

EAST AFR. PROT.

39265

No.

39265

Re

R. 27 OCT 08

By or Individual

Right R.R.

1908

25 Oct.

at previous Paper.

No. 39018

(Subject.)

418

Reasonable Service

Asks that he be again approached with a view to allowing his services on the Uganda River to Cairns for season.

(Minute.)

General Dept.

H. J. R.

28/10

Mr. Arlester

Mr. Cox

[The matter was put the way I want way for answer - 4 Nov. I was told I was a trouble some matter - hence the delay.]

It turns out, however, that the matter has been thrashed out before me, though there is only one aspect which might have been placed in the forefront on 31st Oct. That aspect is made clear by this appended viz. that practically no fault is

W. A. G. 1000  
W. A. G. 1000  
W. A. G. 1000

Subsequent Paper.

47088

he understanding that he would get what was  
he now asks, Mr Barton Wright accepted  
his present p. 21 - Oh that alone case  
we now go to the treasury - and I  
should be ~~referred~~ to be the only one  
such a case I should always ~~be~~ am a  
support our letter by a personal effort of the  
I would prefer to do ~~it~~

I quite agree  
Barton Wright has a real ~~good~~  
sincerity, and we must try and  
remove the ~~barriers~~ barrier from the  
~~barriers~~ attitude which they  
have taken up  
Add Nov 29

13, VICTORIA PARK,  
DOVER.

— 12 08

Dear Mr. [unclear]

Many thanks for  
your letter telling me  
that my case was still  
under consideration &  
telling me that I was  
your good wishes for all  
future success

I hope you will con-  
sider it out of my mind

if I may say a word



again thanking you for  
the honorable consideration  
extended by yourself to  
me.

Believe me

Yours sincerely

A. P. Carter Wright

He lived in Loxley, near  
Birmingham.

7305

08

R  
That  
I  
and

at 13 Victoria Park

39265  
25-10-07

With reference to my  
letter dated June 10<sup>th</sup> 07  
on the subject of my  
past service on the Uganda  
Rly. being counted towards  
pension forwarded through  
Col. Montgomery & A. E.  
Lie James Hayes Baker  
to the Sec. of State for  
the Colonies - I had the  
honour to state that I  
had been favoured with  
copies of C. O. despatches  
No 35055/1907 dated Oct 22<sup>nd</sup>  
1907 to the Treasury and

DEC 08  
36055

also despatch No 18983/1907  
of Nov 4<sup>th</sup> 1907 of the Treasury  
in reply to the same.

I wish here to record my  
grateful appreciation of the  
favourable view of the case  
taken by the Hon. Sec. of State  
& of the recommendations  
submitted in the letter above  
quoted from the C. O. to the  
Treasury.

In the Treasury reply it  
is stated that in an analo-  
gous case in the Home de-  
partment the previous employ-  
ment was not counted for  
pension, & that as in the

cases of Mr. W. Cooke &  
Mr. A. E. Carne the Lords  
Commissioners of the Treasury  
are precluded from acceding to  
my request.

As I am without details  
of the case in the Home  
Service alluded to, I am  
unable to offer any com-  
ments thereon. I have read  
-pared to the cases of Mr.  
W. Cooke & Mr. A. E. Carne  
I would point out that the  
parallel breaks down. In  
the case of these officers the  
appointments held by them  
on the Railway were abolished  
so that under no circumstances

had they the option of remain-  
ing on the Reg. but they  
were offered posts in the  
Post Office Service, my case was  
different inasmuch as the  
post held by me was made  
permanent, & I was definitely  
advised of my selection for the  
same, so that had I elected to  
remain on the Reg. I would at  
present be in enjoyment of the  
privileges now asked for, and  
to which I amably maintain  
I consider I am in equity  
entitled. I was <sup>at</sup> in perfect  
good faith, misled to believe

5  
by the Manager of the Reg.  
that Provident Fund would  
take the place of senior in  
that service, & by the then  
Commissioner Sir Charles Hall  
that my present post would  
carry with it the advantage  
of pension, it is I think  
obvious that I should not  
have applied for the present  
post which carried a salary  
of £100/ a year less than  
the Reg. appointment in ad-  
dition to the responsibilities  
involved in taking charge of  
& organizing a new Department.



perhaps I had been led to  
expect that such post  
carried some compensating  
advantage, & I therefore  
feel that I am only asking  
what is reasonable when  
I request that I be accorded  
the same privileges as those  
accorded to my brother officer  
on the 14<sup>th</sup> of August therefore  
that in view of the fairness  
& sympathetic consideration  
accorded by you to my last  
application you must see your  
way to urge the recommendation

of the case by the Treasury  
for facility of reference. ~~End~~  
enclosed complete copies of  
previous papers & would be  
obliged if the same may be  
returned to me when finished  
work. 425

I am, Sir, yours &c

Your most obedient  
servant

A. Rawdon Wright  
Land Officer.

His Under Secretary  
of Works for the Colonies.

13, VICTORIA PARK,  
DOVER.

26. 11. 08

Dear Mr. Andrews,

In pursuance of  
our conversation on the  
subject of pens, I  
would be very much  
obliged if anything for  
you has been decided to  
be favoured with a reply  
before my return to  
East Africa, I care

Thank you very much

Believe me

Yours sincerely

A. Barton Wright

426

(COPY)

427

Downing Street,

7th November 1907.

EAST AFRICA PROTECTORATE.

No. 618.

Sir,

I have the honour to transmit to you for your information with reference to your despatch No. 378 of the 5th of September last the papers noted in the subjoined schedule on the subject of the pensionable service of Mr. R. Barton Wright.

I have etc. etc.,

ELGIN.

The Officer Administering  
the Government of  
the East Africa Protectorate.

Date.	Description.
1907	
22 October	from the Colonial Office to the Treasury. <i>30055</i>
1 November	from the Treasury to the Colonial Office. <i>See no 39018</i>

(COPY)

35055/1907

Downing Street,

October 22nd 1907.

428

Sir,

I am directed by the Earl of Ligin to transmit to you to be laid before the Lords Commissioners of the Treasury the accompanying copy of correspondence on the subject of the position of Mr. ... .. Land-Officer in the East Africa Protectorate.

2. Their Lordships will observe that Mr. Wright was originally engaged for temporary service on the Uganda Railway under an agreement which provided that in the event of his being placed in the fixed establishment of the Railway his service under the agreement should count for pension.

3. He was transferred, at a ... .. salary, to the permanent appointment of Chief ... .. and was informed that his pensionable service would begin from the date of transfer. He appears to have understood that in the event of pensionable appointment created in the railway service he would under his original agreement be allowed to count his temporary service on the railway for pension purposes.

1. There can be no doubt that the clause of the agreement in question has no bearing on the case of an officer who is not given a pensionable appointment in the railway service. It is, however, the Railway has now been taken over by the Protectorate Government, Lord Ligin

considers

The Secretary,

To The Treasury.

considers, that apart from an agreement, temporary service on the railway, whether before or after it was taken over, should stand on the same footing as temporary service in the ordinary departments of the Protectorate Government, that is to say, 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:

5. If their Lordships are able to accept this view, Lord Elgin trusts that they will consider favourably the case of Mr. Wright, in which, in his Lordship's opinion, there are strong reasons for allowing the temporary service to be counted, in view of the large amount of service which he would otherwise lose, of the reduction of salary which he incurred on his transfer from the Railway, and of the meritorious character of his service generally.

I am &c. &c.

sd., P. L. VINTAGE.

(COPY)  
1988/1907.

TREASURY CHAMBERS,

430

November 4th 1907.

Sir,

I have laid before the Lords Commissioners of His Majesty's Treasury Mr. Antrobus' letter of the 22nd ultimo (25055/1907) and its enclosures, respecting the case of Mr. R. Barton Wright, Land Officer in the East Africa Protectorate, who asks that his previous temporary service as an Assistant Engineer on the Uganda Railway may be included in the calculation of his pension on retirement.

In reply I am directed to acquaint you for the information of the Secretary of State for the Colonies that, in an analogous case in the Home service, the previous employment would not be counted for pension; and my Lords regret that they therefore feel themselves precluded, as in the case of Mr. W. Waters and Mr. L. E. Guine, dealt with in the letters from this Department to the Foreign Office of the 20th June 1901 and the 8th December 1902 respectively, from acceding to Mr. Wright's application.

I am &c.,

sd. W. BLAIN.

The Under Secretary of State,  
Colonial Office.

Nairobi,  
September 3rd 1907.

My Lord,

With reference to Your Lordship's despatch No. 428 of July 20th 1906 relating to Mr. E. 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;

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 on 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 etc.,

J. Hayes Sadler.

14. On the expiration of this agreement as hereinbefore 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 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, in which case his service under this Agreement shall count towards pension, should pension be allowed in the rules put in force.



Nairobi,

June 10th. 1907.

In putting before you the enclosed letter in reply, my request that my back service on the Uganda Railway should count for pension, I would respectfully urge that you are 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 His Excellency the Governor to the Secretary of State for the Colonies.

In the reply enclosed, see paragraph /3), it is stated that instead of remaining on the Railway with the prospect of eventually obtaining a permanent appointment in that department, which at my request was made pensionable and permanent, 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 establishments of Railway.

I would here point out that my reason for asking for 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 by Sir Charles Eliot that

MONTGOMERY, C.S.I.,

the post

COMMISSIONER OF LANDS,

NAIROBI.

By Lieut. Col. Montgomery, C.S.I.

Commissioner of Lands,

Nairobi

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 appointments, 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 bait which had been held out was withdrawn. Sir Charles Eliot, however, persuaded me to remain saying that he felt sure that the matter would be arranged satisfactorily.

Owing to his good offices and those of Sir George Whitehouse the agreement for three years was changed to a pensionable appointment, but I was informed that all my past service in the country on 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 back service for pension, I was much surprised at the decision arrived at. As, however, my fellow Railway officers were then only drawing 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 considered.

Should any doubt exist as to the accuracy of my statement regarding my selection for the permanent staff of the

Uganda

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 &c., &c.,

Sd. R.B.Wright.

Commissioner's Office,  
Nairobi,

August 29th 1906.

Sir,

I have the honour to inform you that in compliance with your request His Excellency the Commissioner duly forwarded the Secretary of State for the Colonies your application that your service under the Uganda Railway Committee might be allowed to count towards pension.

2. His Lordship in reply states that the particular clause in your agreement which you cite in support of your request is not capable of bearing the construction which, it appears, you have placed on it, and that it is clear from this clause that a claim to pension rights granted in respect of service under the Railway Committee would be admitted only in the case of officers who would be placed on the fixed establishment of the Railway. His Lordship therefore regrets that he would not feel justified in submitting your application to the Lords Commissioners of the Treasury, as instead of remaining on the Railway with the prospect of eventually obtaining a permanent appointment in that department, you elected to take up an appointment under another department, which, at your request, was made permanent and pensionable, but which did not carry with it pension rights in respect of your Railway service.

I have &c. &c.,

sd. F. J. Jackson,

Deputy Commissioner.

Downing Street,  
July 20th 1906.

EAST AFRICA PROTECTORATE.

No. 423.

Sir,

I have the honour to acknowledge the receipt of your despatch No. 235 of the 9th of May transmitting an application from Mr. R. Barton Wright that his service under the Uganda Railway Committee may be allowed to count towards pension.

2. I would point out, however, that the particular clause in Mr. Barton Wright's Agreement which he cites in support of his request is not capable of bearing the construction which, it would appear, he has placed upon it. The clause in question runs as follows:

"11. On the expiration of this engagement as hereinbefore 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 regulations privileges as regards leave of absence and retiring allowance on his quitting the public service, in which case his service under the Agreement shall count towards pension should pension be allowed in the rules put in force."

3. It is clear from this that a claim to pension rights

Commissioner,

Lieutenant Colonel J. Hayes Sadler, C. E.,

&c.

&c.

&c.

rights granted in respect of service under the Railway Committee would be admitted only in the case of officers who should hereafter be placed on the fixed establishment of the Railway.

1. Mr. Barton Wright, however, instead of remaining on the Railway with the prospect of eventually obtaining a permanent appointment in that Department, elected to take up an appointment under another Department which, at his request, was made permanent and pensionable but which did not carry with it pension rights in respect of his Railway service, and I therefore regret that I should not feel justified in submitting his present application to the Lords Commissioners of the Treasury.

I have etc, etc.,

sd./ Elgin.

Nairobi,

439

May 9th 1906.

My Lord,

I have the honour to transmit herewith an application from Mr. Barton Wright, who was for five years one of the Asst. Engineer on the Uganda Railway, that his service of the Railway may be allowed to count for pension.

2. The circumstances of his transfer to the Permanent staff of the Protectorate are correctly stated by Mr. Wright.

3. All the Railway officials at that time, including Mr. Wright, were in possession of agreement whereby they were entitled to claim that their past service should count for pension in the event of their appointments even being made permanent and pension, &c.

This has now been sanctioned in Your Lordship's telegram of February 21st and I venture to submit that it would be somewhat hard if a similar privilege were not accorded to Mr. Wright, who would, had he remained in the Service of the Railway now <sup>be</sup> entitled to it.

I have etc, etc.,

J. Hayes Sadler.

(COPY)

No. 228/82

110

His Excellency,

I beg to forward Mr. Barton Wright's 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 this 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 Departments were not pensionable, but they subsequently became so, and all the Officers were permitted to count their past service towards pension.

Mr. Barton Wright however was told that his pension rights only 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 Protectorate Government without a break from the time he entered the Railway service, and it seems hard that, while his old brother officers have acquired pension rights from the beginning, he himself can only obtain them from the date he became Chief Surveyor.

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

Date of



Date of Commencement of appointment	Post.	Salary.
December, 1907.	Jr. Asst. Engineer.	£280
April 1st 1900.	Sr. " "	£500
" " 1901	"	£550
" " 1902	"	£575
" " 1903	Chief Surveyor	<u>Note</u> , Salary on Railway would have been £600, £30 Provident Fund allowance had he elected to remain in Railway service from April 1st 1903.
May, 1903.	E. A. Protectorate Gazetted Land Officer without additional pay. £500	
April 1st 1904.	Acting allowance for Land Officer of £100 making salary up to £600.	
April 1st 1906.	Appointment of Land Officer as permanent on consolidated salary of £600 a year confirmed. Relinquished duties of Chief Surveyor on arrival of Major Smith R. E. in July 1906.	

sd./ J. Montgomery  
 Commissioner of Lands.  
 15/8/1907.

(COPY)

No. 1733/87.

Nairobi,

May, 5th 1906.  
70

Sir,

I have the honour to place before you the following facts for your favourable consideration.

I am informed by the Manager of the Uganda Railway that he has been officially notified that those officials who have been placed on the Permanent staff are placed on the same footing as Protectorate officials, their back service counting for pension.

I would point out then when I asked for transfer from the Railway, on which I was employed for over five years, to the Protectorate service, it was understood that a Provident fund was to take the place of a pension.

I was informed by Sir George Whitehouse that I had been selected for the Railway Permanent staff, but Sir Charles Elliot told me that the new post of Chief Surveyor was a pensionable one, and this determined me in making my application for transfer though the salary of the post applied for was considerably lower than that held by me on the Railway. The day that the list of the Railway permanent staff was issued, Sir George Whitehouse called me into his office and informed me that he had cut my name out as he had been notified by the P. O. that I had been appointed C. S. Three days later I received official intimation that I had been appointed C. S., but on a three years agreement; this I refused to accept.

Sir Charles Elliot asked me if I would remain till he could get a reply from home and he would represent my case

to

to the F. O. This I consented to do, with the result that a despatch came out confirming my appointment as pensionable, but informing me that my service for pension would count from the date of transfer.

In my agreement with the Railway the clause occurs that all my back service would count towards pension, should pension be given, as pension had not then been given. I accepted the terms assuming that, should it be accorded later, my case would be given due consideration. It is with this view that I submit the above statement and trust that my back service may be allowed to count for pension in the same way as allowed to my brother Railway Officers and which, by my agreement, I had been led to expect.

I would add that I entered the Government service in December 1893, my only break being due to illness occasioned by climate conditions in the Straits Settlements. It seems hard that of these 21 years only three should be allowed to count. For my record in that Colony I would be glad if you would refer to Sir Frank A. Swettenham, late Governor, or Mr. A. D. Young, present Chief Surveyor, to both of whom I am well known.

I have etc. etc.,

sd./ Barton Wright.

Land Officer.

His Excellency the Governor.



*J. H. G.*

8 December 1908

DRAFT

The Secretary  
to the Treasury

Sir,

In reference to your letter of

3807-1-10  
137015  
10/11/08

the 4<sup>th</sup> of November 1907 (18983/07)

MINUTE.

- Mr. Hunter 1
- Mr. Harcus 4
- Mr. Joss.
- X Mr. Anstons. 4
- X Mr. Cox. 4
- Sir G. Lucas.
- Sir F. Hopwood.
- Col. Saay.
- The Earl of Cromer.

I am directed by the Earl of Cromer to transmit to you, to be laid before the

Lords Commrs of the Treasury the accompanying <sup>statement</sup> <sup>attached</sup> <sup>herewith</sup> <sup>and</sup> <sup>the</sup> <sup>draft</sup> <sup>of</sup> <sup>a</sup> <sup>letter</sup> <sup>from</sup> <sup>me</sup>

R. Barton Wright, Agent Officer in the East Africa Protectorate regarding

in consideration of the decision that his previous temporary services as an

Assistant Engineer on the Uganda Railway should not be <sup>considered</sup> <sup>included</sup> <sup>in</sup> <sup>the</sup> <sup>reckoning</sup>

25<sup>th</sup> Dec 1908  
marked

