

426

EAST-ARM PROT

34015

OIC  
Recd. 5 NOV 10

34015

50%

1010

October

Previous Paper

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Mr Risley

In Real he add re this as he thought it was partly a question for us and I only wished to agree with him but as far as I can get it I am fully with it because of the def questions involved. I need only repeat certain questions of principle.

It is understood that to retain the filing up of 50 for all amounts and the personal credit will remain to effect this.

There is no harm in making a statement available even by resolution. Considerably indeed with 25 significant but it is desirable this on the 21<sup>st</sup>.

If you are satisfied as to the 21<sup>st</sup> we

can part of h. H. Drury. Drury not  
true, however that they were not thinking of  
the "value" of leave.

Not D. probably I think the Gov.  
wishes not his case for giving them at all  
in the period for the Police. You have done  
a great deal of work in the field and  
you are not in a position to give up  
anywhere from half of your time. So

If you can't do it in this way  
there will be a lot of 2 weeks available  
to the Government before

C.N.

5 Dec.

I forgot about that. Was perhaps all for  
the benefit of the General Conference, to

get a good deal of time off.

6 Dec.

W. Bixby  
When I borrowed those papers from you  
for the Police Conference, you suggested  
that I might like to make them;  
~~and now~~ afterwards, however, he I have been slow in  
finishing them.

Yours,

Jameson

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1. The Schedule is rather carelessly  
typed, but the proposed ~~an~~ amendment  
with this are clear. I hope the same  
if adopted, as I think they should be  
Section 29(1) runs:

"Any European Constable of good character or  
inholder of the engagement or who is within  
of completing the term of his engagement  
with the approval of the Commissioner regarding  
for service by periods of 5 years until  
at the age of 50 years, provided  
however that any European Constable who  
has attained the age of 50 may with the  
approval of the Commissioner, engage for  
any period, the duration of which will  
be determined with such constable attaining  
the age of 50 years."

As a matter of drafting, to be consistent I would  
omit the word "years" after "50".

Section 29(4) especially altered - runs:  
any European Constable of good character  
of 50 years and completing the period  
of service in which he is then engaged,  
and any Native or African W.C.O. or  
Constable upon completing 21 years service  
may go into retirement in the force in the same  
manner in all respects as if the term  
of his service were still unexpired, except  
that it shall be lawful for him to claim  
his discharge at the expiration of any period  
of three months.

2) Continuity of Service

Syrian 639 - para 3

service in any other P.M. shall  
be counted for pension  
continuity, but ~~and see entry~~ in that  
case only from which the pension is  
awarded. This is the only direct  
method, but nevertheless  
inconsistencies will always  
arise.

I also think that if (1) I have  
the other - and this applies to the  
entry - but I cannot do so  
any "def" or implied def. of such  
term in the case, I think that  
the best way would be to draft a  
separate section (in the line of the  
entry of 38 (-)). ~~para exp~~  
and see a few notes.

In the course of this subsection the  
word "any" in "any pension" should not  
refer to a superior constable should not  
be deemed to be continuous service, if  
he receives a separate op-  
portunity of discharging the engagements at a later date  
for a further service in ~~which case~~  
is referred back to the previous  
date of such re-engagement shall not  
be reckoned towards pension.

This seems  
to me to be  
satisfactory

3) Rights agreed with the Governor.  
The Treasury letter is not at all clear  
at this point. If they wish to raise £28,  
a definite point must be taken down  
intelligible.

Before leaving this part of the  
amendment, I would like to point out  
Section 30(1). It appears that this  
section may now be amended open  
of itself. It includes "superior  
constables". This being so, I think  
that the word "any" in "any pension" will  
need amendment. I find it very  
difficult to devise a suitable  
amendment. I would suggest that  
the section read:-

"In returning the money of any pension or  
constable for discharge, there shall be  
no deduction therefrom in all cases  
of a period during which he has been  
engaged in a duty following of the  
pension, except as follows:

Particulars

2) The general reasons for the scale  
of gratuity advanced by the  
Governor are sound.  
As regards the compensation in  
Algeria it is not quite clear.

except that "Superior" state in East  
takes the place occupied by the  
"Captain Major" in Uganda.  
I am in full agreement with H.A.R.  
in regard to what we expect  
The analogy is by no means exact  
I do not think that we should  
say much about it. Deacon pointed out that this  
measure should never get into  
the hands of the ~~Police~~ ~~Force~~

Uganda  
against the ~~Police~~ ~~Force~~ and their  
agent.

With the "hands" and this  
of the "Police" ~~Force~~ ~~Force~~ section 47(1)  
and not ~~section 47(1)~~ but again  
as to the latter I did not speak of it in  
the ~~Police~~ ~~Force~~ meeting.

Here again I agree with the Governor's  
"great objection" to the ~~Police~~ ~~Force~~  
complaint with Ug. Bill 11<sup>th</sup> 1912

is help public in support of said ~~Police~~ ~~Force~~  
law as nothing of the ~~Police~~ ~~Force~~ does  
any thing.

2(a). Governor proposed amendment clears  
away any doubt.

With regard to the T.S. on W. Harris  
minute

minute has a second other point  
to be dealt with when the financial  
part of the Ord. is settled as the Treasury  
are being brought in mind.

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as to the Uganda Police Ord.<sup>1912</sup>, but  
point out this with satisfaction that  
the scale of gratuities was taken  
over bodily from the old Uganda  
and ~~Uganda~~ <sup>1912</sup> ~~Uganda~~ <sup>1912</sup> ~~Uganda~~ <sup>1912</sup>  
~~Uganda~~ <sup>1912</sup> ~~Uganda~~ <sup>1912</sup> ~~Uganda~~ <sup>1912</sup>  
gratuity now. If the Treasury  
say later in reply, "why were we  
not consulted as to the regulation of  
Mr. ~~Ward~~ <sup>1912</sup> ~~Ward~~ <sup>1912</sup> ~~Ward~~ <sup>1912</sup>  
rife so shortly?" we can po-  
tentially explain the position. But there  
is no reason to suppose that there  
would really they raise it  
to the subject.

Finally, please note to send the  
Treasury a copy of the Dispatch  
bulletin to W. reply to the above  
msg. 24653 <sup>1912</sup> ~~Ward~~ <sup>1912</sup> ~~Ward~~ <sup>1912</sup>  
saying for the most part the  
and wording of the Dispatch, without  
however referring to the R.A.C.,  
with modifications as above  
eq. n 12 - regarding application

sections from Uganda Police  
1972 when necessary.

accr

1972

has been  
written

and has been written in the margin

L.S.A

35/

C.O.  
34015

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GOVERNMENT HOUSE, N. I.

MAIROBI,

BRITISH EAST AFRICA.

EAST AFRICA PROTECTORATE.

October 5th 1910.

No. 667

My Lord,

I have the honour to acknowledge the receipt of Your Lordship's despatch No. 668 of the 1<sup>st</sup> of August 1910, to submit a reply to the points raised by the Lord Commissioner of the Treasury in their letter of the 9th August, relative

- (1) In order to bring the provisions of the Ordinance as regards pensions into conformity with the ordinary pension regulations as applied to this Protectorate, the following alteration in Schedule II would be necessary. "Until and after" "until the completion of two years" and substitute "until he attains the age of 50 years; provided, however, that any European Constable, who has attained the age of 47 may, with the approval of the Commissioner, commence his pension at the completion of 21 years." To compound minors with such constables attaining the age of 50 years, in Section 25 (1), the further alteration

THE RIGHT HONOURABLE

THE EARL OF CARNARVON, K.C.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNTON, DURHAM, ENGLAND, E.W.

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consideration viz: delete "upon completing such period of 21 years' service, any European Constable and any Asiatic or African Non-Commissioned Officer or Constable may" and substitute "any European constable, upon attaining the age of 50 years and completing the period of service in which he is then engaged, and any Asiatic or African Non-Commissioned Officer or Constable upon completing 21 years' service, may". These provisions will give effect to the course proposed by the Loria Commissioners.

(2) It is so carefully set forth in the acts, regulations, etc under which the pensions of European officials are granted, that service to be pensionable must be continuous. Further provision in the Ordinance will be unnecessary.

(3) In regard to the leave of European police in relation to the time served for pension, consider that they shall be treated in the same way as other European officials. A constable who becomes ~~disabled~~ whilst on leave, will receive, up to his ~~disability~~, and his application will be considered according with the provisions of Section 12 (1) prior to proceeding on leave.

#### THE GRATUITIES

(1) If the rules pertaining to the functions and Gratuity of the subordinate staff are applied to the Asiatic and African Police only the 1st and first class Sub-inspectors will ever become eligible

(7)

eligible for pensions, and the remainder of the ranks and grades, though nominally eligible for gratuities will, in actual practice, rarely obtain them owing to the provisions of Section 4 of the Superannuation Act of 1927.

This Section of the Act provides that a man can only be granted a gratuity

(a) If he is removed in consequence of the abolition of his employment

(b) On re-organisation of the department with a view to economy

~~for a continuous period not less than 15 years~~  
Service owing to infirmity of mind or body.

The Inspector General of Police & the Commissioners of Police are of opinion that occasional gratuities (e.g. agent's interests) and (b), but that it would be given men an opportunity of obtaining a pension under (c) if it would be necessary to retain men who are infirm, owing to age and the attendant decrease in physical strength, to the strenuous duties of policing. The strain of continuous night-work and constant exposure to the weather is far more pronounced upon Asiatics and Africans than upon Europeans, and the result is that certain diseases become prevalent among the former, which necessitate their invaliding of a great majority before the completion of the 15 years service required by the Act. Some inducement should, I think, be offered to the men to remain in the service a number of years, instead of 15 years, so that a gratuity after their retirement

(4).

second period of service; and it is with the hope that the grant of a gratuity after a certain period of service will encourage re-engagement and thus ensure a higher degree of efficiency, that I consider the scale of gratuities as laid down in Section 8A (6) should stand.

I may mention that exactly similar provisions have been made for gratuities for the Uganda Police and the King's African Rifles, but the same principle in the case of the East African Police would constitute an anomaly which would be unfair to the members of this force, and which tends to prejudice the East African Police from the eyes of the natives from whom its recruits are drawn.

(5) The granting of gratuities after 12 years instead of after 15 years is, I consider, justified by the fact that the native police are of such a nature that it is imperative that the members of the regiment should physically stand. The natives from whom the police are drawn are adverse to remaining for any length of time in fixed employment, and if the hope of reward is to long deferred the chance of recruiting is greatly at all with us.

The value of retaining the services of men with experience so long as they are physically fit cannot be overestimated. Gratuities after 12 years service are granted by the King's African Rifles (Ordinance 1909) and also by the Uganda Police (Ordinance 1909).

(6) The Lord Commissioners are correct in

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second period of service; and it is with the hope that the grant of a gratuity after a certain period of service will encourage re-engagement and thus ensure a higher degree of efficiency, that I consider the scale of gratuities as laid down in Section 56 (4), would stand.

I may mention that ~~similar~~ similar provisions have been made for gratuities for the King's African Rifles and the King's African Police.

~~These~~ These ~~provisions~~ provisions for the King's African Police would constitute an unfair discrimination ~~in~~ to prejudice the King's African Police in the eyes of the natives from whom its recruits are drawn.

(2) The granting of gratuities after 15 instead of after 16 years is, I consider, justified by the fact that the duties of the Police are of such a nature that it is imperative that they should be energetic and physically strong. The natives from whom the police are drawn are averse to remaining for any length of time in fixed employment, and the hope of reward is too long deferred, the object of offering any gratuity at all will be defeated. The value of retaining the services of men of experience so long as they are physically fit cannot be overestimated. Gratuities after 16 years service are granted by the King's African Rifles Ordinance 1902 and also by the Uganda Police Ordinance 1906.

(3) The Lord Commissioners are correct in

assuming

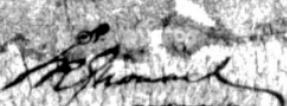
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... the opening paragraph of Section 18  
which reads in connection with Section 47 (2) "any  
non-European in a better position than the European  
in the habits and customs of the country he has never  
taken into consideration. It is common day or  
for a man who has definitely refused to re-apply  
to him a discharge time-analysed to  
the date of his entry and by so doing a will have  
no right to return to the country."  
The Government, as a man who has taken into considera-  
tion the non-European's views and has no objection to some  
indemnity, such as is now proposed, is offered at this  
reasonable compensation. This man will receive either  
one or two months of freedom, and the necessity for  
returning him to his previous position will to some  
extent be eliminated.

The provisions of the sections objected to by the  
Legislative Council were almost identical with those of  
Section 18 (2) of the King's African Rifles Ordinance  
1902 and are exactly similar to those of Section 47 (2)  
of the Uganda Police Ordinance 1908.

The assumption that the restoration of forfeited  
property under Section 47 rests only on service  
is felt to be undesirable. To be the  
exists on this point may be removed by inserting the  
words "under Section 53 (2) (a)" after the word  
"forfeited" in line 3 of Section 47.

I have the honor to be  
Your Lordship's humble,  
obedient servant,

  
GOVERNOR.

Government 36075

Enc.

## MINUTES

Mr. Parker  
Mr. Fisher 20  
Mr. Fawcett 23  
Mr. French 27  
X Mr. Franks  
Mr. Just  
Mr. Cox  
Sir O. Lucas  
Sir F. Hopwood  
Col. Seelye

Received from the Treasury  
to acknowledge the receipt of your  
letter No. 12040 of the 9<sup>th</sup> of August  
on the subject of certain documents  
connected with "Penruddick" and  
Grettonbridge in the East Riding  
of Yorkshire.

Replies to the points  
in the letter of the Treasury  
are being

## 1. Penruddick

(1) At present stands with the  
same opinion expressed in your  
letter under reply that the

minimum age limit for  
admission of European  
Cavalry without medical  
certificate should be  
as for other  
units

age of 21 years  
admission of cavalry  
from 25 M. till next  
anniversary of  
age of 21 years  
6 months of completing  
service

age for further service  
by periods of 3 years until  
he attains the age of 45 years

provided however that  
European Cavalry who  
has attained the age of 44  
years may with  
the approval of the Comptroller  
be employed for any period  
the termination of which  
will be contingent  
with such reasonable  
attaining the age of 45  
years

Section 29(a) of the  
Act as follows:

any European Cavalry  
not exceeding the age of  
45 years and completing  
the period of service in which  
he was then engaged, and  
any Native or African  
troop open to complete  
service in the same  
manner as the  
Cavalry of the Army  
of the port, contained in the  
same manner  
in all respects as of the time  
of his service will still unexpired,  
except that etc etc

Art. Section 36

will, by consequence, be  
assured so as to make  
it easier.

What is source of  
power? Power  
for its discharge  
in all cases

to continue  
is

the more  
work

of separation must  
be caused by the charge

account is engrossed  
and entail for pension  
numbers the following of  
past service. He proposes  
therefore to visit at the end

of Section 38(1) and  
part of that subsection with  
reference to pension.

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so far as my knowledge goes  
relates to service in  
European colonies shall not  
be denied. The colonies  
service. If after receiving a  
certificate of discharge he  
wishes, at a later date,  
further service  
in India, he may do so.

At end of such engagement  
shall not be withheld  
back pay.

(3) As regards the case of  
European Police, in reckoning  
the time earned for pension,  
he has considered that  
they should be treated in  
the same way as other  
permitted European officers  
as members who would  
have succeeded whilst  
on leave with this if  
so desired, and his application  
is approved, he be engaged

in accordance with  
instructions of  
the Govt. in respect  
of the same.

(b) on reorganisation of  
the dep't with a view to  
economy;

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(c) on discharge after  
not less than 15 years  
since owing to infirmity  
from age or body.

In the case of those under  
the command of the Army  
or Navy or of the  
Paramilitary forces  
it might be considered  
under (a) and the con-  
ditions of service  
and opportunity of obtaining  
a gratuity under (b)  
would be especially determin-  
ing to age and the  
attendant decrease in physical  
strength, but the  
strenuous duties of  
those in the Army  
and continuous night and day  
constant exposure to  
inclement weather, are far  
more pronounced upon  
Asians and Africans  
than

## 2. Grants

On discharge after  
not less than 15 years

since owing to infirmity  
from age or body.

On discharge after  
not less than 15 years

since owing to infirmity  
from age or body.

Negligible to previous claim  
by reason of the rank  
and pay or though normally  
eligible for gratuity, will  
in certain cases rarely  
arise than owing to the  
provisions of Section 4 of the  
Emoluments Act of 1867.

This section of the Act  
provides that a man can  
only be granted a gratuity  
if he is removed in  
consequence of the abolition  
of his employment;

that period of non-service  
you basis 12 years,  
recently often close  
and the same arguments  
similarly based on the condition  
which have been brought  
of service is not free, and the  
Uganda Police force  
had a special contract  
with relation to the

Uganda Police  
from applying arguments  
to this point

(3) S. I. are correct  
in pointing that the  
concluding part of Section  
30(2) when read  
in conjunction with Section

30(4) places the Non-

as regards reckoning service  
for gratuity  
as regards reckoning service  
for pension

European in a better  
position than the European

but the habits & customs  
of the former must  
be taken into account  
It is an everyday occurrence  
for a man who has  
definitely refused to  
engage, and who  
has

been in fact

the base of the  
long service, the object of  
offering

she will be deposited in

Value of retaining the services  
of men of experience, so  
long as they are physically  
fit cannot be  
overstated. And

again, of the amount  
of the amounts of the  
gratuities, so with the  
qualifying period after  
service, the Uganda  
Police ordinance has been

has taken; his discharge -  
time expired, to return after  
the winter with the  
same or better pay.

(4). The assumption / J.  
76. that the restoration  
is forfeited, appears  
to be by reason  
only of the time of payment  
under section 222. It  
comes into play in order  
to prevent every demand  
of payment after the time  
when the right to sue  
for the money has lapsed.

MINUTE

(2) (3) (4) (5) (6)

restored  
forfeited  
and taken by

given above and  
more particularly  
such. - It is  
all no longer valuable  
their resort to the  
sections of the Criminal  
Code

and sent to the Engel  
of the Engel

~~provided, with~~