

Act. This will be added to his Kenya
 pensionable service :- Y. m. D.
 May 1, 1896 - Mar. 31, 1905 = 8-11-0
 clerical addition 80% = 4-5-15
 " " " " = 13-4-15

P. G. ~~attendant~~ X

Final Pension emoluments - £700 + value of
 quarters, which under Co. Pracher just
 after that time would be £70

It may seem from the cash
 F.O. that whether additional years in
 respect of 'proportion' gratification were
 attached to the office to which Sir R. Colton
 was appointed in 1896, and if so, how
 many. J. Hunter
 Jan 14/1933

John and
 my m/f

2. E. W. H. Mellan ³⁰ 26 Jan 33
 Encs. a copy of a letter to the Treasury & O. letter
 to Mr. Gye regarding the implementation of Mr. Tucker
 later. Expenses must as to course to be added enquire
 whether Rule 2 is to be applied.

With the help of the implementation
 form it has been possible to compile state-
 ments of Sir R. Colton's aggregate pensionable
 emoluments throughout. When we arrived
 calculation which shows that the Kenya Pension
 computed under the Ordinance, would be
 £222-14-2.

2A

Under the pre-Order rules, the pension
 (if P.G. addition be applied) would be

$\frac{13}{60}$ th of £970 = £210-3-11 3
 I gather from Mr. Mellan's letter that P.G.
 addition would not be borne entirely by Kenya,
 and that seems to be confirmed by para 3
 of the Rules of 1911

? Reply that the Kenya Pension
 computed under the Order would amount to
 £222-14-2 as against one, under the
 old rules, based on £900 + £70 for years
 of £210-3-4, and say that we shall be
 prepared to invade the front of Kenya Pension
 the higher one. J. Hunter Jan 30, 1933

I agree that he should be pensioned under the Order
 if it appears to be necessary, but it is better to
 J. Hunter
 30. 1. 33

See letter to Mr. Mellan
 attached. If we put my
 proposal to Kenya we shall
 have to make sure that they
 have not committed themselves
 to applying the Order. By sending
 him an invitation to elect
 for gratuity + reduced pension.

J. J. Cropper
 30.1.33

3 To E. W. H. Mellan (Trans) & O. (Banowd) 30 Jan 33

4 E-25-H. Miller 2/14 Feb 33

Reports make award on whole services calculated on the Subannation Acts scale under Rules 2 to 7 9 encls. calculation of award.

Will you deal with the
K. B. Miller
9/11

I can't help thinking that Sir H. Carter started off with a p.p. calculation and that under Rule 3 the whole year should be calculated in the total award. But it is not on his side. Mr. Miller's computation gives a Kenya pension of the annual value of $(£146.5 \times \frac{4}{25})$ £195 as compared with £2,214-2 under the Pension Order.

Agree but say that it will be necessary to consult Kenya.

J. Hunter
Feb 11 1933

Agree that for the same reason in your minute on this, we must consult Kenya.

J. Lloyd
13/2

C. J. P. Jones
13.2.33

(We must not overlook the implications at X) in No 4 on (Bryd)

J. B. Hunter
14/2

Yes: we must ask Kenya to agree. The trouble as to Q is that while we can authorize C.A. to issue a provisional amount the Treasury can't settle the pension until they know what the Kenya share is. We should ask Kenya to telegraph their decision & tell Mr. Miller we will

50 doing

11.0.72
14.2.33

I'm sure that Mr. Miller was wrong for a very early settlement of his pension. We will tel. Kenya.

revised
C. J. P. Jones
17/2/33

1/5 5 To Gov. Tel. No. 57 Cons - 17/2/33

6 Leonard Agnew Tel. No. 57 Cons - 17/2/33
Agree to publication Nos 7 & state no communication
DESTROYED UNDER STATUTE
was made to Sir H. Carter whose personal record cannot be traced

7 I thought you must take up with Kenya the computation attached to diff. but when (6) J. B. Hunter Tel. 2/3/33

8 G. M. Miller 5 all after C. J. P. Jones 1/3/33

7 To Comiller (Ag) (14 encl.) Cons. 110 3/3/33
see - its explanatory despatch forwarded
in 5 has been the receipt of the Special
Libert F. Brown J. B. Hunter
18 11/3/33

DESTROYED UNDER STATUTE

E.W.H. Miller of _____ 8 March 33

State quarters were not shown on F.O. information
for 9 mile official letter

9 of the office _____ 8 March

Enclose copy of letter to F.O. and send statement or
request instructions may be given for payment of portion
of Sir R. Oator's pension from Kenya funds

has not yet an
address for the R.C. from the
by telephone to Sir R. O.

now in the hands of CA to pay to Kenya
shown provisionally on the basis of a of
4 in 1898/31 Kenya are replaced
the provision to Kenya as proposed
is requiring the F.O. to take the necessary
steps to issue the pension

J.S. Pinner
15/3/33
11/3/33

10 To Sir R. Oator

28/3/33

11 to Sir R. Oator (re statement of 6/3)

12. Sir R. Oator. ... 23rd March, 33

Requests payment of pension in respect of his
service in E.A.F.

although CA will have taken each
no. 10 in which he was to pay
submit a draft

J.S. Pinner
1/4/33

13 To Sir R. Oator (12 and)

1/4/33

E.W.H. Miller to _____ 5 March 33

DESTROYED UNDER STATUTE

State quarters were not shown on F.O. information from 7000. official letter

9. ¹⁰⁰⁰ ~~1000~~ ¹⁰⁰⁰ ~~1000~~ _____ 5 March 33

Enclo copy of letter to F.O. enclosed statement & requisition instructions may be given for payment of portion of Sir R. Lator's pension from Kenya funds

now in a book CA to pay the Kenya
shown provisionally on the basis of X of

4 - 18/28/32 Kenya and replace
the provision to Kenya as promised D
is requiring him to take the necessary steps to [arrange] the pension

J.S. Rossiter

15/3/33
11.05

10. To G.A. _____ 28/3/33

11. To Govt (8) (re statement of G.A.) _____ 28/3/33

12. Sir R. Lator. ... 23rd March, 33.

Requests payment of pension in respect of his services in R.A.F.

although CA will have taken a check
on 10. it might be well to refer
to submit a draft.

J.S. Rossiter
10/4/33

13. To Sir R. Lator (12 and)

C O

- Mr. Priestman /4
- Mr. *Klode* /4
- Mr. Parkinson
- Mr. Tomlinson
- Sir C. Battersley
- Sir J. Shuckburgh
- Permit U.S. of S.
- Permit U.S. of S.
- Secretary of State

4 April 1935



Sir,

DRAFT

SIR R. B. P. OATOR

I am etc. to acknowledge the receipt of your letter of the 23rd of March on the subject of the payment to you of ^{the gratuity fund} that portion of your pension payable from Kenya funds.

2. I am to say that the Government of Kenya has been requested to take the necessary steps to vote the pension awarded to you in respect of your service in the East African Protectorate and that, pending the formal award by that Government, the Crown Agents for the Colonies have been authorised to pay to you from Kenya funds a gratuity of £447.13.1d, and to

issue to you pension at the rate
of £157.12.6d. a year with effect
from the 1st of November, 1932,
inclusive.

I am etc.

(Signed) J. E. W. FLOOD

13

(12)

16

RECEIVED
31 March 1935
COLONIAL OFFICE

23 March 1935

Sir,

I have received a communication from the General Office of 15.3.35 (No. K 3128/1371/215) informing me that H. M. Treasury has made me the following award with effect from November 1st last:

Pension £ 339 7 6 per ann.
Additional (disability) Allowance £ 10 39 15 10 1 as an in-reside award covering my services both in the East Africa Protectorate and under the Foreign Office.

The letter adds: "The portion payable from Imperial Funds is £ 20 15 0 per ann. pension, and £ 592 2 9 additional allowance, for which I am to apply to H. M. Paymaster."

For the payment of the balances you should apply to the Under Sec^y of State Colonial Office.

I have the honour, in consequence, to request payment by the Colonial Office of (1) the balance of my pension namely £ 157 12 6 and (2) of my additional allowance namely £ 467 13 1.

I have the honour to be

Sir
Your most obedient servant

The Under Sec^y of State
The Colonial Office
Drawing Sheet

A. P. O. Cator
(Judge of the E. Africa Protectorate)
1895 - 1905

C.O.

3035/33 Kenya.

11/3 7

- Mr. [unclear]
- Mr. [unclear]
- Mr. [unclear]
- Mr. Parkinson
- Mr. Tomlinson
- Sir G. Holtzman
- Sir J. Chubb
- Frank W. Scott
- Party U.S. of S.
- Secretary of State

27/9/33
24/3

Mr. Keenan

28 March, 1933.

Sir,

I have etc. to refer to my telegram No. 57 of the 17th of February regarding the award of a pension to ~~Sir R. Cator~~ Sir Ralph Cator in respect of his service as a Judicial Officer in the East Africa Protectorate from 1896 to 1905.

As explained in that telegram, since Sir R. Cator's service under the Egyptian Government has not been declared public service for the purposes of the Kenya Pensions Ordinance, that Ordinance does not apply to his case, but as he has been awarded a pension in respect of his Imperial service prior to his transfer to the Egyptian Government Service, he has a clear claim to pension in respect

DRAFT

(6)

2 days

of his service in Kenya. I have

agreed, therefore, that in the

circumstances his Kenya pension

should be computed under Rule 3

under the Imperial Superannuation

Act, 1892.

3. According to the information

available in the Colonial Office,

the actual period of Sir R. Cator's

service in Kenya was 8 years 335 days

to this has been added a climate

addition of 4 years 167 days, making

a total of 12 years 137 days pensionable

service. On this service he has been

awarded a pension at the rate of £157

12.6 a year, and a gratuity of £447.13.1.

As shown by the enclosed calculation, the annual value of the

award would be £232.14.2, which exceeds

the amount available under the apportioning system

in accordance with the Kenya Pensions Ordinance.

I have to request that the

necessary steps may be taken to vote

these awards to Sir R. Cator.

I have, etc.

(Sgd) P. CUNLIFFE-LISTER

C. O.

3036/33 Kenya.

Mr.

Mr.

Mr.

Mr.

Mr. Parkinson

Mr. Tomlinson

Mr. C. Botchley

Sir J. Shackleton

Permt. U.S. of S.

Permt. U.S. of S.

Secretary of State

Secretary of State

Secretary of State

Secretary of State

Secretary of State

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Secretary of State

Secretary of State

28 March, 1933.

I am etc. to inform you

that Sir Ralph Bertie Peter Cator,

late Egyptian Government Service,

and formerly a Judicial Officer in

Kenya, has been awarded provisionally

a gratuity of £447.13.1 and a pension

at the rate of £157.12.6 a year in

respect of his service in Kenya.

Pending a formal award

by the Government of Kenya, the

Secretary of State approves your

paying to Sir Ralph Cator, from

Kenya funds, the amount of the

gratuity, and leaving pension to

him at the above rate with effect

from the 1st of November, 1932 incl.

Sir Ralph Cator's address is

Bulkeley, Alexandria, Egypt.

(Signed) J. E. W. FLOOD

DRAFT

D

the Crown Agents

for the Colonies.

34/33

X. 5/5/33
for F.O. 47
W. J. P.

Any reply to this letter should be addressed to
The ASSISTANT SECRETARY,
SUPERANNUATION DIVISION,
TREASURY,
WHITEHALL, LONDON, E.C. 4,
and the following number codes.



TREASURY CHAMBERS

8th March, 1933.

P 2/10562.

RECEIVED
9-MAR-1933
COL. OFFICE

Sir,

Not

With reference to semi-official correspondence ending with Mr. Jeffries' letter of the 3rd instant (3035/33) I am directed by the Lords' Commissioners of His Majesty's Treasury to transmit herewith for the information of Secretary Sir Philip Cunliffe-Lister copy of a letter (with enclosed statement) which they have caused to be addressed this day to the Foreign Office relative to the award of superannuation to Sir Ralph Bartle Peter Gator, formerly Judicial Officer in the East Africa Protectorate and Judge of the Supreme Court, Constantinople, on his retirement from approved employment under the Egyptian Government.

I am to request that instructions may be given for the payment to Sir Ralph Gator of the portion of his pension payable from Kenya Funds.

I am, Sir,
Your obedient Servant,

The Under Secretary of State,
Colonial Office.

James Rae

S. H. 102

8 Mar 1933

March, 1933.

P.

S/10862.

Sir,

I have laid before the Lords Commissioners of His Majesty's Treasury Mr. Uya's letter of the 13th January last (S 11983/10349/116) submitting an application for the award of superannuation to Sir Ralph Bertie Peter Cator, formerly Judicial Officer in the East Africa Protectorate and Judge of the Supreme Court, Constantinople, on his retirement from approved employment under the Egyptian Government.

In Reply I am to request you to inform Secretary Sir John Simon that My Lords are pleased to make the following award to Sir Ralph Cator calculated under Nos. 8 to 7 of the Rules made by the Treasury on 11th July 1921 under the Superannuation Act, 1909 and Section 7(1) of the Superannuation Act, 1909, with effect from 1st November 1932 inclusive, viz -

559. 7. 6.

Venue

Three hundred and fifty nine pounds seven shillings and sixpence per annum.

The Under Secretary of State,
Foreign Office.

Additional

8 MAR 1933

March, 1933.

E/10862.

Sir,

I have laid before the Lords Commissioners of His Majesty's Treasury Mr. Gye's letter of the 13th January last (K 11963/10349/218) submitting an application for the award of superannuation to Sir Ralph Bertie Peter Gator, formerly Judicial Officer in the East African Protectorate and Judge of the Supreme Court, Constantinople, on his retirement from approved employment under the Egyptian Government.

In reply I am to request you to inform Secretary Sir John Simon that His Lords are pleased to make the following award to Sir Ralph Gator calculated under Hou. 8 to 7 of the Rules made by the Treasury on 21st July 1911 under the Superannuation Act, 1893 and Section 7(1) of the Superannuation Act, 1909, with effect from 1st November 1932 inclusive, viz -

359. 7. 6.

Pension

Three hundred and fifty nine pounds seven shillings and sixpence per annum.

The Under Secretary of State,
Foreign Office.

Additional

11

Additional Allowance One thousand and thirty £1039. 25. 10
nine pounds fifteen shillings
and tenpence

which will be apportioned as follows

Payable from the Superannuation Vote.

Pension Two hundred and one pounds £201. 15. 0
fifteen shillings

Additional Allowance Five hundred and ninety two £592. 2. 9
pounds two shillings and
ninepence.

Payable from Kenya Fund.

Pension One hundred and fifty seven £157. 12. 6
pounds twelve shillings and
sixpence.

Additional Allowance Four hundred and forty seven £447. 13. 1
pounds thirteen shillings and
one penny.

A statement explaining this calculation is
enclosed herewith.

As Sir Ralph Cator's previous reckonable service
exceeds the professional addition of 10 years attached to
the post of Judge of the Supreme Court at Constantinople,
the award has been calculated upon his total reckonable
service without such addition.

I am to request that he may be instructed to apply

on the enclosed form to the Paymaster General for
payment of the Imperial portion of his pension and to
the Colonial Office for payment of the Local portion.

Yours,

Sir,

Your obedient servant,

JAMES RAE.

Servant.

E. Africa 1 May 1895 - 31 Mar. 1905

Yrs. Days.
8 320

Ass climate addition 1

1 167

13 137

Constantinople 1 Apl. 1905 - 24 Nov. 1918

11 888

25

Port's award.

Position 80 of £150

£89. 7. 6.

Additional Allowance 25 of 40.

£109. 15. 10.

Port's award.

Position 80 of £40.

£157. 12. 0.

Additional Allowance 25 of 40.

£44. 13. 1.

Imperial Share.

Position £801. 15. 0.

Additional Allowance £598. 2. 9.

3035/314

Handwritten initials

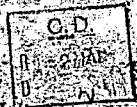
C. O.

- Mr. Lloyd 1/3
- Mr. Jeffers 1/3
- Mr. [unclear]
- Mr. Parkinson
- Mr. Tomlinson
- Sir C. Bottomley
- Sir T. Shackleton
- Parliament U.S. of S.
- Party U.S. of S.
- Secretary of State.

f

2620

Answered by No 4



Dear Mr. [unclear]

As I explained in the
 telephone we felt that we
 must consult Kenya
 before agreeing to the
 proposal in your letter
 of 10/2/33 of the 4th of
 January, but that 2 persons
 should be assigned to
 be Ralph Carter from Inspector
 Kenya's point
 he did this by telephone
 and have now received the
 Gov's assurance in the
 proposal. Will you now

DRAFT

W. H. Miller Esq

note to us officially, as that has just

proposed ~~across~~ an award in the

whole amount calculated in the

experiment. Also note with

rules 2 to 7 also following the

Keizer share. As regard the

calculation enclosed with you letter

we think that the value of dollars

(at 70) should be put into account

interpreting the Keizer share. Also

value has increased to 80

amount of \$157.12.6 and when an

additional amount of \$407.13-1

Yours sincerely

(Signed) C. J. JEFFRIES.

Pension of Sir R. Cairns

15
A

Under old Regulations
 May 1, 1896 - March 31, 1905 - 8 - 11 - 0
 Act for service - 4 - 5 - 15
13 - 4 - 15

Final pensionable contribution
 $£ 900 + £ 70 \text{ (value of gratuity)} = £ 970$

Under the proposed superannuation Act the award would consist of a pension at the rate of $\frac{1}{80}$ of final pensionable contribution for each completed year, together with a gratuity of $\frac{1}{30}$ of final pensionable contribution for each completed year. The gratuity has increased in the case of officers being served from 1/20 to $\frac{1}{25}$ of such service. As Sir R. Cairns served from 1st May, 1896 to 30th September 1909, up to the date of his leaving the service, with alternative addition, 1/25 per cent. the percentage in his case would be $6\frac{1}{2}$

Statement £ 507 (11)

Accordingly the award would be as follows -
 Pension $\frac{13}{80}$ ths of £ 970 = £ 157 - 0 - 6
 Gratuity $\frac{13}{30}$ ths of $+ 6\frac{1}{2}$ % of £ 970 = £ 447 - 13 - 1

Person of Sir R. Caton

5
6A

under old Regulations
 May 1, 1896 - March 31, 1905 - 8 - 11 - 0
 All for service - - - - - 4 - 5 - 15
 13 - 16 - 15

Final pensionable emoluments - £900 + £70 (value of quarters) = £970

Under the Imperial Superannuation Act the award would consist of a pension at the rate of $\frac{1}{80}$ th of final pensionable emoluments for each completed year, together with a gratuity of $\frac{1}{36}$ th of final pensionable emoluments for each completed year, the gratuity being increased in the case of officers during service from 1st September, 1909, by $\frac{1}{2}$ per cent each year of such service. As Sir R. Caton's service from 1st May, 1896 to 1st September, 1909, is less than the date of his leaving, such a provision does not apply, but with alternative addition, for 13 years, the percentage in his case would be 6 $\frac{1}{2}$

Statement £ 300 (11)

Accordingly the award would be as follows -

Pension $\frac{13}{80}$ ths of £970 = £157-0-6
 Gratuity $\frac{13}{36}$ ths + 6 $\frac{1}{2}$ % of £970 = £467-13-1

3035/33

5 To

C.O.

Jeffries 17/2/33

Kenya

Answered by Note No 57

Coded & Sent 7.0 PM 17.2.33

18 FEB 1933

- Mr. Parkinson
- Mr. Tomlinson
- Sir G. Boddley
- Sir J. Shackburgh
- Parliamentary Secy
- Geny. U.S. of S.
- Secretary of State

Sir Ralph Cator Judge

East Africa Protectorate

1896 to 1905 was transferred to Imperial Service and in 1916

transferred to Egyptian service from which he recently retired O. Service

Egyptian service has not been declared public service for purpose

of pension ordinance that ordinance does not apply

to him but as he is being awarded pension

for Imperial Service he has clear claim to

pension from Kenya O

I propose in the circumstances that Kenya pension should be computed

DRAFT. Tel. code

Governer Nairobi

in accordance with Sub-committee
Acts and authorized by
special vote. @ Amount would
be ~~under \$100,000~~
~~under \$100,000~~ @ but is
less than award under
scheduling system. @

Telegraph as soon as possible
to procedure proposed
whether you agree and
whether any communication
has been made to person
named implying that he
would be pensioned under

Ordinance e.g. ^{was} ~~has~~ be
sent invitation
~~been invited~~ to opt for
gratuity and reduce pension?
Explanatory despatch will follow
in due course
Secer.

in accordance with Superannuation
Acts and authority by
special vote @ Amount would
be reduced from £159,126
to £149,921 @ but is
less than award under
scheduling system @

Telegraph as soon as possible
to procedure proposed
whether you agree and
whether any communication
has been made to person
named implying that he
would be pensioned under
Ordinance e.g. ^{was} ~~has~~ he
sent invitation ~~has~~ invited to opt for
gratuity and reduce pension?
Explanatory despatch will follow
in due course
Secy.



RECEIVED
6-FEB-1933
COLL. OFFICE

4-17

TREASURY CHAMBERS
WHITEHALL, S.W.1

4th February, 1933.

In reply, please quote Regd. No.

P.2/10562-D

Dear Jeffries,

Many thanks for your letter of 30th ultimo as to Sir R. Cator.

No 3

Amid (7)

I had overlooked the point about the public service. If, as I take it, the Secretary of State has not declared Egypt to be such, I see no reason why he should go out of his way to do it now, and I think we should make a Rule 2 award.

I understand you concur. Accordingly, I am writing again semi-officially to Gye telling him that we propose to do so and that unless the information is readily available he need not pursue the question of what was said to Cator in 1905.

We should then, I think, write to you officially saying that we understand that service in Egypt is not public service within the meaning of the

C. J. Jeffries, Esq., O.B.E.,
Colonial Office.

Kenya

Kenya Ordinance.

In these circumstances we propose, subject to your concurrence, to make an award on the whole service calculated on the Superannuation Act's scale under Rules 2 to 7, of which the Kenya share will be so much.

(I enclose calculation of the proposed award.)

Do you agree? I hope it will not be necessary for you to consult Kenya first, since the whole implication of the Superannuation Act, 1892 is that you control their revenue and expenditure.

Yours sincerely,

E. H. ...

1916

Service.

	Yrs.	Days
E. Africa. 1 May 1896 - 31 Mar. 1905.	8	335
Add <u>Kenya</u> addition:	4	167
	13	502
Foreign Office 1 Apr. 1905 - 14 Nov. 1916	11	226
	24	728

Total award.

Pension	2% of £1150	£23. 7. 6.
Additional Allowance	25 + 1/2% of do.	£28. 15. 10.

8 1/2

Less Kenya Share.

Pension	1% of £900	£18. 5. 0.
Additional Allowance	13 + 1/2% of do.	£24. 7. 0.

6 1/2

Imperial Share.

Pension	£213. 8. 6.
Additional Allowance	£58. 8. 10.

3 19
3
2
DOWNING STREET,

To
January 27, 1933.

Dear Hillier,

I have looked into the question raised in your letter No. P.2/10582 of the 26th of January, regarding the case of Sir R. Cator. I note that if he were to be awarded pension under the Kenya Ordinance this would in your view imply an Imperial award under L.10 9, and that on a strict construction of the Rules this would involve granting him a professional addition of ten years to his Imperial Service. I agree that this does not seem reasonable in view of the fact that Sir R. Cator had thirteen years reckonable East African service before he was appointed to the Judgeship at Constantinople.

The first point that occurs to me is that it seems open to doubt whether his services under the Egyptian Government, though recognised or approved employment for your purposes, constitutes public service for the purpose of the Kenya Ordinance unless it is declared to be so by the Secretary of State; and whether

B. W. H. HILLIER, Esq.

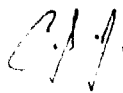
11

if it is necessary or desirable for it to be so declared.

If the Egyptian service is not public service within the meaning of the Ordinance, the Ordinance does not apply, and we are free to consider on the merits of the case what Kenya is called upon to do to carry out its obligations in respect of his service there. In that event we should be quite willing to propose that the Kenya share of a Rule 2 pension should be specially voted, and I have no reason to anticipate that any difficulty would occur over this.

I should be grateful if you would let us know what you think of this suggestion. If, alternatively, we take the line that the Ordinance applies to the present case, then I think that we are bound to give Sir R. Cator the most favourable terms possible so far as Kenya is concerned. I enclose a calculation which shows that under the Ordinance the pension would be £222-14s.8d., which is more favourable than a Rule 2 award on the assumption that no right to professional addition exists in respect of the Kenya appointment.

Yours sincerely,



(1) Aggregate Pensionable Emoluments.

Kenya

		£	s	d
<u>Salary</u>				
May 1, 1896 - July 15, 1897 (600)		720	19	4
July 15, 1897 - Mar 31, 1901 (700)		2600	10	9
Apr 1, 1901 - Mar 31, 1902 (800)		800	0	0
Apr 1, 1902 - Mar 31, 1905 (900)		2700	0	0
		<u>6821</u>	<u>10</u>	<u>1</u>
<u>Overseas</u>				
May 1, 1896 - July 15, 1897 (100)		108	2	11
July 15, 1897 - Mar 31, 1901 (105)		390	1	7
Apr 1, 1901 - Mar 31, 1902 (120)		120	0	0
Apr 1, 1902 - Mar 31, 1903 (135)		405	0	0
		<u>1023</u>	<u>3</u>	<u>8</u>
		<u>7844</u>	<u>14</u>	<u>7</u>

England

<u>Salary</u>				
Apr 1, 1905 - Mar 14, 1916 (1000)		11622	4	5
<u>House allowance</u>				
Apr 1, 1908 - Mar 14, 1916 (150)		1275	6	8
		<u>12915</u>	<u>11</u>	<u>1</u>

(2) Kenya Pension

<u>Scheduled service</u>				
May 1, 1896 - Mar 14, 1916		20	6	10
Final pensionable emoluments		= £ 1150		
Hypothetical pension		= $\frac{246}{480}$ th of £ 1150		
		= £ 589.7.6		
Arrear		£ 589.7.6	x $\frac{£ 7844.14.7}{£ 20760.5.6}$	
		= <u>£ 222.14.2</u>		

Whitehall
Telephone No.: ~~XXXXXX~~ 1234.



26 22
TREASURY CHAMBERS,
WHITEHALL, S.W. 1.

26th January, 1933.

In reply
Please quote Regd. No.

P.2/1056E.

Dear Jeffries,

Herewith copy of official letter from Foreign Office of 12th instant (with enclosed superannuation form for return) and copy of my semi-official letter to Gye of even date as to the superannuation of ^{Mr. Justice} Judge Gator.

On merits it seems to me that the proper course would be to adopt course (1), i.e. a rule 2 award.

If we did, I think that the effect of Rules 6 (a) and 6 (b) would be to displace the normal Kenya scale and substitute that of the Superannuation Acts, i.e. an award (including climate addition) of $\frac{13}{80}$ ths plus $\frac{13}{80}$ ths of £900.

(Kenya would normally, I believe, award on some salary intermediate between £900 and £1150).

But as, quite apart from our professional addition, such an award in respect of the Kenya service

would be less favourable than a separate award under

their

C. J. Jeffries, Esq., ^{of} C.
Colonial Office.

their Pensions Ordinance, I am not at all sure, even if there was an undertaking in 1905 to apply Rule 2, that Kenya can give him anything less favourable than their own normal terms, having regard to the terms of Section 20 of the Ordinance.

If not and if they make a separate award under their Ordinance, we have no occasion to resort to the Superannuation Act, 1892 and seem bound to give him his full professional addition of 10 years.

(As for the purposes of a Rule 2 award, his reckonable service exceeds 10 years, I think we must rule, as we have already done in at least one case, that he has no claim to any addition, "years" in Rule 4 being interpreted as "reckonable years").

In these circumstances I do not think we can make a final award until we have your views as to whether or not Rule 2 is to be applied.

(So far as I can trace, we have not made any Rule 2 award in respect of mixed Imperial and East African service since 1927, when the new Pensions Ordinance

Ordinance came into force).

I gather from Foreign Office letter that you will not be able to give us your views until you have consulted Kenya.

If this is so, will you let me know at once, so that we can make a provisional award meanwhile, as suggested in my letter to Gya.

Yours sincerely,

Ordinance

S. W. 1.

K.11968/10349/216.

12th January, 1933.

Sir,

I am directed by Secretary Sir John Simon to transmit to you herewith, to be laid before the Lords Commissioners of His Majesty's Treasury, the accompanying application for a superannuation allowance for Sir R. B. P. Gator, who retired from his post at the Egyptian Mixed Court of Appeal on 31st October, 1932, and to request that Their Lordships may be moved to sanction the award to him of the highest rate of pension for which his services render him eligible.

2. Their Lordships will observe that Sir Ralph Gator's service with the Egyptian Mixed Court of Appeal was recognised as approved employment within the meaning of Section 4 of the Superannuation Act, 1914 by Treasury Letter 26279/16 of 12th October, 1916.

3. It is understood that when Their Lordships have determined the rate of pension and apportioned its incidence the question of the contribution by the Government of Kenya in respect of Sir Ralph's service in the East Africa Protectorate will be taken up by the Colonial Office.

4. As some delay has occurred in completing the information given in the enclosed application form, I am to request the favour of an early reply to this letter.

I am,
Sir,
Your obedient Servant,

(Sgd.) E. F. GYE.

The Secretary.
to the Treasury.

P.2/10552.

28th January, 1933.

Dear Gyo

Foreign Office letter of 12th instant (K.11963/10349/216) as to the superannuation of Judge ^{Mr. Justice} Cater, on which, the case having been delayed at your end, you ask us for a speedy reply.

Unfortunately this case raises most troublesome questions which cannot be disposed of until we know what Colonial Office propose as regards the Kenya service.

There are two alternatives, of which you appear to contemplate the former

- (1) A continuous service pension calculated under Nos. 2 to 7 of the Rules of 1911 under the Superannuation Act, 1898 and apportioned between Imperial and Kenya funds
- (2) Two separate awards by each of us on the lines of Rule 9, though in fact neither of us need invoke

that

R.F. Gyo, Esq., C.M.G.,
Foreign Office.

that rule.

③ Under (1) as the reasonable East African service (13 years allowing for climate addition) exceeds the professional addition of 10 years attached to the Constantinople Judgeship, such addition will not be given.

Under (2) we should have to give it on top of the Kenya pension, though this seems quite unreasonable.

I am writing to Colonial Office to ask which they consider the proper course and if, as would appear, they cannot decide without consulting Kenya, I think the only thing to do is to make a provisional award calculated on Judge Cator's actual Imperial service of 11 years without addition, which will be finally replaced by either (1) or (2), when the question is settled.

I am asking them for an immediate reply.

Meanwhile, though this is not necessarily decisive owing to the new position created by the enactment of East African Pension Ordinances in 1927,

could

could you let me know whether your records show any
arrangement made with Judge Oator in 1905, when he
was transferred to you, as to how he was to be treated
for pension?

Yours sincerely,

(Eg) C. W. H. Miller
m H

APPLICATION FOR SUPERANNUATION OR OTHER RETIRING ALLOWANCE. 28

PARTICULARS required to be furnished in reference to Persons recommended for Superannuation or Compensation Allowances, or Gratitudes on retirement.

1. Name of Applicant (in full) Sir Ralph Bertie Peter Cator, Kt.
 2. Rank and Office Judge of H.M. Supreme Court for the Dominions of the Sublime Ottoman Porte.
 3. Recommended for Superannuation under the Act of 1909.
 4. Age and date of birth 21st November 1864
(Under East Africa Protectorate, 6 years 11 months)
 5. Service in Years and Months Under the Foreign Office 21 years 7 months 14 days
(including 10 years for professional qualification under the Warrant of Section 4 of the Superannuation Act, 1869)
 6. Salary or Wages (actual) £ 1,000
 7. Emoluments House Rent allowance, Constantinople 150
- Total amount of Salary or Wages and Emoluments on which Superannuation is claimed £ 1,150
8. Actual Bonus at date of retirement None. Other emoluments shown in Paragraph 14
- (LEAVE THIS SPACE BLANK.)

9. Whether the Salary and Emoluments (so far as received in money) have throughout the whole period of Service been paid out of Moneys provided by Parliament. Yes, from April 1st, 1908 to November 14th, 1910.
10. Date and reference number of Treasury letter authorizing the application for permission to adopt the provisions of the Superannuation Act, 1909. N. 5339-5289, December 28th, 1909
2,538-2.
11. Cause of Retirement (with annexed Medical Certificate, if from infirmity of mind or body, and under 60). The signature of the Medical Certificate must be sufficient to enable the name to be identified in the Medical Register. Age, on retirement from service under the Government of Egypt.
12. Give date of the Civil Service Certificate, or state the ground on which exemption is claimed. Appointed by Royal Warrant.
13. Whether the duties of the several Offices or situations held since the applicant entered the Civil Service have been such as to require that the holder should give his whole time to the Public Service. Yes.

14. Here state the description of Allowances for which the applicant is recommended, viz. Superannuation, Compensation, Gratuity, and in the case of a male Civil Servant appointed before the 20th September, 1900, state whether the claim is under the Superannuation Act, 1819, or under the Superannuation Act, 1909. In the case of persons claiming under the 4th Clause of the Act of 1909, the fact should be stated, and reference should be made to the Warrant or Order under which the claim is made.

15. If the Service has been interrupted by one or more breaks the word "broken" should be added after the number of years and months. The causes, dates, and circumstances of the break or breaks should be stated on the second page of the form under heading 14.

16. If the person retiring has been in receipt of the same salary, or in the class from which he retires, for three years immediately before the date of his retirement, the actual annual rate of salary or wages at that date should be inserted, preceded by the word "actual." In other cases the average annual amount of salary or wages for the three years next preceding the date of retirement should be inserted, preceded by the word "average," but if the whole period of service is less than three years, then the average for the whole period of service should be inserted.

17. A separate statement should be inserted of the average annual value for the last three years of each emolument (exclusive of salary or wages) which is claimed to be included in the calculation of the pension or gratuity.

18. For use in cases where the claim is under section 8 of the Superannuation Act, 1909.

14. Date of Commencement and Termination of the several Appointments held by the Applicant, with their Emoluments, distinguishing Salary from other Allowances and Specifying such Allowances. (See note 2 on page 1.) When Superannuation is claimed on average, a statement should be appended showing actual salary and actual bonus at date of retirement.

(1) In East Africa Protectorate:-

Judicial Officer and Legal Vice Consul May 1, 1896, to July 13, 1897	£ 600
Judicial Officer (subsequently Judge) July 14, 1897 to March 31, 1905	700
(Salary increased April 1, 1901 to	800
(Salary increased April 1, 1903 to	900

(2) Under the Foreign Office:-

Judge of Supreme Court, Constantinople April 1, 1905, to November 14, 1916	1,000
House allowance, Constantinople, from April 1, 1908	150
Local allowance, Constantinople, from April 1, 1913	100

Also Judge of His Majesty's Prize Court, Alexandria, October, 1914 and of the Supreme Consular Court for Egypt from February, 1915, with, in addition to the above emoluments, rent allowance at Alexandria (paid from Vote of Credit) 100

(3) Under the Egyptian Government:-

15. Date of commencement and termination of any Naval, Military or Air Force service rendered since beginning of Civil Service. **None.**

16. Whether holding any other Public Appointment, or receiving or claiming to receive any Public Money, by Compensation, Half Pay, Retired Pay, or otherwise.

17. If any kind of pension or other allowance has been computed under the Pensions Commutation Acts, 1869 and 1871, the annual amount of Pension or Allowance so commuted and the date of Commutation should be inserted.

18. Absences during each of the last five years

19. Date of cessation of Duty under the F.O. November 14, 1916

20. Date up to and including which Salary has been or will be paid by the F.O. November 14, 1916

YEAR	NO. OF WORKING DAYS		
	Ordinary Leave	Sickness	Other
1916	/		
1915			
1914			
1913			
1912			

21. Statement of the manner in which the applicant has discharged his duties. (See sec viii of the Superannuation Act of 1859.)

Sir Ralph Cator performed his duties with zeal and fidelity to the satisfaction of the Secretary of State.

John M. [Signature]

1590

In any further communication on this subject, please quote

No. K 11963/10349/216.

and address not to any person by name.

but to "The Under-Secretary of State," Foreign Office, London, S.W.1.

RECEIVED
13 JAN 1933
COL. OFFICE

FOREIGN OFFICE.

S.W.1.

12th January, 1933.

Sir,

No 2

With reference to Colonial Office letter No. 18298/32 of the 13th October, 1932, I am directed by Secretary Sir John Simon to transmit herewith a copy of a letter which has been addressed to His Majesty's Treasury in connexion with the application for a super-annuation allowance for Sir R. B. P. Cator in respect of his services under this department.

2. The particulars of Sir R. Cator's services in the East Africa Protectorate, in respect of which it is understood the Government of Kenya will be invited to award their due contribution, are as follows:-

	per year
Judicial Officer and Legal Vice-Consul May 1st, 1896 to July 13th, 1897	2600
Judicial Officer (subsequently Judge) July 14th, 1897 to March 31st, 1905	700
(Salary increased April 1st, 1901, to	800
(Salary increased April 1st, 1902, to	900

I am,

Sir,

Your obedient Servant,

Ernest Dyer

The Under-Secretary of State,
Colonial Office.

S.W.1.

12th January, 1933.

Sir,

I am directed by Secretary Sir John Simon to transmit to you herewith, to be laid before the Lords Commissioners of His Majesty's Treasury, the accompanying application for a superannuation allowance for Sir R. B. R. Cator, who retired from his post at the Egyptian Mixed Court of Appeal on 31st October, 1932, and to request that Their Lordships may be moved to sanction the award to him of the highest rate of pension for which his services render him eligible.

2. Their Lordships will observe that Sir Ralph Cator's service with the Egyptian Mixed Court of Appeal was recognised as "proved employment within the meaning of Section 4 of the Superannuation Act, 1914 by Treasury Letter 20079/16 of 12th October, 1916.

3. It is understood that when Their Lordships have determined the rate of pension and apportioned its incidence the question of the contribution by the Government of Kenya in respect of Sir Ralph's service in the East Africa Protectorate will be taken up by the Colonial Office.

4. As some delay has occurred in completing the information given in the enclosed application form, I am to request the favour of an early reply to this letter.

I am,

Sir,

Your obedient Servant,

S.W.1.

19th January, 1933.

SIR,

I am directed by Secretary Sir John Simon to transmit to you herewith, to be laid before the Lords Commissioners of His Majesty's Treasury, the accompanying application for a superannuation allowance for Sir R. B. P. Cator, who retired from his post at the Egyptian Mixed Court of Appeal on 31st October, 1932, and to request that Their Lordships may be moved to sanction the award to him of the highest rate of pension for which his services render him eligible.

2. Their Lordships will observe that Sir Ralph Cator's service with the Egyptian Mixed Court of Appeal was recognised as approved employment within the meaning of Section 4 of the Superannuation Act, 1911, by Treasury Letter 26079/16 of 10th October, 1932.

3. It is understood that when Their Lordships have determined the rate of pension and apportioned its incidence the question of the contribution by the Government of Kenya in respect of Sir Ralph's service in the East Africa Protectorate will be taken up by the Colonial Office.

4. As some delay has occurred in completing the information given in the enclosed application form, I am to request the favour of an early reply to this letter.

I am,

Sir,

Your obedient servant,

Secretary

to the Treasury.