

EAST AFR. PROT.  
40433

40433  
Recd  
19 OCT 14

Governor  
Ballfield 834  
1914  
16th September  
Last previous Paper.  
206809

MR A. B. PHILLIPS  
TERMINATION OF APPOINTMENT 569

The petition. Consider General Manager's  
action was fully justified by the facts elicited at  
the enquiry.

Dr. G. Fiddes.

ask: + suggest that he request  
the fm: to inf: Mr P: that  
his petition has been rec<sup>d</sup> + considered, but  
that Mr Hancock sees no  
ground for intervening in the  
matter?

He seems to have got off  
lightly

H. J. R.

20/2/14

Mr 21.10.14  
Worcester  
21.10.14

206809

Last previous Paper.

EAST AFRICA PROTECTORATE.

No. 834.

70 33  
GOVERNMENT HOUSE, 14

NAIROBI,

BRITISH EAST AFRICA.

September 16th, 1914.

Sir,

At the request of Mr. A. B. Phillips,  
late Acting District Station Master at Nairobi,  
I have the honour to transmit herewith a petition  
in which he appeals against the action taken by  
the General Manager of the Uganda Railway together  
with a full report on the case by the Acting  
General Manager.

I consider that the action taken by  
Mr. Taylor was fully justified by the facts  
elicited at the enquiry.

I have the honour to be,

Sir,

Your humble, obedient servant,

H. Conway Blyden.

GOVERNOR.

THE RIGHT HONOURABLE

LEWIS MARCOURT, P.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET, LONDON, S.W.

Phillips  
17-1914

General Manager  
14-14

40.33

INCLOSURE No. 1

In Despatch No. 574 of 1914

REC'D  
REC'D

OCT 14

General Post Office

Nairobi - B.E. Africa

July 29th, 1914

To,  
The Right Hon'ble Lewis Harcourt  
H.M.'s Principal Colonial Secretary

L O N D O N .

562

Through H.E. The Governor of B. E. - Africa

Honourable Sir,

I wish to lay before you this appeal against the treatment I have received from the following officials of the Uganda Railway viz:- H.Taylor, the General Manager, B. Eastwood, Chief Accountant, and G.A. Stanley, Traffic Manager.

On the 24th. March last I sent an empty truck by the fuel train to the fuel siding three miles from Kijabe Station to be loaded for me by Mr. Wright who is in charge of a fuel camp belonging to a Mr. Bladen Taylor. The truck was loaded and returned by the same train.

The day following its arrival I made enquiries regarding the matter and I was informed by the Trains Clerk it had arrived, whereupon I telephoned from the Passenger Station to the Goods Department to enquire the amount of the freight and I was informed that no way-bill had been received.

About two days later I made further enquiries and received the same reply. I made enquiries again some two or three days later and the Trains Clerk had been informed by the Guard of the train that the contents of the trucks were for me.

In the meantime I was forced to buy fuel locally and was not prepared to take a truck of fuel owing to lack of accommodation, so I offered the same to a Mr. Morris of the

Accounts Department stating that the cost would be Rs.25/- plus Rs.11/- or Rs.12/- freight, so he decided to take the truck load of fuel.

507

On Saturday, April 4th, I spoke to Mr. Higgs who is in charge of the Goods Department regarding the non-receipt of the way-bill and he said it had not come to hand yet. I informed him I wished to take delivery and he said he would let me know the amount of freight the following Monday, debit Nairobi Station with the amount and credit same to Kijabe which would put the matter in order.

On Monday I was informed that Mr. Eastwood in company with Mr. Neville, Loco. Superintendent, and Mr. Breamner Assistant Loco. Superintendent, came to the station about 11.30 a.m. and called upon the carriage examiner to produce his daily waggon register to ascertain whether a record of the truck had been kept by him which they found duly in order.

About 2.30 the same day I was called to Mr Stanley's office and questioned regarding the truck this by Mr. Stanley. After answering several questions on the matter I asked Mr. Stanley what the inference was to which he made no reply, but sent for Mr. Eastwood and I was again questioned by him on various points in the presence of Mr. Stanley who took down what was said in writing. Mr. Eastwood, I may mention, is the Chief Accountant and has nothing to do with me personally as I am in the Traffic Department under Mr. Stanley. Several members of the Staff were then called in and questioned by Mr. Eastwood including the day duty Trains Clerk, Goods Clerk, Goods Agent and Mr. Morris. After they had all been questioned nothing further was said on the matter until the following day when I was asked to appear at the managers office in the

presence of Mr. Eastwood and Mr. Stanley. I was again questioned by the Manager and requested to state what I knew about the matter. No accusation of any kind had been made against me, but the inference certainly was that I had endeavoured to obtain this truck of fuel without paying the freight. 501

I then reiterated the whole points of the case viz:- That in the first instance when the truck was sent a wire was issued by me as a Railway message to Mr. Wright asking him to load the truck. The truck arrived without a way-bill and was left in the yard for ten days and was still there under load in a siding near the Railway Quarters for offloading by Mr. Morris.

A record of the truck was traced in the Carriage Examiners Wagon Register, the Vehicle Guidance book, the Guards train report and the Trains Clerks memo book. The only omission of entry was by the Acting Night Trains Clerk who failed to enter it in the Good Shed Wagon Register. The man then acting was not a permanent Trains Clerk, but a Goods Clerk. I pointed out that had I in any way intended to defraud the railway I should not have acted in the manner I did. The issue of a Railway message the original of which was forwarded to Mr Stanley's Office for scrutiny. The Guards train report which is also sent for checking the entries being made in all the Stations records with the one exception mentioned above and the truck afterwards left in the station for ten days under the observation of everybody and especially that of Mr Stanley who walks around the station daily, and that when offering the fuel for sale I stated the amount plus the carriage which was corroborated by Mr, Morris.

I then appealed to Mr, Stanley and asked him if during my two and a half years service on the Uganda Railway he had anything against me on my file or had he at any time the slightest cause to treat me with suspicion to which he replied in the

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the negative.

I was then notified by Mr. Stanley not to return to duty until the matter was settled.

About an hour afterwards I was called to Mr. Stanley's office and he informed me verbally that the case was considered a very serious one and that I could not remain in the service and saying I would be paid a month's salary in lieu of notice and be refunded my provident fund with full bonus and interest.

Subsequently on the 1st of May 1914 I was paid of accordingly.

I feel that the action taken has been most drastic and vindictive. The parties most concerned in the case were not called.

Mr. Wright who loaded the fuel was ~~mentioned~~ prepared to say how the omission of booking occurred and this was mentioned by me at the enquiry, but no action was taken. The Guard, who worked the train and who should have issued a siding ticket for the truck, was not called, the clerk who omitted to make the entry in the Goods Register was not called. The three parties here enumerated were those who, if any instructions had been given by me, would have received them and these persons were entirely ignored after my having mentioned them at the time.

I came to East Africa two and a half years ago and received an appointment as Guard from Mr. A.E. Cruickshank who was then Traffic Manager. I worked for three months only as a Guard and was then appointed Assistant Station Master, Nairobi, where I remained until January last and then received the appointment as District Station Master in the absence of the late District Station Master proceeding on leave.

During my service on the Railway I have not at any time been reprimanded or cautioned for misconduct, insubordination or disobedience, but have risen during the short service of two and a half

years from a Guard to District Station Master having under my control four fifths of the line doing the whole of the train ordering and movements of rolling stock and district working for 481 miles, the total mileage of the Railway being 584 miles and now on the first occasion when they thought fit to query my actions the extreme step has been taken without the slightest grounds for so doing and I have thereby forfeited my six months leave which was due on May 18th 1914.

I feel that it was a great injustice as there is not the slightest foundation in facts and no intention or attempt to in any way defraud the Railway as the whole of the staff under me will confirm that they have not either on this or any previous occasion received any instructions of the kind suggested by the officials named in this appeal.

Had the case been proved against me then I was not entitled to the smallest consideration and my Provident Fund should not have been paid me with full bonus and interest.

The letter which I received from the Manager copy of which I enclose states that I am dismissed under clause 6 of my agreement whereas if their action is warranted I should have been dismissed under clause 5.

I now make this appeal and lay my case before you, Sir, for your esteemed consideration that I may be reinstated if not on this Railway a Government Railway in another Colony and that the leave may be granted.

Should my requests receive your favourable consideration and my leave granted I should esteem it a great favour if you would grant me a personal interview at your own convenience when the whole details of the case could be more explicitly explained

explained and every detail of the case placed before you.

Nairobi

May 1914

I remain

Sir,

Your most humble and obedient servant,

( Sd. ) A. B. Phillips.

Late district station master.



Uganda Railway

No. A/2/33/655

General Manager's Office

563

NAIROBI, April 7th. 1914

The Traffic Manager  
Uganda Railway  
NAIROBI.

Mr. A. B. Phillips - District Station Master

NAIROBI.

Sir,

I regret that the action of A. B. Phillips, District Station Master, Nairobi, in regard to a truck of fuel makes it impossible for me to retain him longer in the responsible position of District Station Master and I have to ask you to discontinue with his services under para: 6 of his agreement granting him one months pay in lieu of notice.

I have read the report of the evidence taken by you at the joint enquiry with the Chief Accountant and Mr Phillips has been before me to explain his conduct in the case and I regret he has not satisfied me that he acted in the way a responsible official - a District Station Master - should have acted and I cannot but come to the conclusion that he is unfit for the position he holds.

I have the honour to be

So.

(Sd) H.B. TAYLOR

General Manager.

R.421 .

Copy forwarded to Mr. A. B. Phillips, Nairobi, for information.

(Sd) G. A. Stanley  
Traffic Manager.

Government House,  
British East Africa.

6th July 1914.

567

Sir,

With reference to your letter of July 3rd to His  
Excellency the Governor, requesting him to grant you an  
interview, I am to request you to state particulars of  
the matter which you desire to discuss with His Excellency.

I am, Sir,

Your obedient servant,

(Sd) F. W. Brett

Private Secretary.

A. B. Phillips Esq.,

Nairobi.

C/O G, P, OFFICE

NAIROBI.

570

July 8th 1914.

His Excellency

Sir H. Conway Belfield

Government House

NAIROBI.

Your Excellency

I beg to acknowledge the receipt of your letter dated the 7<sup>th</sup> inst, and in compliance with your request I beg to forward briefly the particulars of the matters I desire to lay before you.

The first matter is concerning my dismissal from the Government Service on the Uganda Railway by the Manager Mr. H. Blake Taylor which I consider most unjust and which has cast most undue reflections upon me, and secondly concerning a letter I have received from the Secretary of State for the Colonies in reply to a communication which I addressed to him on the matter.

My object in asking the favour of a personal interview is to place the whole facts of the case before your Excellency and to leave with you a written statement on the case.

Again thanking you in anticipation.

I remain, Sir,

Your most obedient servant

(Sd) A. B. Phillips

Government House

571

British East Africa

11th. July 1914

Sir,

In reply to your letter of July 8th., I am directed to say that His Excellency has received the report on your case and that he agrees with the conclusion arrived at and the action taken by the Hon. General Manager.

His Excellency therefore sees no reason for granting an interview.

I am, Sir,

Your obedient servant

(Sd) F. W. Brett.

Private secretary

A. B. Phillips Esq.

C/O General Post Office

Nairobi, July 25th. 1914

To,  
The Right Hon'ble Lewis Harcourt,

H.Ms Principal Secretary of State for  
the Colonies - L.O.N D O N.

512

Through His Excellency the Governor

Sir,

I beg to acknowledge the receipt of your communication of June 9th. and in compliance with the regulations in force beg to forward you a further copy of my report through His Excellency the Governor.

Upon receipt of your communication I wrote to His Excellency the Governor asking him to grant me an interview to which I received the reply a copy of which is enclosed. I replied to him as per my attached letter and have now received his final reply. Copy enclosed.

The whole affair seems to me to be a gross miscarriage of justice and I appeal to you to give the matter your most favoured attention.

The decision arrived at by His Excellency without previously seeing me and my whole case laid before him does not appeal to me as fair to myself, as the action of the heads of the Railway although not making any definite accusation against me, has certainly cast undue reflections upon me, as I pointed out to His Excellency I wish at all cost to maintain a reputation which it has always been my pleasure to possess.

Again thanking you in anticipation and trusting my case  
will receive every consideration.

I beg to remain, SIR,

Your most humble and obedient servant.

(Sd) A.B. Phillips

Late District Station Master

NAIROBI.

Encl. 4.

INCLOSURE

No 834 of Sept 16<sup>th</sup> 1914

He 1/2/14  
1150

11 September

4

TO  
THE ACTING CHIEF SECRETARY  
TO THE GOVERNMENT,  
NAIROBI.

Mr. A. B. Phillips

SIR,

I have the honour to forward herewith a full report on the petition of Mr. A. B. Phillips.

1. On the morning of 6th April 1914 the Chief Accountant was informed that the Acting District Station Master, Mr. Phillips, was offering a wagon load of firewood for sale under what appeared to be suspicious circumstances. He had offered it on or about the 1st April to Mr. Crockhart, Catering Manager telling him that it had come into Nairobi Station yard without any marks or trace of ownership, and as District Station Master it was his duty to dispose of it. A few days later he told Mr. Crockhart that he had found the owner and therefore could not sell it, but on the same evening offered it to Mr. Morris, Head Clerk - Accounts office, giving him the same reason for the sale that he had previously given to Mr. Crockhart. The price quoted to Mr. Crockhart was Rs. 25/- plus Rs. 11/- odd for railway freight - to Mr. Morris the price was Rs. 35/- to Rs. 36/-. It became known to the two men that the same truck had been offered to each, and under the circumstances stated above -

that the first offer was withdrawn because the owner was found - they considered it as being a suspicious transaction and informed the Chief Accountant.

Inquiries were at once instituted as to the movement of the truck and the date of its arrival at Nairobi. No waybill or consignment note could be found for it, but by going through the carriage examiner's records it was ultimately found to have formed part on March 24th of the fuel train that works between Kijabe and the Escarpment Stations and Nairobi, bringing fuel to Nairobi for the Locomotive Department.

The fuel train is run for railway purposes only. It is made up of a certain fixed number of wagons, runs empty to the Escarpment or Kijabe in the early morning and comes back loaded the same day. It is not a train on which freight for the public is carried, as the material on it is neither boxed or consigned. On arrival at Nairobi the train is put into the Locomotive yard, the fuel is unloaded and stacked in the locomotive fuel yard, and the fuel contractor is paid according to the measurement of the fuel so stacked. The manner in which this train is worked is a matter of importance as far as this case is concerned.

Mr. Phillips was questioned as to the transaction. He said that on the 23rd March he ordered a truck load of fuel from the Escarpment for his own private consumption, and told the trains clerk to wire the fuel contractor that a truck was being sent up for the wood. He had a telegram sent because he considered that as regards the fuel he was in the same position as one of the ordinary public, and he would wire for them in the same way in a similar transaction. He laid emphasis upon the fact that he had told the trains clerk that the wagon was to go by an ordinary train, as he knew



that if it went by the fuel train it would not be booked or a record kept of it as public traffic, and that if the train clerk had given any other orders in connection with the movement of the truck he had done so against his (Mr. Phillips) wishes and instructions.

He explained his desire to sell the truck load of wood by the fact that after it was ordered it was so long in being delivered and he could not obtain any information about it that he bought enough wood locally to fill all the store space he had available for this purpose.

Mr. Phillips explained his story that he was selling the wood on behalf of the railway because the ownership of the wagon could not be traced as being due to the fact that he thought the wood was his but that he was not sure, and he thought it best to say that the ownership could not be traced until he was actually sure that it was his own truck.

This story seemed so improbable and the whole of the transaction so unsatisfactory that an enquiry was held by the Traffic Manager and the Chief Accountant on the afternoon of the 6th April.

The enquiry resulted in the following information:

Mr. Phillips stated that he ordered a truck of fuel to be sent down by the fuel contractor at mile 368. He denied that he gave orders that it was to be sent by the fuel train and stated that a wire to the effect that an extra truck was being sent up by the fuel train of the 24th to load fuel for himself was not sent with his knowledge or authority, and was an unauthorised act on the part of the train clerk. Mr. Phillips denied time after time that he had authorised this or had any knowledge of it or that he had given any

orders to the effect that the wagon was to go by the fuel train, in fact - such a procedure was contrary to either his orders or his wishes.

Mr. Phillips stated that about two days after he had given the order he was anxious to know if the wagon had arrived, and telephoned the clerk at the Goods shed both on that day and on several occasions afterwards at intervals of about two days to know if any waybill for a truck for him had been received, and on each occasion he was told "No". He emphasised the fact that he did not know that the truck was in the station yard or that any truck there belonged to him, although when he did know the truck was there he thought that it belonged to him but he was not sure of it. It was denied by the staff at the Goods shed that Mr. Phillips had made any enquiries whatever as to any freight consigned to him. It is stated by the trains clerk that on the 25th March, the day after the truck arrived, Mr. Phillips asked concerning the truck that had been cut off the fuel train on the previous evening and put on the Stores siding, and was told that it was the truck load of fuel that he had ordered on the 23rd March,

When asked why if he thought it was unclaimed property he did not refer the matter to the Goods Agent, (whose duty it is to deal with all goods traffic,) instead of offering it for sale when he had no authority to do so, and when permission must in any case have been obtained first from the Traffic Manager he could only explain that although he had offered it for sale he would not have actually sold it until he was sure of the ownership.

Mr. Phillips was in charge of the Passenger

Station only and had no right to interfere with goods traffic.

On Saturday the 4th April the movement of the truck had been traced by the Goods Agent, who drew Mr. Phillips' attention to the fact that there was a truck load of wood there belonging to him and asked him to pay the freight charges upon it, and told him that when the charges were paid the truck would then be handed over. Mr. Phillips said that he would pay, but did not do so.

On Sundays the Goods Agent is not on duty, and the District Station Master takes charge of the goods traffic for that day - such charge is a nominal one - Mr. Phillips being in temporary charge, knowing that the truck was not entered and that he still owed the railway the freight charges on it, took advantage of his position to send it round to the Engineering siding, which is altogether clear of the station yard, and where under ordinary circumstances all trace of it would be lost.

Mr. Phillips explained this action on the ground that as he was in charge of the goods traffic for the day he was entitled to make what movement of stock he thought proper, and that though he was aware it was irregular to deliver a truck which was neither booked or paid for he would have seen that it was ultimately put in proper order and legitimized. This was practically the result of the enquiry, and up to its close on the afternoon of the 6th April the necessary entries and payments had not been made.

On Tuesday morning, April 7th, Mr. Phillips was questioned by the General Manager, the Chief Accountant and the Traffic Manager. He protested his innocence of any intention of irregularity and as a proof again

emphasized the fact that he had given orders that the truck was to travel by an ordinary train so that it would be booked and that every part of the transaction would be in order.

Mr. Phillips was then shown a written order that he had given the trains clerk, in which he stated that the empty truck was to go up by the fuel train and the loaded truck to return by it. On the production of this order which he had either forgotten or thought <sup>it</sup> had been destroyed Mr. Phillips was very reluctantly compelled to admit that all his previous statements were incorrect, and the precautions that he said he had taken to ensure the transaction being in order had not existed.

The evidence is summarised as follows :

Mr. Phillips ordered a truck load of fuel to be sent from the place of loading to Nairobi in such a manner that the movement of the truck would not be recorded. Within a week of his having ordered the fuel he was offering it for sale on the ground (as he afterwards explained) that he had not been able to wait for its delivery and had purchased a stock elsewhere in the meantime, as he could not obtain any information as to when it would be delivered, although he had not made any enquiries from the fuel contractor as to non-delivery. The evidence given goes to show that he knew it was in Nairobi immediately on its arrival. He gave an ostensible reason for selling it which he admitted was not true, and even if it had been correct he had no power or authority to carry out his proposed action. He took advantage of a temporary charge of duties outside his own ordinary work to deliver a wagon load of material which he knew should not have

been delivered.

The whole of Mr. Phillips' evidence was given in such an unsatisfactory manner, there was such a lack of truthfulness and corroboration between his own statements and those of other witnesses, there was the improbability of some of his statements and also, there was an admitted disregard of his duties as a responsible railway employee that it was considered by the Railway Commission, the Railway Controller and Mr. Phillips that it was not to the advantage and well being of the Railway that it should retain his services. There was not sufficient evidence to justify his summary dismissal and any subsequent appeal would be unavailing, and therefore he was given a month's notice of the termination of his engagement which was no longer required by the Railway and which would entitle him to his salary for the month in consequence of the month's notice and the termination of his service at the end of the month, and the performance of his service for the month were insisted upon.

I think that this report fully replies to the statements in Mr. Phillips' petition.

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

Sy. B. Eastwood

Actg General Manager,  
UGANDA RAILWAY.

been delivered.

The whole of Mr. Phillips' evidence was given in such an unsatisfactory manner, there was such a lack of truthfulness and corroboration between his own statements and those of other witnesses, there was the improbability of some of his statements and also, there was an admitted disregard of his duties as a responsible railway employee that it was considered by the Railway Commission, who had questioned Mr. Phillips about it was not to the advantage and well being of the Railway that it should retain his services. There was not sufficient evidence to warrant the summary dismissal and any subsequent reinstatement. He was therefore given a month's notice of the termination of his engagement and was no longer required by the Railway and the Railway's salary that he was entitled to in consequence of the month's notice was accordingly paid to him at the end of the month, and the performance of his service for the month were not insisted upon.

I think that this report fully replies to the statements in Mr. Phillip's petition.

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

34/ B. Eastwood

Actg General Manager.  
 UGANDA RAILWAY.

Gov. 40433/1914

E.A.P.

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8v

23 Oct 1914

Sir,

I have the honour  
 to acknowledge the receipt  
 of your despatch,  
 No 834, of the 16<sup>th</sup> of  
 Sept. and to ~~you~~  
~~you that~~ request that  
 you will cause Mr  
 A.B. Phillips to be  
 informed that his  
 petition has been received  
 and considered but that  
 I see no ground for  
 intervening in the  
 matter

DRAFT.

E.A.P.

No 956

to Mr. Robelfield

MINOTE.

to Harper 22/8/14

to Bottomley 22.10.14

G. Field.

S. H. J. J. J.

A. Anderson.

and ~~W. H. J. J. J.~~ Islington.

Harcourt.