

14 Feb 1912

Rec'd orig.  
16 Feb. 12.

24  
Date:  
1912

Previous Paper

European Constablers  
Conditions of service.

Subjects amendment. As is approved.

Mr Butler

As it now stands I think we have already arrived at a point where the work may be put into the agreement about the question of discharge - see oft report on 2/2/95 also - we now know from that despatch that we have already made the alteration suggested in para 11.

I will add ultra para 11 accepting  
it as it stands. It was not an intention to  
suggest in the draft of 30 June 1902  
that the Period of 3 months should be adopted  
instead of 30 months. The Ord. - 1901  
leaves it open to the govt to fix the period  
for the sake of uniformity. I would  
stick to a period of 30 months re-indentured  
service

Previous Paper

20915

Paragraph C is rather abstract; the writing is certainly appears to require the amendment suggested by the Chief Secy.  
But it is remarkable that we should start  
the first day of the Conference with such a  
very place in the present speech to enter  
into the position of a man in the treasury  
estate. It always to us suggests  
here or elsewhere. On the other  
hand, the statement as drafted has  
been allowed to stand off & the  
Government as a whole has  
all round been in the position of  
an other world power in a  
position of weakness and almost  
superior becomes in effect only a  
fugitive from whom to call back  
to the fold for it would be quite  
of the same result to do nothing  
and let him go free. I think it  
is a most important point of  
agreement among that large body of  
affairs that need not be referred  
to the government in this aspect  
of the question.

Ad 19/2

Yes  
Agree

W Read

We must follow the ordinance  
I doubt whether any practical difficulties  
will arise.

106

Hab

26/20

at once

A. J. L.

20/26

Mr Parkinson

22nd of the October 1911 Speaks the  
Government to fix the period of a  
statute's engagement at "5 years  
~~or longer~~ or a shorter term if he  
thinks fit

I might think that  
Government's action tends to the  
first of the year in 1912  
in that case but that we  
will ~~be~~ engaged to give them  
for 5 years (if you have) & if  
we do not do so will give them  
so long as we shall be  
so engaged.

No agreement, Mr S. (39). I think  
we can begin with the word or even

be period are left at 3 years.  
Through ~~they~~ <sup>the</sup> ~~and~~ <sup>not</sup> ~~with~~ the  
words in the original in 39(1)  
above provide for an additional  
distinction being made between  
renegotiation of European Contracts  
e.g. Latin American Model  
and those under the sup. art 31  
fact that s.29(1) specifically  
provides that where 3 months  
is reached 4) by any will  
the approval of the Council may  
for any period or termination  
of which with no determination  
in the following or such  
second provision could have  
been incorporated in the original  
it by giving the Committee the authority  
direction to make the term  
of the agreement less than  
3 years in any case & the Council  
may let the Finance's discretion  
for it in the same manner as  
to former ones has to make the required  
to former ones has to make the required  
CT. 26/1

In this case they I think the Council 107  
will be consulted. When this Council  
was created it was an executive  
to engage in the execution of  
powers. The Council took a long  
time to prep. + when at last  
it was made the "3 year"  
engagement had been discontinued  
+ the "30 months" engagement  
substituted. It comes to much the  
same thing in the end, as the 3 years  
includes 1 year + the 30 months  
do not.

It will be sufficient, I think, merely  
to insert the word "or less" after  
"less" in line 4 of s.29(1).  
I understand also and that we should  
be bound since it is an absolute form  
of agreement. So the Council should  
be fully aware of its unconstitutionality  
at that time.

? regards para C of the  
possible agreements in that  
the concensus in proposed amendment  
except

except that he considers "3 months  
not be substituted for 3 years,  
that is, as he is advised,  
the law must be altered to make  
this legal, suggest the amendment  
to § 29 (1) as above.

Ald

23/2

So bound -- pass the  
§ 29 tho Mr. Tenney.

at once.

H. J. R

28/2

EAST AFRICA PROTECTORATE.GOVERNMENT HOUSE,<sup>CC</sup>

NAIROBI,

BRITISH EAST AFRICA.

January 12th 1912.

No. 24

Sir,

With reference to your despatch No. 519  
of the 20th September 1911, I have the honour  
to submit the following amendments to the  
draft form of conditions of service for Euro-  
pean Constables in the East Africa Protectorate  
Police Force for consideration.

1. Paragraph B

Until the receipt of your despatch No. 356  
of the 30th June 1911, the period of engagement  
was 30 months but after that it was altered to  
three years which is now also the period pre-  
scribed by law (vide Section 28 (1) East Africa  
Police Ordinance No. 4 of 1911).

2. Paragraph C

The conditions set forth in this paragraph  
do not coincide with those laid down in Section  
29 (1) of the Ordinance No. 4 of 1911. The  
following amended paragraph securing pension  
rights to European Constables under Section 38  
(1) of the Ordinance is suggested for consider-  
ation:-

Paragraph C

Re-engagement and Pension

If of good character on completion of his

RIGHT HONOURABLE -  
LEWIS HAROLD, P.C., M.P.  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET, LONDON, S.W.

"engagement or within six months of completing  
 "the same he may, if he desires it and the  
 "Government desires to retain his services, be  
 "re-engaged for further service by periods of  
 "three years until he attains the age of fifty  
 "years. Continuous service shall be deemed to  
 "be permanent service for the purpose of the  
 "Pension Rules relating from time to time for  
 "European Officials in the service of the Pro-  
 "tectorate".

### 3. Paragraph G

All:- (e) on purchase or discharge at the  
 following rates:-

£20 during the first year of service  
 £10 during the second year of service  
 £10 during the third or any subsequent  
 year of service

on account of the expense of portion of  
 the trip, if any, incurred by the Government  
 in the discharge of European Officials in  
 the Commission, shall determine.

### 4. Paragraph H

The word "Superior General of Police"  
 should read "Colonial Police".

For purposes of reference a copy of the  
 East African Police Regulation No. 4 of 1911 is  
 attached hereto and I shall be glad to know if  
 there are any omissions therein.

I have, &c.,  
 Your Obedient servant,

*E. B. Bailey*  
 East African  
 COL GOVERNOR.

# Agreement

C O  
30015

day of Dec 1888

thousand nine hundred and Between  
 The Crown Agents for the Colonies  
 of Whitewall Gardens, London in the County  
 of Middlesex acting for and on behalf of  
 the Government of the East Africa Protectorate  
 (hereinafter called the Government) of the  
 one part and  
 of in the County of of the other  
 part

Whereby it is agreed between the said  
 parties as follows

I. We and

hereinafter called the Government hereby selected  
 a constable in a fit place to be selected  
 in the European Police Force of the East  
 Africa Protectorate hereafter called the  
 constable for the time and conditions  
 set forth in this agreement.

The said constable hereby undertakes and agrees  
 to proceed & furnish to such post as may be  
 designated by the Crown Agent for the Colonies  
 in a vessel to be indicated by them and that  
 himself upon his arrival at such post proceed to  
 the Head Quarters of the East Africa Protectorate  
 European Police Force or to such other place as he  
 may be directed by the Government and to be  
 duly authorised after and until report directly  
 to the Head Quarter of such other places aforesaid  
 in order that he may be appointed as a Constable  
 in the East African Protectorate European Police  
 Force in accordance with any Proclamation, Ordinance

4. Regulations for the time being in force provide for the discipline and organization of the Army.
5. The Government shall provide the said Recruit with a free second class passage from England to the Protectorate together with third class passage fare to the port of embarkation.
6. The Recruit hereby undertakes and agrees in the event of his not presenting himself for attestation as aforesaid on his arrival in the Protectorate or in the event of his resigning from the Army before the expiration of this agreement for any other reason than ill health not caused by his own misconduct he will refund to demand to the Government of the Protectorate or to the Crown Agents for the Colonies stipulated and to the charge to the Doctor together with all costs in England a certificate signed by an unqualified medical practitioner to an amount equal to the sum of £100/- and if required to sign in view of ill health within the meaning of this clause.
7. It is agreed that in any suit to recover for the hire and right of service to be had by the Recruit he shall be held to be liable to pay to the Government of the Colonies for the services demanded the amount paid for him during the period of his being subject to this agreement or subject to the conditions set forth in the conditions of service hereto annexed and the conditions of service shall be and numbered as a part of this agreement.

7. The Crown Agents for the Colonies shall not be personally liable for anything arising out of this agreement.

In witness whereof the said parties have hereunto set their hands the day and year above written.

Signed by

On behalf of the Crown Agents  
for the Colonies as aforesaid in the  
presence of

Whitehall Garden,

Signed by the said  
in the presence of

Signature  
 Address  
 Occupation

8. 3

## Conditions of Service for European Constables in the East Africa Protectorate Police Force.

A. Candidates must fulfil the following conditions of engagement I. They must not be under 23 or over 30 years of age; not under 5' 6" in height or under 34 inches in chest measurement.

II. They must be unmarried.

B. The term of engagement will be for 30 months dating from the day of enlistment in East Africa & from the date of disembarkation in the case of ~~new~~ recruits.

C. If of good character on the completion of his engagement the recruit may if he desires it and if the Government deems it retain his services either (a) to be engaged for such further period as the Government shall determine or (b) if his services and conduct are considered to be in all respects satisfactory as to which the Government shall be the sole judge and the decision final to place on the permanent and pensionable establishment of the Protectorate, and he shall rank under the regulations and pay of the permanent staff as regards gratuity allowance on his quitting the public service.

D. I. Pay £ per diem plus £6 per diem uniform allowance & a consolidated pay at £6 per diem II. On promotion to 2nd Class Constable. Pay £6 per diem plus £6 per diem uniform allowance & consolidated pay at £7 per diem.

III. On promotion to 1<sup>st</sup> Class Constable. Pay

£6 per diem plus £6 per diem uniform allowance & consolidated pay at £7 per diem.

IV. Half pay at the consolidated rate will be paid from the date of embarkation on first engagement. Full pay will begin from the date of disembarkation on the African Coast.

Notes (a) Opportunity will be given for the promotion of suitable men to the ranks of Assistant Inspector and Inspector.

(b) Quarters free of rent & fuel & of rates or other similar outgoings will be provided if available or Constables will be granted an allowance in lieu of quarters. Horse & (if required for duty) forage arms and service equipment will be supplied free.

### Passages

### Leave of absence

E. In accordance with the rules from time to time laid down for European Subordinate Officials in the Protectorate.

F. (a) On the completion of thirty months continuous residential service the recruit may if the exigencies of the service permit be granted (a) leave of absence on full pay known as vacation leave for the time necessarily spent on the voyage home and for two and a half days in respect of each completed month of continuous residential service together with a free passage home, and (b) if he is returning to the Protectorate further leave of absence on full pay known as return leave for two and a half days in respect of each completed month of continuous residential service and for the time necessarily spent on the voyage out together with

\*When two and a half days are mentioned in the paragraph 3 days may be deducted to be substituted by a day of service at any station which is closed by the Government as an unhealthy station.

a free passage out and the return ticket and that of he should fail to return to the Battalion at the expiration of his return leave he will repay or demand the amount which may have been paid to him in respect of such return leave If invalid home before completing the tour of service he will be subject to the same rules in respect of duration of leave as officers on the permanent establishment

(b) In this paragraph full pay means full pay at the consolidated rate mentioned in paragraph 3 of these conditions of service

(c) The pay of any voyage shall be reckoned as commencing on the day of embarkation and ending on the day previous to the day of disembarkation of the vessel both days inclusive

**Discharge**

(a) A Constable may be discharged at any time

(i) When pronounced by a medical officer to be physically unfit for further service

(ii) When sentenced to be dismissed from the service

(iii) If the Commissioner shall consider that he is unlikely to become an efficient Constable

(iv) On reduction of establishment

**Resignation**

No Constable is not at liberty to resign his office without the leave of the Inspector General of Police

**Discipline**

In accordance with the Regulations prescribed to them in the Police Ordinance

**Language and Promotional examinations**

Communication from time to time prescribed

**Course of training**

N<sup>o</sup> Candidates may be required to undergo a course of training at the local depot Police Headquarters

**Marriage**

L<sup>o</sup> A Regular Non Commissioned Officer or Constable is not allowed to marry unless permission is first obtained from the Commissioner Before permission can be granted to a Constable he must have served at least 2 years in the Force with a good record and have attained the 2<sup>nd</sup> Class Grade No exception will be made to this rule unless the applicant can prove to the satisfaction of the Commissioner that he is in receipt of sufficient private income over and above his pay which will enable him to support a wife

Any Non Commissioned Officer or Constable who marries without permission will be severely dealt with

(Signature of Constable)

(Signature of witness)

Green Went in the  
Cathedral

and

Black Went into  
Cathedral. White Went  
out. Black Went inside

# Agreement

Copy 47 b1 Sab

DRAFT.

a.

4 ~~March~~  
~~Screen~~

Genl.

With regard to the letter from this  
Dept. of the 12<sup>th</sup> of Jan. & previous  
correspondence, I have etc. to  
inform you that ~~various~~  
<sup>certain</sup> alternatives had been made  
in the form of agreement.

As regards the first article of the  
agreement, it is proposed to make  
it in the following terms:

(1) Paragraph C of the conditions  
of employment service should be  
abolished & the following word  
be substituted for it:

Reengagement & Renewal

"If of good character"

on completion of his  
engagement or within six  
months of completing  
the same, he may, if  
he desires it, settle Govt.  
service to retain his  
services, he to engage  
for further service by  
period of 30 months  
until he attains the  
age of fifty years.

Continuous service shall  
be deemed to be permanent  
service for the purpose of  
the Pension Rules laid  
down from time to time  
by the Comptroller  
of Indian Officials in  
the service of the P<sup>t</sup>.

(ii) Paragraph 6 would be  
~~more~~ to cover the  
purchase of discharge

by the addition of a 115  
new one-paragraph  
is the following :-  
(e) On purchase of  
discharge at the following  
rates -  
" £20 during the first year of service  
" £15 during the second year of service  
" £10 during the third or any  
subsequent year of  
service -  
" and on rejoining the whole  
or such portion of the  
cost, if any, incurred  
by the Govt. in bringing  
the Comptable or the P<sup>t</sup>  
and the Comptroller  
shall determine."



Enc 5765 dat

*[Signature]*

DRAFT. Enc. N. 128

Govt. of P. Giannini

to S.A.G.

Dec 27/2

W. Jennings 27.

W. Butler 28

W. Read. 28

*[Signature]*

Dec 20/25

Mr  
Sir

Mad  
4 Dec 25.

I have the honor to acknowledge receipt of Mr. Bownings' dispatch No. 244 of the 12<sup>th</sup> of January relating to the form of agreement on which European countries are engaged for service in the E.A.F., and to make the following observations on the amendments which I proposed.

## 2. Paragraph 13.

It was not my intention

in my original N. 356

you will find from 1911

to suggest that the  
period of engagement be  
fixed at 3 years  
instead of 30 months.

Under Section 28(1)

of the East Africa Police

Ordinance 1911 it is  
laid down that Constables  
shall be enlisted for a  
first term of their engage-  
ment to serve for 3 years,  
"or such less period as  
shall from time to time  
be fixed by the Governor".

Other officials who are  
serving on agreement in  
the East are engaged for  
a period of 30 months.  
Residential service, and  
for the sake of uniformity

~~make~~ I am of opinion  
that

[S.M. 1907/11/16]

that no change should  
make in the wording of  
this paragraph.

### Paragraph C.

I approve the proposed  
amendment to this Paragraph,  
except that "period of  
30 months" should be  
substituted for "periods  
of 3 years".

I am advised that the  
Governor has not the  
power under Section  
29(1) of the East Africa  
Police Ordinance 1911 of  
varying the term of  
engagement, as he  
has of varying the  
term of engagement under  
Section 28(1).

Looked at by South  
African Minister  
in a brief Ordinance  
to keep the enacted amendment  
under Section 29(1) by the