

EAST AFR. PROT.
N^o. 35069

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REC
3 OCT 07

No 3
907
Print
Paper.

(Subject)

Loss of Rs 992.16

from money in charge of P.W. Dept

Report states Mr Corduroy to blame

also Mr Feetack, Mr Ganga Dass and Mr Sena
for care supervision

(Minuted)

Mr. Read

As the cashier was the only
person who had access to the
safe where the money was
kept, I think the Treasurer
& the Govt are right in holding
that he shd. be held wholly
responsible if he required
to make good the loss, &
shd. tell the Govt that
if as appears he is satisfied
that there was no dishonesty
on the part of the Cashier
(Mr Corduroy) the money

Copy
L. and C. 3/2/10
3/2/10
550

Ad. he remained by putting
him on half pay, all at his
expense. As he only gets
Rs. 130 per mensem this will
take about 18 mos.

The Board of enquiry took the
view that the other officers
of the dept. Mr. Ross, Mr.
Turner, Mr. Piggott &
Mr. Fletcher Ad. has fast
of the loss as in various ways
they made the loss fault
stated the loss as prevented
its being incurred earlier,
but I don't think that this
makes them personally
responsible.

Mr. Fletcher leaves our service
at the expiration of his leave
on the 12th inst. I need say
nothing to him, but I think
that the other three should be
told that the loss

in charge of the Public Works
 Department at the Headquarter
 office in Mombasa
 I have held with the Treasurer
 that Mr Cordier, the Accountant
 must be held responsible for
 the loss, but the proceedings
 of the Board reveal considerable
 laxity in the administration
 of the Department, for which
 Mr Tanner the Acting Director
 of Public Works is to blame.
 Mr Fletcher, whom I have
 considered unsatisfactory for
 some time past and who
 will not return to the
 Protectorate Service after the
 expiry of his leave, appears
 to have behaved in an
 extraordinary manner; he
 did not make over charge
 of

of his duties properly to his
 successor and was apparently
 allowed by Mr. Jamner to
 leave the Protectorate
 without doing so.

3. All this emphasizes what
 I have been constantly
 pointing out, that the
 Administration of this
 Department, which has the
 spending of large sums of
 money annually, calls for
 much closer supervision than
 it has had. This supervision
 it is hoped it will enjoy
 under the new Commissioner of
 works.

4. Neither can I altogether
 exonerate Mr. Macgregor Ross

though

though he had nothing to do with this particular incident, for the want of discipline and contravention of Regulations which these proceedings show to have taken place in his department, owing to the extraordinary attitude he has throughout assumed with regard to the position of the Public Works as a Protectorate Department. On Mr Ross' minute addressed to the members of the Board of Inquiry I have had to record my censure as shewn in my minute of to-day's date.

I have the honour to be
with the highest respect

My dear Sir,

Your Lordship's most obedient
humble servant.

Wm. Ross

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REC
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Board of inquiry held 18th May 1907 under instructions
of the Acting Commissioner.

Members of board :-

Mr. Marsden (President)
" Barnes
" Fowler (Recorder)

Mr. Tanner

examined stated on 28th May at 10 a.m. Sergeant
told me that the cashier discovered a shortage of
approximately Rs. 900/- in his cash. I then instructed
Chief Accountant and Executive Engineer to
examine the books and check his (the cashier's)
cash in the safe. It was discovered that the
shortage was Rs. 998/- . The cashier was called
upon for an explanation of the shortage and how
it occurred. He said that he thought he had left
a bag of Rs. 1,000/- on the top of the safe, on
the 2nd May when he was outside paying the men.

I then took Colonel the cashier, and the
Executive Engineer to the Assistant District
Superintendent of Police's Office on the 3rd May
about 5-30 p.m. and reported the loss, and he took
down our statements.

He sent immediately and had all the Office
boys' houses searched, and during the following
two days he searched all over the Public Works

Department

Department yard and the handies, nothing was discovered.

The cashier generally makes small payments in the Office. On pay days a desk is taken just outside the Office in the yard about 6 to 8 feet from the door of the cashier's Office.

The Executive Engineer is always present when the monthly pay is issued.

There is no safe in the Cashier's Office, the cash is brought from the safe in the Public Works Department Office this was done on the 2nd May and placed on a table outside the cashier's office, in the ordinary wooden cash trays.

The cashier has been in the Public Works Department's Office for seven years and has never before had any deficiency in his cash, he draws a salary of Rs.180/- per mensem.

In the Office where the cash safe is kept there are three other clerks. Fernandes, at Rs.100 per mensem, F.S.Cerdeiro, at Rs.80/- per mensem, and a new man at Rs.70/- per mensem. The Office boys sit outside in the passage. One clerk only is able to see the safe from his seat in the Office.

A surprise survey of the cash is made about once in every month by the Chief Accountant, or the Executive Engineer.

The cash was balanced by the cashier on the 29th April and the cashier states it was found correct.

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Mr. Fletcher late Executive Engineer terminated his duties on the 10th April and was instructed by me to hand over charge to Mr. Birch, which he failed to do.

(Sd.) W.H. Banner.

15-5-1907.

examined stated I arrived in Mombasa on 23rd March a week before Mr. Fletcher left I was in the office every day. Mr. Fletcher did not come near the place.

I did not take over any thing in the shape of tools and plant or cash. The first time I took over charge of the cash was on the 6th May when the deficiency was first reported, I found there was a shortage in the cash of Rs. 988/-. Since then I have had the key of the safe in my possession and I have on each occasion checked the amount taken out and paid in. I have been told by Mr. Banner that it is part of my duties to be present when payments are made, except when the payee can sign his name. I was present on the 2nd May when the artisans who could not sign were paid. The payments were made in the Public Works Department yard just outside my office. I do not know whether the cashier brought the exact sum required for payment or more than was necessary.

Payments commenced on the morning of the 2nd May at 7-30 o'clock and finished the same day, about 10 a.m. I then left the cashier to square up his accounts

up his accounts as I considered I had no further responsibility. The cashier never left the place during the time payments were made. I first heard about the loss on Monday 6th May from the cashier between 7 and 9 a.m. who told me that he was short in his cash by about Rs. 750/-, later on he came again and said the loss was about Rs. 900/-.

When the cashier first informed me the shortage was Rs. 750/- I went to Mr. Sergeant and reported it. Mr. Turner was present and instructed Mr. Sergeant to inspect the books. The only duplicate key of the safe is I understand with the Treasury.

(Sgd.) H.M. Birch.

18-5-1907.

L.I. Cordaire

examined stated I have been in the Public Works Department for seven years and for the last three years as cashier. Towards the end of last year Mr. Fletcher asked me to remove my seat from the office upstairs where the safe is and to sit in the same office as himself below.

Mr. Fletcher never counted my cash or checked my cash book. Before this time, when I was in the office where the safe is, Mr. Sergeant checked my cash once a month, but discontinued to do so when I was transferred to Mr. Fletcher's office down stairs. I understood the reason I was removed was that Mr. Fletcher wanted me to be his clerk.

Before Mr. Sergeant was appointed no one checked my cash.

On the 31st March last

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On the 31st March last when I paid my balance into the Treasury my books were not checked by anybody.

I did not see the necessity for the balance being checked by Mr. Sergeant the Accountant.

On May 2nd I took from the safe in the up stairs office four trays each containing Rs. 1,000/- and about Rs. 8,000/- in notes, but of the later I am not quite sure, leaving as far as I can remember in the safe one bag of Rs. 1,000/- one tray of Rs. 1,000/- and some notes.

To get at the trays in the safe I had to remove a bag of Rs. 1,000/- and in my hurry to get to the office below I believe I must have locked the safe and left the bag of Rs. 1,000/- on the floor in front of the safe.

The money was carried from the office upstairs by boys to the office below. The name of one boy is Sheik Bin Ali, the name of the other boy I do not know as he was a stranger. The money was then taken from the office below as I required it to a table outside in the yard. The rest of the money being left in the room where I could not see it. There were two clerks Mr. Natarath and Mr. M. de Bous in the office where the balance of the money was left. When I required more money I asked a boy, Sheik bin Ali, to bring it to me.

To the best of my recollection I paid away the contents of one tray and a half in rupees

and returned to the

and returned to the safe in the office and the balance of rupees via two trays and a bag. I paid away most of the notes, but do not remember how many, if any I returned to the safe. The notes were with me the whole time.

I had a brown canvas bag containing Rs.1,000/ in the safe and after discovering my deficiency in the cash and trying to remember what could have become of it remembered I had not used this particular brown bag of rupees and that it was missing from the safe. I had only six brown canvas bags which I had made at M.R.D'Souza's, but the six empty bags are still on the top of the safe. The safe is situated behind the door leading into the upstairs General Office and can be seen when the office door is open by anybody entering the front door of the building.

I keep the key of the safe in my possession. I keep it in a key ring with other keys, which at home I sometimes leave my keys on the table and sometimes keep them in my pocket.

I balance my cash once week. It was balanced on the 29th of April and was correct and was not checked again until the 5th May when the deficiency was discovered.

On the morning of the 5th May I did not know what my actual cash balance was but from my cash book the balance should have been Rs. 13500-0-2

When I got my orders to go downstairs Mr. Ness told me that the safe was to be kept upstairs. This was very inconvenient as I have occasion to open the safe two or three times a day.

Between the dates of 2nd and 4th May I did not see any clerk or boy of the Public Works Department in my own house.

(Sgd.) J. S. Cordeiro.

16-5-1907.

The monthly pay sheets are not passed, totalled or signed by the Head of the Department before payment is made by the Cashier and Executive Engineer.

At the end of ~~the~~ each month I prepare the pay sheets from the time books of the various time keepers.

The figures entered on the pay sheets are not checked by any body.

(Sgd.) J. S. Cordeiro.

Mr. Bergant-

examined stated I have nothing to do with the work of the cashier on the cash. The cashier was never placed under me. In consequence of Mr. Espeut on his arrival 29th June 1906, being short handed and having no white Overseer, I used periodically to check the cash for him, but at no fixed periods generally once a month, and on Mr. Fletcher's arrival on the 28th April 1908 I continued to do so for a short time. My duties increasing and as it was not part of my work, it was decided that Mr. Fletcher should take over sole charge of the cash. When checking

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cash. When checking the cash I did not initial the Cash Book as correct. I kept a memo of the balance until I received from the Executive Engineer the signed ^{check} cash statement in verification.

Requisitions for cash are signed by the Head of the Department, for the time being.

When I ceased to check the cash for the Executive Engineer I did not check the cash and hand over to him ^{personally} ~~personally~~.

The monthly pay sheets come into my hands about the 10th or 11th of the following month when I check the extensions and see that the additions are correct. The pay sheets are signed, after all the payments are made.

The reason the safe was ~~kept~~ left in its present position was that it was contemplated moving to Nairobi and leaving the Executive Engineer in charge, when the safe would be better in its present position.

(Sd/-) John Sergeant.

13-2-1907.

M. A. Fernandes.
 examined stated - On May 2nd I was in the office when the safe was opened and money taken out for paying the men. When arrived I did not see any bag of rupees on the top of the safe or on the ground, and I do not remember the cashier coming back that morning to open the safe, nor did I see him return any money to the safe. I was in the office the whole of the morning and afternoon of May

of May 2nd.

of May 2nd. I do not see how the money could have been lost from our office I think it more probable that the money was brought ~~short~~ from the bank.

(Sgd.) A. Fernandes.

F.A.D'Es Cordeiro examined stated. I do not remember any money being brought from the bank to pay the men on the 2nd May, and I do not remember Mr. Cordeiro returning any money to the safe on that ~~same~~ day. I did not see any bag of rupees on the safe or lying on the ground.

(Sgd.) F.A.D'Es Cordeiro.

A.F.d. de Mello examined stated. I can see the safe from my seat in the office. I think I was paid my salary on the evening of May 2nd about 4 o'clock.

I remember two or three days before May 2nd that Mr. Cordeiro came into the office with several men carrying bags of rupees which they placed on the floor and the ^{money} was counted, considerable noise was made in counting the cash, and anyone in the office must have heard the noise made in counting the rupees. At 12 o'clock when I left the office they were still counting the money. I returned at 2 o'clock and there was no one in the office and no money on the floor.

I did not at any time on the 2nd May see a bag of rupees on the floor or on the top of the safe.

(Sgd.) A. J. F. de Mello.

examined stated. I remember going to the bank to bring to the Public Works office some days before pay day. It was in the afternoon after 2 o'clock. Three brown canvas bags were taken from the office to carry the money in. The money was counted at the bank before putting into the bags. On reaching the Public Works Department Office I was told by the cashier to count the rupees in two of the bags, each containing rupees two thousand and put the rupees into trays, the other which contained one thousand rupees I did not count. The bags containing the four thousand rupees, and the bag of one thousand rupees were then put into the safe.

I came to the office on Thursday (May 2nd.) about a quarter to seven in the morning. The cashier came about a quarter past an hour after wards, I together with ~~Brinnet~~ helped to carry the cash to the office below.

I, alone carried what cash remained, after paying the men on Thursday, to the office upstairs. I think I carried two trays and half upstairs, about two thousand five hundred rupees. I came to the office on the following day Friday and remained in the office below. The cashier came into this office with a tray of 1000 rupees.

There were two other clerks in the office below when the money was brought down. I went with the cashier upstairs and brought down a tray of about 800 rupees, the canvas bag of Rs. 1000 was still in the safe.

No payments were made on the Friday, and the money was all returned to the safe upstairs, the cashier carried upstairs the tray of Rs. 500 and I met him carrying the second tray of Rs. 1000 which I took from him and placed on the table in the upstairs office. I did not then see the first tray of Rs. 500. The cashier came to my house on Saturday evening and asked if I had counted the rupees left in the bag as he had seen the empty bag on the top of the safe. I was told to come to the office on Sunday morning, when I arrived the cashier was in the downstairs office and two other clerks, and he sent me to his house to bring the key of the safe. The Goanese clerk living in the cashier's house gave me the key.

The above was interpreted by Mr. Ali bin Salia.

17/5/07.

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35069

Recd
OCT 07

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Findings of the Board of Inquiry into deficiency of
Rs:400 from the Public Works Department cash.

Have Public Works Department been negligent in
fulfilling their duties in responsibility of cash.

A. The Cashier Cordeiro, a Goanese, who draws a
salary of Rs:120/- per mensem is placed under the
control of the Executive Engineer and from a day in
October 1906 when he was removed to the office
downstairs until the 10th April 1907 states his
cash was checked by no one. Mr. Fletcher was the
Executive Engineer at that time and on his departure
for England on the 10th April although ordered by
Mr. Turner he refused to check and hand over to his
successor Mr. Birch either tools and plant, or cash
for which he had hitherto been responsible. The
balance which was struck at the 31st March 1907
amounting to Rs:5741-84 was taken by the Cashier
together with Mr. Fletcher to the Treasury but
according to the Cashier was neither checked by Mr.
Fletcher nor by any one else.

Mr. Sergeant (Chief Accountant of Public Works
Department) informs us that about once a month he
used to check the cash as a personal favour for Mr.
Espeut (Executive Engineer) the predecessor of Mr.
Fletcher but that Mr. Ross (Director of Public Works)
told him that if he found his work increasing he
might discontinue doing so, as it was the Executive
Engineer's duty.

This

(2)

This being the case, Mr. Sergeant should not be designated Chief Accountant but Chief Clerk.

It appears from the evidence that Mr. Fletcher made an application to Mr. Ross for the Cashier to be removed from his room upstairs to the Executive Engineer's room downstairs in order that he might be utilized as a Correspondence Clerk as well as a Cashier. This Mr. Ross consented to but refused to allow the safe to accompany him downstairs giving as his reason that the head office was shortly to be moved from Mombasa to Nairobi and that the safe was more secure upstairs than in a room downstairs. The safe is a small one on a wooden stand and could have been moved by four men in 10 minutes.

If the loss of the money is due to theft such could be facilitated by the Cashier being separated from his safe and requiring to convey large sums of money downstairs when monthly payments had to be made. The system of a carelessly and imperfectly kept payments of wages for labour made in the month of May appearing in the previous month of April and the system followed of waiting until all wages are paid so as to enable the entry to be made in one large sum renders it very difficult to accurately arrive at a balance on any given day.

The Cashier lays stress on a brown canvass bag which he says was in the safe on the 2nd May when money was withdrawn for wages but which he does not remember seeing afterwards, although the empty bag was

(3)

seen on 4th May on the top of the safe together with five others of the same kind. He had only six of these brown bags which were made specially for him by M.R. de Souza, a merchant in town. He considers it possible he may have left this bag containing 20000/- on the floor in front of the safe when taking trays of rupees out of the safe for payment on 3rd May. The office boy Sheikh Ali says he saw the brown bag in the safe on the 3rd May when he assisted the Cashier in carrying money as his witness was taken a fortnight after and he assisted the Cashier on both the 2nd and 3rd May. The witness is not very reliable.

The Cashier had custody of the key of the safe and admits to a certain amount of carelessness regarding its possession but its use by an unauthorized person would have been difficult without detection or collusion as B clocks sit in the same room as the safe and an Indian is on guard when the office is closed.

We do not attach much credence to the Cashier's suggestion that the loss of the money may have occurred by leaving a bag of rupees outside the safe.

Agreed that if the loss is due to theft, while primarily the Cashier is responsible, the theft has been rendered more easy in consequence of the inoperativeness of the Cashier as far away from his safe.

Agreed that the loss has not arisen through an error in the accounts which will be seen by Mr.

Pewter's attached report after an examination of the books and vouchers.

From this report it will be seen that rule 60 of the Financial Instructions has been violated as the Cashier has made a regular habit of lending Government money from month to month to officers and employees of the Public Works Department.

Agreed that if an Accounting Officer who understood his duties had supervised the Cashier the maintenance of an efficient check would have been guaranteed against the carelessness and irregularities which have been committed in the Cash Book and that these irregularities would not have occurred.

The Financial Instructions has also been ignored, alterations in the accounts having taken place without being attested by the initials of the officer responsible.

We would also draw attention to rule 6 of Financial Instructions.

We further consider Mr. Vetch's refusal to hand over his tools and plant and cash to his successor Mr. Birch should have been reported, and that his leave certificate should have been cancelled until he had done so.

Amundson

M. Barnes

G. E. Lowe

Mr. Fowler has examined the cash book and vouchers from 1st January last, in the hope of discovering a clerical error but without success.

As a result of his investigations, he reports as follows:-

(1) It appears that Officials of the Public Works Department obtain advances from the cashier. These advances if not repaid at the end of the month are entered again on the opposite side of the cash book and then re-debited on the first of the next month to the individuals concerned.

(2) There is an alteration in the cash book in February, payment voucher, 14, the alteration is made in pencil and not initialled.

(3) In March the vouchers numbers in many cases were not entered in the cash book. They have since been entered by the cashier.

(4) In April there are many alterations in the cash book. The alterations are not initialled.

The cash book is not totalled at the end of the month and the balance is entered in pencil.

Some checked payments in April with the vouchers are not entered.

(5) Some checked payments in May with vouchers are not entered, they are entered except in one instance where there is a difference of 5 cents between the amount entered in pay voucher and the amount entered in the cash book.

(6) The present cash book is too small for the requirements of the Public Works Department and is not conducive to neatness.

of the Board of Inquiry held on 15th May 1907 under instructions of H. M. Ag. Commissioner.

REC'D
OCT 10 1907

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As we have been asked to allocate the responsibility in proportion to the amount of the cash lost, Mr. Barnes and myself consider the Rs. 1,000 loss should be allocated as follows. Mr. Howter who formed one of the Board left for England on 31st ult, and is therefore unable here to give his opinion.

Mr. Fletcher	Rs. 500
Mr. Tanner	300
Mr. Cordeiro (Cashier)	300
Mr. Sergeant	300
Mr. Ross	100
	<u>Rs. 1,000</u>

.....

From the way in which the accounts were kept, there is nothing to show that this loss did not happen during Mr. Fletcher's time, but whether it did or not, we consider Mr. Fletcher should be punished for refusing to hand over an account of his cash when called on. As he is at present on leave, and not likely to return, steps should be taken at once to stop this out of his salary furlough pay, if our recommendations are acted upon.

Mr. Tanner, who was in charge of the department during Mr. Ross's leave of absence, showed decided weakness in allowing Mr. Fletcher to proceed on leave without handing over an account of his cash, and we do not consider it a sufficient excuse for Mr. Tanner to say that he ordered him to do so and he refused. Mr. Tanner should have reported such insubordination at once and for his leave papers to be suspended until he has complied.

Mr. Cordeiro
Cashier

we consider, was placed under considerable disability

(2)

being ordered to make his payments and sit in a separate room from where his safe is kept, although he is primarily responsible for the loss.

He discovered his loss on the eve of his going on leave and we did not know but what should not have been in existence for some time as there was no proper check kept on him.

Sergeant

Whether Mr. Sergeant had orders or not from the Head of his department to check the cash, he must know that such a duty came within his province, as he called himself the Chief Accountant, and that in the interest of his own department all matters connected with money should be properly safeguarded.

Mr. Boss

although on leave, when this deficiency was found out, was responsible for the safe being kept upstairs, and if he allowed the Chief Accountant to think that he had no responsibility in connection with cash, or the accounting for it, he admitted, in our opinion, a grave error of judgment.

Amundson
H. W. B. [unclear]

4 Jan 1907

Minute

I agree with the Treasurer that the Cookies
 & Cordons must be held responsible for
 this loss of Rs 992 to sending a reference
 to the Secretary of State to whom the papers
 will be submitted.

The members of the Board express their
 disapproval of the conduct of the Board
 and the loss of the last.

It was not his business to sit in judgement
 on the proceedings of the Board who rightly
 drew attention to the facts which the pro-
 ceedings showed to be obtaining in his
 Department not to attempt to withdraw
 from the Board in the way and language
 he has done. Such expressions as "expressing
 doubts as to the statement" as applied to
 the opinions of a member of the Board is
 to be regarded as the circumstances con-
 nected with a serious loss of Government
 property cannot be too severely condemned.
 Attention is made to a Public Works Code
 of which a copy has been sent to the
 Governor. This Code is a draft which has
 not yet been reviewed and still less
 approved as standard regulations.
 Several important alterations will have
 to be made in it before it is sanctioned.

and

And under the circumstances it would not
have been possible for the Board to
take its provisions into account.
I am much displeas'd that such a
minute should ever have been recorded
by the Head of a large Department
and I must excuse Mr. Ross for its
production.

28 August 1907

MEMORANDUM,

I enclose, as directed, Mr. Tanner's remarks on the finding of the Board.

I find on enquiry that there was nothing in the nature of a direct refusal on the part of Mr. Fletcher to carry out Mr. Tanner's instructions with regard to handing over to Mr. Birch. He spent several days with Mr. Birch going round the various works in progress, and Mr. Cordeiro the Cashier tells me that Mr. Fletcher instructed him to have his cash and books ready for inspection before they finished. As to why Mr. Fletcher then left without having the cash counted and signed for I am unable to say. He knows that this is the usual procedure and he observed it in Sairebi when handing over to Mr. Esput there a year previously. Mr. Tanner who was aware that Mr. Fletcher and Mr. Birch were spending several days together in the office, workshops and on works, had no reason to suppose that Mr. Fletcher would leave the handing over uncompleted before sailing. Had there been anything in the nature of a refusal to obey orders, there is no doubt that Mr. Tanner would have dealt adequately with the case. It was the unexpected which happened.

With regard to the findings of the Board I have the honour to request that His Excellency's attention may be drawn to their first finding on page 2, namely that Mr. Sergeant "should be designated Chief Clerk". I prefer to think that this has been allowed to appear in their reports by inadvertence, as I imagine I am not empowered or entitled to suggest that a referred officer of the Department should be designated a clerk. If they felt called upon to criticize the designation or duties of the P.W. Accountant it would have been well if they had taken the trouble to inform themselves as to what his duties are. They would then have been shown a copy of the "Code of Regulations for the Guidance of P.W.B. Officers" which I submitted to His Excellency in London. I quote the duties which

Mr. Sergeant is at present called upon to carry out as a memorandum at the end of my remarks below. It will be seen that he has nothing whatever to do with the Department's cash. The duties laid down in the Code (see extract in question) are quite extensive and responsible enough to fully engage his attention. As this opinion of the Board is founded on imperfect information, and an illogical deduction from faulty premises, I have the honour to request that the signatories may be called upon to revise it.

Next, as to the position of the safe. If the Board members consider that the safe would be in a position of greater security in a back room downstairs with only a side door, not opening on the public street, than it would be upstairs in a less easily accessible position, I beg to disagree with them. I still consider that a small safe which as they point out "could be moved by four men in 10 minutes" is safer upstairs than down. It is not, I suppose, imagined that any one in charge of the safe would leave it open when making payment outside, or in another part of the building. It is used as a distant strong room would be used. Money is withdrawn from it for payment purposes, and is then closed and locked.

Coming to the Supplementary Report dated June 1st 1907 which is, I believe, not signed by the Treasury Officer on the Board, I beg to point out that it is recommended that "Mr. Fletcher should be punished", and that steps should be taken to stop his pay, without his first being called upon for any explanation. This strikes me as an irregular and un-judicial delivery and not the course which it is customary to follow in proceedings of this sort.

The Board's reference to Mr. Tanner is altogether beside the mark as it is a pure invention that he ordered Mr. Fletcher to hand over the cash "and he refused".

They point out that Mr. Sergeant's "must know" that such a duty (as counting cash) came within his province and that

This sententious misstatement of fact calls for no remark except a flat contradiction of all that is implied in it.

The opinion that I "committed a grave error of judgment" in allowing the Accountant to think that he had no responsibility in connection with cash" is, in view of the board's mission to inform themselves as to what an Accountant's duties are, merely amusing. I am quite willing for the soundness of my judgment to be estimated in the light of the allocation of duties prescribed in my P.W.D. Code of which His Excellency was then supplied with a copy.

The recommendations as to the allocation of the responsibility are merely a list of suggested cash fines for a rigid inflexibility, some of them entirely irrelevant to the subject under review, which is the loss of Rs. 992.16 as for the time the petty cash advances from the cashier to gazetted officers of the Department.

It is a plain fact that the money was lost by theft. There is nothing in the evidence by the board to indicate collusion by any officials of the Department and I think it probable that no such connivance existed. If the Cashier's statement as to Mr. Fletcher's never having checked his cash account is correct, it points to a reprehensible degree of slackness on Mr. Fletcher's part, though it should be noted that if we years' continuous service without leave (in spite of an attack of Blackwater fever) must only be expected to result in a certain degree of slackness in officials as treated. As to whether the whole of the money lost should be recovered from the officials actually responsible for it

or as to whether sanction should be requested for any portion of it to be written off, is a matter entirely for His Excellency's decision.

I desire to accept responsibility for the recurrence of petty loans of cash to gazetted officers of the Department. It was in vogue when I joined the Department and I did not prohibit it in the case of small amounts required for customs duty on postal parcels delivered at the office. It may be regarded as an infraction of the letter of the Financial Regulations but I did not view it as any non-observance of the spirit of the Regulations especially when the "loan" was formally entered in the cash book, instead of being recorded merely by a small bill or I.O.U. to the cashier. I have however given orders for the practice to cease absolutely.

I make mention that P.W. Code that I produced deals with all the alleged irregularities at various points raised in the proceedings of the said Board, instructions as to "handing over" responsibility of Executive Engineers for cash connected with their work, petty cash advances to officials including alterations in accounts use of the Cash Book, and of course, the responsibility of accountants for accounts, and not for cash.

Since writing the above, Mr. Bowring has shown me the original minutes of the Board at the Treasury. There is not a word in them as to Mr. Fletcher having "refused" to obey Mr. Tanner, and I have to request that Mr. Maraden may be called upon to explain the occurrence of this mis-notation and the grave use that he has made of it.

A theft of this sort is an accident that may happen in any department at any time and it is a sufficiently disconcerting occurrence without anything added in the shape of misrepresentation of deliberate statements made and signed before

(5)

before an official board of enquiry.

Sd/-W.McGregor. Ross

Director of Public Works.

Mombasa,

July 1. 1907.

ENCLOS:

Mr. Tanner's report

Memorandum re duties of P.W.D. Accountant.

File returned.

Mombasa,

18th June 1907.

Sir,

With reference to H.E. the Governor's instructions, in his minute on the findings of the Board called to report on the deficiency of Rs. 992.16 in the cash in the Executive Engineer's office Mombasa, I have the honour to give the following explanations.

1. Although instructed to do so by me Mr. Fletcher failed (not refused as stated by the Board) to hand over his cash to his successor, Mr. Birch, who was also instructed to attend at Mr. Fletcher's office to take over all the duties and charges from him about the 4th April, which left ample time for me doing Mr. Fletcher leaving on the 13th April. As Mr. Fletcher was fully aware that the handing over of the cash was a part of these duties and hearing nothing further about the matter I naturally was under the impression that they had been duly carried out. Further I had no opportunity of asking him personally if everything was completed as I did not see him again before he left.

2. Mr. Fletcher failed (according to the Cashier's statement) to check his cash the whole time from October when Mr. Sergeant ceased to do it, after notifying him, until he left the country, consequently it appears that as he was not sufficiently energetic to even check this cash for which he was personally responsible he would be liable for any shortage; which may have occurred during these months.

3. As regards the alleged untidy condition of the cash book and payment of sums at a later date than their entry. I fail to see in what way the payments in a following month can be avoided, as out of 200 or 300 men to be paid some are always absent, due to sickness, on the date of the monthly payments and their salaries, or other monies as it may be, are paid to them on the next day that they present themselves. The untidy state of the cash book was pointed out to the Cashier, only a short time before the shortage was discovered, and he was told to put in order.

4. Regarding what are termed "private Advances" these are merely payments of Government dues, which are collected at the Office on uncertain dates and consist of trolley line fees, duty on parcels, &c, which if not paid at the time would delay the business of other Government Officers, for instance, parcels would have to be brought again. These advances are of no benefit to the officers concerned but only to the Government. The currency of the country practically prohibits the customary carrying about of cash. I might also remark that the customs was in vogue when I first arrived in this country four years ago.

I have etc. etc.

Sd/- W.H. Panner

Asst. D. P. W.

Director of Public Works,

Mombasa.

Chief Accountant.

The Chief Accountant of the Department is employed at the head office and is charged with the duty of submitting the charges for expenditure incurred by all Engineer Officers to a departmental check and to supervising the keeping of the accounts of the entire Department's receipts and expenditure according to the prescribed forms, and in conformity with the published "Abstract of Instructions for the guidance of Accounting Officers" and with the Regulations contained in this "P.W.D. Code".

He will exercise his functions under the orders of the Director, and will correspond direct with the Executive Engineers, whom he will advise and assist in all matters affecting accounts and financial requirements. He will also correspond, when necessary with officials of other departments, other than the heads.

He will prepare for the Director's signature, and forward to the officials, for whom they are intended, all the departmental and special warrants authorized by the Director. He will constantly keep the Director informed as to the expenditure on, and available balance remaining for, any and every work upon which the Department is engaged.

He will be responsible for the final accuracy of the calculations presented upon the returns from the Executive Engineers, of issues and receipts of materials and stores, but will not be required to deal in detail with the accounts of the head store of the Department. These latter, as prepared in complete form, in the Office of the Chief Store-keeper, will be forwarded direct by the latter to the Director.

The Chief Accountant, will, moreover, not be concerned in the negotiation of indents upon the Crown Agents for the Colonies for stores and materials required from England. This work will be carried out in the Chief Store-keeper's and Director's offices.

The Chief Accountant will, however, have to check all contract bills, and to see that all items therein are duly supported by evidence. The Measurement Books of the Executive Engineers concerned, which books the latter will submit with the contract bills for departmental audit and return.

The accounts of the Department, after passing through the Chief Accountant's hands, are scrutinized and finally passed by the Director, and transmitted by him to the Treasurer for incorporation with the general accounts of the Protectorate.

If the accounts of any Executive Engineer fall into arrears or confusion, the Chief Accountant is expected to take prompt measures towards the adoption of the necessary remedies. If any investigation is considered necessary, he should, with the Director's permission, proceed to the division himself, but if only extra assistance appears to be required, he should recommend to the Director such measures of assistance to the Executive Engineer in question as appear to him to be adequate.

The Chief Accountant should submit to the Director for personal copies of all general letters issued by him to Executive Engineers and others.

It appears to me that the Cashier (Mr. Cordeiro) is solely responsible and liable for the Rs199,16,0 deficiency in the Public Works Department, Cash.

The question of want of supervision and the punishment of other officers of the Department is altogether a separate matter and in any case I do not see how either Mr. Post or Mr. Sergeant can be held responsible.

I think that perhaps the best thing to do would be to refer the whole case to the Colonial Office for decision. As Mr. Bickler is on leave, any amount to be recovered from him should be collected by the Crown Agents on instructions from the Colonial Office.

At the same time I would request your authority to withhold 1/2 of Mr. Cordeiro's pay.

Yours faithfully,

W. H. Murray.

W. H. Murray.

With reference to the report of the Board of Inquiry held on the 15th May 1907 under instructions of H. M. Acting Commissioner.

We have read the remarks made by the Director of Public Works together with an enclosure from Mr. Turner, but see no reason for departing from our original findings. Mr. Ross's remarks are expressed in such a very doubtful taste that we would have preferred passing them over without any comment, and only do so out of deference to the A's Senior Commissioner who has asked us to consider Mr. Ross's statement.

1. Whether Mr. Turner used the expression that Mr. Fletcher failed to hand over his cash or refused to hand over his cash, is immaterial. The fact remains that Mr. Fletcher did receive the order and left the country without doing one of the most essential parts of his duties and whoever was responsible for the conduct of the department, knowing that it was very doubtful if Mr. Fletcher was the writer, should have satisfied himself that such an important order as handing over tools plant and cash had been complied with.

The impression left on the mind of the Board, after hearing Mr. Turner and Mr. Birch's evidence was that Mr. Fletcher received the order and ^{had} refused.

Mr. Birch in his evidence states "A week before Mr. Fletcher left I was in the office every day. Mr. Fletcher did not come near the place."

2. With the code of regulations for the guidance of Public Works Officers which Mr. Ross submitted to the Excellency in London we have no concern. The Financial Instructions for the guidance of officers Colonial Office would not be superseded by departmental circulars of this nature.

3. Mr. Ross writes as if he was sitting on a Court of Appeal and that our findings had been submitted to him for confirmation or otherwise. On page 4 he writes "It is

I think

" I think, clear that the money was lost by the Board entered upon its duties with a perfectly quiet mind and sought by all means in their power to...
 facts for the consideration of His Majesty the Governor. The impression in their mind...
 and day by day, last the money had not been...
 last it had, for some time past, been missing...
 accounts; and that at last when the shortage could...
 be covered up, owing to the cashier's going on...
 the ingenious story of the red canvas bag missing...
 the safe, was put forward. If the missing...
 1,000 was due to theft, what was the object of putting...
 the red canvas bag (which had contained rupees) back...
 of the safe? If it is true that the Rs. 1,000...
 have been short for some time, the careless way in...
 the cash-book was kept, and the indifference of the...
 officers referred to as to what was going on,

4. We submit that the members of the Board who had the opportunity of hearing all the evidence and seeing the demeanour of the witnesses, were in a better position for judging the probabilities of the case than Mr. Ross was at that time in England.

Our task, which from the first has been an unpleasant one, would be far now from Mr. ROSS'S position...
 generated into a charge against the Board of...
 His Excellency the Governor,
 with regret that such has been allowed to pass...
 from His Excellency the Governor any...
 of disapproval.

July 1877

Amas des
Her Majesty

Genl E.M.P.
35069

252
C.D.
19
D. 14

14 July 1907

DRAFT

Genl. Post. Comf.
to Col. J. Hays Sadler

When the Comf. to
ack. the recd. of your
comf. despatch no. 53 of
the 18th of August, on
the subject of the loss
of No. 992.14 for
the amount on the
charge of the Public
Works Dept.

MINUTE

- Mr. Borden
- Mr. Read
- Mr. Jast
- Mr. Andrews
- Mr. Cox
- Mr. Lucas
- Sir F. Hopwood
- Mr. Churchill
- The Earl of Elgin

2. It is evident that the
main responsibility for
the loss rests with the
Comdants, the Cashiers,
and, if as I understand
you are satisfied that
there was no dishonesty
on his part, the money
should be recovered
from him by placing
him on half salary till
it is repaid.

3 D/5

informed that I consider
them deserving of blame
for the same

on the grounds stated
in the report of the
Board of Enquiry, but
I do not see sufficient
reason for holding them
pecuniarily responsible.

5. I agree
I am of opinion that
there was good ground
for ~~the~~ the loss and
he held responsible for
the same with the
actual loss; on the
other hand, I consider

you ~~convinced~~
but
felt the tone of his minute
on the findings of the
Board, and he should
be ~~informed~~ I
submit that ~~the~~ the

part of this minute
of the 9th of July, 18
Harden and Mr. Barnes
take exception to the fact
that

that I consider
in the course which
you have recorded.

I omit - it need
think for the Gov. to
record it if he thought
fit

Gov
35069

E.A.P.

254

2 Copies

Original 3/15/50

C.W.

DRAFT

15 Oct 07

D.A. Fletcher

Sir

I am directed by
the Secy of the
to inform you that
soon after your depa-
ture from the E.A.P.
a deficiency of Rs 992.
16c was discovered
in the acct in charge
of the Public Works
Dept. at Madras
2. The Board appointed
to inquire into the
loss reported that

MINUTE.

- Mr. Ellis 11 Oct
- Mr. Read 11
- Mr. Just.
- Mr. Ambrose
- Mr. Cox
- Mr. Lucas
- Sir F. Hopwood
- Mr. Churchill
- The Secy of Elgin

[Handwritten flourish]

for record

Copy for Govt 20 Oct 37

Clyde

Refers

May 15 October 07

255

Gentlemen

I am directed
 by the Board of Supervisors
 to inform you that
 the lease money due
 to Mr. D. A. Fletcher
 late mechanical engineer
 in the E. A. P. for the
 period from the first
 of the 12th Oct.
 should be paid to him
 as it has been decided
 that he should be held
 responsible for that extent
 for a lot of lumber
 in the Public Works Dept
 at Montreal.
 Mr. Fletcher has been
 informed of this decision

Mr. D. A. Fletcher
 Montreal 11 \$

Clyde 6/2 2007 3/11

I think, clear that the money was lost by their
 the Board entered upon its duties with a perfectly
 and sought by all means in their power to
 the facts for the consideration of His
 Governor. The impression in their mind
 and day by day that they had not been
 that it had, for some time past, been missing
 accounts, and then at last when the shortage could
 be covered, or, owing to the cashier's going on
 the ingenious history of the red canvas bag missing
 the safe, was put forward. If the alleged
 was due to theft, what was the object of putting
 the red canvas bag (which had contained rupees) back
 of the safe? If it is true that the Rs. 1,000
 have been short for some time, the careless way in
 the cash-book was kept, and the indifference of the
 officers referred to as to what was going on,
 all elements which lent themselves to cash inaccuracies.

4. We submit that the members of the Board who had
 opportunity of hearing all the evidence and seeing
 the demeanour of the witnesses, were in a better position
 judging the probabilities of the case than Mr. Ross
 was at that time in England.

Our task, which from the first has been an
 pleasant one, would be far now from Mr. Ross's position
 generated into a charge against the Board of
 His Excellency the Governor,
 with regret that such has been allowed to pass
 from His Excellency the Governor any
 of its approval.

July 1877

Amasder
H. W. M. W.

Gov. 2110
35069

C.D.
R. 14
D. 14

252

14 July 1897

DRAFT

East Ang. Post. Conf.

to Col. J. Hayes Sadler

MINUTE

- Mr. Bottomley 14/10
- Mr. Read 11
- Mr. Just
- Mr. Andrews 12/5
- Mr. Cox
- Mr. Lucas
- Sir F. Hopwood
- Mr. Chubb
- The Earl of Elgin

When the time to
ask the rect. of your
conf. despatch no. 53 of

the 28th of August, on
the subject of the loss
of No. 992. It was

3/10 for the amount of the
charge of the Public
Works Dept.:

2. It is evident that the
main responsibility for
the loss rests with the

Contractors, the Cashier,
and, if, as I understand,
you are satisfied that

there was no dishonesty
on his part, the money
should be recovered
from him by placing

him a half salary till
it is paid.

3/10

Year
35089

E.A.P.

254

2 Oct

Order 37550

W

15 Oct 04

DRAFT

D.A. Fletcher Esq

Sir
I am directed by
the Comptroller
to inform you that
soon after your depu-
ture from the E.A.P.
a deficiency of Rs 992
16c was discovered
in the cash receipts
of the Public Works
Dept. at Madras
2. The Board appointed
to enquire into the
loss reported that

MINUTE.

- Mr. Ellis 11 Oct
- Mr. Read 11
- Mr. Just.
- Mr. Axtobus
- Mr. Cox.
- Mr. Lucas.
- Sir F. Hopwood.
- Mr. Churchill.
- The Bar of Elgin.

[Handwritten flourish]

for exam

Copy for Comptroller 30 Oct 37550

that you were to blame
on the matter as your
failure to hand over
the cash beyond compare
Mr. Fletcher on the usual
measure, made it
impossible to fix the time
at which the loss occurred

3. The Board considered
that you should be
required to make good
the loss to the extent
of the 300, but Lord
Byron has decided that
it shall be sufficient if
the year ending Dec 31st
from the 12th Oct
affirmatively 29.8.6
is contained in satisfaction
of the claim, & the Chygo
has been reinstated acco.
dryly. a H.P.

Chygo

Mr. H. J. W.
Mr. H. J. W. 11

2. 2. 1870

15 October 07
255
Gentlemen

I am directed
by the Comptroller
to inform you that
the loss of the
to Mr. H. J. Fletcher
late Comptroller
in the S. A. P. for the
period from the 1st
to the 12th Oct
shd. not be paid to him
as it has been decided
that he should be held
responsible for that
part of the loss
in the Public Works Dept
at Montreal.
Mr. Fletcher has been
rejoined of the decision

Chygo Exp 2007