

1923

E. AFRICA

511

32253

FROM
COLONIAL OFFICE.

DATE
27th JUNE 1923.

Recd
28 JUNE 23

FOR CIRCULATION

SUBJECT

Mr. Jeffries 29.6
Mr. Machin 27/33
Mr. Proctor 3/17
Mr. Stokely

PASSAGE REGULATIONS, AFRICA No 973.

Asst. U.S. of S.

Proposals as to amending para 25 of Reglns., which appears, at present, to favour the officer at the expense of the Govt, in that an officer sailing before the end of his leave carries forward the balance of leave, whilst an officer sailing after the end of his leave receives an extension of leave, with full salary.

Permt U.S. of S.

Part U.S. of S.

Secretary of State.

Previous Paper

MINUTES

Minutes within

Disposed of on M.O. 45452/23 E.A.

Subsequent Paper

14471
45452
45452

It has occurred to me that the passage regulation contained in this para is unduly favorable to the Officer at the expense of the Govt. Under this regulation "Officers who are required to sail before the end of their leave will be permitted to carry forward the balance of their leave ... while those who sail after the end of their leave will be granted an extension of leave with full salary." i.e. the Officer scores both ways.

the copy of Apr 974
in 62522/30
which it was
revised.

The pre-war rule (Rule 9 of Apr 974) was "If an Officer travels by the steamer sailing before his leave has expired, he may add the unexpired portion of his leave to his next leave period", but on the other hand the Rule 9 of Apr 974 stipulated that extensions of leave granted to Officers who were allowed to travel by a steamer after their leave had expired "must be taken without pay and cannot be reckoned as pensionable service."

During the war steamer sailings were very irregular and it frequently happened that the steamer by which an Officer's passage had been booked was

hung up for weeks, necessitating long
extension of leave. It was thought
a hardship to grant no pay for such
extensions, and the proviso A
above of Rule 9 was relaxed, officers
being granted full pay by pay or no pay
in accordance with the rate of pay
at the time when their leave was
extended.

When the rule was revised in 1921
it was thought desirable to continue
the privilege of full pay for these
extensions as steamer sailings were
still erratic, but the ^{attraction} of
allowing pay, and deducting the
extension from the next leave
period was not apparently con-
sidered.

Long intervals between steamer
are still a possibility and I would
not suggest revision to the 'no pay'
rule. I would however suggest
as a permanent arrangement (which
would not depend on the regularity
or otherwise of steamer sailings)
that, as leave pay is in the connection
is carried forward, no leave gained
(by these extensions) should be deducted
from the allowance.

(see 62527
Apr 9/14
and
22007/20
Apr 9/14)

should be shown as deducted on the
leave certificate. 513

This would square matters as be-
tween the officer and the Govt.

At the same time I would not
distract the point that an
officer sails by the ^{earliest steamer if it is} nearest steamer
to the end of his leave. If however
an officer applies (with a family
reasons) to go by the later boat even
if it is not the 'nearest', it will be
easier for us to grant the concession
as no financial loss to Govt would
~~probably~~ be involved. ~~NOVA~~ We
sometimes get a border-line case
where an officer is strictly liable
to return by an early boat whereas
if his leave had expired one day
later he could have returned by
a boat sailing after the expiration of
his leave. He applies to go by the
later boat and our only alternatives
are either to give him no pay
(urgent private affairs) for the extension
or to give him the usual full pay
and no implied additional expense
on his part.

this is rather
hard treatment

If any suggestion is adopted we
could in most cases grant the

hung up for weeks, necessitating long
extension of leave. It was thought
a hardship to grant no pay for such
extensions, and ~~for~~ the proviso A
above of Rule 9 was relaxed, Officers
being granted full pay $\frac{1}{2}$ pay or no pay
in accordance with their rate of pay
at the time when their leave was
extended.

When the rule was revised in 1921
it was thought desirable to continue
the privilege of full pay for these
extensions as steamer sailings were
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sidered.

Long intervals between steamers
are still a possibility and I would
not suggest revision to the 'no-pay'
rule. I would however suggest
as a permanent arrangement (which
would not depend on the regularity
or otherwise of steamer sailings)

that, as leave forgone in the connection
is carried forward, no leave gained
(by these extensions) should be deducted
from the Officer's next leave period, and

should be shown as deducted on the
leave certificate.

513

This would square matters as be-
tween the Officer and the Govt.

At the same time I would not
disturb the present rule that an
Officer sails by the ^{earliest steamer if it carries} ~~best~~ steamer
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are either to give him no pay
(urgent private affairs) for the extension
or to give him the usual full pay,
and so inflict additional expense
on his Govt.

If my suggestion is adopted we
could in most cases grant the

(see 62577
ATV 914
and
29807/21
4/97)

This is rather
hard treatment

without reachings of heart if the
Officer produced anything like a reasonable
ground for his request - and there was no indication
that it was urgently required by his Govt.

Mr Peppin and I have devised
an amended para 25 of Apr 973
including my suggestion and
(now that the Suez route is the
normal) dispensing with the
distinction between Officers whose
passages are booked by the CA and
those who make their own arrangements.
It is as follows:-

§ 25 Officers returning to E. Africa after
leave of absence are normally required
to travel by the steamer sailing next
before the date on which their leave
expires, and are permitted to carry
forward the balance of their leave to
a subsequent occasion. An extension
of leave with full salary is, however,
granted to enable an Officer to
travel by the steamer next after the
end of his leave in cases where
the required extension is ^{shorter} less than
the period of leave which the Officer
would have to defer in order to travel
by the earlier steamer. Any such
extension is deducted from the
Officer's next period of leave.

~~Paragraph 25~~
The passages of Officers themselves
are

514
"are normally booked by the CA to the
COs. Officers who make their own
arrangements (under para 16(1) ~~above~~
of their regulation, must report the
arrangements which they propose to
make to the P.O.S.

If this amended regulation is
approved we should

- (1) inform CA. and instruct them
to circularize all Officers on
leave (and those arriving on
leave before the issue of local
circulars on the subject) as
regards the extension of leave
- (2) Inform all EA Govts sending
a copy of the amended regⁿ
and fixing (?) ¹⁰ Oct. 1st as the
date from which the new proviso
as to extension of leave should
take effect. (i.e. it will apply to
all extensions commencing on or
after Oct 1.)
- (3) Note for next edition of Apr 973.

x
CA must also
be told the
date.

note this
may be under
Apr 973
rather
of date since Nov 1921
off.

I agree this will not
cause affect sick extensions
which

without readings of heart if the
 Officer produced anything like a reasonable
 ground for his request - and there was no medical
 that it was unacceptably by his

Mr. Phipps and I have devised
 an amended para 25 of Atr 973
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Passages
 The passages of Officers themselves
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"are normally booked by the CA to the
 (Pls. Officers who make their own
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If this amended regulation is
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 to circularize all Officers on
 leave (and those arriving on
 leave before the issue of local
 circular on the subject) as
 regards the extension of leave
- (2) Inform all EA S.P.S. sending
 a copy of the amended regⁿ
 and fixing (3) Oct. 1st as the
 date from which the new provision
 as to extension of leave should
 take effect. (i.e. it will apply to
 all extensions commencing on or
 after Oct. 1.)
- (3) Note for next edition of Atr 973

CA must also
 hold the
 date.

into this
 provision might
 be under
 any of 973
 having rather
 a date since Nov. 1921
 off

I agree. This will not of
 course affect such extensions
 which

which are normally given up to the day before the sailing of a particular steamer. It will be necessary to distinguish between such extensions and the extensions now contemplated by adding to the C.F.F. to C.A. & Co. in the latter case.

"This extension will be deducted from his - 's next leave of absence."

C.J.J. 29.6.23

Mr. Downie makes out a plausible case & his proposal is logical. But it involves a new departure, as it involves, for the first time, that an Officer shall be given, as it were, an advance of leave, to be deducted from such leave as he may be granted on a subsequent occasion. This is decidedly an innovation & one which it

seems to me to be without difficulty

En 2757

If we could submit the arrangements to the particular case (book and left, if issued to, date of departure of leave) I should not mind, but it is a dangerous innovation I should prefer definitely to revert to the previous arrangement of no pay extension where the Officer is allowed to book off his departure.

When the later passage is booked for port convenience the Officer should be with full pay & no debit max. of price future leave. When the later passage is booked for the Officer's convenience & the boat is unexpectedly delayed, the later extension should be allowed for with full pay & no debit

C.S. 29/6/23

Mr. Downie -
I think we had better

1923

KENYA

33029

REC'D
RE: 2 JUL 23

FROM
COLONIAL

DATE
30TH JUNE 1923

FOR CIRCULATION:-
Mr.
Mr.
Mr.
Asst. U.S. of S.
.....
Perm^t U.S. of S.,
Part^r U.S. of S.,
Secretary of State.

SUBJECT
MR J. ABRAHAM
ALLEGED MURDER OF A LATIVE

Draft tel to O.A.G. forwarding message
from Mr Figgis to Mr Daly

Previous Paper
6-2-23
62499

MINUTES

*This question was discussed
as to (a) what the relations
might want us to do & (b)
what we could properly do if
(a) they wanted to send out
an Enquiry Commission or
(b) they desired posthumous
on the ground of prejudice.

In the result, it appearing that
the Attorney Gen. has been briefed
locally so we think we do not
could upon to do any thing
so far as the latter.

As regards Mr. Figgis's
note attached - he was told, with
the Attorney's approval, that we*

Tel. to O.A.G. 30th June '23

*1 Acad. Sec. 14
36663*

MINUTES.

MINUTES NOT TO BE WRITTEN
ON THIS SIDE.

considered it.

After being told as to
knowing the cost of the
tel. of 30 June from
his digger (his understanding
is below). Then fully

(ref. 16/7/23
with

action taken

~~Just~~
17/7/23.

MINUTES.

MINUTES NOT TO BE WRITTEN
ON THIS SIDE.

considered it.

After ~~best~~ 15 miles to
reaching the end of the
tel. of 30 miles from
Las Vegas (his undertaking
is below). Then fully

(ref. 16/7/23
am

action taken

~~Just~~
17/7/23.

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33229

The Secretary of State for the Colonies to the
Officer Administering the Government of Kenya.

(Sent D.L.S. p.m. 30th June, 1923)

BRAY

Following for Daly advocate from Figgis begins:
De facts of Abraham case render English Counsel expe-
dient family anxious for advise cable me Bank of
India.ends.

Devonshire.

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C. 6.
33029

Co ded &
Sent 515 pm

EMH 30/6/13

Recovery slip

2 JUL 13

Confidential
DRAFT Code

Following for Dally from

Governor

Figgis begins

Minutes

to facts of Abraham case

MINUTE.

render English Counsel

Mr. [Name]

Mr. 20.6.23

Mr.

Mr. Davis.

Sir G. Grindle.

Sir H. Read.

Sir J. Masteron Smith.

Mr. Orinoby-Gore.

Duke of Devonshire.

for obedient family anxious
(Cable me Bank of India)
for advice

Seems

Recire. Can
Good

ConfidentialCopy of letter from
W. K. Figgis, KC
to Major Purse

Buckley Hall Hotel

Buckley

Herts.

1st July, 1923

Dear Sir,

I have been thinking over the matter which was under discussion yesterday afternoon and - on consideration am of opinion that although the possible effect upon extremely political questions would not be a good reason for adjournment of the hearing of a Criminal action, still the possibility of political feeling at a particular time such as the present have an effect - one way or the other - on the mind of a jury might be taken as a factor for the Attorney-General or his representative to consider in asking for or not objecting to an adjournment of the hearing of the case.

While it would be improper - in my opinion - to ever attempt to influence the court to grant an adjournment upon grounds other than the furtherance of justice I do consider that the frame of mind of the settler population at the present time is such that it would be better if the hearing were postponed.

I think it is likely that if either the Crown or Counsel for Defence make application to the Court and such application is supported by Counsel for the other side the adjournment will be granted provided the Crown Counsel can allege that he considers the adjournment to be in the interest of justice.

I am writing this in the hope that you may receive it in time on Monday morning.

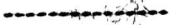
It is rather difficult to give an opinion off-hand on matters of this kind as one has to be so careful that false procedure may not prejudice the case or create a wrong impression.

Yours faithfully,

(sd) E.K. Figgis.

gram. The Secretary of State for the Colonies to the
Officer administering the Government of Kenya.

(Sent 8.15 p.m. 30th June, 1923)



Following for Daly advocate from Figgia begins:
Re facts of Abraham case render English Counsel expe-
dient family anxious for advise cable me Bank of
India.ends.

Devenshire.

gram. The Secretary of State for the Colonies to the
GOVERNMENT
Officer administering the Government of Kenya.

(Sent 8.15 p.m. 30th June, 1925)

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dient family anxious for advise cable me Bank of
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Devenshire.

5/17
you may like to see Figgis
The Bishop would wish to ask the Secretary of State to do nothing in connection with the postponement or otherwise which would in any way embarrass him in regard to the settlement of the general question.

But, as the Secretary of State has been so kind as to offer the Bishop a chance of saying whether he would prefer postponement, he has consulted Mr. E. K. Figgis, K.C., one of the partners in his son's firm of legal advisers who happens to be in this country, as to whether it would be important to send Counsel from England. Before giving his opinion, Mr. Figgis telegraphed on Saturday to his partner on the spot to ask if he considered that the facts of the case made such action expedient. In view of the heavy expense involved, he did not wish to give an opinion on this point while completely ignorant as to whether the facts of the case were complicated or simple.

2. I should like to add personally, if I may, that in view of the Bishop's financial resources it would probably make a great difference to him financially, should Counsel have to go from this country, if the date of trial could be so arranged that Counsel could do the whole round trip within the limits of the English Bar Vacation - i.e. between August 1st and October 12th.

3. While waiting a reply to the telegram sent on Saturday, the Bishop and his friends are making every effort to find out what Counsel could be secured, [if desired] in order to save time. So far as enquiries have gone at present, it looks as if, on private grounds, there would be great advantage in postponing the date for about a month.

R57
7/17/23

I, the undersigned agree to pay
on receipt of an official application the cost at
full ordinary rates of the telegram which is
being sent at my special request by the Colonial
Office to the Governor of Kenya
(as well as the cost of the reply, if any, to be
received through the Governor).

delete if not
required)

Signature.

E. K. F. F. F.

address.

National Bank of India
London

Date

June 30 1923.