

1922

KENYA

C O
63518

FROM
GOV'S DEPUTY
BORING

DATE
21ST NOVEMBER 1922

RE
RE 27 NOV 22

FOR CIRCULATION:—
Mr.
Mr.
Mr.
Mr. Grindle
Sir H. Lambert
Sir H. Road
Sir J. Masterton Smith
Mr. Wood
Mr. Churchill

SUBJECT
SALE OF SALVAGE STORES **298**
AMOUNT DUE FROM MR MOYNAGH

Encloses copy of Report on position at end of August. States developments since then.

Previous Paper

MINUTES

*Copy w encl (Specs) Dist. to day in Com. } 4/11/23
Lod
62079*

*Mr B. B. Boring
* Copy all to Disposal & Liquidation
Commission and to Treas.
(ref 61535)*

*Lod
30/11/22
Am 30/12/22*

W. J. Smith

Subsequent Paper

MO 4918/23

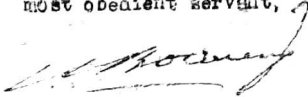
Salvage Commission's suit has been unsuccessful on account of the monies having been already paid to Messrs. Hogg and Moynagh.

5. The difficulties of reaching a final adjustment have been complicated by the dissolution of partnership between Messrs. Hogg and Moynagh and Mr. Moynagh's subsequent departure to Tanganyika Territory.

I have the honour to be,

My Lord Duke,

Your Grace's most devoted and most obedient servant,



GOVERNOR'S DEPUTY.

TELEGRAMS
TO
ED. PHOTOS
BY
AT PERMISSION
AND OFF. AS LGS
S. II

28th August, 1920

The Auditor,

N A I R O B I .

301

THE BRITISH SALVAGE COMMISSION FOR EAST
AFRICA versus HOGG AND MOYNAGH.

Ref. Your No. 780/454 of the 21st instnat.

The following is a history of the claim against Messrs.
Hogg & Moynagh.

1. On the 10th February, 1920, a suit (Civil Case No. 50 of 1920, Supreme Court) was filed against Messrs. Hogg & Moynagh to recover Rs. 51632/53 alleged to be due by them as the proceeds of sale by them by auction on plaintiffs' behalf of certain War Stores and material.
2. On the 24th April, 1920, it was agreed that the accounts in the case be referred to Messrs. Gill & Johnson, Chartered Accountants, Nairobi.
3. Messrs. Gill & Johnson submitted a statement on the 25th May, 1920, agreed to by both parties, showing an amount due by Messrs. Hogg & Moynagh of Rs. 39221/99. This amount was made up of a sum of Rs. 19134/29 immediately payable by Messrs. Hogg & Moynagh and another sum of Rs. 20087/70 still to be collected from various purchasers at the auction sales. The latter sum of Rs. 20087/70 was composed of the following items :-

Due by Berrek Effendi	Rs. 92.40.
Ahmed bin Ali	484.00.
Sheriff Hassim	316.80.
Public Works Department.	1920.00.
Nihal Singh	4500.00.
Ruben Bros.	578.50.
Colonial Carriage Company.	160.00.
Cook.	118.25.

Johansen .

Rs. 240.00.

302

Bradshaw.

7190.00.

Parker.

4064.25.

James.

423.50.

Rs. 20087.70.

4. By the terms of a settlement come to by both parties, and contained in letters dated the 26th and 27th May and the 9th and 14th June 1920, it was agreed, shortly,
- (a) that Messrs. Hogg & Moynagh should pay plaintiffs the sum of Rs.19134/29.
 - (b) that plaintiffs should, on behalf of Messrs. HOGG & Moynagh, endeavour to recover the various sums composing the Rs.20087/70 from the persons named.
 - (c) that should any of those persons prove they were not liable for the respective amounts claimed, Messrs. Hogg and Moynagh guaranteed to pay such amounts.
 - (d) that Messrs. HOGG & Moynagh would give plaintiffs every possible assistance towards recovering those amounts ;
 - (e) that plaintiffs and Messrs. HOGG & Moynagh would pay their own costs, and half Messrs. Gill & Johnson's fees.
5. On the 14th June, 1920, Messrs. Hogg & Moynagh paid the sum of Rs.19134/29 plus Rs.450/- (being half Messrs. Gill & Johnson's fees).
6. On the 25th October, 1920, Messrs. HOGG & Moynagh paid the plaintiffs the sum of Rs.893/20 being the amounts due by Berreck Effendi, Ahmed bin Ali and Sheriff Hassim.
7. On the 3rd February, 1921, Messrs. HOGG & Moynagh paid plaintiffs the sum of Rs.1920 being the amount due by the Public Works Department.
8. The Colonial Carriage Company is insolvent.
9. The plaintiffs filed suits against :-
- Packer (Civil Case No.242 of 1921, Supreme Court.)
 - Bradshaw (Civil Case No.243 of 1921, Supreme Court.)
 - Nihal Singh (Civil Case No.248 of 1921, Supreme Court)
 - Ruben Bros. (Civil Case No. 778 of 1921, Resident Magistrate's Court, Nairobi.)

13. To sum up the above position :-

(a) Nihal Singh and Ruben Bros. The decretal amounts are gradually being collected.

(b) Cook and Johansen. The cases relating to the recovery of the amounts referred to above are pending.

(c) Bradshaw. The case relating to Rs.1039/50 and execution proceedings regarding the Rs.6150/50 are pending.

(d) Packer. It is hoped to get payment gradually.

(e) Colonial Carriage Co^{ltd} and James. These items remain to be settled by Messrs. H & Maynagh, which are having consideration.

14. In view of certain circumstances in the case a special undertaking had been given by Mr. Hoze personally to pay the following items :-

Rs. 1039.50	(Bradshaw's case)
" "	(Johansen's case)
" "	(Cook's case)
<u>Rs. 1562.75</u>	

A letter has been issued to Messrs. Hoze on the subject and full payment application will be made to re-open the settlement in the said case (Civil Case No. 50 of 1920.)

CROOK COUNSELL.

63518/22 Kenya

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4 Jan 1913

DRAFT.

Proposal and Liquidation Commⁿ in
Treasury ^{27/22} ^{27/22}
MINUTE. ^{27/22}

- Mr. Bress Jan 1.
- Mr. Mackay 21/123
- Mr. Davis
- Sir G. Grindle.
- Sir H. Read.
- Sir J. Masterton Smith
- Mrs. Ormsby Gore.
- Duke of Devonshire.

with ref. to the letter from
this Dept of the 19th of Sept^r,
with ref. to your letter,
No 5/16989. of the 12th of Decem^r,

I am ~~to~~ to transmit to
regarding the ~~order~~ of Imperial
disposal of
Port Surplus = Stores to the ports
of African dependencies,
I am ~~to~~ to transmit to you,

1590
63518 (book)

to the Comptroller, before the
Disposal and Liquidation Comⁿ

(both)

①

Sec. of the Treasury

②

a copy of a deed, with enclosure,

from the Govt of Kenya, ^{relating} relative

to the ^{present} position with regard to

the recovery from Wagnath

of the sum's outstanding

against him.

(both)

(Signed) H. J. READ

Jrc