

E. AFRICA

15087

REC'D
REG'D 22 MAR 17

15087

N 20460
589

Treasury

1917

21 inch

Last previous Paper.

N 20460
2268

Compensation to dependants of Officials

who lose their lives through hostile attack while travelling to or from duty.

Cases may be considered as coming within terms of the Warrant under Art. 1 of Supplementary Ord. 1887, approves terms of proposed reply to inquirer in the subject.

Mr. B. Cunningham

Perhaps we had

better call C.A. to inform any inquirers in this sense; otherwise they may act on the Cooke precedent, and give the only an indefinite reply.

And we might send copies of the corresp. with Trif to all E.A. Posts L.P. for their guidance in similar cases.

A.C. 30/3/17

Sfs. for common
Mr. Henry etc. true copy. 6/30.3.17

Sold. Dagnel
Copy of above to Cap 256, Glia. 57, 30/3/17
Nyasaland 57, 30/3/17
To Treas. Gen. 1 May 17

Next subsequent Paper.

Nyas. 47573/19 (General)

This is a new form, but

but will apply generally to all U.E.G.

Colo & Prot. T.C.H. 2/4/17.

It seems to be a matter for decision whether
the rule is to be applied in the case of
non-Exchequer-aided Colonies, but there
can be no doubt that for the sake of
uniformity in E.A. practice, we should
follow it for E.A.P. & Tanganyika.

W.C.H. 3.4.17

We have referred to it with approval
in the () of the Minutes of B. Surina
(1914, 1915) and I think we may
adopt it generally so far as we can
I send on the draft (H
5 Apr 17.

This should I think be applied to all
Colonial Officers, but we cannot make
such promises without local concurrence
in the case of Colonies where we do
not control the finance.

I would suggest that the rule be
definitely adopted for all Colonies &
Protectorates in which the S.G.P.
has the necessary control, & that
the others be told that this
has been done & be invited
to follow suit

W.C.H. 7.4.17

The U.F. proposed included German East Africa, which is not mentioned in the Treasury letter. I passed the U.F. for the mail last night, & have today explained to Mr. Craig of the Treasury, saying that if I don't hear from him we shall assume that there is no objection to the inclusion of G. E.A.

Mr. Harding
Mr. Fiddler

West African	} Dept. to see Mr. Gwinde's minute, for action in the case of their Colonies.
Belger	
Eastern	
West Indian	

W.C.S. 13.4.17

The decisions in the Falaba case are well known & it seems unnecessary to write to the U. Af. Colonies. The C.A. should be told that any U. Af. officials who enquire may be informed that their dependants would be dealt with under part I of the Treasury Warrant under part I of the Luper Act: but it is not necessary to write to U.F. till the U. Af. East Dept. decide whether they will write in the same sense.

J.H.
14.4.17

M: Bottomley

I mentioned to you the point (whether it was raised on 9268/17 EAF) I don't know, as that paper can't be found at

the moment) that what we did
in the Falaba case was not
to follow strictly the terms of
the Treasury Injury Warrant - we
made an important departure from
those terms - The departure
was that we ignored the
provision of the Warrant
that if the service of the
deceased officer was less
than 5 years the widow would
only get a gratuity not
exceeding one half of the salary
& emoluments of the deceased,
and not a pension.
In one case we gave a pension
to the widow of an officer
whose "service" was less than
48 hours - he sailed from
Liverpool on first engagement
on the Saturday & the Falaba
was torpedoed on Sunday. See
Bourke's case (File/6729 W Afr) - page 1 of minutes.
See also Stark's case - File/4392 W Afr
{Sir F Fiddis minute on page
143.

To restrict pensions in these
cases to the dependants of
officers who have served
5 years seems to me &

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on the Saturday & the Falaba
was torpedoed on Sunday. See
Bourke's case (File/6729 WAFR) - page 1 of minutes.
See also Slack's case - File/4392 WAFR
{ Sir F Fiddis minute on page
143.

To restrict pensions in these
cases to the dependants of
officers who have served
5 years seems to me &

unreasonable - but it would
be just as well to settle now
~~whether~~ whether if we
unfortunately have any further
cases like the Falaba we
should be guided by "Falaba
practice" - give pensions to
all widows or whether we
are restricted to strict Injury
Warrant terms. The Treasury
~~is~~ probably are thinking only
of the latter and may give
trouble if you pension a widow
when the officer has had
less than 5 years service.

A. J. H.

Mr. Butler

23/4/17

SR. we still unable to find 9268, but
evidently if Co/15470/15 W.A. was put
up with it the final words of the draft
to Nigeria of 14 May were overlooked.

As the Warrant is printed the generality
of the five years rule is not conspicuous,
and in the recent case of Capt Butler the
Treasury agreed to widow's pension without
inquiring into length of service, which,
I find, was 3 days under the 5 years.

I should be much inclined to
leave the matter alone so far as
Exchange and India Post are
concerned, in the hope that a case will
not

not arise, but perhaps it will
be best to explain to the Treasury
what the true "Galata" precedent
was, and ask that they will agree
to widow's pensions irrespective of
length of service?

Meanwhile - & I think even if
Treasury demur - the true "Galata"
precedent will no doubt be followed
in the case of wid. Evelyn as aided
provisions.

6. Oct. 26 47

W. Hard.

now here
4288

The point about 5 years service
was not taken on that paper. I
would now put it to the Treasury
as W. B. Tomley proposes at A.

W.B.

27. 4. 17

at once.
W. B. Tomley

27/2/17

W. Butler

Mr. Harding brought me the letter from
Mr. Gilbert of the Treasury at the time of
its receipt, and I am sorry that when I
obtained the papers I tied them up with
another bundle.

The five years rule has been estimated
since

A

hope so
W.B.

I refer for an
ack: dated 10/11/17
in S. W. 18/11/17
W. B. Tomley
27/1/17

very asked for
18. 11. 17

Since 1906 & he have followed

Treasury practice in this matter
without knowing it.

(1) Tell Mr. Gilbert that we do not
want a reply to our official letter - &
think he go drawing attention to the
amendment of the Warrant.

(2) Library to write & obtain copies of the
revised print.

(3) Paper to continue circulation to Dept.

6. Oct. 29. 5. 17

Eastern Dept.

W. J. Dept. Mr. Macnaghten.

I have answered Mr. Gilbert's
letter. You have now to consider Mr.
Crawford's minute of 7. 4. 17 in its
application to your Colonies. I am sorry
that the progress of the paper has been
delayed by further correspondence which
turns out to have been unnecessary.

W.B.

30. 5. 17.

W.B.

We have control of the finances in the S.M. and
all our Eastern Colonies except Mauritius. We
must consult Mauritius, and I think that
as a matter of courtesy we must

consult the others also - except
Dinkarwi which will be bound by the
treasury decisions (There is no reason
to anticipate objection from the Eastern Co
but they do not like to have financial
matters decided over their heads without
consultation, and it is not our practice
to do so)

AFC₍₁₂₎ 4/6/17
These special grants will, I presume, be irrespective of what
dependents are entitled to from
provision for W & O who exist in almost
of our colonies.

we can address all our Colonies, but
we may vary the wording a little in
the case of those in which we do not
control the finances.

Mr Grindle
? So proceed
T.C.H.
4/6/17

G.S. 4.6.17
at once

Action taken as regards
Eastern on $\frac{110}{29109}$ Eastern
W. India on $\frac{110.17}{29127}$ W. India DD

11c *W.A.*

Any reply to this letter should be addressed to—
THE SECRETARY,
TREASURY,
WHITEHALL, LONDON, S.W. 1,
and the following number quoted.

TREASURY CHAMBERS.

21 March 1917.

6836
17

15087
REG

Sir,

I have laid before the Lords Commissioners of His Majesty's Treasury Mr. Read's letter of the 27th ultimo (9258/1917), relative to the award of compensation to the dependants of officials of the African Protectorate who may lose their lives through hostile attack while travelling to or from duty.

In reply, I am directed to request you to inform the Secretary of State for the Colonies that, in view of the exceptional circumstances of the present time, They would be prepared to regard the conditions necessary for an award under the Warrant framed under Section 1 of the Superannuation Act, 1887, as being satisfied in such a case and They approve therefore of an answer being given to any officials of Uganda, Nyasaaland, or Somaliland who may enquire on the point in the terms proposed in the letter under reply.

I am,

Sir,

Your obedient Servant,

J. L. Smith

Under Secretary of State,
Colonial Office.

JS

[Further action]

84/9 c

G. D.
N. 9 APR
D. 11

12 April 1917

Crown Agents

Gentlemen,

With reference to the

letter from the Dep^t of the
17th of Feb, I am to be
inform you that he has had
under further con^s in the
question of the reply which
should be given to officials of the
Port^o of Eastern Africa who
enquire whether, in the
event of their losing their
lives at sea through hostile
attacks while travelling to
or from duty, any compensation
would be awarded to their
dependents from public funds

A.C. 2/4/17
Mr Macnaghten 2
Mr Bottomley 3.4.17
Mr Harris 5
Mr Grindle 7
Mr Reed 9

(File
2646 EA
Cooks)

not con^s
see my minute
I mind
S.S.

April 17
Cal 206: 8/2/17
Apr 17/17
Smt 14; see p. 45

This letter
Copy of same with
to all E.A. Gov^s LFF.

(2) Mr Long ^{considers} that it is desirable that such

enquiries should be answered
in as definite terms as
possible

C. D.
R. 30 APR
D. *20*

Downing Street, 10
1 May
~~April~~, 1917

See

Sir,

I am directed by Mr. Secretary

DRAFT.

THE SECRETARY
TO THE TREASURY

MINUTE.

Long to acknowledge the receipt of your letter (6836/17) of the 21st March, relating to the award of compensation to the dependants of officials of the African Protectorates, who may lose their lives through hostile attack, while travelling to or from duty.

- Mr. Butler *28.4.17*
- Mr. *f-3*
- Mr.
- Mr. Grindle.
- Mr. Lambert.
- Mr. Read.
- Sir G. Fiddes.
- Mr. Steel-Maitland.
- Mr. Long.

2. I am to request you to

inform the Lords Commissioners of the Treasury that, when the letter from this Office of the 27th February was written, a material point in the practice adopted in the case of the S.S. "Falaba" was overlooked. Under the Warrant framed by the Treasury under Section 1 of the Superannuation Act, 1897, the grant of pension to a widow is confined to cases in which the service of the deceased

deceased at the date of injury was not less than five years. This limitation was ignored in the case of dependants of those who lost their lives on the "Falaba". Mr. Long considers that the "Falaba" precedent should be strictly followed, and he, therefore, now asks Their Lordships to agree that, in the circumstances contemplated, pensions may be given to widows irrespective of the length of service of their deceased husbands.

I am etc.,

deceased at the date of injury was not less than five years. This limitation was ignored in the case of dependants of those who lost their lives on the "Falaba". Mr. Long considers that the "Falaba" precedent should be strictly followed and he, therefore, now asks Their Lordships to agree that, in the circumstances contemplated, pensions may be given to widows irrespective of the length of service of their deceased husbands.

I am etc.,

Warrants regulating the Grant of Gratuities and Allowances under Section 1 of the Superannuation Act, 1887.

I.

WARRANT OF SEPTEMBER 1887.

In conformity with the provisions of the 1st section of the Superannuation Act, 1887, we, being two of the Lords Commissioners of Her Majesty's Treasury, do hereby direct that any award of a gratuity or annual allowance made under the said section shall be subject to the following conditions, viz.:

The award shall be calculated upon one or other of the following scales, which shall respectively apply to—

- I. Established officers of prisons or criminal lunatic asylums injured by the violence of a prisoner or lunatic; or established officers of a manufacturing department of the War Office or Admiralty, in which the duties are exceptionally dangerous.
- II. All civil servants not falling under the above description, and also all hired persons employed in a manufacturing department of the War Office or Admiralty in which the duties are exceptionally dangerous.
- III. All other hired persons employed in a public department.

SCALES I. AND II.

To the retired allowance for which the injured man would be qualified by length of service, shall be added an allowance not exceeding the under-mentioned portion of his salary and emoluments at the date of the injury, viz.:

When his capacity to contribute to his support is—

	Scale I.	Scale II.
Slightly impaired	Six sixtieths	Five sixtieths.
Impaired	Twelve sixtieths	Ten sixtieths.
Materially impaired	Eighteen sixtieths	Fifteen sixtieths.
Totally destroyed	Twenty-four sixtieths	Twenty sixtieths.

Provided that no award on Scale I. shall, together with any retired allowance for which the injured man would be qualified by length of service, exceed the amount of his salary and emoluments at the date of the injury, or 300*l.* a year, whichever is less; and that no award on Scale II. shall, together with any retired allowance for which he would be qualified by length of service, exceed fifty sixtieths of his salary and emoluments at the date of the injury, or 300*l.* a year, whichever is less.

SCALE III.

(a) A gratuity not exceeding the under-mentioned portion of the salary and emoluments of the injured man at the date of the injury, or 100*l.*, whichever is less, viz.:

When his capacity to contribute to his support is—

Slightly impaired	One third.
Impaired	Two thirds.
Materially impaired	The whole.

* See Warrant of 30th October, 1889, below.

9/v/1917.

Mr Strachey,
do not know whether you
deal with your officials
of the 1st mit (no. 15087/17)
awards of compensation to
dependants of officials of the
in Protectorates who may
their lives through hostile
while travelling from one to
but if not, perhaps you
please pass this letter
the proper quarter.
particular provision of
revenue Warrant referred

th the warrant in the
Alaba' cases.

to, viz. that providing that
grant of pension to a widow
should be confined to cases
where the service of the deceased
was not less than five years,
has been repealed by a
Warrant of 23 April 1801.
I enclose a print showing
the warrant and the amended
Warrants.

There does not then seem
have been anything more

It does not really then
necessary for us to
know your letter of the
May officials, and if
you agree, perhaps you
would let me know if
you agree.

Yours very truly

M. Pitt

Strachey Esq

36" May, 1917.

14

Dear Sir,

I am sorry that, owing to an oversight, you have not yet had a reply to the letter which you wrote to Mr. Strachey on the 9th of May. We are much obliged to you for calling our attention to the fact that the Treasury Warrant regulating the grant of gratuities and allowances under section 1 of the Superannuation Act, 1887, has been amended by the omission of the provision limiting the grant of pension to cases in which the service of the deceased at the date of the injury was less than five years. Of course we do not now require a reply to our official letter of the 1st of May.

Yours truly,

F. G. A. Butler

S. RT, ESQ.

Downing Street,

24 September, 1917.

Dear Ferard,

As arranged on Saturday, I enclose copies of correspondence with the Treasury about the treatment of dependants of submarined civil officials of the Colonies. we have invited the other Colonies to adopt the East and West African arrangement.

to Treas.
Feb.
21 Mar.

a. j. H