

1921

KENYA

684

22801

DATE

GOVERNMENT

480

4th 1921

MAY 21

FOR INFORMATION

SUBJECT

MR. F. A. JOHNSON.

Mr. Brindle

Mr. H. Langford

Sir H. Ross

Mr. J. P. ...

Colonial Secretary

Mr. ...

Official Paper

Means copy of petition and enclosures from ...
claiming the rate of wages comparable to Europeans
and claiming to be ... as a European.
Is unable to admit ...

NINETEEN

to the ...

(1) The recommendation ...
which was adopted, ...
Col. Galt ...
cases on their ...
of report ...
have always ...

to individuals (who ...
point ... to the ...
in almost ...
... who ...
... and ...
... or ...



TELEGRAPHIC ADDRESS:
RAILWAYS, N. R. B.

Uganda Railway

REFER HERETO IN
YOUR REPLY.

N.393/4/122
No.

General Manager's Office.

Nairobi, East Africa
February, 1921

To: The Honourable The Acting Colonial Secretary
to the Government,
Colony of Kenya and East Africa Protectorates,
Nairobi.

Sir, Fireman V. A. Foregard.

In forwarding the accompanying petition for favour of disposal, I have the honour to refer you to my letters Nos. N.393/IV/776 dated the 4th December last, N.393/IV/718 dated the 17th November, 1920, N.393/IV/642 dated the 14th October, 1920, N.393/549 dated the 4th September, 1920, and your S.E.1762/14 of the 22nd December, 1920, on the subject of Fireman V. A. Foregard's claim to be classed as a European, to enable him to draw war bonus on the European scale.

2. Mr. Foregard was locally appointed as Fitter on probation on April 1st, 1914, on Rs.60/- per mensem. He was confirmed in his appointment at the same pay with effect from February 1st, 1915, and then signed Agreement Form No. 171.A. Mr. Foregard was born in India on the 17th July, 1885, so that at the time he was confirmed in his appointment he was 29 years of age. I need hardly add that a European at the age of 29 years would hardly have accepted Rs.60/- per month.

3. On the 18th March, 1918, he renewed his agreement with effect from the 1st February, 1918, signing Agreement Form No. 171.A Revised 1917.

4. This matter was first brought to my notice by the Petitioner in July, 1919. Under the impression that his claim was in order I, unfortunately, informed the Chief Mechanical Engineer that it could be passed, but on the Chief Accountant pointing out that Mr. Foregard was not considered to be a European and that he was not a compulsory member of the Railway Institute, to which, at that time, every employee of the Railway, who was of European descent, was compelled to belong, I wrote applicant accordingly, adding that if he could prove that he was a European he would be granted the war bonus on that scale.

5. Mr. Foregard furnished me with several documents purporting to establish the question of his European descent, but I was unable to accept any of these. He then petitioned His Excellency the Governor (vide my N.393/549 dated the 4th September, 1920), to which I have replied in your above quoted Memorandum.

6. As regards the other points raised by Mr. Foregard in his present petition, I beg to report on these as follows:

Item 1. This was explained in paragraph 8 of my M. 595/549 of the 4th September, 1929.

Item 2. This period was occupied by correspondence on the matter between our respective offices.

Item 3. With regard to the "other" members of the staff referred to, please see paragraph 2 of my M. 595/IV/642 dated the 14th October, 1929.

Item 4. All the evidence has been fully considered.

Item 5. Firemen on L.S. 50/- per session are not necessary at ~~the~~ ~~present~~. As a matter of fact the 600 and Seychellois firemen are ~~not~~ paid at this rate.

Item 6. He received a reply, a copy of which is attached.

7. No fresh evidence is put forward by the Petitioner who has yet to prove that he is of pure European parentage and until he does so, I regret I am unable to admit his claim.

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

(Signed) S. Cooper.

General Manager,
Uganda Railway.

Enclosures:-
1 Petition (docketed)
1 Copy of letter.

1/12/29

X. H. St. Paul & Co. *Johnstone*
Lancaster

February 1921.

The Right Hon'ble
The Secretary of State
for the Colonies,
London,
Thro' His Excellency the Governor,
Kenya Colony.

A N S

The Hon'ble The General Manager
Uganda Railway.

Thro' PROPER CHANNEL.

May it please Your Lordship -

Your Lordship's petition-
er most humbly and respectfully begs permission to approach
Your Lordship and solicits an equitable decision on the mat-
ter contained in the attached correspondence which is of the
most vital importance to him and his family and gravely af-
fects his present and future prospects in the service of
the Uganda Railway. The reasons for laying the case before
Your Lordship are as follows: -

Enclosed in Cover
No. 1.

(i) That his petition, dated the 26th day of April,
1920, addressed to His Excellency the Governor of Kenya
Colony and submitted through the Proper Channel remained
in the Chief Mechanical Engineers Office for four months.
After the lapse of that period the petition was forwarded
to the Hon'ble the General Manager who, in turn, sent it
to the Hon'ble the Acting Chief Secretary. Correspondence
then ensued between these two offices as can be assumed
from the orders Your Lordship's petitioner received on the
14th October, 1920, to go to the Hon'ble the General Manager
office.

(ii) That this correspondence between these offices
occupied a period of nearly four months during which time,
it is presumed, that great care was exercised in discover-
ing reasons why the grant of the European scale of War
bonus should be withheld.

(iii) That as the result of petitioner's call at
the Hon'ble General Manager's office on the 14th October
1920, he obtained skin of the petitioner helped to bring
about an adverse decision. The fact that he is of European
descent was overlooked and the fact that he had worked for
many years in tropical countries which was an account for the
darkness of complexion was not weighed in the balance when
that decision was arrived at. Others of a darker hue of
complexion are, at present, receiving War Bonus on the
European scale.

(iv) That an honorable decision conveyed to
petitioner's petitioner was arrived at by getting said
evidents, unquestionable evidence and all valid reasons
is correct.

(v) That on the 1st September 1920, Your Lordship
received the new appointment of the
for reasons. Correspondence on the
subject is attached and placed in a jacket marked II.

(vi) That to this clear gain Your Lordship's
petitioner has yet to receive a

(vii) That Your Lordship's petitioner is a poor man of the artisan class but he is not to believe that his case has not been decided on its merits and of equity and justice, but only on the grounds of colour and the low salary he drew as an Assistant Carriage Examiner; the overtime attached to the post being ignored which overtime amounted to nearly half his salary.

(viii) That notwithstanding the request contained in the last paragraph of the petition dated the 26th day of April 1920, that the further correspondence be sent to Your Lordship, in highest authority, the same was returned by the Hon'ble General Manager with a vague notification that the claim had received due consideration and that there "appeared" to be no reason why his decision, conveyed in his No. 392, dated the 18th March, 1920, should be varied.

That finally Your Lordship's petitioner confidently asserts that all the statements made and the precedents quoted in his petition of the 26th day of April, 1920, are undeniable facts.

In conclusion Your Lordship's petitioner prays that Your Lordship will deign to give this humble request due consideration as he knows, from observation, that whatever Your Lordship's decision may be it will be one that will justly meet the petitioner's case.

The petitioner begs to subscribe himself with the greatest respect

Your Lordship's most humble and respectful servant

N.A. Foregand

Fireman.

PRECIS OF CORRESPONDENCE IN COVER No. I

My Lr. of 24/2/20	Protesting against inelastic scale of War Bonus and stating will prove of European descent.	Page 1
do 5/12/18	Sends copies of various certificates to father's and mine.	2-2 ^a
do 17/7/18	Further protest giving names of parents of European scale of War Bonus and members of various institutions.	3
M.C.No. 1020 24/7/20	Complaints re: father drawing European scale of War Bonus.	4
M.C.No. 1020 10/8/20	Requiring his sanction.	5
By Inspectors J.R. 10/10/20	Submitting Affidavits.	6-6 ^c
M.C.No. 1020 15/7/19	Considers documents submitted unsatisfactory and requires certificate from school stating only European children admitted.	7
M.C.No. 1020 11/11/19	Requ Coast Driver to produce certificate and of father's and mine.	8-8 ^b
M.C.No. 1020 21/11/19	Reproduction of certificate from principal of school only children of pure European parents admitted.	9
M.C.No. 1020 2/1/20	Gives reasons for inability to produce certificate.	10
M.C.No. 1020 10/1/20	Submitting his decision (page 9) which holds good.	11
My Lr. of 26/1/20	Defining what the decision asking documents and giving reasons.	12-12 ^c
M.C.No. 1020 12/12/20	Insulting finds no reason why his previous decision (page 9) should be varied.	13

Vol, 5th December 1918.

To The Chief Mechanical Engineer,

Uganda Railway,

through

The As. District Loco. Superintendent,

Uganda Railway,

Kilindini.

Sir,

War Bonus.

With reference to my letter of the 12th Sept. 1918, I now beg to enclose copies of my and my father's national certificates, also a certified extract from his letter to my brother-in-law.

2. I trust that in view of the evidence produced I may be granted the War Bonus on the scale to which I consider I am entitled.

I am etc.,

ed/a. F. Foregard

Asst. Car. Examiner.

BAPTISMS SOLEMNLY AT ST. JOHN'S

Baptism		Child's Christian Name	Sex	Parents Names		Age
Month	Day			Christian	Surname	
July	17	Vivian Albert	son	Richard Edward	Foreman	
			of	Alice Susan		

is a true Extract as examined by me
 February 1888.
 Wm. Carpenter

J. Mills Walker M.A.
 Chaplain St. John's
 Bangalore



EXTRACT FROM THE REGISTER OF BAPTISMS KEPT AT St. MARK'S CHURCH, BANGALORE.

WHEN BAPTIZED		SAID TO BE BORN			CHILD'S CHRISTIAN NAME	SEX	CHRISTIAN	SURNAMES	Age	Quality, Trade, or Profession	Name of Pastor or Minister by whom the Ceremony was performed.	
Year	Month	Day	Year	Month								Day
1853	January	1	1852	October	3 rd	Edward	and	Elizabeth	20	day of October	1851	Philip Robinson Pastor and Minister.

Dated this

20

day of October 1851

J. J. Robinson, L. D.,
Minister and Chaplain of St. Mark's,
BANGALORE.

H. G. M. S.
of St. M.

NY 228

EXTRACT FROM MY FATHER'S LETTER DATED BANGALORE
21st OCTOBER 1918 to my brother-in-law.

"I enclose as requested mine as well as Viviana baptism certificate, and trust they will be of successful service. Altho' there is no statement of our nationality, yet I can assure you my father was a European and after leaving the Army adopted his trade as a butcher, which at that time was a profitable line of business. I am a Captain with the Officer's Volunteer Decoration, and have always been classed as an Anglo-Indian. Vivian is not Asiatic by any means.

My eldest son Edward left last week for Mesopotamia as Superintendent of the Water Supply. His wife and three children are now living in our cottage next door. My son Jube in the Telegraphs is at Bagdad and my son George is now in Madras expecting to be retaken on the Government Telegraph Department. My son Percy is at Meerut as a Soldier in the Royal Engineers.

ASST. TREASURER

Nairobi, 4th December 1918.

CERTIFIED TRUE EXTRACT
BY - S. HICKIE

691
Nairobi, 2nd July 1918

To The Hon. Mr. The General Manager,
Uganda Railway, Nairobi,

And The Chief Mechanical Engineer &
The Foreman Painter.

Sir,

I attach copies of the marginally noted correspondence from which you will be observed that I protested against the scale of the War Bonus allowed to me as far back as September 1918. The necessary proofs were produced and sent with my letter of 5th December 1918 to which I received no reply in writing. The enclosures to that letter were handed to me by a Babu when on transfer at Mukuuri about the middle of the month. This man told me that the Chief Mechanical Engineer said that as I was not a member of the Railway Institute I became debarred from receiving the War Bonus on the European ~~Grade~~ Schedule. This fact in itself does not appear to me to constitute a potent or rigid objection to the grant for the single reason that other members of the Railway staff, though not members of that select body were given the War Bonus on the European scale for the far more appreciable reason that they were, like myself of European descent.

I mention the names of a few: -

- Mr. B. J. ... Apprentice.
- Mr. A. ... "
- Mr. B. ... "

2. I am applying the liberty to bring to your notice that when the railway was placed under the direction of the Military I was given the rank and uniform of a Sergeant. At that time when there was need for men I was ranked in the same way as Europeans but now when it comes to the question of the payment of the bonus to relieve the hardships caused by the war, the exorbitant rise in the prices of the necessary food stuffs I have an ~~entirely~~ something in effect and fact and fact that I am not

3. The injustice of the decision and the unfair treatment meted out to me in this matter are so apparent that comment thereon is unnecessary. I therefore trust that you will be glad to give my case your sympathetic consideration in view of the fact that members of my nationality have been allowed to draw the War Bonus on the European scale and I am married and am dependent upon doing so.

I beg to be,
Yours faithfully,
V. N. N. N. N. N.
Asst. Car. Examiner

It should have been Mr. J. K. Officer.

THE EAST AFRICAN

Date 24th July 1919. Ch. Mech. Engineer's Dept.

Nairobi.

The Works Manager,

Nairobi.

Re War Bonus Claims.

Please inform A. C. I. R. V. Foreward that the Honble

General Manager has accorded his sanction to allow me

to draw War Bonus on the European scale. A voucher for

Rs. 3924/- up to 31st.5.19 has therefore been forwarded

to C. A. for payment to him.

sd/- M. Gallaghy

For Chief Engineer

U G A N D A R A I L W A Y

1919/1920. Date 20th Aug. 1919. Director Department
Nairobi.

To

Mr. V. Forgan

Through the Chief Mechanical Engineer,
Uganda Railway, Nairobi.

MEMORANDUM.

Your letter of 12th July 1919.

I have seen your letter and find that pre-
sumably you were not satisfied with the result as you were the
only one of the Europeans to be granted the certificate which had been
issued to the non-European applicants. I am sorry to hear that you were
drawing non-European applicants to the first class.

However, if you can prove that you are a
European, you will be granted the first class certificate.

J. Cooper,

General Manager,
Uganda Railway.

6
701

Nairobi, 27th August 1919.

The General Manager,
Uganda Railway,
Nairobi.

Sir,

re Vivian Albert Foregard.

We have the honour to inform you that we have been consulted by the above with reference to your requirements that he should give proofs of his European status in order to be eligible for a European Bonus.

We herewith enclose AFFIDAVITS by MR. Vivian Albert Foregard, John Hugh Marshall and Robert Page Marshall which we think establish Mr. Foregard's status beyond question, but if you should require any thing further we shall be glad if you will let us know and we will furnish any further and additional proofs that may be available. ©

We should be glad if you could let us hear from you at your reasonably early convenience as to whether you are satisfied with Mr. Foregard's position as a European.

We are, Sir,

Yours faithfully,
Ed/- Shapley & Schwartz

742
M

AFFIDAVIT

I, VIVIAN ALBERT FOREGARD employed as Assistant Carriage Examiner of the Uganda Railway at Nairobi, British East Africa make oath and say as follows:-

1. I was born on the 17th day of July 1885 at Bangalore and I herewith attach an examined Extract signed by the Chaplain of St. John's at Bangalore.

2. My father Richard Edward Foregard was employed as Superintendent of the Mysore Government Waterworks and was always recognised as a European and is a property owner at both Whitefield and Bangalore.

3. I was educated at Lawrence Asylum, Neilgherries in Madras Presidency. Admission to the school was, and I believe still is, restricted exclusively to the children of ex-military Europeans.

4. My father's brother who is now employed on the Uganda Railway was at the Lawrence Asylum at the same time as I was.

5. The non-European badges which I have worn have always been drawn by me "under Protest" and I did not wear them at Nairobi when I arrived as my salary was then very low and I was not called upon to do so.

6. I can furnish further detailed particulars and pro fs about my European descent and status if called upon to do so. I regard the history of my grandfather and other relatives.

What is stated above is true to the best of my knowledge information and belief.

Vivian Albert Foregard

Sworn at Nairobi
this 17th day of
August 1919
Before me

H. F. ...
Commissioner for O.S.

Sworn at Nairobi this
30th day of August 1919

271

AFFIDAVIT

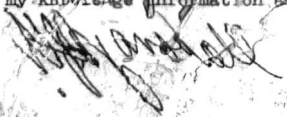
1. HUGH JOHN MARGARELL, chargeman of Loop Department of Uganda Railway, Nakuru, British East Africa make oath and state as follows:-

1. I know Vivian Albert Foregard and have known him for six to eight months in East Africa.

2. I know Jubilee Victor Foregard, who is a brother of the said Vivian Albert Foregard, and the said Jubilee Victor Foregard has been known to me for about two to three years. I met the said Jubilee Foregard in Karachi and he was then employed as a telegraphist in the Telegraph Department and the said Jubilee Victor Foregard was having European status and was drawing

after meeting the said Jubilee Victor Foregard in Karachi I again met him at Hasha Basrah in Mesopotamia and he was then still a telegraphist and I believe he was employed in the Wireless Department. No Asiatics were employed in the Telegraph Department.

It is stated above is true to the best of my knowledge information and belief.



HUGH JOHN MARGARELL
at Nairobi
on the 27th day
of August 1919
before me:-

MEMORANDUM

No. M. 305/2019

Director, Department
Nairobi.

To: Mr. [Name]

From: The [Name]

do

Chief Engineer
Nairobi.

Date: 1st July 1919

BONUS

... inquired into your case and find
 ... considered a European, as you
 with reference to Mr. Solicitor's letter dated
 27th August 1919 regarding the Railway ...
 ... and you have been drawn
 ... that the documents
 ... that bonus was granted
 ... prove that you are
 an European.

Can you produce a certificate ...
 attended a school into which Europeans only were at that
 time admitted.

General Manager
 Nairobi Railway.

785
11th November 1919.

The Hon. General Manager,

Thro' the Ag. Chief Accountant

do Chief Mechanical Engineer

Uganda Railway

NAIROBI.

With reference to the request contained in the second paragraph of your memo on reverse the attached are the only two documents which I can produce proving my European descent.

sd/- V. Foregard

Asst. Carriage Examiner

Uganda Railway.

L.S. No. 393/10100 of 13th Sept 1919.

11th November 1919.

Mr. Hon. General Manager,

Thro' the Ag. Chief Accountant

do Chief Mechanical Engineer

Uganda Railway

NAIROBI.

With reference to the request contained in the second paragraph of your memo on reverse the attached are the only two documents which I can produce proving my European descent.

sd/- V. Foregard

Asst. Carriage Examiner

Uganda Railway.

L. N. No. 393/10100 of 13th Sept 1919.

Lawrence 10. 2. &
9th of October 1919

I certainly think Mrs
Inceps was in
the same school with
3 The Lawrence as well as
at Macdonald Nelson & Co

So far as I know
School is a Voluntary
school & open admits
Children of British Na-
tionality & Children of
Sicilians, French, Germans etc
& of other Migration lists
but I will see

Dated the 10th October 1919. 703

The affidavit of Richard Edward Foregard, Captain V.D. age 47 years, residing at No. 105 Serpents Road, in the Civil and Military Station, Bangalore.

The above named Richard Edward Foregard do make oath and declare as follows:-

I am the legitimate son of ~~the~~ an Englishman, and am of European extraction so also my legitimate son, Albert Vevian Foregard, at present an employee on the Uganda Railway in British East Africa, and was educated in the Lawrence Memorial School, Ootacamund, which admits only children of European extraction.

Richard Edward Foregard

Sworn before me this 10th day of October 1919.



J. P. ...
District Magistrate,
C. & M. Station, Bangalore.

To Mr. G. A. Youngard
Third Chief Accountant
do Chief Mechanical Engineer
RECEIVED

WAR CRUS.

With reference to my M. 395/10100 dated the
13th Sept. your letter dated the 11th inst. in
which you state that what is required is a
principal of the school that none of
European extraction on both sides
attend the school.

Yours faithfully,
Ed/ S. Cooper

General Manager

Great Western

Nairobi, 2nd March 1920.

710

The Hon. General Manager,
Uganda Railway,
P.O. Box 100,
Nairobi, Kenya.

Sir,

Replying to your memo No. H. 393/12841 of the 21st November, 1919, I respectfully beg to inform you that no conscientious Principal of any school in India would be able to issue a certificate such as you require for the reason that every European school and every European Hospital in that country are common institutions to both Europeans and Anglo-Indians.

In my own case I have to reiterate my statement that I am of European descent as is evidenced by the documents produced viz: my father's and my own certificates and his affidavit.

I might be permitted to state that my father is a Grand Mason in the 1st Grand Lodge of the Province of the Volunteers with a certificate of membership pinned on to his coat by his Majesty King Edward at whose coronation he was present. My brothers all hold European status vide enclosures to my letter dated 5th December 1918, and I trust that it will be conceded that what my father and brothers are as regards nationality that I am also.

Awaiting your favourable decision, I am,

I am etc.,

sd/-

UGANDA RAILWAY

M. 393/12841. date 10th March 1930. Direction Department
Nairobi, E.A.S.

To
Mr. V. Forgard,

Through The Chief Mechanical Engineer,
Uganda Railway, Nairobi.

MEMORANDUM.WAR BONUS ON EUROPEAN SCALE.

With reference to your letter dated 10th instant, as
You are unable to produce a certificate in accordance with
with the terms of my No. M393/12841 dated 21st November
last, I regret my previous decision must hold good.

sd/- S. Couper,

General Manager,

Uganda Railway.

...the Annual Number List issued at the end of 1918, to be examined as well as that I was ranked as a Sergeant with the other Railway employees of 1908, all of whom, with the exception of those who were on the European staff. No one of the Asiatic employees of the Railway, as far as I know was given British Military ranks. The offering of the rank of Sergeant was one at that time would be to militate against the Hon'ble General Manager's statement that I was previously considered as of European origin.

(b) ... liberty to quote an extract from my agreement to ... 1918, and 1st February, 1918, which reads

"I agree to subscribe to the President Fund and to insure a member of the Railway Institute."

I entered in the interest of the President Fund but why up to the date I was not a member of the Institute I cannot say. In any way in which deductions were made from my salary, without my being asked, towards the President Fund, the fees for the Railway Institute, I maintain, would have been deducted from my salary as well as proved by the SA.

According to 2 of the Railway Institute Rules all subordinate employees of the Railway, except pure natives of India, Africa and Asia (number of which exceptions apply to me) shall be members. Therefore the right of my becoming a member of the Railway Institute is, that, is justice, cannot be denied me. And according to 3 of the same rules an employee of the Railway who is, by reason of his employment on the Railway, a compulsory member of the Institute, pays no entrance fee for a subscription. I was engaged on 1st April, 1918, the Railway Institute Rules were published on the 24th May 1918, but a copy was never given or shown to me. By the use of the word "compulsory" in that rule the deduction can correctly be said that the Railway authorities had in their hands the necessary power to collect my subscription, by deduction of the amount of the fee from my salary, as has been, and is, customary, and if they did not exercise that power the neglect to act by one of their own published Institute Rules, of which I became aware only recently, can hardly be attributed to me.

I am sure told in plain language that I had drawn the War Bonus on the non-European scale since the beginning. I did not I did so under protest which was made only a short time after the payment of the first bonus, thus showing that I was dissatisfied with the decision arrived at vide my letter of 24th September 1918 (flagged A) copy of which was enclosed in mine of 1st July 1919, (see flag B) to the Hon'ble General Manager and I have been agitating ever since to get my proper due.

7. to prove that my claim is not one without precedent I would respectfully refer to Your Excellency to the case of the three individuals mentioned in my letter of the 1st July, 1919, (flag B) to the Hon'ble General Manager. Neither of these three artisans were members of the Railway Institute. They claimed the bonus on the European scale but as they were not members of the Railway Institute, their claims were rejected. They pressed the matter regarding their bonus certificates in proof of their nationality and, for some little time had been in the hands of the authorities, they were entertained in quarters and the honor on the higher scale. If their case had been investigated it will be found that what I say is correct. I cannot, however, go any further for what concerns the case of the three individuals mentioned to me under similar circumstances. It is not the case of another.

8. I will mention one case to exemplify the unerring instinct by which the Railway Administration has decided questions of nationality to a nicety. That is the case of an artisan, whose name I suppress, but will make known if required. This man was asked to produce his birth certificate. He replied he had lost it but the authorities might refer to a minister of a church in Cawnpore. They never did this but they man's son was a member of the school. That clinched the question of the senior man's nationality. He draws the European War Bonus and I state it is a matter of conjecture to me and I think he has ever been a member of any of the schools of the Railway. On one point, however, his and my cases agree viz: that both of us are non-members of the Institute yet, but they differ in that a man without any documentary proofs of his nationality draws the European War Bonus and I, with them, do not.

9. The documents which were obtainable were, as they came to hand, submitted at different dates. They are

1. My baptism certificate
 2. My father's baptism certificate
 3. Extract from my father's letter dated 21st October 1918.
 4. My affidavit
 5. J. H. Marshall's affidavit
 6. R. P. Marshall's affidavit
 7. My father's affidavit
 8. Certificate from Driver Bullock.
- Enclos. to mine of 5th December 1918.
Enclos. to Shapley & Schwartz's letter dated 27/8/19.
Enclos. to mine of 11th Nov: 1919.

The Hon'ble General Manager on receipt of the first three documents recorded his sanction to my drawing the bonus on the higher scale, as stated in paragraph 3, which he afterwards rescinded, as explained in paragraph 4, after the receipt of the other five documents, notified to me the exact condition which I was to fulfil and that was that I was to produce a certificate stating that none but children of European extraction on both sides are permitted to attend the school. The grant of the European War Bonus to members of the Uganda Railway staff is not limited to people of pure European extraction on both sides, if such were the case the condition required for fulfilment might be justified. But the truth is that at least one third of the entire number of those who are receiving the European War Bonus are of mixed blood, a few of them being even of questionable nationality. Besides we are also by the whole Railway service asked to furnish any possible proofs beyond his birth certificate. These authorities accept Driver Bullock who was with me in the same school as a European and they reject me. For these reasons I maintain a lingering, but unjustified, suspicion that the task was set me because it was considered one impossible of accomplishment. And in fact it is so for the reasons explained in the opening paragraph of this letter and mine to the Hon'ble General Manager dated 2nd March, 1920, vide Page 71. Any one acquainted with the conditions prevailing in India will bear me out on these points.

* These two gentlemen knew my people in India and were in receipt of the European War Bonus.

† Driver Bullock was with me in the same school and draws the European War Bonus.

100
20
60
4160

CANADA RAILWAY.

NO. W365/4/14536

Date 11/12/20

Direction Department

Nairobi

To
Mr. V. A. Perregard,
Assistant Carriage Examiner,
Thru: The Chief Mechanical Engineer
Nairobi.

Sirs

RE WAR BONUS

With reference to your petition to His Excellency the Governor regarding your claim for War Bonus on the European scale, I am directed to inform you that this has received due consideration and it is regretted that there appears to be no reason why the decision already conveyed to you, - vide my No. W.393/2814 of 16th March 1920, - should be varied.

2. Your documents are returned herewith.

Yours faithfully
Sd/ S. Couper
Genl. Manager,
Ug. Railway.

encl. 2.

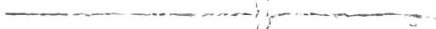
PRECIS OF COMPANY RECORDS IN CASE No. 311.

Precis of my application dated 14th July, 1920 Page
with minutes thereon leading to my ap-
pointment as Europe Fireman. 1

By lr. of 3rd Novr. 1920 Re Pay and Allowances. 2

do 10th do Protesting against two different
methods for payment of my
salary and allowances.

do 1st Decr 1920 Report to my lawyer dated 10th
November 1920.



COPY OF LETTER OF APPOINTMENT DATED JULY 1/20, TO THE
ACTING CHIEF SUPERVISOR OF EMPLOYMENT, THE EASTERN CHINA RAILWAY
AS A FIREMAN ON THE BEANZIA RAILWAY.

000
200

To: 2702 dated 21st AUGUST 1920.

Forwarded to you for information. The applicant is now working as
a Fireman on the Beanzia R.R.

sd/- W. A. Allison
Ag. Mag. & Carr. Foreman.

No. 2194/E 4/- 22nd August 1920.

Nairobi.

I cannot agree to the applicant starting as a Fireman.
I do suppose he is prepared to accept a reduction
in the starting salary of a European Fireman.

sd/- W. Allison
Ag. D.L.O.
21/8/20

TO BE RETURNED

Ag. L.O.
Nairobi, K.R.

Sir,

In reply I beg to state that I am prepared, not
gratefully to accept reduction in pay up to the starting
salary of a European Fireman and commence work at any time
I am directed to take up my appointment.

sd/- W. Foregard
A.C.X.R.

Nairobi, 25th August 1920

I agree to A.C.X.R. proposal starting on 1st August.
A.C.X.R. Near Jilohia from Nairobi will relieve him and
Foregard should then report to the loco Foreman at Nairobi for
duty starting pay Rs. 50.

sd/- Ag. D.L.O.

No. 6517/E 2/- 27th 8/20

Loco Foreman
Nairobi.

sd/- W. Foregard

Please give the above a start as soon as possible and
be relieved by A.C.X.R. Near Jilohia.
Foregard will start at Rs. 50 per day from the date of his being relieved.

sd/- Ag. D.L.O.

Nairobi,
19th November 1920.

Through Proper Channel
Nairobi.

Sir,

With reference to your communication No. 9500/E/20 dated 11th November, 1920, which was shown to me by the Spec. Clerk, I beg to state that from the 1st September, 1920, my appointment is that of an European Fireman and I accordingly draw:

1. Rs. 50 p.m. the minimum pay of an European Fireman.
2. Rs. 1/50 on Malle, or Rs. 1 on ordinary type of Engines per 50 miles. Mileage Allowance; also the other allowance same as drawn by other European fireman.
3. Rs. 50/- War Bonus on the Asiatic Scale.

There appears to me to be something out of harmony in the arrangement under which I am thus paid - a portion of my wages and allowance being paid to me on the European Scale and a portion on the Asiatic Scale. To say the least the method of paying my wages and allowances in this way appears to me one not easily justifiable.

My appeal for War Bonus, which is under consideration and I beg to make this clear, has nothing whatever to do with the War Bonus to which I now lay claim under my fresh appointment of European Fireman. I think I can with very strong reasons advance the argument that if I am paid European pay, and European Mileage, and Sunday allowances and overtime I should, in all equity, be also paid the European War Bonus.

When offering the new post of European Fireman upon the condition was imposed that the salary of Rs. 50, which I received as an Asst. Carriage Examiner, should be reduced by Rs. 30/- - a not inconsiderable sum to me as I am which I accepted on the basis that the privileges which I would be entitled to be extended to me without demur. I cannot understand why the main privilege which my appointment would be withheld from me pending the result of my appeal.

Under those circumstances therefore I beg to reiterate my request that the privileges which my appointment confers on me may be granted to me in full apart from the question whether my appeal for War Bonus in my previous position of Asst. Carriage Examiner is decided in my favour or not.

I am, Sir,
Yours faithfully,
V. P. P.

P.S. I shall be very grateful for an early and decided reply

Yours faithfully,
V. P. P.

CONTENTS OF COVER NO. 111.

1. COPY OF MY AGREEMENTS dated 11th February 1918 and 1st February 1918 referred to in (b) of paragraph 6 of my petition of 26th April 1920.

2. Copy of Harbri Railway Institute under same mention of in (b) of paragraph 6 of my petition dated 26th April 1920.

U S A I N D I A RAILWAY

AGREEMENT FORM.

I, , hereby agree to and to the of 3 years on the following con

(1) (60) rupees per month from 1/1/19

From date of return to duty and pay to cease on my finally being relieved of duty.

(2) That while on duty I receive travelling expenses in accordance with the rules in force from time to time as certified by the Manager.

(3) That I am provided with such free accommodation for myself as may be provided for me by the Manager.

(4) That in the event of my completing the aforesaid full term of service under this agreement, or my services being discontinued under clause (7), I shall be provided with a free railway pass to the place of enlistment and shall be granted such passage as I may be entitled to under the rules in force. The return railway pass must be availed of within two weeks of termination of services.

(5) That for breaches of the Railway rules or discipline, I shall be liable to a fine, or deduction from salary or wages, and that in case of gross misconduct, insobriety, insubordination or carelessness of which the Manager shall be sole judge, I shall be liable to instant dismissal and forfeit any rights or privileges which I may be entitled to claim under this agreement.

(6) That if through my negligence the Railway Administration sustain any loss I agree to the amount of such loss being deducted from my salary or other monies which otherwise would be payable to me by the Railway Administration, and in such case I agree that the Manager be the sole and final judge and I agree to abide by his decision.

(7) In the event of the Manager at any time desiring to terminate this agreement, he shall be at liberty to do so on giving me one month's notice in writing, (terminable at any time of the year) or paying me one month's notice salary in lieu of one month's notice, and, in either case, providing me with a railway pass to the place of my enlistment.

I am competent for me at any time to terminate my services by giving the Manager one month's notice in writing, and in this case I shall be obliged to bear the travelling expenses from the date of my termination of service and I shall be entitled to all the rights or privileges which I may be entitled to claim under this agreement.

(8) In the event of my being found to be suffering from any illness (not brought on by my own misconduct), by the production of a certificate from any duly qualified Medical Officer (appointed by the Secretary of State) that I am entitled for my further service in the country in which case I shall be provided with a free railway pass to the place of my enlistment.

(9) That my services are not limited to the work specified above but that I may be called upon to perform any reasonable duty for which I may be fitted in connection with the railway.

(10) That the rate of pay per month mentioned in the agreement is for the period of my engagement, and that the Manager reserves to himself the right to give an increment on approved service.

(11) I agree to subscribe to the Provident Fund and also to become a member of the Railway Institute

Signed ~~by~~ V. A. Foregard

Stead

In the presence of Eindra Ben Clerk

Witnessed 10th Februry 1915

The Uganda Railway Administration agree to engage the above signed for the period and subject to the terms and conditions above specified.

sd/- by the Manager
of the Uganda Railway

B. Eastwood.

U G A N D A R A I L W A Y

2 1 W K K W K N T P C S M

I, the undersigned, hereby agree to serve the Uganda Railway Administration and to the best of my ability as Asst. M. T. R. for the space of 3 years on the following conditions

(1) That I be paid 70 rupees per month from 1st 12.

If re-engaging when proceeding on leave from date of return to duty and pay to cease on my finally being relieved of duty.

(2) That while on duty I receive travelling expenses in accordance with the rules in force from time to time as certified by the Manager.

(3) That I be provided with such free accommodation for myself as may be provided for me by the Manager.

(4) That at the end of the aforesaid tour of service or at such other time as the Manager may direct, I shall be granted such leave of absence and passage as I may be entitled to under the rules in force.

(5) That for breaches of the Railway rules or discipline, I shall be liable to a fine, or deduction from salary or wages - and that in case of gross misconduct, insubordination, or carelessness of which the Manager shall be sole judge, I shall be liable to instant dismissal and forfeit any rights or privileges which I may be entitled to claim under this agreement.

(6) That if through my negligence the Railway Administration sustain any loss, I agree to the amount being deducted from my salary or any other monies which otherwise would be payable to me by the Railway Administration, and in such case I agree that the Manager be the sole and final judge and I agree to abide by his decision.

(7) In the event of the Manager at any time desiring to determine this agreement he shall be at liberty to do so on giving me one month's notice in writing (determining any portion of the year or paying me one month's salary in lieu of such notice) and in either case providing me with free transport to the place of my enlistment.

(8) It shall also be incumbent for me at any time to terminate this engagement giving the Manager one month's notice in writing of my desire to do so, but in this case I shall be obliged to refund the cost of my joining expenses from the place of my enlistment, and resign any rights or privileges which I may be entitled to claim under this agreement.

(9) That this agreement is terminable in the event of illness not brought on by my own misconduct, by the production of a certificate from any duly qualified Medical Officer (appointed by the Secretary of State) that I am unfit for further service in the country, in which case I shall be provided with free transport to the place of my enlistment.

10 That my services are not limited to the work specified above but that I may be called upon to perform any reasonable duty for which I may be fit in connection with the Railway.

(10) That the rate of pay per week shall be as set out in this agreement, to run the period of my service, and that the Manager reserves to himself the right to grant any increment as approved.

(11) I shall contribute to the Provident Fund and also to the Savings Bank of the Railway Institute.

(12) That for the purposes of leave rules my services at this Railway prior to the date of this agreement shall not be affected.

Signed by me Vivian Albert Foregard Stamp

In the presence of

Walter J. ...
26/3/18

Not dated 18/3/18

The Uganda Railway Administration agree to above signed for 12m period and subject to the conditions above specified.

sd/- by the Ag. Manager of the Uganda Railway A. K. Church