

1931

Kenya

No. 17265

SUBJECT

C0533/414

Audit Department Staff

Previous

16335/30

Subsequent

18270/32

FROM THE CROWN AGENTS TO THE COLONIAL SECRETARY, KENYA.

No639W/1525

27  
610

30th October, 1929.

Sir,

I have the honour to acknowledge the receipt of your letter dated 1st October, 1929, No. S/Mat 19/1929/7, relative to the appointment of Mr Arthur Roberts as an Instructor (Bricklayer) for the Education Department and in reply to inform you that it has been generally recognized that single candidates should be engaged for these appointments wherever possible.

In Mr Roberts' case however, as he had previous Colonial Service, and no qualified single candidate was available at the time, and as the extreme urgency of the appointment was stressed in the Governor's telegram to the Colonial Office, dated 20th June, 1929, we decided to proceed with his engagement, the conditions appertaining to the appointment having been fully explained to him.

I have the honour to be, etc.

(Sgd.)

for CROWN AGENTS.

THE COLONIAL SECRETARY, KENYA TO THE CROWN AGENTS.

No.5/Est.19/1969/7

1st October, 1929.

Gentlemen,

With reference to your letter No.448 M/1525 of the 14th August, on the subject of the appointment of Mr Arthur Roberts as an Instructor (Bricklayer), Education Department, I have the honour to point out that Mr Roberts is a married man and that there are certain difficulties in such cases in arranging for the wives and families of these officers.

The men must go about the country and their pay is small, hardly sufficient to enable them to make an adequate allotment to their wives in England.

It is requested that in future every endeavour should be made to appoint single men to these vacancies if at all possible.

I have the honour to be,

Gentlemen,

Your obedient servant,

(Sgd.) A. J. Field.

for COLONIAL SECRETARY.

K/Passage 89 P.A.

THE COLONIAL SECRETARY, KENYA TO THE CROSS AGENTS.

No. S/Est 19/1438/20

2nd June, 1931.

Gentlemen,

With reference to your letter No. 505 K/89 of the 17th December, 1930, I have the honour to inform you that Mr S. W. Pemberton, Leading Artisan in the Education Department, has returned to the Colony accompanied by his wife and states that he was granted the usual family passage allowance by you in respect of the cost of her passage.

(2) In this connection I would invite your attention to the correspondence ending with your letter No. 639M/1525 of the 30th October, 1929, and I shall be glad to be informed of the circumstances in which the allowance was paid to Mr Pemberton.

(3) I may state that there is no provision for this expenditure in the sanctioned Estimates of the Education Department for the current year.

I have the honour to be,

Gentlemen,

Your obedient servant,

(Sgd.) J. Barton

for COLONIAL SECRETARY.

the Government will inform us should it be intended to make it a condition of their appointment or re-engagement that they should not marry without permission during the course of their employment [or to impose any restriction on their being accompanied to Kenya by their wives on their second or subsequent tours.]

(3) I would add that the payment of the allowance and the fact that it had been authorised by you were reported to the Treasurer, Kenya, on 23rd March, 1931 and we propose to draw the Colonial Secretary's attention to this.

I have the honour to be,

Sir,

Your obedient servant,

W.A. Wickham

for CROWN AGENTS.

in such circumstances he would continue to be treated  
as though he ~~was~~<sup>were</sup> an unmarried officer for the purposes  
of the regulations governing his terms of service..

I am, Gentlemen,

Your most obedient servant,

  
(Signed) A. G. C. PARKINSON.

ALL COMMUNICATIONS  
TO BE ADDRESSED TO THE  
CROWN AGENTS FOR THE COLONIES.  
THE FOLLOWING REFERENCE AND THE  
DATE OF THIS LETTER BEING QUOTED.

M/Passage 89 P.A.

TELEGRAMS: "CROWN LONDON."

TELEPHONE: 7730 VICTORIA.



4 MILLBANK,  
WESTMINSTER,  
LONDON, S.W.1

11th July, 1931.

RECEIVED  
14 JUL 1931  
COL. OFFICE

No. 4 on

Sir,

2.6.31.

1.10.29 &  
30.10.29.

With reference to your letter No. 26044/31 of  
the 25th February last, I have the honour to enclose  
a copy of a letter received from the Colonial Secretary,  
Kenya, regarding the payment of £20 family passage  
allowance made by us to Mr S. W. Pemberton, Leading  
Artisan in the Education Department. I also enclose  
a copy of the correspondence ending with our letter  
No. 639 M/1525 of the 30th October, 1929, referred to  
in paragraph 2 of the Colonial Secretary's letter,  
which deals with the necessity for the appointment of  
single men to these positions. Mr Pemberton, having  
completed a tour of duty in Kenya, and being thus  
aware of the conditions, married while on leave. He  
wished his wife to accompany him on his return and  
there appeared to us to be no reason why she should  
not do so under the usual family passage allowance  
arrangement.

(2) We accordingly propose to reply to the  
Colonial Secretary that we read the correspondence  
ending with our letter of the 30th October, 1929  
as indicating only the necessity for these officers  
being unmarried on first appointment, adding that we presume  
the/

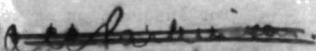
Enc. - 5 AUG 1931

The Under Secretary of State,  
Colonial Office.

in such circumstances he would continue to be treated  
as though he <sup>were</sup> ~~was~~ an unmarried officer for the purposes  
of the regulations governing his terms of service..

I am, Gentlemen,

Your most obedient servant,



(Signed) A. G. B. PARKINSON

232

Communications on this subject should be addressed to—

THE UNDER SECRETARY OF STATE,  
COLONIAL OFFICE,  
LONDON, S.W.1

and the following  
Number quoted: 17259/31.



Downing Street,  
5<sup>th</sup> August, 1951.

*S*

C. O.  
R 1-4110  
D 16

*Done  
2/31*

Gentlemen,

I am directed by Lord Passfield to acknowledge the receipt of your letter of the 11th of July (M/Passage 89 P.A.) regarding the request from the Colonial Secretary of Kenya for information as to the circumstances in which the family passage allowance was paid to Mr. S.W. Pemberton, Leading Artisan in the Education Department of the Colony.

2. Lord Passfield concurs in the reply which you propose to send, and he will be glad to be informed of any further ~~recommendation~~ <sup>communication</sup> which you may receive on the subject. It ~~may be~~ <sup>is</sup> desirable that you should <sup>also</sup> inform the Government of Kenya that you understand that there would be an objection on legal grounds (apart from any question of policy) to any stipulation that if an officer <sup>was</sup> to marry during the course of his employment his engagement would thereupon be terminated, but that there would not be the same objection to a stipulation, if it were necessary, that

THE CROWN AGENTS

in

FOR THE COLONIES.



London, S.W.1.

14th August, 1931.

Sir,

I have the honour to refer to your letter No. S/Est.19/1438/20 of the 2nd June, regarding the payment of £20-0-0 family passage allowance to Mr. S.W. Pemberton, Leading Artisan, Education Department, and to state that we read the correspondence ending with our letter of the 30th October, 1929, as indicating only the necessity for these officers being unmarried on first appointment. We presume that you will inform us should it be intended to make it a condition of their appointment or re-engagement that they should not marry without permission during the course of their employment, or to impose any restriction on their being accompanied to Kenya by their wives on their second or subsequent tours.

2. We have been advised by the Secretary of State for the Colonies to notify you that it is understood that there would be an objection, on legal grounds (apart from any question of policy), to any stipulation that if an officer were to marry during the course of his employment his engagement would thereupon be terminated, but that there would not be the same objection to a stipulation, if it were necessary, that in such circumstances he would continue to be treated as though he were an unmarried officer for the purpose of the regulations governing his terms of service.

3. We would add that the payment of the family passage allowance, and the fact that it had been authorised by the Secretary of State were reported to the Treasurer in our letter No.197 of the 23rd March, 1931.

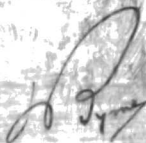
I have etc.  
Ed. J. C. Lamont  
for Crown Agents.

The Colonial Secretary,  
Kenya.

Government power to terminate an appointment on giving three months' notice or on paying the officer one month's salary, and I consider that to take action under this clause of an agreement is preferable in practice to making a stipulation that if an officer married he would continue to be treated as though he were unmarried.

4. Pending your consideration of this question, I suggest that the Crown Agents should be instructed to regard the marriage of a Leading Artisan as an impediment to the renewal of his agreement for a second or subsequent tour.

I have the honour to be,  
sir,  
Your most obedient, humble servant,



BRIGADIER-GENERAL.

GOVERNOR.

319

RECEIVED  
9-NOV-1931  
GOVERNMENT OFFICE  
GOVERNMENT HOUSE,  
NAIROBI,  
KENYA.



KENYA.  
No. 602

14 October, 1931.

Sir,

I have the honour to address you on the subject of the engagement or re-engagement as the case may be of married Leading Artisans in the service of this Colony with particular reference to those engaged for service in the Education Department.

2. It has previously been pointed out to the Crown Agents that considerable inconvenience arises from the appointment of married men. The first essential factor in appointment to these posts is mobility and the peculiar conditions under which these officers are required to work make it undesirable for their wives and families to accompany them to the Colony, while it is impossible for such officers to make an adequate allotment from their pay if their families are left at home in England.

3. In a recent case one of these Artisans married during his first leave, and on the matter being taken up with the Crown Agents, a reply has been received a copy of which is enclosed with this despatch.

As regards paragraph 2 of the Crown Agents' letter, I am of opinion that it would be a better arrangement to warn officers that they would be liable to forfeit their appointment in the event of their marrying without permission. I would point out that they are all engaged on Agreements which give

Letter.  
14.8.1931.

*Copy (enclosed) to C.A. (5)*

THE RIGHT HONOURABLE  
J. H. THOMAS, P.C., M.P.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET, LONDON S.W.

Government

on the grounds of the public interest,  
to have his wife with him in the  
Colony, or to enjoy the privileges  
of married quarters and passage allow-  
ances; but the question whether he  
can afford to maintain a wife outside  
the Colony is for him to decide. If, as  
the result of his marriage, he  
should become financially embarrassed,  
his engagement could properly be  
terminated on that account.

3. Cases in which an officer  
marries during the actual period of his  
resident service are <sup>seldom</sup> hardly likely to  
<sup>be of any</sup> arise in practice; the important case is  
that of the officer who marries while  
on leave in <sup>the U.K.</sup> ~~this country~~. It is, of  
course, true that the Government is  
under no legal ~~or moral~~ obligation to  
re-engage the officer, but, at the same  
time, if his re-engagement has <sup>on other grounds</sup> ~~in fact~~  
been recommended, I do not think that  
his marrying should in itself be  
accepted as a reason for varying that  
recommendation.

C. O.

Mr.

Mr.

Mr.

Mr. Tomlinson.

Sir O. Bottomley.

Sir J. Shuckburgh.

Sir G. Grindle.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

DRAFT.

18

4. After giving the matter the fullest  
consideration, I have caused the Crown Agents  
for the Colonies to be informed that every  
man selected for one of these posts, and  
such  
any officer on leave in this country whose  
<sup>intention</sup>  
proposes to ~~marry~~ marry before his return  
<sup>comes to this office</sup>  
to the Colony, should be warned in writing  
that, in the event of his marrying, he will  
not be allowed to take his wife with him,  
and that if his position as a married man  
should give rise to <sup>financial embarrassment or other</sup> ~~any~~ difficulty or  
inconvenience in the Colony (of which the  
Colonial Government will be the sole judge),  
his employment will be terminated in accord-  
ance with the terms of his agreement.

5. I have to request that, in future,  
when asking the Crown Agents to engage an <sup>officer</sup>  
<sup>residing in London of this category</sup>  
man, you will inform them whether or not he  
should be given this warning. I have also  
to request that you will ~~arrange to~~  
furnish me with a list of the <sup>post</sup> ~~officers~~,  
appointment to which should be regarded as  
falling within the scope of this arrangement.

I have etc.

(C.S.D.) P. CUNLIFFE-LISTER



17259/31 Kenya.

5.16

C. O.

Mr. Pooley 4/1/32.

Mr. Venning. 4/1/32

Mr. ~~Frederick~~ 4

Mr. ~~Frederick~~ 5/1/32

X ~~Mr. O. Holliday~~ Mr. Tomlinson 4/1

Mr J. Shackburgh

Mr G. Grindle

Parly. U.S. of R.

Parly. U.S. of R.

Secretary of State.

8/1/32  
No. 2

43

mw

14 January, 1932.

Gentlemen,

With reference to the letter

from this Department of the 5th August, 1931, I am etc. to transmit to you, for your

information, a copy of correspondence with the Governor of Kenya, regarding the engagement and re-engagement of married men for service as Leading Artisans in that Colony, particularly in the Education Department.

DRAFT.

The Crown Agents  
for the Colonies.

Approved b

2. It will be seen that it

has been decided that, in future, every

man engaged for one of these posts, and

such any officer on leave in this country whose intention

(proposed to marry before returning to Kenya, comes by your notice, should be warned in writing that, in the

event of his marrying, he will not be

allowed to take his wife with him to the Colony, and that

if his position as a married man should

give rise to any difficulty or inconvenience

10602  
From Gov. 14/10/31 (No. 3)  
to " 14/1/32" (d.n.)

2 afts.

615



ALL COMMUNICATIONS  
TO BE ADDRESSED TO THE  
CROWN AGENTS FOR THE COLONIES.  
THE FOLLOWING REFERENCE AND THE  
DATE OF THIS LETTER BEING QUOTED

M/S.A. 721.

TELEGRAMS: CROWN, LONDON  
TELEPHONE: 7730 VICTORIA.

REC'D  
9-FEB-32  
60L

A. MILLBANK,  
WESTMINSTER,  
LONDON, S.W.1.

8th February, 1932.

Sir,

No 5

I have the honour to refer to your letter  
of 14th January No.17259/31 on the subject of the  
engagement and re-engagement of married Leading Artisans.

While it is possible for us to warn any  
candidate for such vacancies that he will not be  
allowed to take his wife with him to the Colony and  
that if his position as a married man should give  
rise to any financial embarrassment or other difficulty  
in the Colony his employment will be terminated in  
accordance with the terms of his agreement, we would  
suggest that in the case of officers due for  
re-engagement, the warning should be given when the  
question of their re-engagement is under consideration  
in the Colony.

Rec 5

We shall be glad to learn whether it is  
possible for this course to be adopted.

I have the honour to be,

Sir,

Your obedient Servant,

The Under Secretary of State  
for the Colonies,  
COLONIAL OFFICE,  
S.W.1.

*J. Stewart*  
For CROWN AGENTS.

2. As Philip's beautiful  
letter considers that  
it will be sufficient  
if you will communicate  
with leading business  
firms in Kenya regarding  
their re-employment as  
soon as you receive  
their leave papers, at  
the same time conveying  
to them the necessary  
information regarding their  
employment in the  
of the above firm  
the management of the

I am &c.

(Signed) H. T. ALLEN.



17259/31 Kenya

14 5/2

C. O.

Mr. Tooley

Mr. Fleming

Mr.

Mr. Parkison

Mr. Tomlinson

Sir C. Bottomley

Sir J. Stuckburgh

Pres. U.S. of S.

Pres. U.S. of S.

Secretary of State

*W.P.F.*

C.D.  
19 FEB  
227

7

*SS*

23 Feb 1952

DRAFT.

Gentlemen,

*The bill for the bill.*

*with reference*

*(102)*

*to your letter No. W/S. 4721 of the 8th January*

*regarding the engagement and re-engagement of married British citizens for service in Kenya, I am to inform you that he does not consider it advisable to adopt the procedure suggested in the second part of your letter.*

813



KENYA.

No. 134

GOVERNMENT HOUSE,  
NAIROBI,  
KENYA.

29<sup>th</sup> March, 1932.

21 MARCH 1932  
GOV. OFFICE

Sir,

*Nov.*

I have the honour to refer to your despatch No. 41 of the 14th January, on the subject of the engagement and re-engagement of married Leading Artisans for service in this Colony, and note the procedure to be adopted in future with regard to suitable warnings to such officers in the event of their marriage.

2. The only posts which it is desired to add to Leading Artisans of the Education Department are those of Technical Instructors in the Prisons Department and it will remain for this Government to notify the Crown Agents in the event of action being desired in the above sense in regard to individual officers of these two classes of appointments.

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

*Wm. Williams*

GOVERNOR'S DEPUTY.

THE RIGHT HONOURABLE

MAJOR SIR PHILIP CUNLIFFE-LISTER, P.C., G.B.E., M.C., M.P.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET, LONDON S.W.

Copy to C.A., 23. 6. 32 B.I.C.

813

KENYA.

No. 134



GOVERNMENT HOUSE,

NAIROBI,

KENYA.

22<sup>nd</sup> March, 1932.

21  
GOV. OFFICE

Sir,

*Handwritten mark*

I have the honour to refer to your despatch No. 41 of the 14th January, on the subject of the engagement and re-engagement of married Leading Artisans for service in this Colony, and note the procedure to be adopted in future with regard to suitable warnings to such officers in the event of their marriage.

2. The only posts which it is desired to add to Leading Artisans of the Education Department are those of Technical Instructors in the Prisons Department and it will remain for this Government to notify the Crown Agents in the event of action being desired in the above sense in regard to individual officers of these two classes of appointments.

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

*Handwritten signature*

GOVERNOR'S DEPUTY.

THE RIGHT HONOURABLE

MAJOR SIR PHILIP CUNLIFFE-LISTER, P.C., G.B.E., M.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET, LONDON S.W.

*Copy to H.O. 20 4 32 B.16.*

9 To O.A. - (No 8) - P.L.C. - 23. 6. 32

MW



A. Therefore need do no more than  
communicate with him about

reengagement as soon as his  
leave pp are to hand, & can  
then convey to him the warning  
about a wife & indebtedness.

I suggest that in reply to  
them that the S/S does not  
think it necessary advisable to  
adopt the procedure ~~proposed~~  
as the end of their letter &  
that it will be sufficient if  
they act as at A in the  
case of men whose reengagement  
is ~~desired~~ requested by the CA but

Certainly  
G. H. H. Allen  
11.2.32.  
J. H. Allen  
12/2  
atance

12  
M To CA - General - 23 FEB 1932

Col  
P. Gov. Kenya - 138 - 23/3/32

After the procedure to be adopted  
in future with regard to suitable warnings,  
desires that Technical Instructors in the  
Pisoon Dept shall be brought within  
the scope of this arrangement.

There are 6 first and second class  
and 23 third class passages in Kenya  
It can be assumed that the  
Technical Instructors of whom there are  
4 must be mobile.

? Copy Cms with letter referring  
to 7 and previous correspondence and  
requesting them to take similar action  
in the case of Technical Instructors  
P. H. H. Allen  
26/4/32

Land...  
To P...  
8/9/7  
P. H. H. Allen  
11.2.32.  
See memo on 11.2.32.  
file  
P. H. H. Allen  
11.2.32.  
atance  
atance  
atance





nothing to prevent his exercising that right although his reason for doing so was that the employee had married. Nor can I see that there would be any illegality in his warning the employee that such a course would be taken. This, I believe, is in fact done by Local Authorities in this country - witness the constant discussion about married teachers.X

Surely that is on another issue - women and resignation on marriage.

(Intld.) G.E.J.G.

There seems to be considerable force in Mr. Turton's point on the subject of widows and orphans pensions.

(Sd.) K.O. Roberts-Wray.

4/12/31.

P.S. But I prefer "would probably have their appointments determined" or words to that effect to the expression "would be liable to forfeit their appointments" which is used by the Governor in (S).

(Intld.) K.O. Roberts-Wray.

(Sd.) G.E.J. Gent.

4/12.

(I should like to note after action).

Mr. Gant should also note.

I cannot say that I agree that it would be proper for the Government to exercise its legal right in such a matter. It seems to me to be entirely contrary to Mr. Chamberlain's ruling ("We are neither Rooshians nor Frooshians") and to the

general

9  
general spirit of the minutes and precedents collected on 50382/28.  
General.

The fundamental point is that whether an officer marries or not is his business, not that of the Government. We can refuse him permission, on grounds of the public interest, to have his wife with him in the Colony or to enjoy the privileges of married quarters and passage allowances. But the question whether he can afford to support a wife outside the Colony is for him to decide. If he becomes financially embarrassed, he can properly be got rid of on that account: that is his risk.

Cases in which an officer marries during the actual period of his resident service are hardly likely to arise in practice: the important case is that of the officer who comes home on leave and marries. It is true that the Government is under no legal or moral liability to re-engage the officer; but at the same time, if the Government has in fact recommended his re-engagement I don't think that his marrying should in itself be accepted as a reason for varying that recommendation. It should be made clear to the officer that he cannot take his wife out with him, and that if his position as a married man gives rise to any difficulty or inconvenience in the Colony (of which the Colonial Government will be the sole judge), his employment will be terminated in accordance with his agreement. But I do not think that we can go further than that.

G. J. Jeffries

7.12.31.

I agree with Mr. Jeffries - but I don't



page 2 of ②  
(see also Mr. Bushe's  
minutes of 26/10/37 on  
3007/37 (H.K.))

The Range Dept makes out a very good case for deferring the employment of married officers in certain posts. The Sdlt. has said that an undertaking not to marry cannot legally form part of the contract of engagement. The Governor therefore suggests, in effect

- (a) that an officer who marries after his first agreement shall not be debarred from re-employment on a second agreement
- (b) that, due warning having been given before appointment, an officer who marries without permission shall have his appointment terminated under Clause 10 of the standard agreement

I see no objection, either legal or moral, to either procedure, - provided that candidates are fully warned by C.A. in writing before first engagement.

? Approve, & say that C.A. are being instructed accordingly; and ask for to forward a list of the officers, off't. to which should be regarded as falling within the scope of the arrangement. (Chairman of N.C.S. is not very precise)

And to A. accordingly

I agree.

I would certainly not put to Governor (Intld) C.J.J. the suggestion put forward at the end of the preceding minute. It is tantamount to asking Government to pay extra for a system which they dislike.

(Sd.) L.B. Preston.

26/11.

Mr. Roberts-Wray.

I do not think there is anything illegal in the Governor's proposal or any conflict with Mr. Bushe's quoted opinion - all Mr. Bushe said was that if a promise not to marry was broken no penalties could be inflicted, but three months notice or a months salary in lieu of notice are not penalties as the Government have the right at any time to give these. No doubt if an outcry is raised it will be pointed out that the Government is putting a de facto restraint on marriage and that compulsory contributions to a Widows and Orphans Pensions Scheme while debarred from creating potential orphans is rather illogical. This matter is getting acute in Uganda also.

(Sd.) Neville Turton.

2.12.31.

I agree. Mr. Bushe's minute, so far as it is relevant to this case, rather supports the action proposed. If a private employer had under a contract with an employee a right to determine the engagement at will or with 3 months notice without giving a reason, there would be nothing

that they should be accompanied by their wives and families.

(b) Their salary is insufficient to enable them to make an allotment from their pay if their families are left at home in England.

As regards (a) there is no difficulty in the way of warning an officer that owing to the nature of the duties he could not in the event of his marriage be granted permission to be accompanied by his wife and, or, family; and, as the Crown Agents have already informed the Kenya Government, of treating him as an unmarried officer for the purpose of the regulations governing his <sup>CROWN</sup> ~~sum~~ of service.

As regards (b) this is important, as it is undesirable that conditions of pay etc. should make it easier than it is already for officers to run into debt, with consequent impairment of efficiency, and possible scandal. This is perhaps not the time to suggest what normally might not be unreasonable, that if an officer is not granted permission to have his wife in the Colony and is debarred from such privileges in the way of passage allowance etc. usually accorded to married officers, he should be eligible after, say one tour of service, to a marriage allowance to enable him to make an allotment to his family in England.

The Governor's proposal in the third paragraph of his despatch virtually amounts to making the condition, that the officer should forfeit his appointment on marriage, since there is little doubt that, in practice,

permission

permission would not be given. The legal aspect is not altered by this method of approach, which seems even more objectionable than plainly warning the officer that he must resign if he marries.

In this connection Mr. Bushe minuted on 30073/27 H.Kg. that "a contract in restraint of marriage is illegal to public policy. There is no objection to and void as being contrary to appointing only single men, but any promise by them to remain single or not to marry, (it does not matter which way you put it) would be void. In the case of an ordinary employer this would mean that, if an employee disregarded the promise, he would not have committed a breach entitling his employer to dismiss him. In the case of the Crown, no reasons for dismissal are necessary in law; and in equity it may be that such a course would not be unreasonable where the officers had accepted their appointments on a clear understanding of the requirement in question."

Subject to any observations Personnel Division may have ? explain the difficulties in the way of the Governor's proposal, writing on lines of paragraph 8 (4) of No.9 on 30073/27 H.Keng at X \_\_\_ X and ? Ask Governor to consider whether to compensate these officers for the loss of privileges in the matter of passage allowance etc. usually accorded to married officers, they should be eligible for a marriage allowance after one tour of service provided their wives remain in England.

*J. King*  
26. 11. 31  
*G. Guinness*  
26. 11. 31

Capt. Direct? But we need  
ask Capt. to let us have  
copy of any reply from  
the Col. Gen. to the letter  
now to be sent.

I am not sure that  
the letter can be put quite  
in the words suggested  
in the minute of 20.7.21:  
perhaps it will simplify  
things if you still for comment?

Al. Parkin  
21.7.21

Mr. Grant

Could you, please?

Al. Parkin  
25/7/21

Off. letter to be sent on

Mr. Grant

27.7

Al. Parkin  
27.7.21

8/8/21 a/m  
26.7.21

8/12/21  
- 5 AUG 1921

Miss C. Macdonald  
Notes & Proceedings

see J.C.F.

C.F.  
H.H.  
W.H.

L. To. C.F. (lans)

Miss  
L. To. C.F.  
H.H.

3) Gov. Kenya — 602 — 14/10/21 6

states the objections to the engagement of  
re-engagement of married Leading Artisans with  
particular reference to those engaged for service  
in the Educ. Dept. cites the case of Mr. S.W. Robertson  
and suggests, pending consideration of this question  
that C.A. should be instructed to regard the  
marriage of a Leading Artisan as an impediment to  
the renewal of his agreement.

Mr. Parkin We discussed

At the suggestion of the Colonial Office the  
Crown Agents informed the Government of Kenya that  
there would be an objection on legal grounds (apart  
from any question of policy) to any stipulation that  
if an officer were to marry during the course of his  
employment his engagement would thereupon be  
terminated, but that there would not be the same  
objection to a stipulation, if it were necessary, that  
in such circumstances he would continue to be  
treated as though he were an unmarried officer for  
the purpose of the regulations governing his terms of  
service.

Vide No 2

The Governor considers that it would be a  
better arrangement to warn officers that they would  
be liable to forfeit their appointment in the  
event of their marrying without permission. He  
points out that the Government has power to terminate  
any appointment on agreement by giving the officer  
three months notice or on paying one month's  
salary, and considers action under this clause of  
an agreement is preferable in practice, to making a  
stipulation that if an officer married he would  
continue to be treated as though he were unmarried.

There are two objections to the appointment  
of married men to these posts.

(a) The mobility and peculiar conditions  
under which the officers are required to work make it

undesirable that

appointment, but as a condition of continued employment it will be legally valid - see A. Burke's minute flagged in 30073/27/Hony Kay. Mr Ellis stated in 50382/28/General that the Crown Agents considered that such absolute bars to marriage would be invalid in the case of engagements or agreement.

+

(The point is 28/7/31 that the bars are absolute)

But there is no such legal difficulty about withholding in point of view any special privileges from married officers. There are instances of it at present in the Col. Service.

The wording at A in Mr Parkinson's minute might suggest be altered to avoid the impression that there is an absolute bar to an officer's marrying without the Gov's consent. I suggest the substitution: -  
"if they desire to make it a condition of engagement (or of reengagement) that an officer a candidate must be unmarried at the time of

X<sup>o</sup>  
appt, & that if he married without the Gov's permission during his period of employment he will not be eligible to receive permission for his wife to accompany <sup>him</sup> or join him in the Army, & he will continue to be treated as though he were an unmarried officer ~~for the purpose of the regulations governing his terms of service.~~

*W. H. H. H.*  
20/7/31

*Chatteris*  
21.7.31

*W. H. H. H.*  
Mr Donnellson

I shall be content with any reasonable statement you can invent. What I was trying to do was to ensure that the Gov. wd. have a say, if the Col. Genl. wished to impose strict conditions. But as the position seems, from Mr Ford's minute of 20/7/31, to be all clear already, there is no point in bringing in the Gov. & the Col. Genl. can advise the

the Gov. shd be informed. This  
seems to anticipate <sup>that it might</sup> ~~the possibility~~  
of the candidate <sup>not</sup> being  
not be possible to stick absolutely  
to the specification. Still more  
reasonable is it to suppose that  
even if unmarried candidates  
were available at the time of  
selection, they would soon or  
later lack that qualification.

I agree that a reply of Lt.  
propose is suitable. My only  
doubt is whether Kenya shd be  
invited to make non-marriage  
a condition of re-engagement  
(as distinct from first app). In  
any case, if an officer marries,  
he afterward re-engaged, there  
shd not be any restriction on  
his wife accompanying him.  
Lt. reply, if approved, might  
omit the part in pencil brackets.

Kenya  
'77-31

In the Poulterin case it  
seems that an officer holding  
his job has to move  
about a great deal - hence  
the desire for a simple man.  
As matters now are, the  
Gov. of course will also  
come into it.

I am not so sure

see Mr. Poulterin's  
minutes of 21/7/31.  
M.H.  
etc

about Mr. Vanning's point. Many  
cases <sup>are</sup> ~~reported~~ <sup>where</sup> the Gov. has  
been discussed - a Clerical  
Section must go into that.  
There may be excellent  
reasons for restriction -  
of cables on first appointment.

? Authorise C.A. to reply  
at x adding that they assume  
that the Col. Govt. will refer to  
the Syg. if they shd. desire  
to make it a condition of  
engagement (or of re-engagement)  
that an officer shd. not  
marry without the Govt's  
permission or to impose  
any restriction upon the  
officer's wife, if he does  
marry, accompanying him  
to Kenya.

Then release files have,  
some of which require comment -  
rather let Clerical Section  
see what is to be found in  
the way of discussion of  
this marriage question.

Re: Poulterin

18.7.31

It could be made a condition of  
appointment that the person selected  
must be unmarried ~~at the time of~~

Not invited -  
but if they want  
to make some  
such condition  
for good reason  
we must consider  
it. See

unmarried on first appointment.  
They propose to add that they  
presume that the local govt  
will inform them if any  
future case it is desired  
to make it a condition of  
appoint<sup>ment</sup> or re-employment that  
a man shd not marry without  
permission or be accompanied  
by his wife at any time during  
his tour.

? concern in this  
reply.

[Nevertheless I think it  
might have been well had  
the Gov. been asked in this  
case whether there was any  
objection to the man getting  
married & taking his wife  
with him. When the  
fact that he proposed to  
take his wife with him  
came to our notice, we  
concentrated on the question  
of how much family allowance

he shd be allowed to have & his wife  
take the post whether his wife  
shd be allowed to go with him  
at all. But I don't know  
that it was our business to do  
so.

Clerical section should see  
the decision on this file &  
26044/31 & 28522/30 shd raise.

removed for further action required on  
[them].

J. D. Wood  
17.7.52

It is rather unreasonable of them  
to expect that celibacy as a  
condition of eligibility for employment  
in 1926 should be required to be  
a binding condition throughout  
the officer's service.  
Indeed I am not sure whether on  
grounds of public policy the govt  
could agree to what virtually  
becomes a condition of resignation  
or marriage.

The despatch sending home the  
Pozp in 5289/26 <sup>copy</sup> at 56.14  
shd be found necessary that  
any of the (other) conditions of  
employment shd be modified

~~26044/31~~  
~~28522/30~~  
~~26044/31~~  
~~28522/30~~

See on 31/11/52  
2.26044/31/52

unmarried on first appointment.  
They propose to add that they  
presume that the local gov't  
will inform them if any  
future case it is desired  
to make it a condition of  
appnt or re-employment that  
a man shd not marry without  
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objection to the man getting  
married & taking his wife  
with him. When the  
fact that he proposed to  
take his wife with him  
came to our notice, we  
concentrated on the question  
of how much family <sup>parents</sup> allowance

See on 31/11/2a

2 26044/31/2a.

Crown Agents

11 July 2

Enclose copy correspondence with Col. Lee re  
payment of his family passage allowance to be 20  
Pemberton, leading between Education Dept. I refer  
to enquire if it shall be condition of appointment  
of subordinate staff that they shall not marry  
during employment, without permission.

22780

In the original paper of particulars  
in which Mr Pemberton was appointed  
it was said that the candidates  
must be unmarried or widowers.

(This paper of particulars is flagged  
C on 5289/26. The correct  
flagged A & B shows that this is the  
correct paper.)

The CA. have now got into  
hot water from the local G.O. for  
allowing Mr Pemberton to go back  
with a wife attached. There was  
nothing in the recommendation that he  
should be re-employed to show that he  
should remain unmarried, and  
the CA. therefore propose to reply  
that they ~~only~~ understood the condition  
~~was enclosed~~ ~~as indicating~~ ~~only~~  
as indicating that officers should be