

1923

KENYA

231

C O
40569

RECEIVED
14 AUG 23

Order 200
1131

DATE
30th July, 1923.

CIRCULATION

Mr. Jeffries 2118
Mr. B...
Mr. H...
U.S. of S.
No. 9. June 25

SUBJECT

Memorials of Capt. C. B. Law and Mr. R. M. Thomas

regarding their relative claims to seniority as Crown Counsel
Submits

U.S. of S.
U.S. of S.
Secretary of State

Previous Paper

1145
16359

MINUTES

It is regrettable that the Sup S should have before him petitions from two officers of the same Dept, each endeavouring to deny the claim of the other. Whichever way this case is decided, there is bound to be soreness in the future as between these two officers.

In his letter to Mr. Crawley on file 13/17 E# dated 30 June, Mr. Thomas indulges in severe criticism of his Senior officers. He was doubtless writing under the stress of much feeling, & I think it would be better for the impartial consideration of the case if these letters were ignored. *Thomas was as an unbalanced letter to say the least*

Subsequent Paper

See 583
1145
24

On the question of seniority
See Mr. Battersby's minutes
of 20 Dec 1922 on Mr. Thomas's
Feb, also Mr. Battersby's
of 14 Feb 1923.

It is quite true that Mr
Thomas never ceased to be an
officer of the Kenya Govt; but
it is equally unquestionable
that Sir R. Longden expressed
his willingness to have his
rank subject to his being
junior to Mr. Law, & that
Mr. Thomas was informed
accordingly, & accepted the
position unconditionally.
We know however that
would raise in question a point
in his return. There
is a 1923 with the fact that
he accepted Mr. Thomas's
looking of the Jamaica appl
if he would not return to
Kenya in the condition
warranted, & in the second place,
to the Govt of Kenya is proposed

Take him back with or without that
condition. The Governor's condition²³²
which was made clear to Mr. Thomas
beforehand, cannot be set aside by
a mere mere technicality, viz
that he was still a member of the
Kenya service.

It is very difficult to refer
the position set out in paragraphs
4 & 5 of this despatch, as
my opinion, paragraph 6 should
accepted as the considered judgment
of the Kenya Govt.

Sir R. Longden will be
back in Kenya in about a
fortnight, and it is open to the
S.P.S. to ask him by telegraph
whether he wishes to be promoted
expressed view, and consensus of
of this despatch. I think it
would be wrong now, without
consulting Sir R. Longden again
or any other Kenya official, to
send a reply in favour of the
Law's seniority.

I understand that

from Mr. Hunter that Sir J. H. P. has
written to see the decision.

MJ

20 9 23

I agree with Mr. Jewell.

Mr. Thomas' transfer to
Jamaica was arranged

to please him and his

re-transfer to Kenya was

arranged to please him

minutes & action on Nov. 16

& 17 of his file show that

the position was made

perfectly clear to him,

his objections were felt

in his settling down

in Jamaica.

Mr. Thomas does not

appear to appreciate

the amount of consideration

that has been given to

his constant changes of

mind.

I think the Kenya

Govt's view as to the

moral rights of him.

Law are perfectly correct.

? Reply

Somewhere I cannot remember where
asked me about it the other day,
and I said that I had not
seen any desps. on the subject
at all.

? Reply expressing regret
that this dispute should
have arisen. Enclose
copy of No. 17 on file
18547 and of the reply
sent thereto, and say
that it was made
clear to Mr. Thomas
at an interview that
he would be expected to
accept without demur
the Gov's decision as
to his seniority, & no
encouragement was
given him to hope
that the decision would
be different from that
expressed in No. 16
on file. Say that
unless Sir Robert
Coryndon, who will
have returned by
the time our desps.
get out, sees any
reason

See Mr. Thomas' case
in file 18547
20 9 23

reason to vary his previous
view the S.O.S. agrees
that Mr. Law should
remain the senior.

C.J.J. 21.8.23.

(1) I agree with action
proposed by W. Jeffrey

(2) I think the letter to
Mr. Stanley on file
15/11/23 can be
ignored.

(3) As Mr. Thomas will be
present & contacted now
in Kenya, it wd. be
well to try to move him
some time to another
Colony - not promotion,
but merely transfer in
all that is required.

There is no doubt, as
stated, as to his professional
standing & work (see
file 15/11/23 dated
10/12/23)

I think he is a good
secretary
M.A.

If this matter were to be decided
on mere technicalities the decision
might have to go in favour of Mr. Thomas
on the ground that he never ceased to
draw pay from Kenya and that his office
and seniority there were never affected.

But all the surrounding circum-
stances have to be taken into considera-
tion and on the merits he has a poor
case.

He accepted a transfer to Jamaica
and a successor to him in Kenya was
actually appointed (Mr. McIlwaine). That
to my mind constituted a substantial
severance of Mr. Thomas from the Kenya
Service, though he still continued to
draw Kenya pay to the end of his leave -
a fairly usual occurrence I believe in
cases of promotion.

There was for the time being no
post in Kenya available for Mr. Thomas
(as evidenced by the local Staff List
for January, 1923) and it was only when
it was decided to fill the vacancy caused
by Mr. Blackall's previous transfer to
Nigeria that one became available and
Mr. Thomas was given it. This vacancy
might conceivably have been
referred to the Promotions Committee
and some other candidate might have
been preferred to Mr. Thomas. He was very
well treated in being allowed to return
to the Colony at his former salary and
as he was substantially an "outside"
candidate on this occasion it would be
possible to treat him now as the junior

of the three Crown Counsel, i. e.,
junior to Mr. McElwaine as well
as to Mr. Law.

I am not advocating that
any suggestion should be made
to this effect, but logically
Mr. Thomas either never ceased
to be senior Crown Counsel or
else came back as a new appoint-
ment, and in the latter event
would ordinarily be third in
seniority.

? proceed as proposed.

JSR

24/8/23

G.S. 25.8.23
at once

KENYA.

No. 1131.



40569

283

GOVERNMENT HOUSE,
NAIROBI,
KENYA.

14 AUG 1923

20th July, 1923.

My Lord Duke,

File
13647

With reference to the correspondence terminating with Your Grace's telegram of the 15th February, I have the honour to transmit two memorials addressed to Your Grace respectively by Captain C.E. Law and Mr. A. M. Thomas regarding their relative claims to seniority as Crown Counsel.

Memorials.

2. The Attorney General's views on Mr. Thomas' request are contained in the first enclosure to Mr. Thomas' memorial, and after full consideration of this advice Sir Robert Coryndon replied in his telegram of the 15th February that he agreed to Mr. Thomas' return at his present salary on the understanding that he resumed duty junior to Captain Law, who was accordingly appointed Acting Solicitor General on Mr. Lyall Grant's departure on leave.

3. Mr. Thomas' appeal against this decision was received after Sir Robert Coryndon had left for England, and Sir Charles Bowring was not disposed in the absence of both the Governor and the Attorney General to reconsider the action taken. He caused Mr. Thomas to be informed that the matter could be brought up on Sir Robert Coryndon's return, but the former has now exercised his privilege under Colonial Regulation 212 and there is no alternative to forwarding

HIS GRACE

THE EARL OF DEVONSHIRE, K.G., P.C., G.C.M.G., G.C.V.O.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON, S. W.,

forwarding the case for Your Grace's adjudication.

4. Mr. Thomas' plea is based on two main grounds, viz:-

(a) that he was led to believe that the post offered him in Jamaica involved residence at Kingston.

No such official intimation was conveyed in the Colonial Office telegram of the 8th June, 1922. This was repeated as decoded to Mr. Thomas, who was ^{on} duty at Mombasa on the date of receipt, and accepted the offer without any such reservation.

(b) that his connection with the Kenya service was never severed. I am not aware of the grounds on which Mr. Thomas bases his assertion that Mr. Coryndon arrived at his decision on the 31st January, 1923, that Mr. Thomas severed his connection with the Kenya service. There is nothing on the Secretariat's files to show that Mr. Thomas must be considered that Your Grace's telegram of the 31st January, 1923, which contained the proposition of Mr. Coryndon's return, stated specifically that Mr. Thomas had been extended. It is clear from records that the factor which weighed with the Secretariat was the fact that Mr. Thomas was the last person to be considered for the post.

It is true that Mr. Thomas left Kenya on medical grounds and the date of his emigration on return to Kenya. In the meantime, however, steps had been taken to select his successor, in fact that successor's appointment was communicated in Your Grace's telegram of the 20th January. Had it not been for Mr. Blackall's

500
9438
22
Jica

2411
23

Blackall's transfer to Nigeria there would have been no vacancy which Mr. Thomas could have filled, and it is to be assumed that his objection to the inadequacy of his pay still obtained (vide his letter dated 21st February, 1921, a copy of which is enclosed.)

5. In all the circumstances it seems clear that Mr. Thomas' desire to return was prompted by the opportunity he foresaw of acting as Solicitor General during the absences on leave of the senior officers in his Department and to attain this end he relied on the technicality that he still continued to receive pay from Kenya funds.

6. I regret that it is not possible for this Government to admit Mr. Thomas' claims. There is of course no implication of inefficiency or misconduct. Mr. Thomas accepted the Jamaica appointment at his own desire and for his own financial and physical benefit. Had it not been for the accident of his recall he would have assumed his new duties before Mr. Blackall's transfer eventuated. It seems hardly equitable in the prospects of other officers that a decision to accept transfer can be revoked at such late date when other circumstances have supervened rendering his original post more advantageous.

I have the honour to be,

Yours truly,

Your Grace's most devoted and
most obedient servant,

GOVERNOR'S DEPUTY.

Office, Box No. 112

Telephone No. 29.

ATTORNEY GENERAL'S OFFICE,

NAIROBI,

KENYA COLONY.

5th July, 1923.

In reply please quote

No. 17

and date

My Lord Duke,

I have the honour very respectfully to crave Your Grace's favourable consideration of the following facts in connection with Mr. Thomas' petition of the 25th June, 1923.

It is quite clear from his petition that Mr. Thomas would not have applied to return to this Colony had not Mr. Blackall been transferred to Nigeria.

The circumstances on which His Excellency the Governor appears to have based his telegram of the 13th February, 1923, are unchanged.

His Excellency's telegram of the 13th February, 1923, was quite clear and did not admit of any misunderstanding. Mr. Thomas, however, chose to return to this Department in the hope that His Excellency would alter his decision.

I would respectfully urge that Mr. Thomas, by accepting the post in Jamaica,

BY GRACE OF THE DUKE OF DEVONSHIRE, K.G., P.C., G.C.M.G., G.S.V.O., SECRETARY OF STATE FOR THE COLONIES.

did sever his connection with this Colony. The fact that, during his absence in England, his salary was debited to this Colony is merely in accordance with inter-Colonial financial arrangements, and does not, I would venture to submit, affect the question at issue.

For these reasons, and also for those set forth in my letter of the 5th February, 1844, to the Hon'ble Colonial Secretary, of which a copy is attached hereto, I beg Your Grace to confirm His Majesty's decision in this matter.

I have the honour to be,

My Lord Duke,

Your Grace's most devoted and

most obedient servant,

5th February, 1923.

The Hon'ble Colonial Secretary,
Through The Hon'ble Attorney General,
N a i r o b i.

Sir,

I am given to understand that the question of Mr. Thomas' return to this Department as Crown Counsel, with seniority, is under consideration.

I have the honour very respectfully to protest against his return under such conditions.

Mr. Thomas applied formally in January 1922 for a transfer from this Colony for reasons of health and inadequate salary. He had evidently made some kind of earlier application, as the Secretary of State cabled in November 1921 enquiring whether he would like to be considered for a transfer to British Guiana.

Mr. Thomas was offered and definitely accepted a transfer to Jamaica in June 1922, and left this Colony the following month to join his new appointment after short leave in Europe.

During his absence and until the return of Mr. Blackall - a period of about 3½ months - I was the only Crown Counsel, and had, in consequence, a proportionate share of the very considerable additional work entailed thereby.

Mr. Thomas' leave was extended, by reason of his ill-health, till the end of this year. His name no longer appears on this Colony's Staff List for January, 1923. Presumably, therefore, his connection with this Colony is regarded as completely severed.

It

It is evident that the Secretary of State does not now treat Mr. Thomas as belonging to this Colony because:-

- (a) His successor has been appointed to arrive in April next, as intimated by cable received at the end of last month.
- (b) "Observations" are now asked for by cable regarding his return.

If the Secretary of State had considered that Mr. Thomas still belonged to this Colony, he would not have appointed a successor, nor would he have asked for "observations". In the latter case, the Secretary of State would have intimated that Mr. Thomas would be asked for certain data. I would urge that in asking for "observations" the Secretary of State had implied that the officer (namely, myself) who took Mr. Thomas' place in departmental seniority on his departure.

Therefore, submit that, under the circumstances, Mr. Thomas has ceased to be a member of the Department and has forfeited the seniority he formerly enjoyed.

The mere fact that Mr. Thomas has not received a letter of appointment from His Excellency the Governor of Jamaica is a technical formality which does not affect the fact that he has severed his connection with this Colony.

As far as this Department is concerned, therefore, Mr. Thomas has become an "outsider" candidate for the post of senior Crown Counsel which will fall vacant on Mr. Blackall's departure on transfer.

Handwritten notes:
 15
 1347
 off

I would venture to refer to Regulation 37 of the Colonial Regulations which sets out the general rule of promotion by seniority in the department in which an officer is serving, subject to selection being decided according to official qualifications.

Accepting the fact that Mr. Thomas has lost his seniority and is no longer serving in this Department, it may be considered that the question of official qualifications arises as between myself and him as an "outside" candidate for the post of senior Crown Counsel, and if so I would urge in my favour that:-

(a) I was called to the Bar in 1905. Mr. Thomas was called in 1919. I am therefore 14 years senior to him at the Bar.

(b) Since 1905 I have been in actual practice at the Bar for 13 years. (The rest of the period being engaged in military service and leave 1/2 year after). Mr. Thomas could not have had more than 3 years actual practice when he went on leave last year.

(c) My 13 years' practice has been entirely in the East, of which similar conditions obtain here.

Mr. Thomas left the Colony for reasons of health and because he found his salary inadequate for himself, his wife and one child. I would suggest that cost of living cannot be said to have so improved since last July that he would now consider Crown Counsel's salary (recently raised by £25 per annum) adequate. As regards his health, his medical examination in England last September indicated that he was still unfit, and though

Handwritten notes:
 d. No. 1
 13/11/1919

it was to the effect that he would possibly be fit to proceed to Jamaica in December 1922 a further medical examination before departure from England was recommended.

When Mr. Thomas left last July he knew fully well that Mr. Blackall, his then senior, was seeking promotion by transfer to another Colony. Though Mr. Blackall was not then successful in obtaining the actual appointment he had applied for, he was nevertheless subsequently offered another appointment which he accepted.

Notwithstanding these facts, and knowing as he did that by remaining on in the Department and awaiting Mr. Blackall's transfer he would gain seniority, Mr. Thomas chose to accept a transfer to Jamaica.

Mr. Thomas has now learnt that the Hon'ble Attorney-General will proceed on leave early next month, and that were he here at that time he would have the opportunity to act as Solicitor-General. Had his ill-health not kept him in England he would have been in Jamaica by this time.

I would very earnestly submit that when an officer definitely accepts a transfer, and leaves this Colony to join a new appointment, he must be taken to have considered the advantages of such transfer against the possible advantages of remaining on in his then appointment.

At present rates of pay, a Crown Counsel would receive a monthly salary of approximately £15.10.0 for acting as Solicitor-General. Such additional pay would mean a great deal to me; my

domestic reasons for increased emoluments being much stronger than those of Mr. Thomas as I have a wife and four children.

Mr. Thomas' return to this Colony as Crown Counsel, with seniority, would, under existing circumstances, defeat my chances for several years of acting as Solicitor-General.

I have the honour therefore to crave your favourable consideration of these facts. Should you, however, feel that you are not able to agree with my contention I would ask you to be good enough to place my case before His Excellency the Governor with the request that he will be pleased to grant me an interview in relation to my claim, and that, in his reply to the Secretary of State's

to be,
 Ret. ...
 S.D.C. ...
 CROWN COL.

25th June, 1923.

In reply please quote

No.

and date

My Lord Duke,

I have the honour to submit the following case, and ask for your ruling.

On 31st January last a cable was sent from the Colonial Office to His Excellency the Governor, stating that I wished to remain in Kenya service at my present salary and seniority. The Attorney-General requested to state his views on the matter, and did so in a memorandum dated 6th February, a copy of which is attached. It will be seen that the Attorney-General expressed great difficulty in coming to a decision on the case. His decision seems to have been largely influenced by the objection of Mr. Law, in a lengthy report protesting against my retention of office, that my name no longer appeared in the Staff List for January, and that therefore my connection with this Colony must be regarded as completely severed. This objection seems to have been a decisive factor in His Excellency the Governor's decision. That decision was arrived at on the assumption that I had severed my connection with this Colony, and without consideration of the true facts of the case.

GRACE
 THE DUKE OF DEVONSHIRE, K.G., P.C., G.O.M.G., G.O.V.O.,
 SECRETARY OF STATE FOR THE COLONIES.

2. His Excellency's telegram of 13th February, a copy of which is attached, was received two days later at the Colonial Office where the only explanation offered of my proposed loss of seniority was that there had been a definite offer to Mr. Law of the post of Senior Crown Counsel. I have found on enquiry here since my return that no such offer was made or even contemplated. My acceptance was notified by cable on 16th February, in which it is requested that the question of my seniority may not be finally decided until after my return.

3. I returned to duty in Nairobi on 19th March, and on 29th March addressed a letter to His Excellency the Acting Governor, requesting him to consider the question of my seniority in the light of the true facts which were not before him at the time the decision was given against me. The reply contained in a letter dated 10th April, written on behalf of the Acting Colonial Secretary, states that His Excellency is unwilling to consider the question in accordance with the Governor and the Attorney-General.

4. I thereupon requested the Acting Governor to transmit to Your Grace the correspondence setting out the full facts of the case. The Acting Attorney-General in forwarding my letter last referred to expresses his opinion

that

See Mr
Bathurst's
minutes of
4/2/23 re
Mr Thomas'
file
JF

no
Post. But
was had reason
to show that
it was in accordance
with the
Colonial Office.
JF

that the matter is one that should be decided by the Secretary of State. In a reply sent on behalf of the Acting Colonial Secretary dated 18th May, I was informed that I was at liberty to submit the correspondence.

5. I have been deprived of my seniority on the ground that I had left Kenya to take up an appointment in another Colony, and had therefore ceased to be in the service of this Colony. The true facts of the case do not bear out this view.

In June, 1922, I accepted the post of Magistrate in Jamaica. I accepted the post on the basis that it was situated in Kingston, and was informed. Had the post been elsewhere than at Kingston, I should not have considered the offer. When on my arrival in Jamaica in September, I heard that there had been a misunderstanding as to my post being in Kingston. I would have applied to return to this Colony had not the vacancy been offered to Mr. McLwaine.

On 28th September one of the Medical Advisers of the Colonial Office recommended that I should be granted leave on the ground of ill-health until the end of the year. Such recommendation was approved and communicated to the Colonial Government in a despatch

No. 1447 of 6th October, 1922.

8. Early in December on learning of Mr. Blackall's transfer to Nigeria I applied to

*This was true
at the time
Hef*

return to Kenya, but was informed that it was not proposed to fill the vacancy caused by Mr. Blackall's transfer. The matter was later reconsidered in the Colony, when it was decided to maintain the number of Crown Counsel at three. On this decision being cabled to London at the end of January, I at once applied to return to my post. At this date I was on leave with full pay from Kenya, as will be seen from Colonial Office despatch No. 70 of 16th January, a copy of which is attached.

9. It was open to His Excellency on receiving my request to return to reply that he would prefer to save £100 a year by offering the post to another candidate, but once he agreed to my resuming my post at my former salary, there is no justification for his action in penalising me with a loss of seniority. It is scarcely necessary for me to point out that loss of seniority is of vital importance to every officer and must seriously jeopardize his whole future career in the Colonial Service. Except for grave misconduct I doubt if there is any precedent for depriving an officer of his seniority, much less in the case where the head of his department has expressed a strong desire to retain his services.

10. His Excellency's decision depriving me of my seniority was made without the true facts being before him and in the incorrect belief that I had severed my connection with

Kenya. Now that it is established beyond all doubt that I have been continuously in the pay and service of this Colony since the 17th November, 1920, I ask with confidence to be reinstated to my former seniority.

11. I was on leave from the Colony up to 28th February, 1923, and on 1st February I left England to return to Kenya. I have therefore been in the pay and service of Kenya Colony since 17th November, 1920. Notwithstanding these facts I am deprived of seniority and now ask for seniority for a ruling which arises on the

has not
a Colony
deprived
of inefficiency

desire to be
Dumble and
most servant

The Hon'ble Colonial Secretary,
N a i r o b i.

re: Mr. A. M. Thomas - Extension of Leave.
Ref: Your No. S/E 21614/66 of the 1st instant.

I am certainly very anxious to have Mr. Thomas back, and should welcome him at the present salary with increment.

The only difficulty arises in connection with seniority as between Mr. Thomas and Mr. Law.

Mr. Thomas may claim that as until the end of this month he is on our pay-roll he retains his date of appointment to the Department.

On the other hand Mr. Law contends:-

- (a) that Mr. Thomas' connection with the Department was really severed when he left to take up another post;
- (b) that Mr. Thomas must be taken to have weighed the chances on both sides i.e. the chance of Mr. Blackall going out, and decided to go;
- (c) that Mr. Thomas would not have obtained leave at the time he did but for his transfer;
- (d) that he (Mr. Law) withdrew his application for transfer at my request and agreed to abide by the chances of the Department;
- (e) that he was called to the Bar in 1905 and practised 12 years in Indian Law while Mr. Thomas was in 1919.

Mr. Law has made out his claim.

I attach a letter from Mr. Law in support of his claim.

Copy.

301

GOVERNMENT HOUSE,

Nairobi,

13th February, 1923.

21614/75.

PRIORITY A.

Telegram to Colonial Office, No.45.

February 13th - Reference your telegram 31st
January - Thomas agree to return on present salary
but subject to Law.

C O R Y N D O N.

Cony.

S.19039/2.

302

Decode telegram from Colonial Office to Governor Nairobi.,

Dated February 16th, 1923.,

Received and typed February 17th, 1923.

February 16th - Reference your telegram of February
13th - Thomas accepts but hopes that seniority will be
decided till after his return.

Secretary of State for the Colonies.

Copy.

303

L. 641/23.

9th May, 1923.

The Hon'ble Acting Colonial Secretary,
N a i r o b i.

(91)
Herewith application from Mr. ~~Mag~~grave Thomas.
Considering all the circumstances of the case I think
the matter should be decided by the Secretary of
State.

Sd. IVON L.O. GOWER.
ACTING ATTORNEY-GENERAL.

DOWNING STREET,

16th January, 1923.

Sir,

With reference to my despatch No.1761 of the 5th December, I have the honour to inform you that, on the recommendation of the Medical Adviser,

Mr. A.M. Thomas, a further extension of his full pay from Kenya to the 31st December, to the 31st January, 1923, in view of the fact that he is proceeding on his embarkation earlier.

He has been instructed to proceed by sea to Jamaica by the 1st January, 1923, and to return to his country after the 31st December, 1922, to draw his pay from the 1st January, 1923, to the 31st December, 1922.

D. DEVONSHIRE

K.C.M.G.,

ETC., ETC., ETC.

ATTORNEY GENERAL'S OFFICE,

Nairobi,

21st February, 1921.

The Honourable,

Acting Colonial Secretary,

N a i r o b i .

Sir,

I have the honour to acknowledge receipt of your letter No. S. 21614/13 written on behalf of the Governor notifying me of the terms and conditions of my appointment.

I enclose an address to which any necessary communications may be sent.

I have the honour to be,

Sir,

Your most obedient servant,

Ed. Alban Muserave Thomas.

P. T.

Sir,

In case of ill-health or death, please

inform my sister:-

Name of the relative.

Address of the relative.

Mrs. Rodney Hall.

Hororata, Canterbury, New
Zealand.

THE CHIEF SECRETARY,

POST OFFICE PROTECTORATE,

Nairobi.

Signature and Department
of the Officer.

Sd/-Mussgrave Thomas.

ATTORNEY GENERAL'S OFFICE.

See no. 40569/23, Kenya

C. D.
28 AUG
D. 30

183 St. Andrew, 1923

DRAFT

MINUTE.

- Mr. Seel
- Mr. [unclear] 28/8
- Mr. Parkin
- Mr. Davis
- Mr. [unclear]
- Mr. [unclear]
- Mr. [unclear]
- Mr. [unclear]

I have etc to set the

... of you etc. No

131 of the 20 of July

... matters etc. from

... from ...

C. E. ... and ...

... matters regarding their

... respective claims to
... as Crown Counsel,
... and to express
my 2. I regret that

...
(no. 17 of 21/1923) (A)

Thomas B. 2 23
(re: ...)

a dispute of this nature
should have a decision between
two officers of equal rank
Sep^r.

I enclose for your
information copies of correspondence
with Mr. Thomas regarding his
acceptance of the conditions
under which, in his l^{tr}. No. 1364
45 B the 15th of Dec. 1864
he agreed
to his appointment to the Colony
as Crown Counsel, and I
have further to observe that
it was made clear to Mr.
Thomas, at an interview

on the 14th of Feb.) 307
at the C. O. that he would
be expected to accept
^{whatever decision}
with out delay, (the Governor)
might finally reach
decision as to his seniority,
and that as encouragement

DRAFT.

2

MINUTE.

was given to him to hope
that ^{that original} ~~the~~ decision would
be different from that
conveyed in the l^{tr}.
referred to above

- Mr.
- Mr.
- Mr.
- Mr. Davis
- Mr. G. Arnold
- Mr. H. Bond
- Mr. J. Masterton Smith
- Mr. Ormsby Gore
- Mr. of Devonshire

3. In the cir.
in case Sir Robert Congdon
on his return sees any
reason to vary his previous
opinion. I agree ~~that~~ with

Your recommendation view
that Captain Law should
remain senior to the other

WYONSHIRE

1001

1001