Sir G. Grenville.

Sir H. Road.

Sir J. Masterton Smith.

Lord Arnold.

Mr. Thomas.

313
however, that all coins (other
and currency notes
than sovereigns) (which at the
date when the Order came into
force were legal tender under
the provisions of previous Orders-
in-Council should remain
legal tender for the amount
expressed ~~therein~~ in those Orders,
at the rate of one rupee for one
florin and one ~~florin~~ paid for
ten florins, unless and until
declared not to be legal tender.

The Indian Rupee coin was
therefore, at the time of the
advance to Captain Kenney,
circulating in the E. Africa
Protectorate and was accepted
as ~~the equivalent~~ legal tender for
a florin,
and it is ~~quite~~ ^{very} probable that
the payment was actually
made in Rupee coins, representing
florins.
4. Captain Kenney's

liability, however, to the Gov^t. of Kenya, was for the sum of Rs. 300, or £30 sterling,

and in order to discharge

that liability and to close the books in the Government of

Kenya the repayment of

£30 is necessary. As the

sum of Rs. 300 which was

remitted by the Gov^t. of India

in 1921 ^{as} payment of the

advance only realised a

sterling equivalent of £19-7-6,

the balance of £10-12-6 is

still due to the Gov^t. of Kenya.

^{the} an O/S regrets that he sees no justification for ~~it is unable to consider the~~

question of waiving the payment

of this balance.

Signed H. J. READ

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Gov^t. of Kenya, was for the
sum of Rs. 300, or £30 sterling,

and in order to discharge

that liability and to close
~~transaction in the~~
the books of the Government of

Kenya the repayment of

£30 is necessary. As the

sum of Rs. 300 which was

remitted by the Gov^t. of India

in 1921 ^{re.} in payment of the

advance only realized a

sterling equivalent of £19-7-6,

the balance of £10-12-6 is

still due to the Gov^t. of Kenya.

^{the} and I regret that he
sees no justification for
~~it to be considered~~

question of waiving the payment

of this balance.

(signed) H. J. READ

REGISTERED NO

37289 S

NOTICE TO BINDER

PLEASE LEAVE SPACE HERE FOR INSERTION OF 6 SHEETS

From

20

Kanya

Date

5 Aug, 1924

Subject

Indians

(Paper not available at time of binding)