

EAST AFR. PROT

48733

48438

Brackstone  
VCH

1919

9 Aug

Last previous Paper:

For leave of pay, rent, compensation for prosecution, gratuity, bonus. Was pursued way inspector state case in full.

Mr Calder

We have no papers about Mr. Brackstone.

He has called several times and has talked

at great length (though clearly quietly) about his case. He will take some time merely to read through

the papers but I saw this one urgently on the point of pay only at the moment. Mr. Brackstone says he

came to England with £20, that this sum is all but exhausted & that he has nothing else. He says he has received

pay for June & no later. He is entitled to full

pay up to 13 Sept. - see the tenth paper in the first file of enclosure, viz. letter from Chief Accountant

of the Railway to Mackinnon Mackenzie & Co. He

produces the original letter & I find that the copy is

a true one. I think C.A. might give him an

advance of one month's pay at 325 rupees a month

30 1/2 enclosures consisting of 19 papers from the Chief Accountant of the Railway. 19 papers to be added to file. 19 papers to be added to file. 19 papers to be added to file.

next subsequent Paper.

B  
49446

and to arrange with Mackinnon Exchange by  
telegram as to the running pay as it falls due?  
(See the commission Sec. letter to C.A. of 17 July 1919  
File 11261 EA)

So instruct C.A. informing Mr. Proachstone  
recommends for reason of the case.

19/20 8 19

JAC  
20 8 19  
at home

Mr. Alder

Mr. Proachstone must have expended much  
labour on copying out these endowments. These read through  
They have left them in the order in which they were  
arranged.

Mr. Proachstone seems to have had an  
interview with the Governor on 16 April 1919, and in the  
lowest batch of endowments will be found a copy of  
a memo of that interview purporting to have been drawn  
up by the General Manager.

I told Mr. Proachstone that we might find  
it impossible to decide on his claims without proper  
reference to the Gov. He recognized this. We shall certainly  
have to refer to the Gov. I kept this in the hope that  
there might be a despatch by the recent mail, but  
there is not.

Mr. Proachstone's claims are clearly  
stated both in this letter and in the G.M.'s memo,  
but I do not think we are in a position to proceed  
upon them. The following remarks occur to me.

Leave. The Govt. after all granted him  
leave up to 13 Sept., with full pay. Mr. Proachstone

claim that he is entitled to return to a well, having  
his affairs before 1 April 1911. This would apply without  
question to an officer who was on the permanent establishment at the  
time. There is a precedent (File 3500 - H. Walker) for  
applying it also to an officer on agreement, but that was not  
a general ruling. It seems to me a matter resting on the  
recommendation of the Gov.

Passage to England This agreement clearly 188  
entitled him to a passage to Bombay only. I understand  
that he came to England for medical treatment but  
I don't think he is entitled to the passage.

Gratuity A Permanent Way Inspector is not  
on the permanent establishment and he is not entitled  
to a gratuity on retirement.

Of a day Neither S.R. nor Chay  
has a copy of the Secretariat circular No 54  
of 15 July 1918. I don't know what this  
claim refers to - possibly detention allowances.

#### Additional Recommendation

Under clause 8 of his agreement  
he could be called upon to do any reasonable  
duty. The circumstances (in the circulars) that  
the stated duty was unreasonable, he can hardly  
judge this.

#### Compensation for Prosecution

The Crown withdraws the case and the  
whole thing goes oddly because in the dark hours,  
and cannot form a sound judgment with the statement

before us.

Appointment I don't know what his claim is under this head, but, in the course of conversation it was clear that he wanted re-employment. As he is pronounced permanently unfit, this seems difficult.

It seems to me that we shall have to refer the letter & all the enclosure to the G.O. for his views & recommendation.

In the meantime however, the man is stranded, and gathered from him. I imagine he would have done better to stay in India & write to the up his case with the Post G.O. from there.

It will be possible to summarize in a telegram to the G.O. the main points of Mr. Proachstien's letter, and to ask for a full report by mail, and also for a recommendation by telegraph, in respect of any funds that might be due to him. We could refer to the G.O.'s memo of 17 April.

Ref 17.9.19

19<sup>th</sup> August 1919

To, The Right Honorable.  
The Under Secretary of State.  
Colonial Office.

Downing Street  
London

C O  
48433  
REC'D  
Aug 20 1919

As directed, I have the honor to refer before you as  
concisely as the facts will allow, the circumstances in respect of  
which I appeal to you, and upon which I am asking the grant of  
certain advantages, which I claim to be legally entitled to, by my  
contract and service.

The narrative of my facts is as follows:

I joined the Service of the Hyderabad Railway Administration  
as a Permanent Way Inspector, on an Over-Sea's Agreement  
for India in February 1911.

Up to 30<sup>th</sup> May 1919, I have received only one period of 173  
days' Return Vacation Leave to India, from the 21<sup>st</sup> November 1914  
to May 29<sup>th</sup> 1915.

Since the date of my return in May 1915, I completed a  
further period of 30 months, up to 29<sup>th</sup> November 1917, and there-  
upon had due to me, 163 days' Return Vacation Leave, Subject of  
course to the rights of the Railway, for which I was otherwise to  
draw my pay.

I duly applied for my leave for the completion of the 30 month  
period of 30 months in the year 1917, but the Railway were unable  
to grant me leave, on the ground that they had no one to take my place.

According to the Railway Regulations, seeing that I had  
kept in British East Africa for a further period of 27 months, and  
my leave fell due on the 29<sup>th</sup> November 1917, I have been en-  
titled to an additional 86 days' Return Vacation Leave, this  
means an aggregate due to me of 249 days' leave instead of  
163 days' Single Vacation Leave as stated in the Chief Account-  
ants letter No. E. 1. 574/189 of 10<sup>th</sup> June 1919, as to the approp-  
riation of the exceptional circumstances under which I have

have been invalidated. I would refer you to Code of Regulation No. 91, which entitles me to 249 days leave on full pay, and 124 days as stated by the Chief Accountant.

In the year 1916, my health became impaired, and grew gradually worse in 1917, and as I could not be spared to go on leave, I had to hold on the best way I could, which I did until April 1918, when my health entirely broke down.

On the 29<sup>th</sup> April 1918, I was put off duty by a medical man of the Chagadi Soda Company at Kayada and recommended for a transfer to Charoibi for further treatment, but I was kept on duty until the 11<sup>th</sup> May 1918, and was examined by the Government Medical Officer at Charoibi on the 13<sup>th</sup> May, 1918. I complain of this delay, more especially since Sikh African Coolies were ordered to be sent in specially by train, whereas I was detained as previously mentioned.

In connection with this undue detention for medical treatment, I have to strongly object to the remarks passed by the District Engineer Charoibi, in his letter No. 2308/2 of 7<sup>th</sup> May 1918, and also the remarks passed by the Chief Engineer Charoibi, in his letter No. 2686/23 of 9<sup>th</sup> May 1918, as since neither was in a position to judge on my case from a medical point of view, and as the Government Medical Officer at Charoibi did not on the 13<sup>th</sup> May 1918, when any prejudicial remarks were made by these officials conjointly beforehand? From this it is obvious that certain Government officials had a positive opinion against me, and the upshot of this, plus my continued ill-health, was the appointment of a Medical Board, the sequel being a formal prosecution launched against me by the Government. This is a plain illustration on the 6<sup>th</sup> page of 1918, under the "General Regulations" No. 7 Clauses 2 & 3 of 1917.

Prior to the institution of this prosecution, I had repeatedly applied to the Railway for a hospital, so that I could be at a place where medical aid was obtainable, with a view to continuing my services, until leave could be granted to

to receive out of British East Africa, but was refused.  
I was twice suspended by the District Magistrate and once  
suspended in duty by the General Manager Uganda Railway before the  
prosecution.

I was subjected to examination by three Medical Boards,  
on three different occasions; the first was held on the 5<sup>th</sup> June 1918, the  
report of which was a Criminal prosecution; the second on the 2<sup>nd</sup>  
September 1918, after Mr Solicitors and I had submitted a detailed  
report from, after an exhaustive examination by a private Doctor, to  
the Crown Counsel in good faith, but which resulted in my being  
admitted into Hospital for observation for a fortnight, but which con-  
tinued for 24 days, during which period a third Medical Board  
assembled on 18<sup>th</sup> October 1918, pronouncing me medically unfit for  
the service, discharging me from Hospital on the 24<sup>th</sup> October  
1918.

On the 24<sup>th</sup> October 1918, the Criminal Prosecution instituted  
by the Uganda Railway Administration was also withdrawn by the  
Crown Counsel in the Court at Nairobi, after frequent ad-  
journments and without any hearing at all of the case.

No Salary was paid me for 14 months, because I refused to  
accept illegal deductions therefrom, and my "war Bonus" was also  
withheld by the Railway Administration pending the Criminal  
Prosecution.

On account of the second Medical Board ordering me into  
Hospital for observation owing to this Criminal Prosecution, I  
had to pay Rupees 40/- for Hospital fees for which I hold a receipt  
for Rupees 50/- Conveyance charges, which I now reclaim.

On the 20<sup>th</sup> August 1918, and frequently during the period of the  
Criminal Prosecution, I applied for accommodation, but was  
refused same, I thereupon appealed to His Excellency the Governor  
B. E. A. at Nairobi, through my Solicitors, when at an inter-  
view with His Excellency the Governor on the 16<sup>th</sup> April 1919, he  
informed me that he had ordered it, in spite of this even I  
was refused accommodation or heat in lieu thereof, such



Such refusal infringed Clause 3 of my Agreement, I therefore had to pay the Sum of Rupees 75/- as house rent for one and a half months myself, and now reclaim this sum. I hold Stamped receipts.

During June 1918, two letters were addressed to the Secretary on my behalf, by my Solicitors, they were returned to my Solicitors with the remark that any communication which might desire to make should be sent direct by me, and not through my Solicitors. I therefore complain that the return of these letters caused delay, and raised an artificial barrier between a Public Servant taking ordinary legal advice and my Solicitors.

I was not only criminally Prosecuted, put to trial upon Medical testimony, and acquitted, after which the Criminal Prosecution was withdrawn, but also further prosecuted by being made to suffer the loss of a large portion of my leave allowances & passages, earned by virtue of Services rendered by me, and which I would have secured and enjoyed sooner or later, had I not been so scandalously treated; the Chief Enquirer also agreed to give me all privileges to which my Agreement entitled me, in his letter of the 20<sup>th</sup> October 1918, so I now ask for these privileges once again.

I also quote Code of Regulation No 290 and claim a gratuity thereunder for the full period of Services rendered from March 1911 up to the date of expiry of my leave, since I have lost my appointment through being medically acquitted, owing to the Criminal Prosecution.

I also put forward my claim to 10 shillings per day in addition to my wages, up to date of termination of leave, as per Secretariat Circular No 24 of 15<sup>th</sup> Feb 1918.

I object to the decision come to by the General Manager regarding my claim with regard to my claim for additional remuneration, owing my being ordered to work after the Mysore Soda Company's pipe



from mile 27 1/2 to mile 45 for a period of 8 months in addition to my own duties as Permanent way Inspector, Kapado, in charge from mile 26 to mile 90, in spite of my ill health, and with Secretariat Circular No 6 of 19<sup>th</sup> January 1914, and the fact that the paper in question belongs to a private company, and is that Company's main source of supply.

Although voluminous Correspondence has taken place on these matters, and although I was a genuine sufferer, and as such, subjected to persecution by Criminal Prosecution, suspension from duty, put to unnecessary heavy expenditure, refused house accommodation or rent, put to trial upon shoddy testimony and unaided, and further subjected to loss of privilege rights, caused by verdict of services rendered, and also to loss of appointment through such Criminal Prosecution which failed and was withdrawn by the Crown Counsel.

I now consider, I have every right to ask why I was prosecuted at all, when there was no reason whatsoever for it, as if the Ganga Railway Administration considered the Prosecution justifiable why was it not carried through by them? Had I been found guilty, I should have been a ruined man for life in consequence my case being made specially notorious with a wife and 4 children to support, as it is I have suffered considerably mentally, physically, and pecuniarily and reduced to almost straightened circumstances, through the severity of the Administration.

I would also ask how the Government want was allowed to prosecute another, without the sanction of the Secretary of State?

After perusal and consideration of my appeal and copies of all documents in support thereof, and facts as related by me and original documents shown you, at our personal interview recently, I hope you will concur with me that this case of mine has been a gross miscarriage of Justice throughout, and that I am entitled justly and fairly to a square deal now, after such degrading treatment, which I in no way merited, and therefore request that you will right me, and make

make good all the losses I have suffered in consequence, of  
 this case, in the way of leave, allowance, passages, and  
 appointment; that I be reimbursed for all expenses  
 in connection therewith, and that in addition I be  
 liberally compensated for the Criminal-Prosecution  
 which collapsed, and for which the Niagara Railway  
 Administration is responsible.

Requesting your very early attention, and  
 definite decision.

I have the honor to be,

Sir,

your most humble & obedient Servant,  
W. A. BRADSTREET.

(73 witnesses.)

B 188  
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195

Gentlemen

21st May 1919

I am to inform you that  
Mr. U. S. H. Brockstein, Permanent  
Inspector, Hyderabad, has arrived in  
this country from Bombay. A copy of  
a letter from the Chief Accountant to the  
Messrs. Mackinnon Mackenzie & Co. Karachi  
India, with the subject of this page, is  
enclosed. Mr. Brockstein states that  
he has not pay up to the end of June  
as to a later date. Last month  
advance of your issuing to him an  
advance of one month's pay at  
325 rupees a month, out of your  
arrangement with Messrs. Mackinnon  
Mackenzie & Co. by telegraph with regard  
to the remaining pay as it falls due.

20 8 19

20 8 19

friend

Send in portfolio  
(if available)  
(with receipt)

refs  
(overleaf)

This address is  
Shakespeare Hotel  
York Street  
Waterloo  
SE

B  
4838  
79

at Aug 1919

Sy

Bank

NY 11 Broadway

I am to, and the act of your letter  
of the 19th of Aug, and to inform you that  
the CP for the 1st have been notified to  
issue to you an amount of 1/2 pay at 325  
express a month, and to arrange with Messrs  
Kochman & Co. to be telegraphed  
with regard to the issue of the remainder  
of your pay as it falls due.

Aug 20 8 19

for falls 11

If your letter will be addressed

to you in due course.

2nd/5

B  
4835  
19

21st Aug 1919

London

Sir

Mr V. H. Brocklebank

I am to ask the act of your letter  
of the 19th of Aug, and to inform you that  
the C.A. part of it have been notified to  
me to give an advance of pay <sup>in month</sup> at 325  
pounds a month, to be arranged with Messrs  
Brocklebank & Co by telegraph  
with regard to the issue of the remainder  
of your pay as it falls due.

Aug 20 8 19

Mr Walker

I further letter will be addressed

to you in due course.

2nd/15