

KENYA
5/14/34

54377
REC
RES 4 20

411

1920
Sep
Various Paper

Trust that in the future these officers who were selected to be treated in the same way as those who were selected in the K.A.A. During decision will be insisted on from the officers concerned.

~~Mr. [Name]~~
... (logged).
It was not intended that the deal price of thereof should apply to civil officers, and then in certain good reasons why it should not. The future of civil officers was not ^{within} ~~of~~ ~~provision~~ so that there was no need of special judgement in their case to stop in all the military officers were wound up. Both matters stand however, by some I have qualified in the last and perhaps we should agree to proposal in part of them but in the case of the other...

60/31 KM
1920

I am very truly yours
[Signature]

I have written a good deal on this
subject on file 688/84 and I feel
that all these cases will have to
be treated in the same way.

Our instructions (that civil officers
seconded for military service should
be given their civil leave ^{allowance} & that
if their whole tour had been carried
out, there would have been no difficulty
but the fact remains that a number of
these officers have been paid for
military leave have received the
payments in good faith and, if they
have to refund will be awkwardly
placed.

I think therefore, that all we can
do is to accept the position as it
stands, and to allow the officers
referred to in para 4 to keep the
payments they have had, and
the A.C. men of the same
grade was subject to the conditions
laid down in our letter of 1915/20.

As

OF KENYA AND THE
PROTECTORATE

186

CONFIDENTIAL

C.O.
54377
REC'D
4 NOV 20

GOVERNMENT HOUSE
NAIROBI

East Africa

29 September, 1930.

413

10/11/30

Master,
Pay Corps
14th August.

Captain,
The Forces
14th August.

Orders
14th August 1930.

Col. Walker
July 30th.

I have the honour to refer to Your Lordship's telegram of the 11th inst. on the subject of refunds by officials of the monies which they received from the Military Authorities in respect of leave earned during their secondment with the King's African Rifles or the East African Local Forces.

2. Your Lordship's instructions that ex-members of the King's African Rifles in this category need only receive the equivalent of 14 days' leave pay, the balance of salary has been paid to the Treasurer in arrears for the necessary payments.

3. I observe, however, that Your Lordship is unable to agree to similar treatment for the four officials, who were attached to the Local Forces during the recent campaign, whose names were submitted with those of officials who were seconded to the King's African Rifles in the schedule accompanying Sir Charles Rowley's despatch, General No. 103 of the 7th July. Your Lordship's reasons for this ruling were communicated to

9/11/30
10/11/30

RIGHT HONOURABLE
ALSCOTT MILNER, P.C., C.O., G.O., G.C., &c., &c.,
SECRETARY OF STATE FOR THE COLONIES,
LONDON, S.W.

Every one...
responsibility...
involvement...
to be...
see that they...
where there are...
They failed to...
behind what the local...
reference...
communicated through the Kenya...

I agree with the...
are forced to accept...
to fast cases...
but of course we...
how the...
in our future cases.

If you agree...
has been...
of the decision

For further...
to be...
comes into...
10/11/30

the Chief Paymaster, East Africa Pay Corps, and I forward, at his request, copies of memoranda by himself and the Staff Captain, East Africa Expeditionary Force, explaining the grounds on which officers attached to the Local Forces qualify for special leave. Copies of the Force Orders in question are attached for facility of reference, and it will be seen that they were issued under recognized authority.

4. The matter of proposed payments in lieu of leave has been dealt with in the correspondence terminated with Your Lordship's decision on 10th July, and I trust that in the circumstances Lieutenant Colonel Watkins, Major Rees, Captain Thornhill and Lieutenant A. R. Turner will be permitted to adjust their leave pay on the lines approved in the case of other British officials, who have served in the King's African Rifles. Pending the receipt of Your Lordship's decision I am not insisting on any claims by the officers named.

5. In this connection I enclose for consideration a letter which has been addressed to me by Lieutenant Colonel Watkins, C.B.E., D.S.O., protesting against any deduction from the pay, which he received from military service, in respect of the leave due

due to him for his period of active service.

I have the honour to be,

Your obedient servant,

Edwards & Northrup

GOVERNOR.

East Africa Pay Comm.,
P.O. Box 261,
Nairobi 15th August, 1920.

From:- Chief Paymaster, E.A.P.C.

Staff Captain,

East African Mounted Rifles, Sudan.

S.A. 122/2061/20.

The enclosed memo from the Secretariat No. S. 21452/16 dated 9/8/20 together with Colonial Office Despatch of the 7th of June 1920, and a decode telegram from the Colonial Office, passed to you for your information and your remarks.

The Colonial Office, apparently hold me responsible for authorising leave for Military service at Military rates, and I am asked by Viscount Milner for an explanation.

As you are aware, Force Orders 27 and 48 were issued by General Headquarters during my absence in England. I am not responsible for Force Orders, but it is my duty to obey Force Orders, and all payments made during my absence under these Force Orders by the Acting Chief Paymaster, Major Rehn, and the Staff Paymaster, Military Labour Corps, and also by myself on my return were in strict accordance with these Orders. I understand, however, that if this extra leave had not been granted there would have been no staff left to wind up the various War Departments subsequent to the 1st April, 1919, and that it was granted as an inducement to retain staff for this special purpose.

I shall be glad if you will kindly confirm this and also furnish me with any copy correspondence on the subject so that I may furnish the explanation asked for.

I shall be glad if this may be considered as urgent.

S/- J. PATTISON, Major,
Chief Paymaster, E.A.P.C.

Headquarters, East Africa
Exp. Force,
Nairobi, 27th August, 1920.

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To: The Hon'ble the Chief Secretary,
to the Government,
N A I R O B I.

MEMORANDUM

Reference your S.21452/10, dated 9th August, 1920 to the address of the Chief Paymaster, E.A.P.C.

I would first point out that the Chief Paymaster E.A.P.C. is not responsible for the grant of leave for any other ruling which may exist in connection with the East African Local Forces. He merely pays in accordance with Force Orders or ruling given by General Headquarters.

Local force officers who re-engaged for a further period of service as from 1st of April 1919, did so under special conditions, as laid down in Force Orders 25 and 48 of 1919. One of the conditions was special leave and civil officials seconded for service with the local forces were treated in the same way as any other individual and re-engaged under the special conditions referred to above. It was not known at General Headquarters of the Expeditionary Force that any ruling existed barred civil officials, seconded for military duty, being given leave by the military authorities.

These individuals re-engaged under special conditions, and I consider we must fulfil these conditions. The question of civil leave is, of course, one which cannot offer any remarks.

I understand the Colonial Office ruling on the subject referred to civil officials seconded to the King's African Rifles.

SD/- J.L. FERRY,
Major,
Staff Captain East African
Exp. Force.

FORCE ORDERS

BRIG. GENERAL E. L. LEWELL, C.S.D.

COMMANDING TROOPS IN EAST AFRICA.

NAIROBI, Friday, 12th June,
1919.

X X X X

25. RE-ENGAGEMENTS. - EAST AFRICA PROTECTORATE FORCES.-

Officers, Warrant Officers, Non-Commissioned Officers, and men of the East Africa Protectorate Forces (other than King's African Rifles) may be allowed to re-engage for a further period of service under the following conditions:-

(i) PERIOD OF SERVICE.-

One year, or less, as from 1st April, 1919.

(ii) PAY.-

Those re-engaging will receive their present rate of pay, plus the full Army of Occupation Bonus under Army Order 54 of 1919, with effect from 1st April, 1919.

(iii) LEAVE.-

On termination of this further period of service, leave will be granted to all ranks on full pay at the rate of five days per month for each month's resident service, provided such service exceeds twelve months, and at the rate of three months days per month, if they fall short of twelve months service. The period of service to count for such leave will be that subsequent to the date of re-engagement.

(iv) PASSAGES.-

If desired, after release, free passage will be granted to officers and other ranks under the following conditions:-

Officers.-

After twenty months resident military service, to the United Kingdom or country of origin and return to East Africa origin and route on arrival to the United Kingdom or country of origin.

Other ranks.-

As for officers, after twenty-four months' resident military service.

All ranks.-

After twelve months' resident military service, a single

passage to the United Kingdom (or country of origin).

2. The bonus referred to in para 1 (ii), above, and ration allowance, will be issuable during the period of leave authorised in para 1 (iii), but will not be taken into account in the assessment of any gratuity.

The bonus will be subject to the same rules for issue, forfeiture and stoppage, public claims etc., as regimental pay.

3. Applications for re-engagement will be submitted for approval as under:-

Military Labour Corps .-	to the Director of Military Labour, Nairobi.
East Africa Pay Corps .-	to the Chief Paymaster, East Africa Pay Corps, Nairobi.
Others.-	to the General Officer Commanding, East Africa, Nairobi.

(AUTHORITY.- A.G./Organisation/6/2).

X

X

X

X

FORCE ORDERS

BY

GENL. GENERAL E.H. LLEWELLYN, D.S.O.

NAIROBI, Monday, 15th September,

1919.

X X X X

49. RE- ENGAGEMENTS - EAST AFRICA PROTECTORATE FORCES.-

In Force Order No. 23 under the heading "(iii) Leave" line 2, after the words "resident service" insert "in an East African Protectorate Unit" and delete the last sentence, beginning, "The period" etc.

(AUTHORITY A.C.Organisation/2).

X X X X

FORCE ORDERS

BY: GENERAL E.H. HERGEN, G.S.O.

NAIROBI, Monday, 15th September,

1919.

X

X

X

X

46. RE- ENGAGEMENTS - EAST AFRICA PROTECTORATE FORCES.-

In Force Order No. 25 under the heading "(111) leave" line 2, after the words "resident service" insert "in an East African Protectorate Unit" and delete the last sentence, beginning, "The period" etc.

(AUTHORITY A.C.Organisation/2).

X

X

X

X

Nairobi,

421

July 30, 1920.

H. F. the Commander-in-Chief,
British East Africa.

through The Commandant, King's African Rifles,
Nairobi.

Sir,

In putting up the following protest I understand that I am the senior of a number of Officers affected by a Colonial Office ruling.

2. On the cessation of hostilities I was Director of Military Labour, with the rank of Temporary Lieutenant Colonel, my permanent appointment being that of a District Commissioner in the East Africa Civil Service.

3. I was engaged till the end of September 1919 in the work of repatriating the large number of natives employed and winding up my Department.

4. The question of leave then came up. I was apparently entitled to either civil or military leave, (the latter under Force Order 23 & 48 of 1919). There appeared to be no special ruling on the point and the presumption was that, in accordance with the precedent, of pay and allowances, I might take whichever I preferred, the civil or military scale, but not both.

5. The military scale being on a higher rate of pay and offering the further advantage of a pension of a pension to my wife if I died within the period of leave, I naturally applied for it, and got it. Force Order 56

of 27th October 1919 gives August 5th 1920 as the date of termination of this leave. I am therefore, at the time of writing still a soldier.

6. On July 22nd I received from the Hon. the Chief Secretary my leave and last Pay Certificate dated April 23rd 1920, which I understand to be to the effect that the Colonial Office has ruled that I am not entitled to military pay for this period, and that the excess of military over civil pay is to be deducted from my civil pay.

7. In effect, the Colonial Office has cancelled the military Force Order 56 of 27th October 1919, and has ruled that I ceased to be a soldier on November 5th 1919.

With all due deference I have to contend that Colonial Office ruling cannot cancel a Force Order and that the Colonial Office while it might have applied for my return to duty an earlier date.

Has

has no right subsequently to reduce my period of military service whether spent on leave or duty. To admit it would be to allow that the Colonial Office can at any moment order a refund of all service on military over my civil pay for any such period of my service. War Order 56 has not been cancelled, and I claim that I am still a soldier and as such I appeal to you, Sir, under Article 42 of the Army Act, as my Commanding Officer that unless the Colonial Office admits my contention the matter may be referred to the Army Council.

9. I have further to represent to the Army Council that a distinct hardship will be inflicted on a number of Officers if the Colonial Office ruling is endorsed. We have regulated our expenditure while at Home on leave on the higher rate of pay and any insistence on a refund must occasion great inconvenience or even deprivation. Moreover we have not received any greater consideration than other military officers not civil servants against whom no refund can be or is ordered to be claimed.

10. I have to contend that my position is that I was granted military pay till August 5th 1920, after which date I came on to civil pay, and that I was granted military leave till August 5th 1920, but came back on July 2nd to relieve a Senior Civil Officer. The only period of leave therefore which can be counted as civil leave is that my actual stay in England, December 4th 1919 to June 4th 1920.

11. As I have to find the money for bringing my wife and family out to this country I would ask that no deductions be made from my salary till the decision is finally given against me in the last Court of Appeal allowed by Article 42 of the Army Act.

I have etc.

Sd/- O.P. WATKINS

Lieutenant Colonel.

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I have etc.,

SD/- O.F. WATKINS

Lieutenant Colonel.

Govt 5437.7/20
Kerns

8 Dec 1920

I have received the receipt of your conf. despatch

No. 166 of the 29th of Sept.

regarding the position of certain

Civil officials recorded for

service with the C.A. Local

forces who were granted

the payments in lieu of leave

by the military authorities

under Order No. 23 of

the 12th of June 1919.

2. What is the amount

DRAFT

MINUTE.

Mr. Jeffries 4/12/20

Mr. Macarty 4/12/20

Mr. Dalton 6/12/20

Mr. Grindle

Sir H. Lonsdale

Mr. H. Hoar

Sir G. Fisher

Col. Amery

Lord Milner

for comment

(26924/20)

for action

file

1919, I approved of the

grant of leave to personnel

of the Military Labour Corps

in special circumstances

when clearing up the work

of the Corps, I did not

contemplate the grant of

such leave to any civil

officials whose services it

would be desired to retain

in a military capacity.

The grant of leave was

sanctioned as an inducement

to officers and others to

remain in military service

who would otherwise have

been liable to be released; and

there was no necessity for

any special arrangement to be

made out to civil officials,

who

grant of leave to members
of the Military Labour Corps
in the special circumstances attendant
upon clearing up the work
of the Corps. I did not

contemplate the grant of
such leave to any civil
officials whose services it
might be desired to retain
in a military capacity.

The grant of leave was
sanctioned as an inducement
to officials and others to
remain in military service
who would otherwise have
claimed ~~to be~~ released, and

there was no necessity for
such an inducement to be
held out to civil officials,
who

who were eligible for leave
of absence in the ordinary way,
and who were liable to

DRAFT.

serve in any capacity that

the Government might direct.

MINUTE.

Moreover, it had already been

laid down that civil officers

seconded for military service

were to be granted leave

at under the civil regulations

in respect of their whole

term of service, and that

as this was commonly known to the military

any civil officer

as question of granting them

leave under the special conditions

stated

- Mr.
- Mr.
- Mr.
- Mr. Grindle.
- Mr. Lambert.
- Sir H. Ross.
- Sir G. Fiddis.
- Mr. Horne.
- Mr. King.

dated in Force Order No. 23.

3. I agree, however, that ^{as a matter} payments have been made to the Officers referred to in your despatch, and as it would cause hardship to them if refunds were demanded, the position must be accepted, and ^{I will find} the payments allowed to stand, subject to the conditions laid down in my let. of the 5th of Aug. with regard to Civil Officers seconded to the K.A.R. I trust, however, that ^{care will} care ~~will~~ be taken for the correct procedure to be followed in any future cases that may arise.

4. I have already referred to the case of Mr. A. K. Turner in my despatch to you of the 30th of Oct., and I am instructing the G.O. to take the necessary action in the case of Mr. H. Hill. Thomson, who is not returning to Kenya. I presume that you will arrange for action to be taken in the case of Mr. Hill.