

EAST AFR. PROT.

31697

51697
REC'D
SEP 24 09

Governor. No.
Jackson 503

1909

30 Aug

Last Previous Paper.

202/19577

D. W. B. Macdonald.

Sends further letter from D. Macdonald regarding circumstances connected with his retirement.

Mr. Butler.

I don't think any good will come of re-opening D. Macdonald's case, and his suggestion as to Sir Percy Girouard is ludicrous.

? Reply that S. I. regrets that he is unable to reconsider D. Macdonald's case.

accl.
4/10

Mr. Harris.

The case has received careful consideration: see especially

Mr. G...
11032

Reply as proposed.

Sir F. Sturges
Perhaps you should be troubled with

and 617, 14 Oct 09

1728-A.S.E.W.-2000/7-2500-11-06

Next subsequent Paper

492/4613/10

this, as it is a sort of personal appeal to
the Sec. of Bletch against unknown "Heads of Dept.":

The draft in 19577 indicates clearly the points
which Dr Macdonald raises. His reply on the
first of those points is a quibble: he agrees that
he was actually retired at the moment when he was
given 6 months leave with a view to retirement.
He was really to the good over this: if he had
been kept ~~working~~ at work he might
have been retired without any leave, for all
that is theoretically an indulgence. The idea
that there should be an arbitration on the
case is absurd.

I would say that Lord Curzon has ~~carefully~~
considered his appeal & has nothing further
to say on the subject.

C.A.H.

6 Oct

To Sec
Sykes

9.10

Seen

9.10

C 11 X

and Parkinson

51697
REC'D
SEP 09

Governor's Office,
Nairobi,
30th August 1909.

524

EAST AFRICA PROTECTORATE.

No. 503

My Lord,

I have the honour to transmit herewith
a further letter from Dr. W.H.B. MacDonald,

2. I have nothing to add to my despatch
No. 271 of the 21st of May last.

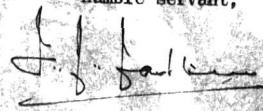
*Dr MacDonald's
letter with
enclosures*

19547

I have the honour to be,
With the highest respect,

My Lord,

Your Lordship's most obedient,
humble servant,



H.M. Principal Secretary of State

for the Colonies,

Downing Street,

London, S.W.

INCLOSURE

Despatch No. 503 of 1908

Mombasa, 16th August 1909

1697
SEP 09

My Lord,

I have the honour to acknowledge receipt of despatch M.P.No.688. 1908 dated Nairobi July 23rd 1909, "copy enclosed" from E. E. The Acting Governor in reply to my despatch of 17th May to Your Lordship forwarded through His Excellency The Acting Governor.

In the despatch under reply it is requested that my attention be directed to various points which I will endeavour to answer seriatim.

My birth certificate referred to, is obviously the one forwarded by me to Sir James Hayes Sadler immediately after my interview with him on the 18th of December 1907 see my despatch to Your Lordship of 26th October 1908 para 4 in which I state "that notwithstanding the fact that I pointed out to the Governor that I should not be fifty years of age until the 19th of September 1908, he flatly refused to consider the matter, or forward to Your Lordship a despatch on the subject".

It is also stated in the despatch under reply, "that I was on leave from the 1st of April 1908. This is quite correct but it must be remembered; I was given no alternative whatsoever but to vacate my post on the 31st of March before I was fifty years of age, or had applied for leave. The latter I was compelled to do by the arbitrary actions of your Officials. In the Principal Medical Officer's despatch of 20th November 1907 I am deliberately asked to send in my resignation vide para 3 of that letter "copy enclosed". I promptly declined to do any such thing, as hitherto, I had always understood, that there is a very considerable difference between an Officials resignation and an application for retirement.

retirement, neither of which have as yet submitted. I maintain therefore, that though no fault of my own, I was compelled by the representations of Officials under Your Lordship's control to retire from the service for no specified reason before I was fifty years of age, thus depriving me of a legitimate six months full pay and retiring allowance accordingly. I only asked to be allowed to serve on until the 19th September 1908 on which date I would be 50 years of age, and then take six months leave to which I was legitimately entitled. I do not wish to be thought disrespectful implied, or otherwise, but such unusual behaviour on the part of Colonial Office Officials towards an Officer in the service would appear to the ordinary observer as some what suggestive of vindictiveness.

In reckoning up my period of service towards pension in the despatch under reply I fail to see that I have been treated with any special indulgence, on the contrary; it is admitted, that I have missed by about six weeks an additional allowance. This I maintain, and as the whole correspondence will show, was due to no fault of mine. I regret therefore I am unable to agree or realize, that I am under labouring misapprehension whatsoever regarding the various points raised in my correspondence.

I would now beg that Your Lordship might be pleased to reconsider the whole question as I feel I am being morally and financially damaged owing to a misapprehension on the part of Officials under Your control, hence a misrepresentation to Your Lordship.

I would take this opportunity of reinviting Your Lordship's attention to the tenor of despatch No. 41.33.2. of 20th November "copy enclosed" from the late Principal Medical Officer. In that despatch it is clearly stated "that a Medical Man holding the necessary qualifications for the post of Medical Officer of Health for Mombasa was to be immediately appointed. Recognising that such special qualification were de-

sirable for the post, I made no objections, stating in my despatch of 23rd November 1907 No. 218/H.O. "copy enclosed" that short of sacrificing my rights I was desirous of facilitating any reasonable measures which might lead to an early settlement. I must confess, that in reading that despatch No. 41.33.2. and the reasons adduced therein for the termination of my service, I find it difficult to reconcile these statements with the subsequent actions of Officials under Your Lordship's control.

On the 20th of November 1907 I was notified that it was proposed to immediately appoint a Medical Man with the necessary technical qualifications for the post of Medical Officer of Health for Mombasa. This is now the 16th August 1909 and as yet, there has been no Medical Man with special technical qualifications appointed. I therefore maintain with the greatest respect that Your Lordship has been in some measure misled and that, to my serious detriment in the matter of my retirement; and that this somewhat prolonged correspondence is the simple outcome of a serious misapprehension on the part of Your Officials. As I have already said I decline to believe that Your Lordship would in any way countenance an injustice being done to an Officer who has endeavoured to do his duty.

If agreeable, and Your Lordship should consent, I am quite prepared to submit my claims to arbitration. It has been suggested to me that I might submit my claims for the consideration of our newly appointed Governor Sir Percy Girouard on his arrival. For various reasons which must be apparent, I hesitate to accept such a course: but, should Your Lordship desire it, I am quite prepared to discuss the matter with Sir Percy Girouard on his arrival. I cannot help feeling that Your Lordship is not aware of the whole facts of the case and my legitimate contentions. In fact the despatch under reply does not contradict the statement in my despatch of 17th May 1909 "that possibly the matter under reference was deputed to some departmental head who could hardly be expected to

give such matters the extremely courteous consideration which always characterizes Your Lordships communication to any of Your Officers who may be compelled to seek ~~advice~~ ^{advice} ~~advice~~ in as constitutional and proper a manner as possible. I much regret I must still adhere to my former statements, that I have been treated unfairly, unjustly, and discourtesly in the matter of my retirement; and I now, look confidently to Your Lordship to have my legitimate contentions reconsidered and an injustice rectified.

I have the honour to be,
Your Lordship's
most obedient & humble servant,

M. B. ...

The Lord Crew,
The Principal Secretary of State
for the Colonies.
Through The Acting Governor,
East Africa Protectorate.

C o p y

INCLOSURE

16. Despatch No. 503 of 30. 9. 1909

When communicate on
this subject please
quote M. P. No. 688/1908.

Governor's Office,

Nairobi,

July 23rd 1909.

529

Sir,

With reference to your letter of the 17th of May last, addressed to the Secretary of State for the Colonies, I am directed by His Excellency the Acting Governor to inform you that His Lordship has now received it and desires that your attention should be drawn to the following points in connection with the representations set forth therein.

According to the Birth Certificate, a copy of which is filed in the Colonial Office, you were born on the 19th of September 1858 and you were therefore 50 years of age on the 19th of September 1908.

You were on leave of absence which counted towards pension from the 1st of April to the 30th of September 1908, and your pensionable service was reckoned from the 1st of July 1898 to the 30th of September 1908, i.e. 13 years and three months.

To this was added six years and seven and a half months, that is, one half of the actual period, as climate allowance, making in all nineteen years and ten and half months, and you were awarded a pension of nineteenth sixtieths of £710 or £224.16.8.

It would appear therefore that as regards the first two points raised in your letter you are under some misapprehension, and although with regard to the third point
you

Dr. W. H. B. MacDonald,
Mombasa.

(2)

you are in a manner correct in supposing that you did not complete another year's pensionable service by six weeks, it should be remembered that this close approximation to another year is due to an allowance which is in itself in the nature of a special indulgence.

In any case it is the universal practice both in the Home Civil Service and in Crown Colonies and Protectorates that no uncompleted year shall count for pension and you have therefore no cause for dissatisfaction on this account.

I have the honour to be ,

Sir,

Your most obedient servant,

Sgd. W. J. Monson

Secretary.

Copy.

Confidential.

No. 218/H.O

Mombasa 23rd November 1907.

ENCLOSURE
In Despatch No 503 of 30 8 1907

Sir,

531

I have the honour to acknowledge receipt of your Confidential despatch No. 41/53/2 of 20th November in which you inform me that it is proposed to appoint almost immediately a Medical Officer of Health for Mombasa who is possessed of the technical qualification for that post, and that my appointment as such will therefore shortly terminate.

I have forseen for some time that such a change might be necessary and entirely agree that the reasons for terminating my services as Medical Officer of Health for Mombasa are right.

As is apparent from your despatch I gather that my services in any form are not now required or appreciated by the Colonial Office Authorities: this being so, it will I am sure, be readily understood that further service under such conditions would "to say the least of it" be unsatisfactory, if not unpleasant. I am therefore desirous of facilitating so far as I can, short of sacrificing my rights any reasonable measures which may lead to an early settlement.

I have hitherto understood that an Officer in the Colonial Service must attain the age of fifty years before he can qualify for pension. I shall be glad to know if this statement is correct.

I have the honour to be,

Sir,

Your most obedient humble servant

sgd. W. H. E. MacDonald.

Medical Officer of Health.

To Lt. Colonel J. Will
P.M.O. E.A. & Ug. Protectorates
Nairobi.

For information of His Excellency the Governor

Copy

INCLOSURE

Despatch No. 603 of 30 1907

No. 41/53/2

P. M. O's Office

Nairobi, 18th December 1907.

532

1097

Medical Officer of Health,
Mombasa.

REC'D
24 DEC 1907

With reference to the last para of your No. 218/H.O
of November 23rd, I believe the statement is, in ordinary
circumstances, correct.

Sgd. J. Will.

Principal Medical Officer.

Received
23/12/07.

orig / 31697

E. B.

~~52~~

C. D.
R. 12
D. 14

533

DRAFT.

E. B. N^o 614

Geo. Gismar

Per

14 oct 2909.

MINUTE.

Sr.

- Mr. Parkman 11/10
- Mr. Butler 12
- Mr. Fiddon Harris 12
- Mr. Just.
- Mr. Cox.
- Sir C. Lucas.
- Sir F. Hopwood.
- Col. Seely.
- Lord Crewe.

I have the honour to
 acknowledge the receipt of Mr. Jackson
 Dep. N^o 503 of the 30th of
 August, transmitting a
 further letter from

D. W. A. B. Macdonald
 regarding the circ^s connected
 with his retirement.

I have carefully
 considered D.
 Macdonald's appeal