

DESPATCH

EAST AFR. PROT.
No. 35055

C O
35055
REC'D
3 OCT 07

1907

5 Sept

previous Paper.

(Subjunct)

Mr. Barton Wright
Personnel Service

Two fine letters to him asking about how by some means some consideration is made by means of London asks of matters can be decided in view of fact that his contemporaries in his service have been allowed the privilege

McKend

(Minutes)

Yes
No

Part of the covering despatch message. The point is ^{back of the} the same clause of the agreement that we pointed out that the pledge is to country temporary service for pension only held if the full later permanent service was on the Railway.

Personally, I think that now that the point has taken on the temporary service on the railway before the taking over as well as after should stand on the same footing as temporary service in the ordinary part of the Act, i.e., quite apart from any agreement it should be for the meaning, under the Act of 1887, that in each case whatever of independent permanent service whether the temporary service shall count for either or both.

There will be other cases, but this one

subsequent Paper

5018

is particularly strong since Mr. Dugl. Waples
has accepted the lower salary as Chief
Surveyor in the belief that his previous service
would entitle him to a pension.

608
3/10

The Dept. on 5/25/06 19317/06 requests
to pay the same. Personally, I
could not depart from the position
taken.

10/10

X
Yes, to
same
be a
for all

Mr. [unclear]
According to the strict letter
of the law, he has no claim, but I
think that it would be hard to
[unclear] he took his present
post in a lower salary than he was
receiving in the Railway Dept. & in
losing a considerable amount of back
salary. He is, I believe, a deserving
officer & the case is not likely to
make an unusual precedent. I shall
therefore be in favor of writing to
the Treas-^r in the lines of Mr.
Bottley's minute.

H. J. R.

Es. I think that
no one is justified in
being so.

12/10

at once

Governor's Office.

Nairobi.

September 2nd 1907.

EAST AFRICA PROTECTORATE.

No. 578

(Incl. 5)

C 2
35055
OCT 07

My Lord,

Mr. R. Barton Wright
June 16th
R. of Lands
Aug. 15th
R. of Lands

With reference to Your Lordship's despatch No. 423 of July 20th 1906 relating to Mr. R. Barton Wright's application that his Uganda Railway service may be allowed to count towards pension, I have the honour to submit a further letter from that Officer, together with a memorandum by the Commissioner of Lands and a copy of a clause of Mr. Wright's original agreement with the Railway in which Your Lordship will observe the statement that "his service under this agreement shall count towards pension, should pension be granted." On this understanding Mr. Wright accepted the permanent and pensionable post of Chief Surveyor.

H.M. PRINCIPAL SECRETARY OF STATE

FOR THE GOVERNOR.

DOUGLAS STUART

LONDON, E.C.

2. I would solicit a reference to the recommendation of the Commissioner of Lands and would ask whether it may not be possible to reconsider the decision on the matter in view of the fact that Mr. Wright's contemporaries in the Railway service have been allowed this privilege.

3. It is understood, of course, that a refund would be made of any Railway Provident Fund allowance received by Mr. Wright.

I have the honour to be,

With the highest respect,

My Lord,

Your Lordship's most obedient,

humble servant



C O
35055
3 OCT 07

NAIROBI.

338

10th., June, 1907.

Sir,

In putting before you the enclosed letter in reply to my request that my best service on the Uganda Railway should consist for pension, I would respectfully urge that I am of opinion that the facts have been misunderstood, and that my previous letter setting forth my case must have been lacking in clearness, and I would be very grateful if you would forward this letter with a covering letter through H.E. the Governor to the Secretary of State for the Colonies.

In the reply enclosed, see paragraph (8), it is stated that instead of remaining on the Railway with the prospect of eventually obtaining a permanent appointment in that Department, I elected to ~~take~~ up an appointment under another Department. ~~At the~~ request was made for a permanent position, but which did not carry ~~with it~~ pension rights in respect of my Railway service, and further that such rights would only be admitted in case of Officers who would be placed on fixed establishment of Railway.

I would here point out that my reason for asking for a transfer from the Railway, on which I had received the definite assurance of a place on the permanent staff, was that I was given to

understand

Col. Montgomery, J.S.I.,
Commissioner for Lands,

Nairobi.

2.

understand by Sir Charles Elliot that the post I applied for was permanent and pensionable, it being then considered likely that a provident fund would take the place of pension in the case of Railway officers. It was this consideration which induced me to apply for a post carrying a salary of £100 per annum less than that carried by the Railway appointment, and it was not till my place on the Railway had been filled by Sir G. Whitehouse, he having been informed that my transfer had been sanctioned, that I received the news that I was appointed on a three years agreement. This agreement I refused to sign. I was £100 to the bad, and the post which had been held out was withdrawn. Sir Charles Elliot, however, persuaded me to remain saying that he felt sure that the ~~arrangement~~ would be arranged satisfactorily.

Over the Civil Service and those of Sir George Whitehouse the agreement for three years was deemed to be a pensionable appointment, but I was informed that all my Civil Service in the employ of the Railway was to be ignored. I looked upon the transfer as from one Government Department to another, and as my Railway agreement states I am entitled to count all past service for pension, I was much surprised at the decision arrived at. As, however, my
 follow

3
fellow railway officers were, upon only having
provident fund in lieu of pension, I accepted
the post. When, however, I learned that it had
been decided to give them their pension and
past service, I felt in equity that in my case
this would not be withheld. On these grounds
I respectfully request, therefore, that my case
be reconsidered.

Should any doubt exist as to the accuracy
of my statement regarding my selection for the
permanent staff of the Uganda Railway, I would
ask that reference be made to Sir George
Whitehouse, but no doubt the facts are equally
known to Sir Francis O'Callaghan who might more
readily be referred to.

I have the honour to be,

Sir,

Your most obedient

servant.

R. P. Wright

in Despatch No. 377 of Sept. 3, 1907



His Excellency,

I beg to forward herewith Mr. [Name] petition for favourable consideration. A copy is attached of that clause of the agreement under which he first entered Railway Service.

The facts appear to be that when he took service in the Uganda Railway the appointments were not pensionable, but it was stated that his service would count towards pension should pension be allowed in the rules put in force.

After a time he was offered and accepted the post of Chief Surveyor, which carried with it a lower salary than that which he received in the Railway Department. At that time the railway appointments were not pensionable, but they subsequently became so, and all the officers were permitted to count their past service towards pension.

Mr. [Name] [Name] was told that his pension rights began from the date of his appointment as Chief Surveyor.

I think he has a good case in urging that he should be allowed to count his Railway service also as pensionable. He has served the Government continuously without a break from the time he entered the Railway service, and it would not seem right that other officers have counted pensionable service towards pension, and himself not only should not have the

date

date he became Chief Engineer.

I give below the appointments he has held in East Africa:-

Date of commencement of appointment.	Post.	Salary.
December, 1907,	Jr. Asst. Engineer	£300.
April 1st, 1909.	Sr. " "	£300.
" " 1901.	" "	£300.
" " 1902.	" "	£375.
" " 1903	Chief Surveyor	High Salary on

Railway would have been £3000 per annum had he elected to remain in Ny. service from April 1st, 1903.

MAY, 1903.

Acting Assistant Land Officer
without additional pay. £300

April 1st. 1904:

Acting allowance for Land Officer of £100 making salary upto £300.

April 1st. 1906.

Appointment of Land Officer as permanent on consolidated salary of £300 a year confirmed. Relinquished duties of Chief Surveyor on arrival of Major Smith R.E.

PAGE 2.

IN 1922, 1940.

John H. ...

COMMISSIONER OF LANDS
STATE OF ...



COPY.

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44. On the expiration of this engagement as hereinafore provided, the Secretary of State shall have the option of extending the appointment for such further period as may be agreed upon, or, if mutually desired, the engagement of the person engaged may be made a permanent one on the completion of the work for which he is now engaged, by placing him on the fixed establishment of the Railway, with the regulation privileges as regards leave of absence and retiring allowance on his quitting the public service. Wherever else his service under this agreement shall count towards pension, should pension be allowed in the rules put in force.

Gov 5110
35055

22

May 22 October 1907

and 590's

DRAFT.

The Secretary to the
Treasury

MINUTE.

- Mr. Astorby 19/10
- Mr. Reed
- Mr. Just
- Mr. Andrews
- Mr. Cox
- Mr. Lucas
- Sir F. Hopwood
- Mr. Chubbill
- The Earl of Ely

I am directed by the
 Earl of Ely to transmit
 to you the accompanying
 copy of correspondence on
 the subject of the position
 of Mr. R. Barton Wright,
 Land Officer in the S.A.C.
 His Lordship will observe
 that Mr. Wright was originally
 engaged for temporary
 service on the 14th of [unclear]
 under an agreement which
 provided that in the event
 of his being placed on
 the fixed establishment of
 the Railway his service
 under the agreement should
 stand for pension.
 Mr. Wright he was
 transferred

no. 235 9 Aug 11
 (1907)
 no. 223 20 Feb 11
 ()
 no. 378 5 Feb 11
 (35055)

Copy of 613 Nov 30 1908

should stand to the
same footing as temporary
service in the ordinary

protection departments of
the Protectorate. If
it is true, it should be
for their Lordships to
determine, in each case,
under the Superannuation
Act of 1887, whether the
temporary service shall
count for pension.
If their Lordships are
able to recall their own
Lordships' words that
they will favourably
consider the
case of Mr Wright
which, in his
office, there are strong
reasons for allowing the
temporary service to be
counted, seeing that in
view of the large amount
of service which he would
there be loss, if the
reduction of salary which
he incurred on his transfer
from