

6. Allowance for outfit, if any, or if free kit issued.

See list attached

7. Passages for wives and families of men if married.

No passage provided by the Govt.

3. Amount of leave to be given by the Colonial Office on return home.

See month leave on full pay during the term of 3 yrs' service. sick leave to be at a time to be fixed by the Director, Madras, Ind.

8. Amount of gratuity to be paid to those who may be employed home for such time as they may be entitled to receive the same from the Government Service.

If not employed in the service of the Government on return to the country before the expiration of the term of service, the gratuity shall be paid to the holder of the certificate of service. If the holder of the certificate is not employed in the service of the Government on return to the country, the gratuity shall be paid to the holder of the certificate.

EAST AFR. PROT.
18530

C. O.
18530
15 JUN 12

R. 345

Date.
912

May

Previous Paper.

PAVE

Govt Officers immediately after return to Prot informed no legal remedy against this. Suggests a list of return leave agreements. Foresees that in future when a suitable candidate may be secured England there will be difficulty in retaining them on their own opportunities in private employment.

W. B. Butler

Expenses of Officers

The Director should ask the holder of the certificate of service to provide a copy of the certificate of service of the holder of the certificate of service. The holder of the certificate of service should provide a copy of the certificate of service of the holder of the certificate of service. The holder of the certificate of service should provide a copy of the certificate of service of the holder of the certificate of service.

the cost of passage

Provision of being
first time year, must depend
their passage being, and
I presume, according to the
ordinary law on the subject, must
entire for one month when a
pay one month salary

Officers in the permanent Establishment are
I presume, legally bound to give
one month notice a pay to the full
3 months salary - though
to far as I am aware, we have
never made any provision against

It is clear then that, so far as
provision in agreement / are concerned
the full is already count as regard
the affairs of, &c. &c. &c.
I am sure the affairs of which have

of
the
the
legal
to

As regards officers in agreement
the object of the Act could be effected,
and more simply, by making it
233
temporary for the officer to pay the
the full 3 months' salary instead of one
- if this were done, the part of
the Act which would have to be struck to
give the officer 3 months' notice a
pay him three months' salary (at
least, in the case of officers engaged
in agreement, the full month for
3 months' notice or 1 month's salary).

A suggestion of this sort has
recently been made to West Africa
and has been registered, see 1/40805, 5/11/77
below. but ^{particular attention} ^{to the subject}
of the fact that ^{the case for} ^{increasing the}
I am sure that it would

perhaps by the Emperor and his
if it has any effect

As to service in the permanent
duties of a post...
more doubtful. To...
of passage...
cases would be...
and could...
entirely...
Can...
with...
doubt...
imposing...
to...
L... as in...

of service...
12.7

Apart from agreement the legal position
seems to be as follows.
If a person engaged under a contract
which is for a certain fixed period
of service is bound to complete that
period or become liable in damages,
or pay damages to the other party to
the contract (here the Government)
in respect of his failure to
be official in the employment
of the Govt. cannot resign at all
without leave - see the judgment
in the Jamaica case (Cox v. St. John)
1582, where in the case of an
official leaving the service the
Govt. would therefore appear to
have an action in damages against
him. I do not understand to
what you refer to the ground of the legal
position. Quite apart from the
general rule with regard to
servants upon the above
the law is better made & served
in that under reasonable
in fact (the servant also leaves his
employment the master has a right

GOVERNMENT HOUSE
 NAIROBI.
 BRITISH EAST AFRICA

EAST AFRICA PROTECTORATE.

May 15th 1912.

No. 343

237

Sir,

I have the honour to refer to a point which has arisen in connection with the grant of return leave and which may possibly cause considerable inconvenience in the future.

2. At present officials are merely asked to enter into an agreement to return to the Protectorate and are not required to undertake to serve for a complete tour of service or any proportion thereof. The result is that the holder of a Government appointment may, if he thinks fit, give a month's notice immediately after his return to East Africa and I am informed by my legal advisers that we have no remedy against him.

3. Formerly it was not very likely that instances of this kind would have occurred but recently the increased prosperity of the Protectorate has greatly enhanced the attractions of private employment and good men, especially if they possess any technical qualifications, can obtain much more lucrative situations than those which Government has to offer.

4. This upward tendency in the salaries offered to

THE RIGHT HONOURABLE

LEWIS HARCOURT, P.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES

DOWNING STREET, LONDON, S.W.

to competent Europeans still, I anticipate, continue for some time. We should therefore, I consider, safeguard ourselves as far as possible, from spending money on return leave and passages from which the Government will reap but little benefit, and, with this object in view, I would recommend the insertion in return leave agreements of a clause binding the signatory to refund such a proportion of his return leave pay and the cost of his passage as would be equivalent to that borne by the unexpired portion of a thirty months tour of service to a completion, should he resign at any time during the course thereof, e.g. if he left after service for 15 months, he would refund half, and so on.

5. I foresee that in the future, although we may be able to recruit suitable candidates for Government appointments without difficulty in England, we shall not be able to retain their services out here, when once they discover that they can earn more in private employment. For the present, however, I confine myself to the foregoing recommendations.

I have the honour to be,

Sir,

Your humble, obedient servant,

ACTING GOVERNOR.

to the first the last of

their passage out

the count of their numbers

their appointments before

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Batteries were
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from the Post

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His Excellency A. ...
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with ~~the~~ ~~document~~

by ~~the~~ ~~author~~

(Signed) ~~John~~