

as to W. Maxwell's
resources + general
suitability for the
enterprise which he
desires to undertake.

See I base etc
L. Harcourt

E. AFRICA
35959

C.O.
35959
REC'D
REC'D 14 NOV 12

rown
gents

Date.
1912

3th Nov

previous Paper.

33173
33593
6. 2
12446
C. 2 / 10. afr.

OFFICERS ENGAGED ON AGREEMENT
PENALTIES FOR RESIGNING DURING TOUR

States necessary alteration will be made in clause
9 (2). Suggests addition to clause 9 (3) is unnecessary.
Submits for consideration question of amending the
agreement to define more exactly the period of
voyage.

W. Thompson
W. Reed

Ask para 2, in view of the
language provided in clause 10
I agree that the proposed addition
to clause 9 (3) is unnecessary
Ask para 3, I see no objection
to defining more accurately the
period of the voyage
"well according to the C.O."

14 Jan 13
copy sent to
M. G. P.
M. G. P.

Subsequent Paper

110
110

And find copy of law. to be
here East African Provs.

WTS. 20/11

I kept this back, after consulting discussion
with Mr. Thompson, for semi-official con-
sultation with the Co., as draft clause
13 (2) as originally drafted by the Co. did
not appear to cover all possible cases.
I had not foreseen the points of difficulty.
After a certain amount of semi-official
consideration the Co. have now produced
a draft which seems to be the best
solution.

Accept the draft clause in its present
shape & at the same time amend in
para 2.

WTS. 28/11

As to para (2). I should have
preferred to adhere to our
suggestion on 33073. It seems
to me that the agreement
as it stands admits of the following
argument being raised. It
might be contended that Reg. 11(1)
refers only to cases where no notice

is given during the Officers
 leave but he simply doesn't
 turn ^{at the end of it} ^{app.} while s. 9 (3) deals
 with the case of justice
 allows an Officer who gives
 notice (as he expressly entitled
 to do by that reg. in the
 terms therein mentioned)
 to get off without repaying
 his return leave pay.

However this is perhaps
 rather too subtle, & although
 the two regulations are not
 at all clearly drawn
 we can proceed as
 proposed.

Cd. /.

at one.
 H. J. R.
 2/1

W. Batterbee

I return our letter as to East African Agreements. You will see we propose a separate clause for Nyasaland Agreements. This seems to be the only way out of the complications

W.B.
12/12/12.

W. Batterbee.

Perhaps as you help-delt with this, you will be good enough to say whether the proposals now seem to you suitable. I gather that you had conversation with C.A. about this.

all

16/12

M
G.B.145

ALL COMMUNICATIONS
TO BE ADDRESSED TO THE
CROWN AGENTS FOR THE COLONIES,
THE ABOVE REFERENCE AND THE
DATE OF THIS LETTER BEING QUOTED.

TELEGRAMS, "CROWN, LONDON."
TELEPHONE 1932 VICTORIA.



WHITEHALL GARDENS,
LONDON, S. W.

13th November 1912

Sir,

I have the honour to acknowledge the receipt of your letter No ^{Mr} 33173/1912 of the 31st October informing us that it has been decided to increase the penalties in the case of East African Officers engaged on agreement who resign in the course of a tour of service and to state that the necessary alteration will be made in clause 9 (2) in accordance with the Secretary of State's instructions.

2. With regard to the proposed addition to clause 9 (3) I would point out that as the clause is at present worded, if the person engaged determines his engagement while on leave of absence in this country, the determination takes effect from the date of the expiration of such leave as he may have been granted, other than return leave etc; while, under clause 13 (1) if the person engaged fails to return to the Protectorate at the end of the return leave granted to him he undertakes to refund any return leave pay which he may have been paid. We would suggest that the proposed addition to clause 9 (3) is thus unnecessary.

3. I take the opportunity to submit for the consideration

The Under Secretary of State

&c &c &c

Colonial Office

consideration of the Secretary of State that it is desirable that clause 13 (2) of East African agreements should be amended to define more exactly the period of the voyage. In this connection I would refer to your letter No. 1263 E.A. of the 4th of July 1911 respecting the leave regulations for East African Protectorates. An alteration to effect this purpose in West African agreements was approved in your letter No. C.A. 12746 W.A. of the 10th May last, and we suggest that the clause in East African agreements should now be amended to read as follows:-

Draft clause 13 (2)

"In this agreement the period of the voyage shall be reckoned as commencing on the day of embarkation of the person engaged and ending on the day previous to the day of disembarkation of the person engaged both days inclusive.

the words "overland via Marseilles" and the sentence in [] to be used only in Nyasaland agreements)

"In the case of any outward voyage from England overland via Marseilles the day of embarkation shall be taken to be the day previous to the date of departure from Marseilles of the steamer by which the person engaged travels and in the case of any voyage to England overland via Marseilles the day of disembarkation shall be taken to be the day after the date of arrival at Marseilles of the steamer by which the person engaged travels. [In the case of any voyage to England via the Cape of Good Hope the day of disembarkation shall be taken to be the day of arrival of the steamer at its first port of call in the United Kingdom"]

I have the honour to be,

Sir,

Your Obedient Servant,

Phocher
for Crown Agents

G. D.
R. 3 JAN
D. 3

~~58~~

DRAFT.

*Self No 10
D. 10/1/19*

4 January 1913

C.A. for the Colonies

Gentlemen,

MINUTE.

Mr. Downie 3/1

Mr. Bostonley 3/1

Sir G. Fiddes.

(35959)

Sir H. Just.

Sir J. Anderson.

Lord Emmott.

Mr. Harcourt.

In reference to your letter
of the 13th of November
respecting the alterations to be
made in the form of agreement
for East African Officers, I
am able to inform you that

the approval of Draft Clause
13(2) in its present form, and

he agrees that in the circumstances it is unnecessary
to ~~concern~~ ~~in the views~~ ~~as to~~
to amend make any amendment in
Clause 9(3). as expressed in

para 2 of your letter

Mr Harcourt also approves of the
amendment

LFF here with

*Cap 13
14 para 4
10
14
Copy*